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Place On Calendar

HOUSE FILE 2162
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 544)

Passed House, Date ^(p. 211) 2/11/98 Passed Senate, Date ^(p. 626) 3-11-98
Vote: Ayes 93 Nays 0 Vote: Ayes 48 Nays 0
Approved 4/15/98

A BILL FOR

1 An Act relating to nonsubstantive Code corrections and including
2 a retroactive applicability provision.

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

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HF 2162

1 Section 1. Section 15.353, subsection 5, paragraph b, Code
2 Supplement 1997, is amended to read as follows:

3 b. "Local housing group" means an entity organized to
4 represent community housing development interest interests.

5 Sec. 2. Section 15E.182, subsection 1, paragraph b, Code
6 Supplement 1997, is amended to read as follows:

7 b. The director of the department of economic development.

8 Sec. 3. Section 15E.182, subsection 3, paragraph e, Code
9 Supplement 1997, is amended to read as follows:

10 e. Conduct an annual risk analysis which matches the
11 current and anticipated value of investments made pursuant to
12 this division with the current and anticipated value of any
13 tax credits given. If the anticipated value of any tax
14 credits given exceeds the anticipated value of investments,
15 the department of economic development shall establish a
16 reserve account within the strategic investment fund
17 sufficient to cover such losses to the general fund of the
18 state in the event of the termination of the Iowa capital
19 investment board.

20 Sec. 4. Section 15E.183, subsection 2, Code Supplement
21 1997, is amended to read as follows:

22 2. The department of revenue and finance shall, in
23 consultation with the Iowa capital transition board, develop a
24 system for the registration, issuance, transfer, or redemption
25 of tax credits issued by the state under this section. The
26 department of revenue and finance shall also, in consultation
27 with the Iowa capital transition board, adopt any other
28 policies, procedures, or rules pursuant to chapter 17A
29 necessary for the administration of tax credits issued by the
30 state under this section.

31 Sec. 5. Section 15E.184, Code Supplement 1997, is amended
32 to read as follows:

33 15E.184 SUPPORT.

34 The department of economic development shall provide staff
35 assistance, physical facilities, and other support as

1 necessary.

2 Sec. 6. Section 49.30, unnumbered paragraph 1, Code
3 Supplement 1997, is amended to read as follows:

4 ~~The names of all candidates,~~ All constitutional amendments,
5 and all public measures, and the names of all candidates,
6 other than presidential electors, to be voted for in each
7 election precinct, ~~other than presidential electors,~~ shall be
8 printed on one ballot, except that separate ballots are
9 authorized under the following circumstances:

10 Sec. 7. Section 49.47, Code Supplement 1997, is amended to
11 read as follows:

12 49.47 NOTICE ON BALLOTS.

13 At the top of paper ballots for public measures shall be
14 printed the following:

15 [Notice to voters. To vote to approve any question on this
16 ballot, make a cross mark or check in the target ~~after~~ before
17 the word "Yes". To vote against a question make a similar
18 mark in the target ~~following~~ preceding the word "No".]

19 This notice shall be adapted to describe the proper mark
20 where it is appropriate.

21 Sec. 8. Section 49.94, unnumbered paragraph 1, Code
22 Supplement 1997, is amended to read as follows:

23 If ~~the names of~~ all the candidates for whom a voter desires
24 to vote in any election other than the primary election were
25 nominated by the same political party or nonparty political
26 organization, and the voter desires to vote for all candidates
27 nominated by that political party or organization, the voter
28 may do so in any one of the following ways:

29 Sec. 9. Section 49.95, Code Supplement 1997, is amended to
30 read as follows:

31 49.95 VOTING PART OF TICKET ONLY.

32 If ~~the names of~~ all the candidates for whom the voter
33 desires to vote were nominated by the same political party or
34 nonparty political organization but the voter does not desire
35 to vote for all of the candidates nominated by the party or

1 organization, the voter shall mark the voting target next to
2 the name of each candidate for whom the voter desires to vote
3 without marking the target next to the name of the party or
4 organization in the straight party or organization section of
5 the ballot.

6 Sec. 10. Section 49.97, unnumbered paragraph 1, Code
7 Supplement 1997, is amended to read as follows:

8 If ~~the names of~~ all candidates for whom a voter desires to
9 vote were not nominated by the same political party or
10 nonparty political organization, the voter may indicate the
11 candidates of the voter's choice by marking the ballot in any
12 one of the following ways:

13 Sec. 11. Section 52.10, Code Supplement 1997, is amended
14 to read as follows:

15 52.10 BALLOTS -- FORM.

16 All ballots shall be printed in black ink on clear, white
17 material, of such size as will fit the ballot frame, and in as
18 plain, clear type as the space will reasonably permit. The
19 party name for each political party represented on the machine
20 shall be prefixed to the list of candidates of such party.
21 The order of the list of candidates of the several parties or
22 organizations shall be arranged as provided in sections 49.30
23 to ~~49.41~~ 49.42A, except that the lists may be arranged in
24 horizontal rows or vertical columns to meet the physical
25 requirements of the voting machine used.

26 Sec. 12. Section 97A.3, subsection 1, Code 1997, is
27 amended to read as follows:

28 1. All members of the division of highway safety,
29 uniformed force, and radio communications and the division of
30 criminal investigation and bureau of identification in the
31 department of public safety, excepting the members of the
32 clerical force, who are employed by the state of Iowa when
33 ~~this chapter becomes effective~~ on July 4, 1949, and all
34 persons thereafter employed as members of such divisions in
35 the department of public safety or division of drug law

1 enforcement and arson investigators, except the members of the
2 clerical force, shall be members of this system, except as
3 otherwise provided in subsection 3. Effective July 1, 1994,
4 gaming enforcement officers employed by the division of
5 criminal investigation for excursion boat gambling enforcement
6 activities, fire prevention inspector peace officers employed
7 by the department of public safety, and employees of the
8 division of capitol police, except clerical workers, shall be
9 members of this system, except as otherwise provided in
10 subsection 3 or section 97B.42B. Such members shall not be
11 required to make contributions under any other pension or
12 retirement system of the state of Iowa, anything to the
13 contrary notwithstanding.

14 Sec. 13. Section 135.83, Code Supplement 1997, is amended
15 to read as follows:

16 135.83 CONTRACTS FOR ASSISTANCE WITH ANALYSES, STUDIES AND
17 DATA.

18 In furtherance of the department's responsibilities under
19 sections 135.76~~7~~-135.77 and 135.78, the director may contract
20 with the ~~Iowa-hospital~~ association of Iowa hospitals and
21 health systems and third party payers, the Iowa health care
22 facilities association and third party payers, or the Iowa
23 association of homes for the aging and third party payers for
24 the establishment of pilot programs dealing with prospective
25 rate review in hospitals or health care facilities, or both.
26 Such contract shall be subject to the approval of the
27 executive council and shall provide for an equitable
28 representation of health care providers, third party payers,
29 and health care consumers in the determination of criterion
30 for rate review. No third party payer shall be excluded from
31 positive financial incentives based upon volume of gross
32 patient revenues. No state or federal funds appropriated or
33 available to the department shall be used for any such pilot
34 program.

35 Sec. 14. Section 135.105A, subsections 3 and 4, Code

1 Supplement 1997, are amended to read as follows:

2 3. A person who owns real property which includes a
3 residential dwelling and who performs lead inspection or lead
4 abatement of the residential dwelling is not required to
5 obtain certification to perform these measures, unless the
6 residential dwelling is occupied by a person other than the
7 owner or a member of the owner's immediate family while the
8 measures are being performed. However, the department shall
9 encourage property owners ~~and-managers~~ who are not required to
10 be certified to complete the training course to ensure the use
11 of appropriate and safe mitigation and abatement procedures.

12 4. A Except as otherwise provided in this section, a
13 person shall not perform lead abatement or lead inspections
14 unless the person has completed a training program approved by
15 the department and has obtained certification. A person who
16 violates this section is subject to a civil penalty not to
17 exceed five thousand dollars for each offense.

18 Sec. 15. Section 135.107, subsection 4, Code Supplement
19 1997, is amended to read as follows:

20 4. The director of public health shall establish a primary
21 care collaborative work group to coordinate all statewide
22 recruitment and retention activities established pursuant to
23 this section and to make recommendations to the department and
24 the center for rural health and primary care relating to the
25 implementation of subsection 3. Membership of the work group
26 shall consist, at a minimum, of representatives from the
27 university of Iowa college of medicine, university of
28 osteopathic medicine and health sciences, university of Iowa
29 physician assistant school, university of Iowa nurse
30 practitioner school, university of osteopathic medicine and
31 health sciences physician assistant program, Iowa-Nebraska
32 primary care association, Iowa medical society, Iowa
33 osteopathic medical association, Iowa chapter of American
34 college of osteopathic family physicians, Iowa academy of
35 family physicians, nurse practitioner association, Iowa nurses

1 association, ~~Iowa-hospital~~ association of Iowa hospitals and
2 health systems, and Iowa physicians assistants association.

3 Sec. 16. Section 135B.20, subsection 4, Code 1997, is
4 amended to read as follows:

5 4. "Joint conference committee" shall mean the joint
6 conference committee as required by the joint commission on
7 accreditation of ~~hospitals~~ health care organizations or, in a
8 hospital having no such committee, a similar committee, an
9 equal number of which shall be members of the medical staff
10 selected by the staff and an equal number of which shall be
11 selected by the governing board of the hospital.

12 Sec. 17. Section 135J.2, unnumbered paragraph 2, Code
13 1997, is amended to read as follows:

14 The hospice program shall meet the criteria pursuant to
15 section 135J.3 before a license is issued. The department of
16 inspections and appeals is responsible to provide the
17 necessary personnel to inspect the hospice program, the home
18 care and inpatient care provided and the hospital or facility
19 used by the hospice to determine if the hospice complies with
20 necessary standards before a license is issued. Hospices that
21 are certified as medicare hospice providers by the department
22 of inspections and appeals or are accredited as hospices by
23 the joint commission ~~for~~ on the accreditation of ~~hospitals~~
24 health care organizations, shall be licensed without
25 inspection by the department of inspections and appeals.

26 Sec. 18. Section 147A.2, Code 1997, is amended to read as
27 follows:

28 147A.2 COUNCIL ESTABLISHED -- TERMS OF OFFICE.

29 An EMS advisory council shall be appointed by the director.
30 Membership of the council shall be comprised of individuals
31 nominated from, but not limited to, the following state or
32 national organizations: Iowa osteopathic medical association,
33 Iowa medical society, American college of emergency
34 physicians, Iowa physician assistant society, Iowa academy of
35 family physicians, university of Iowa hospitals and clinics,

1 Iowa EMS association, Iowa firemen's association, Iowa
2 professional firefighters, EMS education programs committee,
3 EMS regional council, Iowa nurses association, ~~Iowa-hospital~~
4 association of Iowa hospitals and health systems, and the Iowa
5 state association of counties.

6 The EMS advisory council shall advise the director and
7 develop policy recommendations concerning the regulation,
8 administration, and coordination of emergency medical services
9 in the state.

10 Sec. 19. Section 147A.24, subsection 1, paragraphs i and
11 j, Code 1997, are amended to read as follows:

12 i. ~~Iowa-hospital-association~~ Association of Iowa hospitals
13 and health systems representing rural hospitals.

14 j. ~~Iowa-hospital-association~~ Association of Iowa hospitals
15 and health systems representing urban hospitals.

16 Sec. 20. Section 155A.13, subsection 4, paragraph d, Code
17 1997, is amended to read as follows:

18 d. Give recognition to the standards of the joint
19 commission on the accreditation of hospitals health care
20 organizations and the American osteopathic association and to
21 the conditions of participation under medicare.

22 Sec. 21. Section 169C.4, subsection 1, paragraphs a and b,
23 Code Supplement 1997, are amended to read as follows:

24 a. To a landowner for damages caused by the livestock
25 owner's livestock which have trespassed on the landowner's
26 land, including but not limited to property damage and costs
27 incurred by a the landowner's custody of the livestock
28 including maintenance costs. A livestock owner's liability is
29 not affected by the failure of a landowner to take custody of
30 the livestock. A livestock owner shall not be liable for
31 damages incurred by the a landowner if the livestock
32 trespassed through a fence that was not maintained by the
33 landowner as required pursuant to chapter 359A.

34 b. To a landowner who takes custody of livestock on a
35 public road as provided in section ~~169E-3~~ 169C.2 for costs

1 incurred by the landowner in taking custody of the livestock,
2 including maintenance costs.

3 Sec. 22. Section 169C.4, subsection 3, Code Supplement
4 1997, is amended to read as follows:

5 3. ~~An aggrieved party~~ A landowner is not liable for an
6 injury or death suffered by the livestock in the landowner's
7 custody, unless the landowner caused the injury or death. The
8 landowner is not liable for livestock that strays from the
9 landowner's land. An aggrieved party is not liable for
10 livestock that strays from the control of the aggrieved party.

11 Sec. 23. Section 218.99, Code Supplement 1997, is amended
12 to read as follows:

13 218.99 COUNTIES TO BE NOTIFIED OF PATIENTS' PERSONAL
14 ACCOUNTS.

15 The administrator of a division of the department of human
16 services in control of a state institution shall direct the
17 business manager of each institution under the administrator's
18 jurisdiction which is mentioned in section 331.424, subsection
19 1, paragraphs "a" and "b" and for which services are paid
20 under section 331.424A to quarterly inform the county of legal
21 settlement's entity designated to perform the county's single
22 entry point process of any patient or resident who has an
23 amount in excess of two hundred dollars on account in the
24 patients' personal deposit fund and the amount on deposit.
25 The administrators shall direct the business manager to
26 further notify the entity designated to perform the county's
27 single entry point process at least fifteen days before the
28 release of funds in excess of two hundred dollars or upon the
29 death of the patient or resident. If the patient or resident
30 has no county of legal settlement, notice shall be made to the
31 director of human services and the administrator of the
32 division of the department in control of the institution
33 involved.

34 Sec. 24. Section 232.19, subsection 1, paragraph c, Code
35 Supplement 1997, is amended to read as follows:

1 c. By a peace officer, when the peace officer has
2 reasonable grounds to believe the child has run away from the
3 child's parents, guardian, or custodian, for the purposes of
4 determining whether the child shall be reunited with the
5 child's parents, guardian, or custodian, placed in shelter
6 care, or, if the child is a chronic runaway and the county has
7 an approved county runaway treatment plan, placed in a runaway
8 assessment ~~and-counseling~~ center under section 232.196.

9 Sec. 25. Section 232.54, subsection 7, Code Supplement
10 1997, is amended to read as follows:

11 7. With respect to a juvenile court dispositional order
12 entered regarding a child who has received a youthful offender
13 deferred sentence under section 907.3A, the dispositional
14 order may be terminated prior to the child reaching the age of
15 eighteen upon motion of the child, the person or agency to
16 whom custody of the child has been transferred, or the county
17 attorney following a hearing before the juvenile court if it
18 is shown by clear and convincing evidence that it is in the
19 best interests of the child and the community to terminate the
20 order. The hearing may be waived if all parties to the
21 proceeding agree. The dispositional order regarding a child
22 who has received a youthful offender deferred sentence may
23 also be terminated prior to the child reaching the age of
24 eighteen upon motion of the county attorney, if the waiver of
25 the child to district court was conditioned upon the terms of
26 an agreement between the county attorney and the child, and
27 the child violates the terms of the agreement after the waiver
28 order has been entered. The district court shall discharge
29 the child's youthful offender status upon receiving a
30 termination order under this section.

31 Sec. 26. Section 232.148, subsection 5, paragraph b, Code
32 Supplement 1997, is amended to read as follows:

33 b. After a petition is filed, the petition is dismissed or
34 the proceedings are suspended and the child has not entered
35 into a consent decree, and has not been adjudicated delinquent

1 on the basis of a delinquent act other than one alleged in the
2 petition in question, or the child has not been placed on
3 youthful offender status.

4 Sec. 27. Section 232.163, subsection 2, Code Supplement
5 1997, is amended to read as follows:

6 2. If a child is placed outside the residency state of the
7 child's parent, the placement sending agency shall provide for
8 a designee to visit the child at least once every twelve
9 months and to submit a written report to the court concerning
10 the child and the visit.

11 Sec. 28. Section 232.195, Code Supplement 1997, is amended
12 to read as follows:

13 232.195 RUNAWAY TREATMENT PLAN.

14 A county may develop a runaway treatment plan to address
15 problems with chronic runaway children in the county. The
16 plan shall identify the problems with chronic runaway children
17 in the county and specific solutions to be implemented by the
18 county, including the development of a runaway assessment and
19 counseling center.

20 Sec. 29. Section 232.196, Code Supplement 1997, is amended
21 to read as follows:

22 232.196 RUNAWAY ASSESSMENT AND-COUNSELING CENTER.

23 1. As part of a county runaway treatment plan under
24 section 232.195, a county may establish a runaway assessment
25 and-treatment center or other plan. The center or other plan,
26 if established, shall provide services to assess a child who
27 is referred to the center or plan for being a chronic runaway
28 and intensive family counseling services designed to address
29 any problem causing the child to run away. A center shall at
30 least meet the requirements established for providing child
31 foster care under chapter 237.

32 2. a. If not sent home with the child's parent, guardian,
33 or custodian, a chronic runaway may be placed in a runaway
34 assessment and-treatment center by the peace officer who takes
35 the child into custody under section 232.19, if the officer

1 believes it to be in the child's best interest after
2 consulting with the child's parent, guardian, or custodian. A
3 chronic runaway shall not be placed in a runaway assessment
4 ~~and-treatment~~ center for more than forty-eight hours.

5 b. If a runaway is placed in ~~a-treatment~~ an assessment
6 center according to a county plan, the runaway shall be
7 assessed within twenty-four hours of being placed in the
8 center by a center counselor to determine the following:

9 (1) The reasons why the child is a runaway.

10 (2) Whether the initiation or continuation of child in
11 need of assistance or family in need of assistance proceedings
12 is appropriate.

13 c. As soon as practicable following the assessment, the
14 child and the child's parents, guardian, or custodian shall be
15 provided the opportunity for a counseling session to identify
16 the underlying causes of the runaway behavior and develop a
17 plan to address those causes.

18 d. A child shall be released from a runaway assessment ~~and~~
19 ~~treatment~~ center, established pursuant to the county plan, to
20 the child's parents, guardian, or custodian not later than
21 forty-eight hours after being placed in the center unless the
22 child is placed in shelter care under section 232.21 or an
23 order is entered under section 232.78. A child whose parents,
24 guardian, or custodian failed to attend counseling at the
25 center or fail to take custody of the child at the end of
26 placement in the center may be the subject of a child in need
27 of assistance petition or such other order as the juvenile
28 court finds to be in the child's best interest.

29 Sec. 30. Section 235C.2, subsection 8, Code 1997, is
30 amended to read as follows:

31 8. A hospital administrator selected by the board of the
32 ~~Iowa-hospital~~ association of Iowa hospitals and health
33 systems.

34 Sec. 31. Section 252B.1, subsection 2, Code Supplement
35 1997, is amended to read as follows:

1 2. "Child" includes but shall not be limited to a
2 stepchild, foster child or legally adopted child and means a
3 child actually or apparently under eighteen years of age, and
4 a dependent person eighteen years of age or over who is unable
5 to maintain the person's self and is likely to become a public
6 charge. "Child" includes "~~dependent-children~~ child" as
7 defined in section 239B.1.

8 Sec. 32. Section 255.26, unnumbered paragraph 1, Code
9 1997, is amended to read as follows:

10 Warrants issued under section 255.25 shall be promptly
11 drawn on the treasurer of state and forwarded by the director
12 of revenue and finance to the treasurer of the state
13 university, and the same shall be by the treasurer of the
14 state university placed to the credit of the funds which are
15 set aside for the support of ~~said~~ the university hospital.
16 However, warrants shall not be paid unless the UB-82 claim
17 required pursuant to section 255A.13 has been filed with the
18 ~~Iowa community health data-commission~~ management information
19 system. The superintendent of the ~~said~~ university hospital
20 shall certify to the auditor of state on the first day of
21 January, April, July and October of each year, the amount as
22 herein provided not previously certified by the superintendent
23 due the state from the several counties having patients
24 chargeable thereto, and the auditor of state shall thereupon
25 charge the same to the county so owing. A duplicate
26 certificate shall also be mailed to the auditor of each county
27 having patients chargeable thereto. Expenses for obstetrical
28 patients served under section 255A.9 shall be reimbursed as
29 specified in section 255A.9.

30 Sec. 33. Section 255A.13, Code 1997, is amended to read as
31 follows:

32 255A.13 DATA COLLECTION.

33 Beginning July 1, 1987, the University of Iowa hospitals
34 and clinics shall submit, on a quarterly basis, UB-82 claims
35 for all patients discharged after being served under the

1 indigent patient program under chapter 255. The UB-82 claim
2 shall include all data elements which are required by the Iowa
3 community health data-commission management information
4 system.

5 Sec. 34. Section 257.14, subsection 2, Code Supplement
6 1997, is amended by striking the subsection.

7 Sec. 35. Section 260A.1, subsection 4, Code Supplement
8 1997, is amended to read as follows:

9 4. Moneys received by a community college under this
10 section shall not be commingled with general state financial
11 aid, including financial aid to merged areas in lieu of
12 personal property tax replacement payments ~~under-section~~
13 ~~427A-13~~, to merged areas as defined in section 260C.2, and
14 including moneys received for vocational education programs in
15 accordance with chapters 258 and 260C. Payments made to a
16 community college shall be accounted for by the community
17 college separately from other state aid payments. Each
18 community college shall maintain a separate listing within its
19 budget accounting for payments received and expenditures made
20 pursuant to this section and section 260A.3.

21 Sec. 36. Section 280.17, Code 1997, is amended to read as
22 follows:

23 280.17 PROCEDURES FOR HANDLING CHILD ABUSE REPORTS.

24 The board of directors of a public school and the
25 authorities in control of a nonpublic school shall prescribe
26 procedures, in accordance with the guidelines contained in the
27 model policy developed by the department of education in
28 consultation with the department of human services, and
29 adopted by the department of education pursuant to chapter
30 17A, for the handling of reports of child abuse, as defined in
31 section 232.68, subsection 2, paragraph "a", "b c", or "d e",
32 alleged to have been committed by an employee or agent of the
33 public or nonpublic school.

34 Sec. 37. Section 297.22, subsection 3, Code Supplement
35 1997, is amended to read as follows:

1 3. The provisions in subsection subsections 1 and 2
2 relating to the sale, lease, or disposition of school district
3 property do not apply to student-constructed buildings and the
4 property on which student-constructed buildings are located.
5 The board of directors of a school district may sell, lease,
6 or dispose of a student-constructed building and the property
7 on which the student-constructed building is located, and may
8 purchase sites for the erection of additional structures, by
9 any procedure which is adopted by the board.

10 Sec. 38. Section 307.25, subsection 4, Code Supplement
11 1997, is amended to read as follows:

12 4. Administer chapters ~~327A~~, 328, 329 and 330.

13 Sec. 39. Section 307.27, subsection 7, Code Supplement
14 1997, is amended to read as follows:

15 7. Administer the regulation of motor ~~vehicle~~-certificated
16 carriers pursuant to chapter 325 325A.

17 Sec. 40. Section 307.27, subsection 8, Code Supplement
18 1997, is amended by striking the subsection.

19 Sec. 41. Section 321.20B, subsection 1, unnumbered
20 paragraph 2, Code Supplement 1997, is amended to read as
21 follows:

22 This subsection does not apply to the operator of a motor
23 vehicle owned or leased to the United States, this state, or
24 any political subdivision of this state or to a motor vehicle
25 which is subject to section ~~325-26~~, ~~327-15~~, ~~327A-5~~, 325A.6 or
26 327B.6.

27 Sec. 42. Section 321.44A, Code Supplement 1997, is amended
28 to read as follows:

29 321.44A VOLUNTARY CONTRIBUTION -- ANATOMICAL GIFT PUBLIC
30 AWARENESS AND TRANSPLANTATION FUND -- AMOUNT RETAINED BY
31 COUNTY TREASURER.

32 For each application for registration or renewal, the
33 county treasurer or the department shall request through use
34 of a written form, and, if the application is made in person,
35 through verbal communication, that an applicant make a

1 voluntary contribution of one dollar or more to the anatomical
2 gift public awareness and transplantation fund established
3 pursuant to section 142C.15. Ninety-five percent of the
4 moneys collected by the county and one hundred percent of the
5 moneys collected by the department in the form of
6 contributions shall be remitted to the treasurer of state for
7 deposit in the fund to be used for the purposes specified for
8 the fund. The remaining five percent of the moneys collected
9 by the county shall be retained by the county treasurer for
10 deposit in the general fund of the county. The director shall
11 adopt rules to administer this section.

12 Sec. 43. Section 321.71, subsection 7, Code 1997, is
13 amended to read as follows:

14 7. A certificate of title shall not be issued for a motor
15 vehicle less than ten model years old which is equipped with
16 an odometer by the manufacturer, unless an odometer statement
17 which is in compliance with federal law and regulations has
18 been made by the transferor of the vehicle and is furnished
19 with the application for certificate of title. The new
20 certificate of title shall record on its face the odometer
21 reading and the word "actual" if the true mileage is known.
22 If the odometer reading is not the true mileage or the true
23 mileage is unknown, the words "not actual" shall be recorded.
24 If the odometer reading is greater than the odometer can
25 mechanically count, the words "exceeds the mechanical limits"
26 shall be recorded. However, a certificate of title may be
27 issued for a motor vehicle to a person who moves into this
28 state if the person acquired ownership of the motor vehicle
29 prior to moving to this state. This subsection does not apply
30 to motor vehicles having a registered gross vehicle weight
31 rating of more than sixteen thousand pounds.

32 Sec. 44. Section 321.179, subsection 1, unnumbered
33 paragraph 1, Code Supplement 1997, is amended to read as
34 follows:

35 Notwithstanding the provisions of this chapter or chapter

1 321L which grant sole authority to the department for the
2 issuance of motor vehicle licenses, nonoperator's
3 identification cards, and persons with disabilities
4 ~~identification-devices~~ parking permits, the counties of Adams,
5 Cass, Fremont, Mills, Montgomery, and Page shall be authorized
6 to issue motor vehicle licenses, nonoperator's identification
7 cards, and persons with disabilities ~~identification-devices~~
8 parking permits on a permanent basis. However, a county shall
9 only be authorized to issue commercial driver's licenses if
10 certified to do so by the department. If a county fails to
11 meet the standards for certification under this section, the
12 department itself shall provide for the issuance of commercial
13 driver's licenses in that county. The department shall
14 certify the county treasurers in the permanent counties to
15 issue commercial driver's licenses if all of the following
16 conditions are met:

17 Sec. 45. Section 321.216B, Code Supplement 1997, is
18 amended to read as follows:

19 321.216B USE OF MOTOR VEHICLE LICENSE OR NONOPERATOR'S
20 IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN ALCOHOL.

21 A person who is under the age of twenty-one, who alters or
22 displays or has in the person's possession a fictitious or
23 fraudulently altered motor vehicle license or nonoperator's
24 identification card and who uses the license to violate or
25 attempt to violate section 123.47, commits a simple
26 misdemeanor punishable by a fine of one hundred dollars. The
27 court shall forward a copy of the conviction ~~or-order-of~~
28 ~~adjudication-under-section-232-47~~ to the department.

29 Sec. 46. Section 321.231, subsection 5, Code Supplement
30 1997, is amended to read as follows:

31 5. The foregoing provisions shall not relieve the driver
32 of an authorized emergency vehicle or the rider of a police
33 bicycle from the duty to drive or ride with due regard for the
34 safety of all persons, nor shall such provisions protect the
35 driver or rider from the consequences of the driver's or

1 rider's reckless disregard for the safety of others.

2 Sec. 47. Section 321.492, unnumbered paragraph 2, Code
3 Supplement 1997, is amended to read as follows:

4 A peace officer having probable cause to stop a vehicle may
5 require exhibition of the proof of insurance financial
6 liability coverage card issued for the vehicle if the vehicle
7 is a motor vehicle registered in this state.

8 Sec. 48. Section 321A.33, Code Supplement 1997, is amended
9 to read as follows:

10 321A.33 EXCEPTIONS.

11 This chapter does not apply to any motor vehicle owned by
12 the United States, this state, or any political subdivision of
13 this state or to any operator, except for section 321A.4,
14 while on official duty operating such motor vehicle. This
15 chapter does not apply, except for sections 321A.4 and
16 321A.26, to any motor vehicle which is subject to section
17 ~~325.267-327.157-327A.57~~ 325A.6 or 327B.6.

18 Sec. 49. Section 321J.2, subsection 3, paragraph a,
19 subparagraph (3), Code Supplement 1997, is amended to read as
20 follows:

21 (3) If the defendant has previously received a deferred
22 judgment or sentence for a violation of subsection 2 1 or for
23 a violation of a statute in another state substantially
24 corresponding to subsection 2 1.

25 Sec. 50. Section 327C.2, Code Supplement 1997, is amended
26 to read as follows:

27 327C.2 GENERAL JURISDICTION OF TRANSPORTATION DEPARTMENT.

28 The department has general supervision of all railroads in
29 the state, express companies, car companies, freight and
30 freight-line companies, motor carriers, and any common carrier
31 engaged in the transportation of passengers or freight.
32 However, the provisions of this chapter regarding the
33 supervision of carriers do not apply to regular route motor
34 carriers of passengers or charter carriers, as defined under
35 section ~~325.1~~ 325A.12.

1 Sec. 51. Section 327D.1, Code Supplement 1997, is amended
2 to read as follows:

3 327D.1 APPLICABILITY OF CHAPTER.

4 This chapter applies to intrastate transportation by for-
5 hire common carriers of persons and property. However, this
6 chapter does not apply to regular route motor carriers of
7 passengers or charter carriers, as defined under section ~~325-i~~
8 325A.12.

9 Sec. 52. Section 331.439, subsection 3, paragraph b, Code
10 Supplement 1997, is amended to read as follows:

11 b. Based upon information contained in county management
12 plans and budgets, the state-county management committee shall
13 recommend an allowed growth factor adjustment to the governor
14 by November 15 for the fiscal year which commences two years
15 from the beginning date of the fiscal year in progress at the
16 time the recommendation is made. The allowed growth factor
17 adjustment shall address costs associated with new consumers
18 of service, service cost inflation, and investments for
19 economy and efficiency. In developing the service cost
20 inflation recommendation, the committee shall consider the
21 cost trends indicated by the gross expenditure amount reported
22 in the expenditure reports submitted by counties pursuant to
23 subsection 1, paragraph "b a". The governor shall consider
24 the committee's recommendation in developing the governor's
25 recommendation for an allowed growth factor adjustment for
26 such fiscal year. The governor's recommendation shall be
27 submitted at the time the governor's proposed budget for the
28 succeeding fiscal year is submitted in accordance with chapter
29 8.

30 Sec. 53. Section 331.439, subsection 7, Code Supplement
31 1997, is amended to read as follows:

32 7. A county shall annually report data concerning the
33 services managed by the county. At a minimum, the data
34 reported shall indicate the number of different individuals
35 who utilized services in a fiscal year and the various types

1 of services. Data reported under this subsection shall be
2 submitted with the county's expenditure report required under
3 subsection 1, paragraph "b a".

4 Sec. 54. Section 400.1, Code Supplement 1997, is amended
5 to read as follows:

6 400.1 APPOINTMENT OF COMMISSION.

7 In cities having a population of eight thousand or over and
8 having a paid fire department or a paid police department, the
9 mayor, one year after each a regular municipal election, with
10 the approval of the council, shall appoint three civil service
11 commissioners who shall hold office, one until the first
12 Monday in April of the second year, one until the first Monday
13 in April of the third year, and one until the first Monday in
14 April of the fourth year after such appointment, whose
15 successors shall be appointed for a term of four years. In
16 cities having a population of more than one hundred thousand,
17 the city council may establish, by ordinance, the number of
18 civil service commissioners at not less than three.

19 For the purpose of determining the population of a city
20 under this chapter, the federal census conducted in 1980 shall
21 be used.

22 Sec. 55. Section 403.22, subsection 1, unnumbered
23 paragraph 3, Code Supplement 1997, is amended to read as
24 follows:

25 For a municipality with a population of five thousand or
26 less, the municipality need not provide any low and moderate
27 income family housing assistance if the municipality has
28 completed a housing needs assessment meeting the standards set
29 out by the department of economic development, which shows no
30 low and moderate income housing need and the department of
31 economic development agrees that no low and moderate income
32 family housing assistance is needed.

33 Sec. 56. Section 422.7, subsection 12A, unnumbered
34 paragraph 3, Code Supplement 1997, is amended to read as
35 follows:

1 The additional deduction shall not be allowed for wages
2 paid to an individual who was hired to replace an individual
3 whose employment was terminated within the twelve-month period
4 preceding the date of first employment. However, if the
5 individual being replaced left employment voluntarily without
6 good cause attributable to the employer or if the individual
7 was discharged for misconduct in connection with the
8 individual's employment as determined by the ~~division-of-job~~
9 ~~service-of-the~~ department of employment-services workforce
10 development, the additional deduction shall be allowed.

11 Sec. 57. Section 422.120, subsection 1, paragraph a, Code
12 Supplement 1997, is amended to read as follows:

13 a. There is allowed a state tax credit for livestock
14 production operations located in the state. The amount of the
15 credit equals ten cents for each corn equivalent consumed by
16 the livestock in the production operation as specified under
17 this section. The credit shall be refunded as provided in
18 section ~~422.121~~ 422.122.

19 Sec. 58. Section 426B.2, subsection 3, Code Supplement
20 1997, is amended to read as follows:

21 3. The department director of human services shall notify
22 ~~the-director-of-revenue-and-finance-of-the-amounts-due-a~~
23 ~~county-in-accordance-with-the-provisions-of-this-section--The~~
24 ~~director-of-revenue-and-finance-shall~~ draw warrants on the
25 property tax relief fund, payable to the county treasurer in
26 the amount due to a county in accordance with subsection 1 and
27 mail the warrants to the county auditors in September and
28 March of each year.

29 Sec. 59. Section 426B.3, subsection 1, Code Supplement
30 1997, is amended to read as follows:

31 1. The county auditor shall reduce the certified budget
32 amount received from the board of supervisors for the
33 succeeding fiscal year for the county mental health, mental
34 retardation, and developmental disabilities services fund
35 created in section 331.424A by an amount equal to the amount

1 the county will receive from the property tax relief fund
2 pursuant to section 426B.2, for the succeeding fiscal year and
3 the auditor shall determine the rate of taxation necessary to
4 raise the reduced amount. On the tax list, the county auditor
5 shall compute the amount of taxes due and payable on each
6 parcel before and after the amount received from the property
7 tax relief fund is used to reduce the county budget. The
8 director of ~~revenue and finance~~ human services shall notify
9 the county auditor of each county of the amount of moneys the
10 county will receive from the property tax relief fund pursuant
11 to section 426B.2, for the succeeding fiscal year.

12 Sec. 60. Section 452A.52, unnumbered paragraph 2, Code
13 1997, is amended to read as follows:

14 Any person who is unable to display either of the permits
15 or the license provided in section 452A.53 and brings into the
16 state in the fuel supply tanks of a commercial motor vehicle
17 more than thirty gallons of motor fuel or special fuel in
18 violation of the provisions of the preceding paragraph is
19 guilty of a simple misdemeanor.

20 Sec. 61. Section 452A.53, unnumbered paragraph 4, Code
21 Supplement 1997, is amended to read as follows:

22 Each vehicle operated into or through Iowa in interstate
23 operations using motor fuel or special fuel acquired in any
24 other state shall carry in or on the vehicle a duplicate or
25 evidence of the permit or license required in this section. A
26 fee not to exceed fifty cents shall be charged for each
27 duplicate or other evidence of a permit or license issued.

28 Sec. 62. Section 453A.3, subsection 2, Code Supplement
29 1997, is amended to read as follows:

30 2. A person who violates section 453A.2, subsection 2,
31 shall pay a civil penalty pursuant to section 805.8,
32 subsection 11. Failure to pay the civil penalty imposed for a
33 violation of section 453A.2, subsection 2, is a simple
34 misdemeanor punishable as a scheduled violation under section
35 805.8, subsection 11. Notwithstanding section 602.8106 or any

1 other provision to the contrary, any civil penalty or criminal
2 fine paid under this subsection shall be retained by the city
3 or county enforcing the violation to be used for enforcement
4 of section 453A.2.

5 Sec. 63. Section 455A.11, Code 1997, is amended to read as
6 follows:

7 455A.11 PREFERENCES IN TEMPORARY EMPLOYMENT.

8 In its employment of persons in temporary positions in
9 conservation and outdoor recreation, the department of natural
10 resources shall give preference to persons meeting eligibility
11 requirements for the green thumb program ~~under-section-15-227~~
12 and to persons working toward an advanced education in natural
13 resources and conservation.

14 Sec. 64. Section 487.909, Code Supplement 1997, is amended
15 to read as follows:

16 487.909 RESIGNATION OF AGENT FOR SERVICE OF PROCESS.

17 An agent for service of process of a foreign limited
18 partnership may resign as agent by signing and delivering to
19 the secretary of state an original statement of resignation
20 for filing in accordance with section ~~487-206~~ 487.108. The
21 agent shall send a copy of the statement of resignation by
22 certified mail to the foreign limited partnership at its
23 principal place of business. The agent shall certify to the
24 secretary of state that the copy has been sent to the limited
25 partnership, including the date the copy was sent. The
26 appointment of the agent terminates on the date on which the
27 statement is filed by the secretary of state.

28 Sec. 65. Section 490.1110, subsection 2, Code Supplement
29 1997, is amended to read as follows:

30 2. This section does not apply in any of the following
31 circumstances:

32 a. The corporation does not have a class of voting stock
33 that is listed on a national securities exchange, authorized
34 for quotation on the national association of securities
35 dealers automated quotations--national market system, or held

1 of record by more than two thousand shareholders, unless any
2 of the foregoing results from action taken, directly or
3 indirectly, by an interested shareholder or from a transaction
4 in which a person becomes an interested shareholder.

5 b. The corporation's original articles of incorporation
6 contain a provision expressly electing not to be governed by
7 this section.

8 c. The corporation, by action of its board of directors,
9 adopts an amendment to its bylaws by no later than September
10 29, 1997, expressly electing not to be governed by this
11 section, which amendment shall not be further amended by the
12 board of directors.

13 d. The corporation, by action of its shareholders, adopts
14 an amendment to its articles of incorporation or bylaws
15 expressly electing not to be governed by this section,
16 provided that, in addition to any other vote required by law,
17 such amendment to the articles of incorporation or bylaws must
18 be approved by the affirmative vote of a majority of the
19 shares entitled to vote. An amendment adopted pursuant to
20 this paragraph is effective immediately in the case of a
21 corporation that has never had a class of voting stock that
22 falls within any of the three categories set out in paragraph
23 "a" and has not elected by a provision in its original
24 articles of incorporation or any amendment to such articles to
25 be governed by this section. In all other cases, an amendment
26 adopted pursuant to this paragraph is not effective until
27 twelve months after the adoption of the amendment and does not
28 apply to any business combination between the corporation and
29 any person who became an interested shareholder of the
30 corporation on or prior to such adoption.

31 An amendment to the bylaws adopted pursuant to this
32 paragraph shall not be further amended by the board of
33 directors.

34 e. A shareholder becomes an interested shareholder
35 inadvertently and both of the following apply:

1 (1) As soon as practicable the shareholder divests itself
2 of ownership of sufficient shares so that the shareholder
3 ceases to be an interested shareholder.

4 (2) The shareholder would not, at any time within the
5 three-year period immediately prior to a business combination
6 between the corporation and such shareholder, have been an
7 interested shareholder but for the inadvertent acquisition of
8 ownership.

9 f. (1) The business combination is proposed prior to the
10 consummation or abandonment of and subsequent to the earlier
11 of the public announcement or the notice required in this
12 paragraph of a proposed transaction which satisfies all of the
13 following:

14 (a) Constitutes a transaction described in subparagraph
15 (2).

16 (b) Is with or by a person who either was not an
17 interested shareholder during the previous three years or who
18 became an interested shareholder with the approval of the
19 corporation's board of directors or who became an interested
20 shareholder during the time period described in paragraph "g".

21 (c) Is approved or not opposed by a majority of the
22 members of the board of directors then in office who were
23 directors prior to any person becoming an interested
24 shareholder during the previous three years, or who were
25 recommended for election or elected to succeed such directors
26 by a majority of such directors.

27 (2) A proposed transaction under subparagraph (1) is
28 limited to the following:

29 (a) A merger of the corporation, other than a merger
30 pursuant to section 490.1104.

31 (b) A sale, lease, exchange, mortgage, pledge, transfer,
32 or other disposition, in one or more transactions and whether
33 as part of a dissolution or otherwise, of assets of the
34 corporation or of any direct or indirect majority-owned
35 subsidiary of the corporation, other than to a direct or

1 indirect wholly owned subsidiary of the corporation or to the
2 corporation itself, which has an aggregate market value equal
3 to fifty percent or more of either the aggregate market value
4 of all of the assets of the corporation determined on a
5 consolidated basis, or the aggregate market value of all the
6 outstanding stock of the corporation.

7 (c) A proposed tender or exchange offer for fifty percent
8 or more of the outstanding voting stock of the corporation.

9 (3) The corporation shall give no less than twenty days'
10 notice to all interested shareholders prior to the
11 consummation of any of the transactions described in
12 subparagraph (2), subparagraph subdivision (a) or (b).

13 g. The business combination is with an interested
14 shareholder who becomes an interested shareholder of the
15 corporation at a time when the corporation is not subject to
16 this section pursuant to paragraphs paragraph "a", through
17 "b", "c", or "d".

18 Notwithstanding paragraphs "a" through "d", a corporation
19 may elect under its original articles of incorporation or any
20 amendment to such articles to be subject to this section.
21 However, such amendment shall not apply to restrict a business
22 combination between the corporation and an interested
23 shareholder of the corporation if the interested shareholder
24 became such prior to the effective date of the amendment.

25 Sec. 66. Section 499.22, Code Supplement 1997, is amended
26 to read as follows:

27 499.22 CAPITAL STOCK.

28 An association with capital stock may divide the shares
29 into common and preferred stock. Par value stock shall not be
30 issued for less than par. The general corporation laws shall
31 govern the consideration for which no-par stock is issued. If
32 the articles so provide, common stock may be issued in two
33 classes, voting and nonvoting. Voting stock shall be issued
34 to all agricultural producers and nonvoting stock to all other
35 members. Voting stock or nonvoting stock may be issued to a

1 cooperative association as provided in the cooperative
2 ~~association's~~ articles of incorporation of the association
3 issuing the stock. Nonvoting stock shall have all privileges
4 of membership except the right to vote. Preferred stock held
5 by nonmembers shall not exceed in amount that held by members.

6 Sec. 67. Section 513B.7, subsections 2 and 3, Code
7 Supplement 1997, are amended to read as follows:

8 2. A small employer carrier or organized delivery system
9 shall file each March 1 with the commissioner or the director
10 of public health an actuarial certification that the small
11 employer carrier or organized delivery system is in compliance
12 with this section and that the rating methods of the small
13 employer carrier or organized delivery system are actuarially
14 sound. A copy of the certification shall be retained by the
15 small employer carrier or organized delivery system at its
16 principal place of business.

17 3. A small employer carrier or organized delivery system
18 shall make the information and documentation described in
19 subsection 1 available to the commissioner or ~~organized~~
20 ~~delivery-system~~ the director of public health upon request.
21 The information is not a public record or otherwise subject to
22 disclosure under chapter 22, and is considered proprietary and
23 trade secret information and is not subject to disclosure by
24 the commissioner or the director of public health to persons
25 outside of the division or department except as agreed to by
26 the small employer carrier or organized delivery system or as
27 ordered by a court of competent jurisdiction.

28 Sec. 68. Section 513B.10, subsection 4, paragraph b,
29 unnumbered paragraph 1, Code Supplement 1997, is amended to
30 read as follows:

31 A carrier or organized delivery system offering group
32 health insurance coverage shall not impose any preexisting
33 condition exclusion as follows:

34 Sec. 69. Section 514E.1, subsection 1, Code Supplement
35 1997, is amended to read as follows:

1 1. "Association" means the Iowa comprehensive health
2 insurance association established by section 514E.2.

3 Sec. 70. Section 514E.7, subsection 4, paragraph b,
4 unnumbered paragraph 1, Code Supplement 1997, is amended to
5 read as follows:

6 Plan coverage shall not impose any preexisting condition
7 exclusion as follows:

8 Sec. 71. Section 535.11, subsection 4, Code 1997, is
9 amended to read as follows:

10 4. With respect to an open account, the creditor may
11 impose a finance charge not exceeding that permitted by
12 section 537.2202, ~~subsections~~ subsection 2 and-3.

13 Sec. 72. Section 537.2202, subsection 3, Code Supplement
14 1997, is amended by striking the subsection.

15 Sec. 73. Section 537.2402, subsection 3, Code Supplement
16 1997, is amended by striking the subsection.

17 Sec. 74. Section 537B.2, subsection 2, Code 1997, is
18 amended to read as follows:

19 2. "Motor vehicle" means a motor vehicle as defined in
20 section 321.1 which is subject to registration. However,
21 "motor vehicle" does not include a motor vehicle, as defined
22 in section 321.1, with a ~~registered~~ gross vehicle weight
23 rating of more than twelve thousand pounds.

24 Sec. 75. Section 556.13, subsection 3, Code Supplement
25 1997, is amended to read as follows:

26 3. If the holder of property reported to the treasurer of
27 state is the issuer of a certificated security, the treasurer
28 of state has the right to obtain a replacement certificate
29 pursuant to section ~~554-8408~~ 554.8405 but an indemnity bond is
30 not required.

31 Sec. 76. Section 602.6110, subsection 1, Code Supplement
32 1997, is amended to read as follows:

33 1. A peer review court may be established in each judicial
34 district to divert certain ~~youthful~~ juvenile offenders from
35 the criminal or juvenile justice systems. The court shall

1 consist of a qualified adult to act as judge while the duties
2 of prosecutor, defense counsel, court attendant, clerk, and
3 jury shall be performed by persons twelve through seventeen
4 years of age.

5 Sec. 77. Section 614.1, subsection 2A, paragraph b,
6 subparagraph (1), Code Supplement 1997, is amended to read as
7 follows:

8 (1) The fifteen-year limitation in paragraph "a" shall not
9 apply to the time period in which to discover a disease that
10 is latent and caused by exposure to a harmful material, in
11 which event the cause of action shall be deemed to have
12 accrued when the disease and such disease's cause have been
13 made known to the person or at the point the person should
14 have been aware of the disease and such disease's cause. This
15 subsection shall not apply to cases governed by section 614.1,
16 subsection 11.

17 Sec. 78. Section 633.556, subsection 3, Code Supplement
18 1997, is amended to read as follows:

19 3. Section 633.551 applies to the appointment of a
20 conservator guardian.

21 Sec. 79. Section 642.2, subsection 1, Code Supplement
22 1997, is amended to read as follows:

23 1. The state of Iowa, and all of its governmental
24 subdivisions and agencies, may be garnished, only as provided
25 in this section and the consent of the state and of its
26 governmental subdivisions and agencies to those garnishment
27 proceedings is hereby given. However, notwithstanding the
28 requirements of this chapter, income withholding notices for
29 child support shall be served on the state, and all of its
30 governmental subdivisions and agencies, pursuant to the
31 requirements of chapter 252D.

32 Sec. 80. Section 673.3, unnumbered paragraph 4, Code
33 Supplement 1997, is amended to read as follows:

34 The domesticated animal may ~~act~~ react unpredictably to
35 conditions, including, but not limited to, a sudden movement,

1 loud noise, an unfamiliar environment, or the introduction of
2 unfamiliar persons, animals, or objects.

3 Sec. 81. Section 730.5, subsection 3, paragraph f, Code
4 1997, is amended to read as follows:

5 f. The employer shall provide substance abuse evaluation,
6 and treatment if recommended by the evaluation, with costs
7 apportioned as provided under the employee benefit plan or at
8 employer expense, if there is no employee benefit plan, the
9 first time an employee's drug test indicates the presence of
10 alcohol or a controlled substance. An employer shall take no
11 disciplinary action against an employee due to the employee's
12 drug involvement the first time the employee's drug test
13 indicates the presence of alcohol or a controlled substance if
14 the employee undergoes a substance abuse evaluation, and if
15 the employee successfully completes substance abuse treatment
16 if treatment is recommended by the evaluation. However, if an
17 employee fails to undergo substance abuse evaluation when
18 required under the results of a drug test, or fails to
19 successfully complete substance abuse treatment when
20 recommended by an evaluation, the employee may be disciplined
21 up to and including discharge. The substance abuse evaluation
22 and treatment provided by the employer shall take place under
23 a program approved by the department of public health or
24 accredited by the joint commission on the accreditation of
25 hospitals health care organizations.

26 Sec. 82. Section 805.8, subsection 2, paragraph c, Code
27 Supplement 1997, is amended to read as follows:

28 c. For improperly used or nonused, or defective or
29 improper equipment, other than brakes, driving lights and
30 brake lights, under sections 321.317, 321.387, 321.388,
31 321.389, 321.390, ~~321.391~~, 321.392, 321.393, 321.422, 321.432,
32 321.436, 321.437, 321.438, subsection 1 or 3, sections
33 321.439, 321.440, 321.441, 321.442, 321.444, and 321.445, the
34 scheduled fine is ten dollars.

35 Sec. 83. Section 805.8, subsection 2, paragraph p, Code

1 Supplement 1997, is amended by striking the paragraph.

2 Sec. 84. Section 805.8, subsection 2, paragraph q, Code
3 Supplement 1997, is amended to read as follows:

4 q. For failure to have proper carrier identification
5 markings under section ~~325-317-327-197-327A-87~~-or 327B.1, the
6 scheduled fine is fifteen dollars.

7 Sec. 85. Section 805.8, subsection 2, paragraph v, Code
8 Supplement 1997, is amended to read as follows:

9 v. Violations of the schedule of axle and tandem axle and
10 gross or group of axle weight violations in section 321.463
11 shall be scheduled violations subject to the provisions,
12 procedures and exceptions contained in sections 805.6 to
13 805.11, irrespective of the amount of the fine under that
14 schedule. Violations of the schedule of weight violations
15 shall be chargeable, where the fine charged does not exceed
16 one hundred dollars, only by uniform citation and complaint.
17 Violations of the schedule of weight violations, where the
18 fine charged exceeds one hundred dollars:

19 ~~---(1)---Shall~~ shall, when the violation is admitted and
20 section 805.9 applies, be chargeable upon uniform citation and
21 complaint, indictment, or county attorney's information,

22 ~~(2)~~ but otherwise, shall be chargeable only upon
23 indictment or county attorney's information.

24 PARAGRAPH DIVIDED. In all cases of charges under the
25 schedule of weight violations, the charge shall specify the
26 amount of fine charged under the schedule. Where a defendant
27 is convicted and the fine under the foregoing schedule of
28 weight violations exceeds one hundred dollars, the conviction
29 shall be of an indictable offense although section 805.9 is
30 employed and whether the violation is charged upon uniform
31 citation and complaint, indictment, or county attorney's
32 information.

33 Sec. 86. Section 805.8, subsection 11, paragraph b,
34 subparagraph (2), Code Supplement 1997, is amended to read as
35 follows:

1 (2) For failing to pay the civil penalty under section
2 453A.2, subsection 2, the scheduled criminal fine is twenty-
3 five dollars if the violation is a first offense, fifty
4 dollars if the violation is a second offense, and one hundred
5 dollars if the violation is a third or subsequent offense.
6 Failure to pay the scheduled criminal fine shall not result in
7 the person being detained in a secure facility. The
8 complainant shall not be charged a filing fee.

9 Sec. 87. Section 809A.4, subsection 2, paragraph b, Code
10 1997, is amended to read as follows:

11 b. If the only conduct giving rise to forfeiture is a
12 violation of section 124.401, subsection 3 5, real property is
13 not subject to forfeiture and other property subject to
14 forfeiture pursuant to paragraph "a", subparagraph (2), may be
15 forfeited only pursuant to section 809A.14.

16 Sec. 88. Section 903A.2, Code Supplement 1997, is amended
17 to read as follows:

18 903A.2 GOOD CONDUCT TIME.

19 1. Each inmate committed to the custody of the director of
20 the department of corrections is eligible for a reduction of
21 sentence for good behavior in the manner provided in this
22 section. For purposes of calculating the amount of time by
23 which an inmate's sentence may be reduced, inmates shall be
24 grouped into the following two sentencing categories:

25 a. Category "A" sentences are those sentences which are
26 not subject to a maximum accumulation of good conduct time of
27 fifteen percent of the total sentence of confinement under
28 section 902.12. To the extent provided in subsection 5,
29 category "A" sentences also include life sentences imposed
30 under section 902.1. An inmate of an institution under the
31 control of the department of corrections who is serving a
32 category "A" sentence is eligible for a reduction of sentence
33 equal to one day for each day of good conduct while committed
34 to one of the department's institutions. In addition, each
35 inmate who is serving a category "A" sentence is eligible for

1 an additional reduction of up to five days per month if the
2 inmate participates satisfactorily in any of the following
3 activities:

- 4 (1) Employment in the institution.
- 5 (2) Iowa state industries.
- 6 (3) An employment program established by the director.
- 7 (4) A treatment program established by the director.
- 8 (5) An inmate educational program approved by the
9 director.

10 b. Category "B" sentences are those sentences which are
11 subject to a maximum accumulation of good conduct time of
12 fifteen percent of the total sentence of confinement under
13 section 902.12. An inmate of an institution under the control
14 of the department of corrections who is serving a category "B"
15 sentence is eligible for a reduction of sentence equal to
16 fifteen eighty-fifths of a day for each day of good conduct by
17 the inmate.

18 2. Good conduct time earned pursuant to this section may
19 be forfeited in the manner prescribed in section 903A.3.

20 3. Time served in a jail or another facility prior to
21 actual placement in an institution under the control of the
22 department of corrections and credited against the sentence by
23 the court shall accrue for the purpose of reduction of
24 sentence under this section. Time which elapses during an
25 escape shall not accrue for purposes of reduction of sentence
26 under this section.

27 4. Time which elapses between the date on which a person
28 is incarcerated, based upon a determination of the board of
29 parole that a violation of parole has occurred, and the date
30 on which the violation of parole was committed shall not
31 accrue for purposes of reduction of sentence under this
32 section.

33 5. Good conduct time accrued by inmates serving life
34 sentences imposed under section 902.1 shall not reduce the
35 life sentence, but shall be credited against the inmate's

1 sentence if the life sentence is commuted to a term of years
2 under section 902.2.

3 Sec. 89. Section 903A.7, Code Supplement 1997, is amended
4 to read as follows:

5 903A.7 SEPARATE SENTENCES.

6 Consecutive multiple sentences that are within the same
7 category under section 903A.2 shall be construed as one
8 continuous sentence for purposes of calculating reductions of
9 sentence for good conduct time. If a person is sentenced to
10 serve sentences of both categories, category "B" sentences
11 shall be served before category "A" sentences are served, and
12 good conduct time earned against the category "B" sentences
13 shall not be used to reduce the category "A" sentences. If an
14 inmate serving a category "A" sentence is sentenced to serve a
15 category "B" sentence, the category "A" sentence shall be
16 interrupted, and no further good conduct time shall accrue
17 against that sentence until the category "B" sentence is
18 completed.

19 Sec. 90. Section 910.9, unnumbered paragraph 3, Code
20 Supplement 1997, is amended to read as follows:

21 Fines, penalties, and surcharges, crime victim compensation
22 program reimbursement, public agency restitution, court costs
23 including correctional fees claimed by a sheriff pursuant to
24 section 356.7, court-appointed attorney's fees, and expenses
25 for public defenders, shall not be withheld by the clerk of
26 court until all victims have been paid in full. Payments to
27 victims shall be made by the clerk of court at least
28 quarterly. Payments by a clerk of court shall be made no
29 later than the last business day of the quarter, but may be
30 made more often at the discretion of the clerk of court. The
31 clerk of court receiving final payment from an offender, shall
32 notify all victims that full restitution has been made, and a
33 copy of the notice shall be sent to the sentencing court.
34 Each office or individual charged with supervising an offender
35 who is required to perform community service as full or

1 partial restitution shall keep records to assure compliance
2 with the portions of the plan of restitution and restitution
3 plan of payment relating to community service and, when the
4 offender has complied fully with the community service
5 requirement, notify the sentencing court.

6 Sec. 91. 1997 Iowa Acts, chapter 84, section 6, is amended
7 to read as follows:

8 SEC. 6. EFFECTIVE DATE -- APPLICABILITY. This Act, being
9 deemed of immediate importance, takes effect upon enactment.
10 Notwithstanding Prior to the beginning of school for the
11 school year beginning July 1, 1997, and notwithstanding the
12 timing of the notice requirements in section 4 of this Act, a
13 school district may conduct periodic inspection of school
14 lockers, desks, or other facilities or spaces if the school
15 district sends a notice to all students and the students'
16 parents, guardians, or legal custodians prior to commencing
17 any inspections.

18 Sec. 92. 1997 Iowa Acts, chapter 130, section 3, is
19 amended by striking the section and inserting in lieu thereof
20 the following:

21 SEC. 3. Section 904.102, subsection 8, Code 1997, is
22 amended to read as follows:

23 8. ~~Correctional-release-center~~ Newton correctional
24 facility.

25 Sec. 93. 1997 Iowa Acts, chapter 137, section 7, is
26 amended by striking the section and inserting in lieu thereof
27 the following:

28 SEC. 7. Section 455B.304, subsection 2, Code 1997, is
29 amended to read as follows:

30 2. The commission shall adopt rules that allow the use of
31 wet or dry sludge from publicly owned treatment works for land
32 application. A sale of wet or dry sludge for the purpose of
33 land application shall be accompanied by a written agreement
34 signed by both parties which contains a general analysis of
35 the contents of the sludge. The heavy metal content of the

1 sludge shall not exceed that allowed by rules of the
2 commission. An owner of a publicly owned treatment works
3 which sells wet or dry sludge ~~is not subject to criminal~~
4 ~~liability for acts or omissions in connection with a sale, and~~
5 is not subject to any action by the purchaser to recover
6 damages for harm to person or property caused by sludge that
7 is delivered pursuant to a sale unless it is a result of a
8 violation of the written agreement or if the heavy metal
9 content of the sludge exceeds that allowed by rules of the
10 commission. Nothing in this section shall provide immunity to
11 any person from action by the department pursuant to section
12 455B.307. The rules ~~promulgated~~ adopted under this subsection
13 shall be generally consistent with those rules of the
14 department existing on January 1, 1982, regarding the land
15 application of municipal sewage sludge except that they may
16 provide for different methods of application for wet sludge
17 and dry sludge.

18 Sec. 94. 1997 Iowa Acts, chapter 175, section 110, is
19 amended by striking the section and inserting in lieu thereof
20 the following:

21 SEC. 110. Section 252I.1, subsections 1, 3, 5, and 8, Code
22 1997, are amended to read as follows:

23 1. "Account" means "account" as defined in section
24 524.103, "share account or shares" as defined in section
25 534.102, the savings or deposits of a member received or being
26 held by a credit union, or certificates of deposit. "Account"
27 also includes deposits held by an agent, a broker-dealer, or
28 an issuer as defined in section 502.102 and money-market
29 mutual fund accounts. However, "account" does not include
30 amounts held by a financial institution as collateral for
31 loans extended by the financial institution.

32 3. "Court order" means "court support order" as defined in
33 section ~~252E.1~~ 252J.1.

34 5. "Financial institution" ~~includes a bank, credit union,~~
35 ~~or savings and loan association~~ means "financial institution"

1 as defined in 42 U.S.C. § 669A(d)(1). "Financial institution"
2 also includes an institution which holds deposits for an
3 agent, broker-dealer, or an issuer as defined in section
4 502.102.

5 8. "Support" or "support payments" means "support" or
6 "support payments" as defined in section ~~252D.16~~ 252D.16A.

7 Sec. 95. 1997 Iowa Acts, chapter 176, section 32, is
8 amended by striking the section and inserting in lieu thereof
9 the following:

10 SEC. 32. Section 235A.15, subsection 2, paragraph b,
11 unnumbered paragraph 1, Code 1997, as amended by this Act, is
12 amended to read as follows:

13 Persons involved in an ~~investigation-or~~ assessment of child
14 abuse as follows:

15 Sec. 96. 1997 Iowa Acts, chapter 176, section 33, is
16 amended by striking the section and inserting in lieu thereof
17 the following:

18 SEC. 33. Section 235A.15, subsection 2, paragraph b,
19 subparagraphs (2), (3), (4), and (8), Code 1997, as amended by
20 this Act, are amended to read as follows:

21 (2) To an employee or agent of the department of human
22 services responsible for the ~~investigation-or~~ assessment of a
23 child abuse report.

24 (3) To a law enforcement officer responsible for assisting
25 in an ~~investigation~~ assessment of a child abuse allegation or
26 for the temporary emergency removal of a child from the
27 child's home.

28 (4) To a multidisciplinary team, if the department of
29 human services approves the composition of the
30 multidisciplinary team and determines that access to the team
31 is necessary to assist the department in the ~~investigation~~
32 diagnosis, assessment, and disposition of a child abuse case.

33 (8) To a licensing authority for a facility providing care
34 to a child named in a report, if the licensing authority is
35 notified of a relationship between facility policy and the

1 alleged child abuse under section ~~232-717-subsection-4~~
2 232.71B.

3 Sec. 97. 1997 Iowa Acts, chapter 176, section 37, is
4 amended by striking the section and inserting in lieu thereof
5 the following:

6 SEC. 37. Section 235A.15, subsection 6, Code 1997, as
7 amended by this Act, is amended to read as follows:

8 6. a. If a child who is a legal resident of another state
9 is present in this state and a report of child abuse is made
10 concerning the child, the department shall act to ensure the
11 safety of the child. The department shall contact the child's
12 state of legal residency to coordinate the ~~investigation-or~~
13 assessment of the report. If the child's state of residency
14 refuses to conduct an ~~investigation-or~~ assessment, the
15 department shall commence an appropriate ~~investigation-or~~
16 assessment.

17 b. If a report of child abuse is made concerning an
18 alleged perpetrator who resides in this state and a child who
19 resides in another state, the department shall assist the
20 child's state of residency in conducting an ~~investigation-or~~
21 assessment of the report. The assistance shall include but is
22 not limited to an offer to interview the alleged perpetrator
23 and any other relevant source. If the child's state of
24 residency refuses to conduct an ~~investigation-or~~ assessment of
25 the report, the department shall commence an appropriate
26 ~~investigation-or~~ assessment. The department shall seek to
27 develop protocols with states contiguous to this state for
28 coordination in the ~~investigation-or~~ assessment of a report of
29 child abuse when a person involved with the report is a
30 resident of another state.

31 Sec. 98. 1997 Iowa Acts, chapter 176, section 39, is
32 amended by striking the section and inserting in lieu thereof
33 the following:

34 SEC. 39. Section 235A.19, subsection 2, paragraph a, Code
35 1997, as amended by this Act, is amended to read as follows:

1 a. A subject of a child abuse report may file with the
2 department within six months of the date of the notice of the
3 results of ~~an investigation required by section 232.717~~
4 ~~subsection 77~~ or an assessment performed in accordance with
5 section ~~232.71A~~ 232.71B, a written statement to the effect
6 that report data and disposition data referring to the subject
7 is in whole or in part erroneous, and may request a correction
8 of that data or of the findings of the ~~investigation or~~
9 assessment report. The department shall provide the subject
10 with an opportunity for an evidentiary hearing pursuant to
11 chapter 17A to correct the data or the findings, unless the
12 department corrects the data or findings as requested. The
13 department may defer the hearing until the conclusion of a
14 pending juvenile or district court case relating to the data
15 or findings.

16 Sec. 99. RETROACTIVE APPLICABILITY. Sections 92 through
17 94 of this Act, amending 1997 Iowa Acts, chapters 130, 137,
18 and 175, are retroactively applicable to July 1, 1997.

19 EXPLANATION

20 Code section 15.353(5)(b): In the new section directing
21 the department of economic development to establish a local
22 housing assistance program, a grammatical correction is made
23 in the definition of "local housing group" by changing
24 "community housing development interest" to "community housing
25 development interests".

26 Code sections 15E.182(1)(b) and (3)(e), 15E.183(2), and
27 15E.184: In the new sections relating to the Iowa capital
28 investment board, the words "of economic development" are
29 added after "the department" in sections 15E.182 and 15E.184,
30 and the words "of revenue and finance" are added after "the
31 department" in section 15E.183 to reflect the apparent intent
32 of the sections. "Department" is not defined in Code chapter
33 15E.

34 Code section 49.30: In the section relating to printing of
35 election ballots, grammatical corrections are made which are

1 necessary following the addition of "constitutional
2 amendments" and "public measures" to the items appearing on a
3 ballot, by 1997 Iowa Acts, chapter 170, section 29.

4 Code section 49.47: In the section relating to notice of
5 proper markings on paper ballots for public measures, the
6 instructions for making the proper markings are changed to
7 reflect the changes made in the general form of ballots by
8 1997 Iowa Acts, chapter 170, section 41.

9 Code sections 49.94, 49.95, and 49.97: In the sections
10 relating to marking voting tickets, the words "the names of"
11 preceding "all the candidates" are stricken to correspond to
12 the changes made by 1997 Iowa Acts, chapter 170, sections 48,
13 49, and 51, relating to the manner in which the names of
14 candidates appear on voting tickets.

15 Code section 52.10: In the section relating to the form of
16 election ballots, the reference to the Code sections for the
17 order of the list of candidates is changed from "sections
18 49.30 to 49.41" to "sections 49.30 to 49.42A". When Code
19 section 49.42 was repealed and replaced with Code section
20 49.42A by 1997 Iowa Acts, chapter 170, sections 37 and 93, the
21 reference was changed to omit the repealed section,
22 inadvertently leaving out the reference to the new replacement
23 section.

24 Code section 97A.3(1): In the section relating to
25 membership in the public safety peace officers' retirement
26 system, "when this chapter becomes effective" is replaced with
27 the date on which the chapter became effective, July 4, 1949.

28 Code section 135.83: In the section relating to the
29 authority of the department of public health to contract with
30 other entities for assistance with analyses, studies, and
31 compilation of data, the reference to Code section 135.77,
32 relating to reports to the governor and legislature by the
33 department, is stricken. Code section 135.77 was repealed by
34 1997 Iowa Acts, chapter 203, section 18, and there is no
35 replacement section.

1 Code sections 135.83, 135.107(4), 147A.2, 147A.24(1)(i) and
2 (j), and 235C.2(8): References to the "Iowa hospital
3 association" are changed to refer to the current name of the
4 association, the "association of Iowa hospitals and health
5 systems".

6 Code section 135.105A(3) and (4): In the section relating
7 to lead inspector and lead abater training and certification,
8 "and managers" is deleted from a provision requiring the
9 department of public health to encourage property owners and
10 managers who are not required to be certified to complete the
11 training course. Property managers were removed from the
12 provision exempting certain persons from the certification
13 requirements by 1997 Iowa Acts, chapter 159, section 5. In
14 addition, the provision prohibiting a person from performing
15 lead abatement or inspection unless the person is certified is
16 qualified with "except as otherwise provided in this section".
17 The section allows property owners who are not certified to
18 perform lead abatement and inspection.

19 Code sections 135B.20(4), 135J.2, 155A.13(4)(d), and
20 730.5(3)(f): References to the "joint commission on
21 accreditation of hospitals" are changed to refer to the
22 current name of the commission, the "joint commission on the
23 accreditation of health care organizations".

24 Code section 169C.4(1)(a) and (b) and (3): In the new
25 section relating to liability for trespassing of stray
26 livestock, grammatical changes are made to reflect the
27 apparent intent of the section. In addition, a reference to
28 new Code section 169C.3 is changed to refer to section 169C.2
29 to correspond to the reference described in section 169C.4.

30 Code section 218.99: In the section requiring state
31 institutions under the department of human services to inform
32 a patient's or resident's county of legal settlement of
33 certain occurrences in regard to the patient's or resident's
34 personal deposit fund, a direction to inform the county's
35 single entry point process is changed to direct such

1 information to the "entity designated to perform the county's
2 single entry point process", to provide the proper reference
3 and agree with another direction to inform in the section.

4 Code sections 232.19(1)(c), 232.195, and 232.196: In the
5 provisions relating to runaway assessment and counseling
6 centers, the centers were referred to as both "runaway
7 assessment and counseling centers" and "runaway assessment and
8 treatment centers". The bill changes all references to such
9 centers to "runaway assessment centers" and "assessment
10 centers" to be consistent.

11 Code section 232.54(7): In the new provision allowing
12 termination of a juvenile court dispositional order regarding
13 a child who has received a youthful offender deferred sentence
14 upon motion of the county attorney prior to the child reaching
15 the age of 18 if the child violates an agreement between the
16 county attorney and the child which was the basis of the
17 waiver of the child to district court, "and the child" is
18 inserted preceding "violates the terms of the agreement" to
19 reflect the apparent intent of the provision.

20 Code section 232.148(5)(b): In the provision requiring the
21 removal and destruction of fingerprints and photographs of a
22 child taken into custody in certain situations, minor
23 grammatical changes are made to accommodate the addition of a
24 situation by 1997 Iowa Acts, chapter 126, section 33.

25 Code section 232.163(2): In the section relating to
26 visitation, inspection, or supervision of a child's placement
27 outside the home and in another state pursuant to the
28 interstate compact on the placement of children, a reference
29 to "the placement agency" is changed to "the sending agency"
30 to be consistent with the use of the term throughout the
31 compact.

32 Code section 252B.1(2): In Code chapter 252B, relating to
33 child support recovery, "child" was defined to include
34 "'dependent children' as defined in section 239B.1". The
35 reference used to be to "'dependent children' as defined in

1 section 239.1". Code section 239.1 defined "dependent
2 children", but was repealed by 1997 Iowa Acts, chapter 41,
3 section 29, and replaced by Code section 239B.1, which only
4 defines "child". Therefore, the reference to "dependent
5 children" in Code section 252B.1 is replaced by a reference to
6 "child".

7 Code sections 255.26 and 255A.13: References to the "Iowa
8 health data commission" are changed to refer to the "community
9 health management information system". The health data
10 commission was repealed by its own terms effective July 1,
11 1996, and other such references in the Code were changed to
12 refer to the community health management information system,
13 provided for in Code chapter 144C. Minor grammatical changes
14 are also made to Code section 255.26 to remove archaic
15 language.

16 Code section 257.14(2): In the section relating to
17 adjustments for school district budgets, subsection 2 relates
18 to the budget year beginning July 1, 1995, and is therefore
19 obsolete. The bill strikes the subsection.

20 Code section 260A.1(4): In the section relating to
21 appropriations for community college vocational-technical
22 technology improvement, a reference to Code section 427A.13 is
23 stricken. Code section 427A.13, relating to appropriations
24 for the personal property tax replacement fund, was repealed
25 by 1997 Iowa Acts, chapter 158, section 48, effective July 1,
26 1997.

27 Code section 280.17: In the section relating to schools'
28 procedures for handling child abuse reports, a reference to
29 Code section 232.68, subsection 2, paragraph "a", "b", or "d",
30 is changed to refer to Code section 232.68, subsection 2,
31 paragraph "a", "c", or "e". Section 232.68 was amended in
32 1993 by inserting new paragraphs in the definition of "child
33 abuse"; however, the reference in section 280.17 was not
34 amended at that time to correspond to the relettered
35 paragraphs.

1 Code section 297.22(3): An internal reference to
2 subsection 1 is changed to refer to subsections 1 and 2. The
3 change is necessary because the section was amended in 1997 by
4 amending subsection 1 and dividing subsection 1 into
5 subsections 1 and 2.

6 Code sections 307.25(4), 307.27(7) and (8), 321.20B(1),
7 321A.33, 327C.2, 327D.1, and 805.8(2)(p) and (q): References
8 to Code chapters 325, 327, and 327A, and to sections within
9 those chapters, are stricken. Chapters 325, 327, and 327A,
10 relating to certificated carriers, truck operators, and liquid
11 transport carriers, respectively, were repealed by 1997 Iowa
12 Acts, chapter 104, section 60, effective January 1, 1998, and
13 replaced by chapter 325A, relating to motor carrier authority.
14 References which corresponded to provisions in new chapter
15 325A or sections within that chapter are replaced by the
16 appropriate references. The scheduled fine provisions for
17 violations of sections 325.3, 327.3, 327A.17, in Code section
18 805.8, subsection 2, paragraph "p", and for violations of
19 sections 325.31, 327.19, and 327A.8, in Code section 805.8,
20 subsection 2, paragraph "q", are stricken. New Code section
21 325A.24 and Code section 805.8, subsection 2, new paragraph
22 "ag", provide for scheduled fines for violations of new Code
23 chapter 325A.

24 Code section 321.44A: In the section relating to voluntary
25 contributions to the anatomical gift public awareness and
26 transplantation fund, the section is amended to specify the
27 apparent intent of the section that, if an applicant applies
28 to the state department of transportation for a registration
29 or renewal rather than to a county, and the applicant makes a
30 contribution to the fund, 100 percent of the contribution
31 shall be deposited in the fund rather than depositing 5
32 percent of the contribution in the general fund of the county.

33 Code sections 321.71(7) and 537B.2(2): References to
34 "registered gross vehicle weight rating" are changed to refer
35 to "gross vehicle weight rating" as defined in Code section

1 321.1 and as used throughout Code chapter 321.

2 Code section 321.179(1): In the section relating to the
3 issuance of motor vehicle licenses by county treasurers,
4 references to "identification devices" are changed to refer to
5 "parking permits" to correspond to identical changes made in
6 1996 Iowa Acts, chapter 1171.

7 Code section 321.216B: In the section providing that the
8 use of a motor vehicle license or nonoperator's identification
9 card by an underage person to obtain alcohol is a simple
10 misdemeanor, a reference to a copy of an order of adjudication
11 under Code section 232.47 is stricken. Code section 321.482
12 provides that Code chapter 232 has no application in the
13 prosecution of offenses committed in violation of Code chapter
14 321 which are simple misdemeanors.

15 Code section 321.231(5): In the section relating to
16 authorized emergency vehicles and police bicycles, language
17 relating to riders of police bicycles is added to the
18 provisions requiring the driver of an emergency vehicle to
19 drive with due regard for the safety of all persons. It
20 appears that when the section was amended to include police
21 bicycles in 1997 Iowa Acts, chapter 71, section 1, the
22 language in these provisions was not changed to agree with the
23 addition of police bicycles to the section.

24 Code section 321.492: A reference to a "proof of insurance
25 card" is changed to refer to a "proof of financial liability
26 coverage card". A "proof of financial liability coverage
27 card" is defined in Code section 321.1 and includes a
28 liability insurance card, a bond insurance card, a security
29 insurance card, and a self-insurance card. "Proof of
30 insurance card" is not used in any other provision of the
31 Code.

32 Code section 321J.2(3)(a)(3): In the section relating to
33 operating while under the influence of alcohol or drugs, two
34 internal references to a "violation of subsection 2 or a
35 statute in another state substantially corresponding to

1 subsection 2" are changed to refer to subsection 1.
2 Subsection 1 appears to be the correct reference since
3 subsection 1 sets out the offense of operating while
4 intoxicated and subsection 2 sets out the penalties for that
5 offense.

6 Code section 331.439(3)(b) and (7): In the section
7 relating to state payments to counties for mental health,
8 mental retardation, and developmental disabilities services
9 expenditures, internal references to counties' expenditure
10 reports required or submitted pursuant to subsection 1,
11 paragraph "b", are changed to refer to paragraph "a", where
12 the reports are required.

13 Code section 400.1: In the section relating to city civil
14 service commissions, "one year after each regular municipal
15 election" is changed to "one year after a regular municipal
16 election". The change is necessary to allow the staggered
17 terms provided for in the amendment to the section by 1997
18 Iowa Acts, chapter 162, section 1, to take effect.

19 Code section 403.22(1): In the section relating to low-
20 income assistance requirements for public improvements related
21 to housing and residential development, a reference to "low
22 and moderate family housing assistance" is changed to "low and
23 moderate income family housing assistance" to correspond to
24 the usage of the term throughout the section.

25 Code section 422.7(12A): A reference to the "division of
26 job service of the department of employment services" is
27 changed to refer to the "department of workforce development".
28 The department of workforce development replaced the division
29 of job service of the department of employment services in
30 1996 Iowa Acts, chapter 1186.

31 Code section 422.120(1)(a): In the section providing for a
32 livestock production tax credit, a reference to a refund of
33 the credit "as provided in section 422.121" is changed to
34 refer to Code section 422.122, the actual Code section
35 relating to the refund.

1 Code sections 426B.2(3) and 426B.3(1): In the sections
2 relating to property tax relief fund distributions, references
3 to the director of revenue and finance are replaced with
4 references to the director of human services. Code sections
5 426B.1 and 426B.4 were amended by 1997 Iowa Acts, chapter 158,
6 sections 28 and 29, to place the relief fund under the
7 authority of the department of human services rather than the
8 department of revenue and finance.

9 Code sections 452A.52 and 452A.53: In the sections
10 relating to fuels imported in supply tanks of motor vehicles
11 and permits or licenses for such importation, references to
12 the permits provided for in Code section 452A.53 are expanded
13 to refer to "permits and licenses". Code section 452A.53 was
14 amended by 1997 Iowa Acts, chapter 108, section 43, to provide
15 for the procurement of permanent international fuel tax
16 agreement licenses in addition to permits.

17 Code section 453A.3(2): In the section providing penalties
18 for certain cigarette and tobacco sale and use violations,
19 "any civil penalty or fine paid" is changed to read "any civil
20 penalty or criminal fine paid" to specify that both types of
21 fines are to be retained by the city or county enforcing the
22 violation.

23 Code section 455A.11: In the section relating to
24 preferences in temporary employment by the department of
25 natural resources, a reference to the "green thumb program
26 under section 15.227" is changed by striking the reference to
27 Code section 15.227. Code section 15.227 was repealed by 1996
28 Iowa Acts, chapter 1186, section 26; however, a green thumb
29 program still exists.

30 Code section 487.909: In the section relating to the
31 resignation of an agent of a foreign limited partnership for
32 service of process, a reference to filing requirements under
33 Code section 487.206 is changed to refer to Code section
34 487.108. Code section 487.206 was repealed by 1997 Iowa Acts,
35 chapter 188, section 74, and replaced by Code section 487.108.

1 Code section 490.1110(2)(g): In the provision exempting
2 corporations in certain circumstances from the prohibition
3 against business combinations with interested shareholders, a
4 reference to the exemptions in "paragraphs 'a' through 'd'" is
5 changed to refer to "paragraph 'a', 'b', 'c', or 'd'" as it is
6 apparent that a corporation would qualify for one of the
7 exemptions rather than all of the exemptions in those
8 paragraphs.

9 Code section 499.22: In the section relating to capital
10 stock of a cooperative association, a provision allowing
11 voting or nonvoting stock to be issued to a cooperative
12 association is reworded to reflect the intent to allow such
13 issuance as provided in the articles of incorporation of the
14 association issuing the stock.

15 Code section 513B.7(2) and (3): In the section relating to
16 maintenance of records by a carrier providing small group
17 health coverage, references to the "director" are made more
18 specific by adding "of public health". Also, a reference to
19 "organized delivery system" is changed to refer to "the
20 director of public health" to agree with the requirement in
21 subsection 2 that records be filed with the commissioner of
22 insurance and the director of public health rather than with
23 the organized delivery system.

24 Code sections 513B.10(4)(b) and 514E.7(4)(b): In
25 provisions relating to health plan coverage, references to
26 imposition of "any preexisting condition" are changed to refer
27 to "any preexisting condition exclusion" to reflect the
28 apparent intent of the provisions.

29 Code section 514E.1(1): In the provision defining
30 "association", "Iowa comprehensive health association" is
31 changed to read "Iowa comprehensive health insurance
32 association" to reflect the actual name of the association.

33 Code section 535.11(4): In the section relating to
34 allowable finance charges on accounts receivable, a reference
35 to section 537.2202, subsections 2 and 3, is changed to refer

1 to subsection 2 of that section due to the strike of former
2 subsection 3 of that section in 1997 Iowa Acts, chapter 187,
3 section 3.

4 Code sections 537.2202(3) and 537.2402(3): In the sections
5 relating to finance charges for consumer credit sales and
6 consumer loans pursuant to open end credit, similar
7 subsections were stricken from each of these Code sections by
8 1997 Iowa Acts, chapter 187, sections 3 and 5, thereby making
9 the renumbered subsection 3 of each Code section inapplicable.
10 The inapplicable subsections are stricken by this bill.

11 Code section 556.13(3): In a provision relating to the
12 right of the treasurer of state to obtain a replacement
13 certificate for a certificated security reported to the
14 treasurer as abandoned, a reference to Code section 554.8408
15 is changed to refer to the correct Code section relating to
16 replacement certificates, Code section 554.8405.

17 Code section 602.6110(1): In the section providing for a
18 peer review court, a reference to "certain youthful offenders"
19 is changed to refer to "certain juvenile offenders". The
20 reference change is necessary to avoid confusion with the
21 youthful offender program enacted in 1997 Iowa Acts, chapter
22 126.

23 Code section 614.1(2A)(b)(1): In the section providing for
24 the time periods for limitations of actions, "cause of" is
25 inserted before "action shall be deemed to have accrued". The
26 change is necessary because causes of action accrue rather
27 than actions.

28 Code section 633.556(3): In the section relating to
29 appointment of a guardian, an inadvertent reference to
30 "conservator" is changed to refer to "guardian".

31 Code section 642.2(1): In the section relating to
32 garnishment of a public employer, a reference to "income
33 withholding notices" is made more specific by adding "for
34 child support" to correspond to the reference to Code chapter
35 252D, governing income withholding for child support.

1 Code section 673.3: In the new section requiring a
2 domesticated animal professional conducting domesticated
3 animal activities on property to post a notice, "domesticated
4 animal may act unpredictably to conditions" is changed to read
5 that the "domesticated animal may react unpredictably to
6 conditions" to be grammatically correct and to agree with the
7 use of "react" in unnumbered paragraph 5.

8 Code section 805.8(2)(c): In the provisions relating to
9 scheduled fines for traffic violations, a reference to Code
10 section 321.391 is stricken. Code section 321.391 was
11 repealed by 1997 Iowa Acts, chapter 108, section 49.

12 Code section 805.8(2)(v): In the provisions relating to
13 scheduled fines for traffic violations, paragraph designations
14 are stricken and corresponding grammatical corrections are
15 made.

16 Code section 805.8(11)(b): In the provisions relating to
17 scheduled fines for smoking violations, "scheduled fine" is
18 changed to "scheduled criminal fine" in two places to
19 distinguish the criminal fine for failure to pay a civil
20 penalty from the scheduled fines which are civil penalties.

21 Code section 809A.4(2)(b): A reference to Code section
22 124.401, subsection 3, is changed to refer to subsection 5 of
23 that section. The change is necessary because when the
24 subsections in Code section 124.401 were renumbered according
25 to a change in that section by 1996 Iowa Acts, chapter 1164,
26 the reference in Code section 809A.4(2)(b) was not changed.

27 Code sections 903A.2 and 903A.7: In provisions relating to
28 reductions of sentences for good behavior, references to "good
29 time" are changed to refer to the official term for such
30 reductions, "good conduct time".

31 Code section 910.9: In the section relating to collection
32 of payments for restitution, a reference to "court costs" is
33 changed to include "correctional fees claimed by a sheriff
34 pursuant to section 356.7". 1997 Iowa Acts, chapter 140,
35 sections 2 through 4 added the inclusory language after "court

1 costs" in other provisions but inadvertently omitted the
2 language in Code section 910.9.

3 1997 Iowa Acts, chapter 84, section 6: In the provision
4 relating to school searches notwithstanding the timing of the
5 notice requirements in section 4 of the Act, "prior to the
6 beginning of school for the school year beginning July 1,
7 1997," is inserted to reflect the apparent intent to make the
8 inspection provision in section 6 temporary until notices of
9 school searches could be given at the beginning of school in
10 1997.

11 1997 Iowa Acts, chapter 130, section 3: The section
12 amending Code section 904.102, subsection 8, is changed to
13 reflect the correct strike-throughs, which indicate the proper
14 changes to the actual 1997 Code language.

15 1997 Iowa Acts, chapter 137, section 7: In the section
16 amending Code section 455B.304, subsection 2, an error was
17 made in engrossing the Act. The words "and dry sludge" are
18 added at the end of Code section 455B.304, subsection 2, to
19 reflect the actual 1997 Code language, which was not amended
20 by 1997 Iowa Acts, chapter 137.

21 1997 Iowa Acts, chapter 175, section 110: 1997 Code
22 language was incorrectly reproduced in the amendment to Code
23 section 252I.1(1)(3)(5) and (8). Changes are made to correct
24 the Code language.

25 1997 Iowa Acts, chapter 176, sections 32, 33, and 37: The
26 sections amending Code section 235A.15, subsections 2(b) and
27 (6), as amended by division 1 of the Act, inadvertently left
28 out the word "or" between "investigation" and "assessment".
29 "Or" was included in these provisions as amended in division 1
30 of the Act. The sections of the Act are changed by inserting
31 "or" in the proper places and striking through the word to
32 reflect the amendments to Code section 235A.15 by both
33 division 1 and division 2 of the Act. The effective dates for
34 both divisions of the Act remain the same as provided for in
35 the Act, with division 1 being effective July 1, 1997, and

1 division 2 effective July 1, 1998.

2 1997 Iowa Acts, chapter 176, section 39: This section in
3 division 2 of the Act amends Code section 235A.19, subsection
4 2(a). Code section 235A.19, subsection 2(a), refers to Code
5 section 232.71A. However, division 2 of the Act replaces Code
6 section 232.71A with Code section 232.71B, effective July 1,
7 1998. Therefore, the reference to Code section 232.71A is
8 changed to refer to Code section 232.71B.

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HOUSE FILE 2162

H-8014

1 Amend House File 2162 as follows:
2 1. Page 17, by inserting after line 1 the
3 following:
4 "Sec. _____. Section 321.284, Code 1997, is amended
5 to read as follows:
6 321.284 OPEN CONTAINERS IN MOTOR VEHICLES.
7 A person driving a motor vehicle shall not
8 knowingly possess in a motor vehicle upon a public
9 street or highway an open or unsealed bottle, can,
10 jar, or other receptacle containing an alcoholic
11 beverage, wine, or beer with the intent to consume the
12 alcoholic beverage, wine, or beer while the motor
13 vehicle is upon a public street or highway. Evidence
14 that an open or unsealed receptacle containing an
15 alcoholic beverage, wine, or beer was found during an
16 authorized search in the glove compartment, utility
17 compartment, console, front passenger seat, or any
18 unlocked portable device and within the immediate
19 reach of the driver while the motor vehicle is upon a
20 public street or highway is evidence from which the
21 court or jury may infer that the driver intended to
22 consume the alcoholic beverage, wine, or beer while
23 upon the public street or highway if the inference is
24 supported by corroborative evidence. However, an open
25 or unsealed receptacle containing an alcoholic
26 beverage, wine, or beer may be transported at any time
27 in the trunk of the motor vehicle or in some other
28 area of the interior of the motor vehicle not designed
29 or intended to be occupied by the driver and not
30 readily accessible to the driver while the motor
31 vehicle is in motion. A person convicted of a
32 violation of this section is guilty of a simple
33 misdemeanor punishable as a scheduled violation under
34 section 805.8, subsection 107-paragraph-"e".
35 2. By renumbering and changing internal
36 references as necessary.

By COMMITTEE ON JUDICIARY
LAMBERTI of Polk, Chairperson

H-8014 FILED FEBRUARY 5, 1998

*adopted 2/11/98**(p. 211)*

2/19/98 Do Pass

HOUSE FILE 2162
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 544)

(As Amended and Passed by the House, February 11, 1998)

Passed House, ^(p. 1282) Date 4/6/98 Passed Senate, ^(p. 626) Date 3-11-98
Vote: Ayes 100 Nays 0 Vote: Ayes 48 Nays 0
Approved 4/15/98

A BILL FOR

1 An Act relating to nonsubstantive Code corrections and including
2 a retroactive applicability provision.

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

4
5 HOUSE FILE 2162

6 S-5052

- 7 1 Amend House File 2162, as amended, passed, and
- 8 2 reprinted by the House, as follows:
- 9 3 1. Page 29, by striking lines 14 through 24.
- 4 4 2. By renumbering and changing internal
- 5 5 references as necessary.

10 *Adopted* 3/11/98 (p. 626) By ANDY MCKEAN

11 S-5052 FILED FEBRUARY 23, 1998

12
13 SENATE AMENDMENT TO H. F. 2162

14 H-8322

- 15 1 Amend House File 2162, as amended, passed, and
- 16 2 reprinted by the House, as follows:
- 17 3 1. Page 29, by striking lines 14 through 24.
- 4 4 2. By renumbering and changing internal
- 5 5 references as necessary.

18 RECEIVED FROM THE SENATE

19 H-8322 FILED MARCH 11, 1998

20 *House Concurred* 4-6-98 (p. 1282)

1 Section 1. Section 15.353, subsection 5, paragraph b, Code
2 Supplement 1997, is amended to read as follows:

3 b. "Local housing group" means an entity organized to
4 represent community housing development interest interests.

5 Sec. 2. Section 15E.182, subsection 1, paragraph b, Code
6 Supplement 1997, is amended to read as follows:

7 b. The director of the department of economic development.

8 Sec. 3. Section 15E.182, subsection 3, paragraph e, Code
9 Supplement 1997, is amended to read as follows:

10 e. Conduct an annual risk analysis which matches the
11 current and anticipated value of investments made pursuant to
12 this division with the current and anticipated value of any
13 tax credits given. If the anticipated value of any tax
14 credits given exceeds the anticipated value of investments,
15 the department of economic development shall establish a
16 reserve account within the strategic investment fund
17 sufficient to cover such losses to the general fund of the
18 state in the event of the termination of the Iowa capital
19 investment board.

20 Sec. 4. Section 15E.183, subsection 2, Code Supplement
21 1997, is amended to read as follows:

22 2. The department of revenue and finance shall, in
23 consultation with the Iowa capital transition board, develop a
24 system for the registration, issuance, transfer, or redemption
25 of tax credits issued by the state under this section. The
26 department of revenue and finance shall also, in consultation
27 with the Iowa capital transition board, adopt any other
28 policies, procedures, or rules pursuant to chapter 17A
29 necessary for the administration of tax credits issued by the
30 state under this section.

31 Sec. 5. Section 15E.184, Code Supplement 1997, is amended
32 to read as follows:

33 15E.184 SUPPORT.

34 The department of economic development shall provide staff
35 assistance, physical facilities, and other support as

1 necessary.

2 Sec. 6. Section 49.39, unnumbered paragraph 1, Code
3 Supplement 1997, is amended to read as follows:

4 ~~The names of all candidates;~~ All constitutional amendments,
5 and all public measures, and the names of all candidates,
6 other than presidential electors, to be voted for in each
7 election precinct, ~~other than presidential electors;~~ shall be
8 printed on one ballot, except that separate ballots are
9 authorized under the following circumstances:

10 Sec. 7. Section 49.47, Code Supplement 1997, is amended to
11 read as follows:

12 49.47 NOTICE ON BALLOTS.

13 At the top of paper ballots for public measures shall be
14 printed the following:

15 [Notice to voters. To vote to approve any question on this
16 ballot, make a cross mark or check in the target ~~after~~ before
17 the word "Yes". To vote against a question make a similar
18 mark in the target ~~following~~ preceding the word "No".]

19 This notice shall be adapted to describe the proper mark
20 where it is appropriate.

21 Sec. 8. Section 49.94, unnumbered paragraph 1, Code
22 Supplement 1997, is amended to read as follows:

23 ~~If the names of~~ all the candidates for whom a voter desires
24 to vote in any election other than the primary election were
25 nominated by the same political party or nonparty political
26 organization, and the voter desires to vote for all candidates
27 nominated by that political party or organization, the voter
28 may do so in any one of the following ways:

29 Sec. 9. Section 49.95, Code Supplement 1997, is amended to
30 read as follows:

31 49.95 VOTING PART OF TICKET ONLY.

32 ~~If the names of~~ all the candidates for whom the voter
33 desires to vote were nominated by the same political party or
34 nonparty political organization but the voter does not desire
35 to vote for all of the candidates nominated by the party or

1 organization, the voter shall mark the voting target next to
2 the name of each candidate for whom the voter desires to vote
3 without marking the target next to the name of the party or
4 organization in the straight party or organization section of
5 the ballot.

6 Sec. 10. Section 49.97, unnumbered paragraph 1, Code
7 Supplement 1997, is amended to read as follows:

8 If the-~~names-of~~ all candidates for whom a voter desires to
9 vote were not nominated by the same political party or
10 nonparty political organization, the voter may indicate the
11 candidates of the voter's choice by marking the ballot in any
12 one of the following ways:

13 Sec. 11. Section 52.10, Code Supplement 1997, is amended
14 to read as follows:

15 52.10 BALLOTS -- FORM.

16 All ballots shall be printed in black ink on clear, white
17 material, of such size as will fit the ballot frame, and in as
18 plain, clear type as the space will reasonably permit. The
19 party name for each political party represented on the machine
20 shall be prefixed to the list of candidates of such party.
21 The order of the list of candidates of the several parties or
22 organizations shall be arranged as provided in sections 49.30
23 to 49-41 49.42A, except that the lists may be arranged in
24 horizontal rows or vertical columns to meet the physical
25 requirements of the voting machine used.

26 Sec. 12. Section 97A.3, subsection 1, Code 1997, is
27 amended to read as follows:

28 1. All members of the division of highway safety,
29 uniformed force, and radio communications and the division of
30 criminal investigation and bureau of identification in the
31 department of public safety, excepting the members of the
32 clerical force, who are employed by the state of Iowa when
33 ~~this-chapter-becomes-effective~~ on July 4, 1949, and all
34 persons thereafter employed as members of such divisions in
35 the department of public safety or division of drug law

1 enforcement and arson investigators, except the members of the
2 clerical force, shall be members of this system, except as
3 otherwise provided in subsection 3. Effective July 1, 1994,
4 gaming enforcement officers employed by the division of
5 criminal investigation for excursion boat gambling enforcement
6 activities, fire prevention inspector peace officers employed
7 by the department of public safety, and employees of the
8 division of capitol police, except clerical workers, shall be
9 members of this system, except as otherwise provided in
10 subsection 3 or section 97B.42B. Such members shall not be
11 required to make contributions under any other pension or
12 retirement system of the state of Iowa, anything to the
13 contrary notwithstanding.

14 Sec. 13. Section 135.83, Code Supplement 1997, is amended
15 to read as follows:

16 135.83 CONTRACTS FOR ASSISTANCE WITH ANALYSES, STUDIES AND
17 DATA.

18 In furtherance of the department's responsibilities under
19 sections 135.767-~~135-77~~ and 135.78, the director may contract
20 with the ~~Iowa-hospital~~ association of Iowa hospitals and
21 health systems and third party payers, the Iowa health care
22 facilities association and third party payers, or the Iowa
23 association of homes for the aging and third party payers for
24 the establishment of pilot programs dealing with prospective
25 rate review in hospitals or health care facilities, or both.
26 Such contract shall be subject to the approval of the
27 executive council and shall provide for an equitable
28 representation of health care providers, third party payers,
29 and health care consumers in the determination of criterion
30 for rate review. No third party payer shall be excluded from
31 positive financial incentives based upon volume of gross
32 patient revenues. No state or federal funds appropriated or
33 available to the department shall be used for any such pilot
34 program.

35 Sec. 14. Section 135.105A, subsections 3 and 4, Code

1 Supplement 1997, are amended to read as follows:

2 3. A person who owns real property which includes a
3 residential dwelling and who performs lead inspection or lead
4 abatement of the residential dwelling is not required to
5 obtain certification to perform these measures, unless the
6 residential dwelling is occupied by a person other than the
7 owner or a member of the owner's immediate family while the
8 measures are being performed. However, the department shall
9 encourage property owners and-managers who are not required to
10 be certified to complete the training course to ensure the use
11 of appropriate and safe mitigation and abatement procedures.

12 4. Except as otherwise provided in this section, a
13 person shall not perform lead abatement or lead inspections
14 unless the person has completed a training program approved by
15 the department and has obtained certification. A person who
16 violates this section is subject to a civil penalty not to
17 exceed five thousand dollars for each offense.

18 Sec. 15. Section 135.107, subsection 4, Code Supplement
19 1997, is amended to read as follows:

20 4. The director of public health shall establish a primary
21 care collaborative work group to coordinate all statewide
22 recruitment and retention activities established pursuant to
23 this section and to make recommendations to the department and
24 the center for rural health and primary care relating to the
25 implementation of subsection 3. Membership of the work group
26 shall consist, at a minimum, of representatives from the
27 university of Iowa college of medicine, university of
28 osteopathic medicine and health sciences, university of Iowa
29 physician assistant school, university of Iowa nurse
30 practitioner school, university of osteopathic medicine and
31 health sciences physician assistant program, Iowa-Nebraska
32 primary care association, Iowa medical society, Iowa
33 osteopathic medical association, Iowa chapter of American
34 college of osteopathic family physicians, Iowa academy of
35 family physicians, nurse practitioner association, Iowa nurses

1 association, Iowa-hospitals association of Iowa hospitals and
2 health systems, and Iowa physicians assistants association.

3 Sec. 16. Section 135B.20, subsection 4, Code 1997, is
4 amended to read as follows:

5 4. "Joint conference committee" shall mean the joint
6 conference committee as required by the joint commission on
7 accreditation of hospitals health care organizations or, in a
8 hospital having no such committee, a similar committee, an
9 equal number of which shall be members of the medical staff
10 selected by the staff and an equal number of which shall be
11 selected by the governing board of the hospital.

12 Sec. 17. Section 135J.2, unnumbered paragraph 2, Code
13 1997, is amended to read as follows:

14 The hospice program shall meet the criteria pursuant to
15 section 135J.3 before a license is issued. The department of
16 inspections and appeals is responsible to provide the
17 necessary personnel to inspect the hospice program, the home
18 care and inpatient care provided and the hospital or facility
19 used by the hospice to determine if the hospice complies with
20 necessary standards before a license is issued. Hospices that
21 are certified as medicare hospice providers by the department
22 of inspections and appeals or are accredited as hospices by
23 the joint commission ~~for~~ on the accreditation of hospitals
24 health care organizations, shall be licensed without
25 inspection by the department of inspections and appeals.

26 Sec. 18. Section 147A.2, Code 1997, is amended to read as
27 follows:

28 147A.2 COUNCIL ESTABLISHED -- TERMS OF OFFICE.

29 An EMS advisory council shall be appointed by the director.
30 Membership of the council shall be comprised of individuals
31 nominated from, but not limited to, the following state or
32 national organizations: Iowa osteopathic medical association,
33 Iowa medical society, American college of emergency
34 physicians, Iowa physician assistant society, Iowa academy of
35 family physicians, university of Iowa hospitals and clinics,

1 Iowa EMS association, Iowa firemen's association, Iowa
2 professional firefighters, EMS education programs committee,
3 EMS regional council, Iowa nurses association, Iowa-hospital
4 association of Iowa hospitals and health systems, and the Iowa
5 state association of counties.

6 The EMS advisory council shall advise the director and
7 develop policy recommendations concerning the regulation,
8 administration, and coordination of emergency medical services
9 in the state.

10 Sec. 19. Section 147A.24, subsection 1, paragraphs i and
11 j, Code 1997, are amended to read as follows:

12 i. Iowa-hospital-association Association of Iowa hospitals
13 and health systems representing rural hospitals.

14 j. Iowa-hospital-association Association of Iowa hospitals
15 and health systems representing urban hospitals.

16 Sec. 20. Section 155A.13, subsection 4, paragraph d, Code
17 1997, is amended to read as follows:

18 d. Give recognition to the standards of the joint
19 commission on the accreditation of hospitals health care
20 organizations and the American osteopathic association and to
21 the conditions of participation under medicare.

22 Sec. 21. Section 169C.4, subsection 1, paragraphs a and b,
23 Code Supplement 1997, are amended to read as follows:

24 a. To a landowner for damages caused by the livestock
25 owner's livestock which have trespassed on the landowner's
26 land, including but not limited to property damage and costs
27 incurred by a the landowner's custody of the livestock
28 including maintenance costs. A livestock owner's liability is
29 not affected by the failure of a landowner to take custody of
30 the livestock. A livestock owner shall not be liable for
31 damages incurred by the a landowner if the livestock
32 trespassed through a fence that was not maintained by the
33 landowner as required pursuant to chapter 359A.

34 b. To a landowner who takes custody of livestock on a
35 public road as provided in section ~~169C-9~~ 169C.2 for costs

1 incurred by the landowner in taking custody of the livestock,
2 including maintenance costs.

3 Sec. 22. Section 169C.4, subsection 3, Code Supplement
4 1997, is amended to read as follows:

5 3. ~~An aggrieved party~~ A landowner is not liable for an
6 injury or death suffered by the livestock in the landowner's
7 custody, unless the landowner caused the injury or death. The
8 landowner is not liable for livestock that strays from the
9 landowner's land. An aggrieved party is not liable for
10 livestock that strays from the control of the aggrieved party.

11 Sec. 23. Section 218.99, Code Supplement 1997, is amended
12 to read as follows:

13 218.99 COUNTIES TO BE NOTIFIED OF PATIENTS' PERSONAL
14 ACCOUNTS.

15 The administrator of a division of the department of human
16 services in control of a state institution shall direct the
17 business manager of each institution under the administrator's
18 jurisdiction which is mentioned in section 331.424, subsection
19 1, paragraphs "a" and "b" and for which services are paid
20 under section 331.424A to quarterly inform the county of legal
21 settlement's entity designated to perform the county's single
22 entry point process of any patient or resident who has an
23 amount in excess of two hundred dollars on account in the
24 patients' personal deposit fund and the amount on deposit.
25 The administrators shall direct the business manager to
26 further notify the entity designated to perform the county's
27 single entry point process at least fifteen days before the
28 release of funds in excess of two hundred dollars or upon the
29 death of the patient or resident. If the patient or resident
30 has no county of legal settlement, notice shall be made to the
31 director of human services and the administrator of the
32 division of the department in control of the institution
33 involved.

34 Sec. 24. Section 232.19, subsection 1, paragraph c, Code
35 Supplement 1997, is amended to read as follows:

1 c. By a peace officer, when the peace officer has
2 reasonable grounds to believe the child has run away from the
3 child's parents, guardian, or custodian, for the purposes of
4 determining whether the child shall be reunited with the
5 child's parents, guardian, or custodian, placed in shelter
6 care, or, if the child is a chronic runaway and the county has
7 an approved county runaway treatment plan, placed in a runaway
8 assessment and-counseling center under section 232.196.

9 Sec. 25. Section 232.54, subsection 7, Code Supplement
10 1997, is amended to read as follows:

11 7. With respect to a juvenile court dispositional order
12 entered regarding a child who has received a youthful offender
13 deferred sentence under section 907.3A, the dispositional
14 order may be terminated prior to the child reaching the age of
15 eighteen upon motion of the child, the person or agency to
16 whom custody of the child has been transferred, or the county
17 attorney following a hearing before the juvenile court if it
18 is shown by clear and convincing evidence that it is in the
19 best interests of the child and the community to terminate the
20 order. The hearing may be waived if all parties to the
21 proceeding agree. The dispositional order regarding a child
22 who has received a youthful offender deferred sentence may
23 also be terminated prior to the child reaching the age of
24 eighteen upon motion of the county attorney, if the waiver of
25 the child to district court was conditioned upon the terms of
26 an agreement between the county attorney and the child, and
27 the child violates the terms of the agreement after the waiver
28 order has been entered. The district court shall discharge
29 the child's youthful offender status upon receiving a
30 termination order under this section.

31 Sec. 26. Section 232.148, subsection 5, paragraph b, Code
32 Supplement 1997, is amended to read as follows:

33 b. After a petition is filed, the petition is dismissed or
34 the proceedings are suspended and the child has not entered
35 into a consent decree, and has not been adjudicated delinquent

1 on the basis of a delinquent act other than one alleged in the
2 petition in question, or the child has not been placed on
3 youthful offender status.

4 Sec. 27. Section 232.163, subsection 2, Code Supplement
5 1997, is amended to read as follows:

6 2. If a child is placed outside the residency state of the
7 child's parent, the placement sending agency shall provide for
8 a designee to visit the child at least once every twelve
9 months and to submit a written report to the court concerning
10 the child and the visit.

11 Sec. 28. Section 232.195, Code Supplement 1997, is amended
12 to read as follows:

13 232.195 RUNAWAY TREATMENT PLAN.

14 A county may develop a runaway treatment plan to address
15 problems with chronic runaway children in the county. The
16 plan shall identify the problems with chronic runaway children
17 in the county and specific solutions to be implemented by the
18 county, including the development of a runaway assessment and
19 counseling center.

20 Sec. 29. Section 232.196, Code Supplement 1997, is amended
21 to read as follows:

22 232.196 RUNAWAY ASSESSMENT AND-COUNSELING CENTER.

23 1. As part of a county runaway treatment plan under
24 section 232.195, a county may establish a runaway assessment
25 and-treatment center or other plan. The center or other plan,
26 if established, shall provide services to assess a child who
27 is referred to the center or plan for being a chronic runaway
28 and intensive family counseling services designed to address
29 any problem causing the child to run away. A center shall at
30 least meet the requirements established for providing child
31 foster care under chapter 237.

32 2. a. If not sent home with the child's parent, guardian,
33 or custodian, a chronic runaway may be placed in a runaway
34 assessment and-treatment center by the peace officer who takes
35 the child into custody under section 232.19, if the officer

1 believes it to be in the child's best interest after
2 consulting with the child's parent, guardian, or custodian. A
3 chronic runaway shall not be placed in a runaway assessment
4 and-treatment center for more than forty-eight hours.

5 b. If a runaway is placed in a-treatment an assessment
6 center according to a county plan, the runaway shall be
7 assessed within twenty-four hours of being placed in the
8 center by a center counselor to determine the following:

9 (1) The reasons why the child is a runaway.

10 (2) Whether the initiation or continuation of child in
11 need of assistance or family in need of assistance proceedings
12 is appropriate.

13 c. As soon as practicable following the assessment, the
14 child and the child's parents, guardian, or custodian shall be
15 provided the opportunity for a counseling session to identify
16 the underlying causes of the runaway behavior and develop a
17 plan to address those causes.

18 d. A child shall be released from a runaway assessment and
19 treatment center, established pursuant to the county plan, to
20 the child's parents, guardian, or custodian not later than
21 forty-eight hours after being placed in the center unless the
22 child is placed in shelter care under section 232.21 or an
23 order is entered under section 232.78. A child whose parents,
24 guardian, or custodian failed to attend counseling at the
25 center or fail to take custody of the child at the end of
26 placement in the center may be the subject of a child in need
27 of assistance petition or such other order as the juvenile
28 court finds to be in the child's best interest.

29 Sec. 30. Section 235C.2, subsection 8, Code 1997, is
30 amended to read as follows:

31 8. A hospital administrator selected by the board of the
32 ~~Iowa-hospital~~ association of Iowa hospitals and health
33 systems.

34 Sec. 31. Section 252B.1, subsection 2, Code Supplement
35 1997, is amended to read as follows:

1 on the basis of a delinquent act other than one alleged in the
2 petition in question, or the child has not been placed on
3 youthful offender status.

4 Sec. 27. Section 232.163, subsection 2, Code Supplement
5 1997, is amended to read as follows:

6 2. If a child is placed outside the residency state of the
7 child's parent, the ~~placement~~ sending agency shall provide for
8 a designee to visit the child at least once every twelve
9 months and to submit a written report to the court concerning
10 the child and the visit.

11 Sec. 28. Section 232.195, Code Supplement 1997, is amended
12 to read as follows:

13 232.195 RUNAWAY TREATMENT PLAN.

14 A county may develop a runaway treatment plan to address
15 problems with chronic runaway children in the county. The
16 plan shall identify the problems with chronic runaway children
17 in the county and specific solutions to be implemented by the
18 county, including the development of a runaway assessment and
19 counseling center.

20 Sec. 29. Section 232.196, Code Supplement 1997, is amended
21 to read as follows:

22 232.196 RUNAWAY ASSESSMENT AND-COUNSELING CENTER.

23 1. As part of a county runaway treatment plan under
24 section 232.195, a county may establish a runaway assessment
25 and-treatment center or other plan. The center or other plan,
26 if established, shall provide services to assess a child who
27 is referred to the center or plan for being a chronic runaway
28 and intensive family counseling services designed to address
29 any problem causing the child to run away. A center shall at
30 least meet the requirements established for providing child
31 foster care under chapter 237.

32 2. a. If not sent home with the child's parent, guardian,
33 or custodian, a chronic runaway may be placed in a runaway
34 assessment and-treatment center by the peace officer who takes
35 the child into custody under section 232.19, if the officer

1 believes it to be in the child's best interest after
2 consulting with the child's parent, guardian, or custodian. A
3 chronic runaway shall not be placed in a runaway assessment
4 and-treatment center for more than forty-eight hours.

5 b. If a runaway is placed in a-treatment an assessment
6 center according to a county plan, the runaway shall be
7 assessed within twenty-four hours of being placed in the
8 center by a center counselor to determine the following:

9 (1) The reasons why the child is a runaway.

10 (2) Whether the initiation or continuation of child in
11 need of assistance or family in need of assistance proceedings
12 is appropriate.

13 c. As soon as practicable following the assessment, the
14 child and the child's parents, guardian, or custodian shall be
15 provided the opportunity for a counseling session to identify
16 the underlying causes of the runaway behavior and develop a
17 plan to address those causes.

18 d. A child shall be released from a runaway assessment and
19 treatment center, established pursuant to the county plan, to
20 the child's parents, guardian, or custodian not later than
21 forty-eight hours after being placed in the center unless the
22 child is placed in shelter care under section 232.21 or an
23 order is entered under section 232.78. A child whose parents,
24 guardian, or custodian failed to attend counseling at the
25 center or fail to take custody of the child at the end of
26 placement in the center may be the subject of a child in need
27 of assistance petition or such other order as the juvenile
28 court finds to be in the child's best interest.

29 Sec. 30. Section 235C.2, subsection 8, Code 1997, is
30 amended to read as follows:

31 8. A hospital administrator selected by the board of the
32 fewa-hospital association of Iowa hospitals and health
33 systems.

34 Sec. 31. Section 252B.1, subsection 2, Code Supplement
35 1997, is amended to read as follows:

1 2. "Child" includes but shall not be limited to a
2 stepchild, foster child or legally adopted child and means a
3 child actually or apparently under eighteen years of age, and
4 a dependent person eighteen years of age or over who is unable
5 to maintain the person's self and is likely to become a public
6 charge. "Child" includes "dependent-children child" as
7 defined in section 239B.1.

8 Sec. 32. Section 255.26, unnumbered paragraph 1, Code
9 1997, is amended to read as follows:

10 Warrants issued under section 255.25 shall be promptly
11 drawn on the treasurer of state and forwarded by the director
12 of revenue and finance to the treasurer of the state
13 university, and the same shall be by the treasurer of the
14 state university placed to the credit of the funds which are
15 set aside for the support of said the university hospital.
16 However, warrants shall not be paid unless the UB-82 claim
17 required pursuant to section 255A.13 has been filed with the
18 Iowa community health data-commission management information
19 system. The superintendent of the said university hospital
20 shall certify to the auditor of state on the first day of
21 January, April, July and October of each year, the amount as
22 herein provided not previously certified by the superintendent
23 due the state from the several counties having patients
24 chargeable thereto, and the auditor of state shall thereupon
25 charge the same to the county so owing. A duplicate
26 certificate shall also be mailed to the auditor of each county
27 having patients chargeable thereto. Expenses for obstetrical
28 patients served under section 255A.9 shall be reimbursed as
29 specified in section 255A.9.

30 Sec. 33. Section 255A.13, Code 1997, is amended to read as
31 follows:

32 255A.13 DATA COLLECTION.

33 Beginning July 1, 1987, the University of Iowa hospitals
34 and clinics shall submit, on a quarterly basis, UB-82 claims
35 for all patients discharged after being served under the

1 indigent patient program under chapter 255. The UB-82 claim
2 shall include all data elements which are required by the Iowa
3 community health data-commission management information
4 system.

5 Sec. 34. Section 257.14, subsection 2, Code Supplement
6 1997, is amended by striking the subsection.

7 Sec. 35. Section 260A.1, subsection 4, Code Supplement
8 1997, is amended to read as follows:

9 4. Moneys received by a community college under this
10 section shall not be commingled with general state financial
11 aid, including financial aid to merged areas in lieu of
12 personal property tax replacement payments under-section
13 ~~427A-13~~, to merged areas as defined in section 260C.2, and
14 including moneys received for vocational education programs in
15 accordance with chapters 258 and 260C. Payments made to a
16 community college shall be accounted for by the community
17 college separately from other state aid payments. Each
18 community college shall maintain a separate listing within its
19 budget accounting for payments received and expenditures made
20 pursuant to this section and section 260A.3.

21 Sec. 36. Section 280.17, Code 1997, is amended to read as
22 follows:

23 280.17 PROCEDURES FOR HANDLING CHILD ABUSE REPORTS.
24 The board of directors of a public school and the
25 authorities in control of a nonpublic school shall prescribe
26 procedures, in accordance with the guidelines contained in the
27 model policy developed by the department of education in
28 consultation with the department of human services, and
29 adopted by the department of education pursuant to chapter
30 17A, for the handling of reports of child abuse, as defined in
31 section 232.68, subsection 2, paragraph "a", "b e", or "d e",
32 alleged to have been committed by an employee or agent of the
33 public or nonpublic school.

34 Sec. 37. Section 297.22, subsection 3, Code Supplement
35 1997, is amended to read as follows:

1 3. The provisions in subsection subsections 1 and 2
2 relating to the sale, lease, or disposition of school district
3 property do not apply to student-constructed buildings and the
4 property on which student-constructed buildings are located.
5 The board of directors of a school district may sell, lease,
6 or dispose of a student-constructed building and the property
7 on which the student-constructed building is located, and may
8 purchase sites for the erection of additional structures, by
9 any procedure which is adopted by the board.

10 Sec. 38. Section 307.25, subsection 4, Code Supplement
11 1997, is amended to read as follows:

12 4. Administer chapters ~~327A~~ 328, 329 and 330.

13 Sec. 39. Section 307.27, subsection 7, Code Supplement
14 1997, is amended to read as follows:

15 7. Administer the regulation of motor vehicle-certificated
16 carriers pursuant to chapter ~~325~~ 325A.

17 Sec. 40. Section 307.27, subsection 8, Code Supplement
18 1997, is amended by striking the subsection.

19 Sec. 41. Section 321.20B, subsection 1, unnumbered
20 paragraph 2, Code Supplement 1997, is amended to read as
21 follows:

22 This subsection does not apply to the operator of a motor
23 vehicle owned or leased to the United States, this state, or
24 any political subdivision of this state or to a motor vehicle
25 which is subject to section ~~325-267-327-157-327A-57~~ 325A.6 or
26 327B.6.

27 Sec. 42. Section 321.44A, Code Supplement 1997, is amended
28 to read as follows:

29 321.44A VOLUNTARY CONTRIBUTION -- ANATOMICAL GIFT PUBLIC
30 AWARENESS AND TRANSPLANTATION FUND -- AMOUNT RETAINED BY
31 COUNTY TREASURER.

32 For each application for registration or renewal, the
33 county treasurer or the department shall request through use
34 of a written form, and, if the application is made in person,
35 through verbal communication, that an applicant make a

1 voluntary contribution of one dollar or more to the anatomical
2 gift public awareness and transplantation fund established
3 pursuant to section 142C.15. Ninety-five percent of the
4 moneys collected by the county and one hundred percent of the
5 moneys collected by the department in the form of
6 contributions shall be remitted to the treasurer of state for
7 deposit in the fund to be used for the purposes specified for
8 the fund. The remaining five percent of the moneys collected
9 by the county shall be retained by the county treasurer for
10 deposit in the general fund of the county. The director shall
11 adopt rules to administer this section.

12 Sec. 43. Section 321.71, subsection 7, Code 1997, is
13 amended to read as follows:

14 7. A certificate of title shall not be issued for a motor
15 vehicle less than ten model years old which is equipped with
16 an odometer by the manufacturer, unless an odometer statement
17 which is in compliance with federal law and regulations has
18 been made by the transferor of the vehicle and is furnished
19 with the application for certificate of title. The new
20 certificate of title shall record on its face the odometer
21 reading and the word "actual" if the true mileage is known.
22 If the odometer reading is not the true mileage or the true
23 mileage is unknown, the words "not actual" shall be recorded.
24 If the odometer reading is greater than the odometer can
25 mechanically count, the words "exceeds the mechanical limits"
26 shall be recorded. However, a certificate of title may be
27 issued for a motor vehicle to a person who moves into this
28 state if the person acquired ownership of the motor vehicle
29 prior to moving to this state. This subsection does not apply
30 to motor vehicles having a registered gross vehicle weight
31 rating of more than sixteen thousand pounds.

32 Sec. 44. Section 321.179, subsection 1, unnumbered
33 paragraph 1, Code Supplement 1997, is amended to read as
34 follows:

35 Notwithstanding the provisions of this chapter or chapter

1 321L which grant sole authority to the department for the
 2 issuance of motor vehicle licenses, nonoperator's
 3 identification cards, and persons with disabilities
 4 identification-devices parking permits, the counties of Adams,
 5 Cass, Fremont, Mills, Montgomery, and Page shall be authorized
 6 to issue motor vehicle licenses, nonoperator's identification
 7 cards, and persons with disabilities identification-devices
 8 parking permits on a permanent basis. However, a county shall
 9 only be authorized to issue commercial driver's licenses if
 10 certified to do so by the department. If a county fails to
 11 meet the standards for certification under this section, the
 12 department itself shall provide for the issuance of commercial
 13 driver's licenses in that county. The department shall
 14 certify the county treasurers in the permanent counties to
 15 issue commercial driver's licenses if all of the following
 16 conditions are met:

17 Sec. 45. Section 321.216B, Code Supplement 1997, is
 18 amended to read as follows:

19 321.216B USE OF MOTOR VEHICLE LICENSE OR NONOPERATOR'S
 20 IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN ALCOHOL.

21 A person who is under the age of twenty-one, who alters or
 22 displays or has in the person's possession a fictitious or
 23 fraudulently altered motor vehicle license or nonoperator's
 24 identification card and who uses the license to violate or
 25 attempt to violate section 123.47, commits a simple
 26 misdemeanor punishable by a fine of one hundred dollars. The
 27 court shall forward a copy of the conviction ~~or order of~~
 28 ~~adjudication under section 232.47~~ to the department.

29 Sec. 46. Section 321.231, subsection 5, Code Supplement
 30 1997, is amended to read as follows:

31 5. The foregoing provisions shall not relieve the driver
 32 of an authorized emergency vehicle or the rider of a police
 33 bicycle from the duty to drive or ride with due regard for the
 34 safety of all persons, nor shall such provisions protect the
 35 driver or rider from the consequences of the driver's or

1 driver's reckless disregard for the safety of others.

2 Sec. 47. Section 321.284, Code 1997, is amended to read as
3 follows:

4 321.284 OPEN CONTAINERS IN MOTOR VEHICLES.

5 A person driving a motor vehicle shall not knowingly
6 possess in a motor vehicle upon a public street or highway an
7 open or unsealed bottle, can, jar, or other receptacle
8 containing an alcoholic beverage, wine, or beer with the
9 intent to consume the alcoholic beverage, wine, or beer while
10 the motor vehicle is upon a public street or highway.

11 Evidence that an open or unsealed receptacle containing an
12 alcoholic beverage, wine, or beer was found during an
13 authorized search in the glove compartment, utility
14 compartment, console, front passenger seat, or any unlocked
15 portable device and within the immediate reach of the driver
16 while the motor vehicle is upon a public street or highway is
17 evidence from which the court or jury may infer that the
18 driver intended to consume the alcoholic beverage, wine, or
19 beer while upon the public street or highway if the inference
20 is supported by corroborative evidence. However, an open or
21 unsealed receptacle containing an alcoholic beverage, wine, or
22 beer may be transported at any time in the trunk of the motor
23 vehicle or in some other area of the interior of the motor
24 vehicle not designed or intended to be occupied by the driver
25 and not readily accessible to the driver while the motor
26 vehicle is in motion. A person convicted of a violation of
27 this section is guilty of a simple misdemeanor punishable as a
28 scheduled violation under section 805.8, subsection 10,
29 paragraph-"e".

30 Sec. 48. Section 321.492, unnumbered paragraph 2, Code
31 Supplement 1997, is amended to read as follows:

32 A peace officer having probable cause to stop a vehicle may
33 require exhibition of the proof of ~~insurance~~ financial
34 liability coverage card issued for the vehicle if the vehicle
35 is a motor vehicle registered in this state.

1 Sec. 49. Section 321A.33, Code Supplement 1997, is amended
2 to read as follows:

3 321A.33 EXCEPTIONS.

4 This chapter does not apply to any motor vehicle owned by
5 the United States, this state, or any political subdivision of
6 this state or to any operator, except for section 321A.4,
7 while on official duty operating such motor vehicle. This
8 chapter does not apply, except for sections 321A.4 and
9 321A.26, to any motor vehicle which is subject to section
10 ~~325-267-327-157-327A-57~~, 325A.6 or 327B.6.

11 Sec. 50. Section 321J.2, subsection 3, paragraph a,
12 subparagraph (3), Code Supplement 1997, is amended to read as
13 follows:

14 (3) If the defendant has previously received a deferred
15 judgment or sentence for a violation of subsection 2 1 or for
16 a violation of a statute in another state substantially
17 corresponding to subsection 2 1.

18 Sec. 51. Section 327C.2, Code Supplement 1997, is amended
19 to read as follows:

20 327C.2 GENERAL JURISDICTION OF TRANSPORTATION DEPARTMENT.

21 The department has general supervision of all railroads in
22 the state, express companies, car companies, freight and
23 freight-line companies, motor carriers, and any common carrier
24 engaged in the transportation of passengers or freight.
25 However, the provisions of this chapter regarding the
26 supervision of carriers do not apply to regular route motor
27 carriers of passengers or charter carriers, as defined under
28 section ~~325-1~~ 325A.12.

29 Sec. 52. Section 327D.1, Code Supplement 1997, is amended
30 to read as follows:

31 327D.1 APPLICABILITY OF CHAPTER.

32 This chapter applies to intrastate transportation by for-
33 hire common carriers of persons and property. However, this
34 chapter does not apply to regular route motor carriers of
35 passengers or charter carriers, as defined under section ~~325-1~~

1 325A.12.

2 Sec. 53. Section 331.439, subsection 3, paragraph b, Code
3 Supplement 1997, is amended to read as follows:

4 b. Based upon information contained in county management
5 plans and budgets, the state-county management committee shall
6 recommend an allowed growth factor adjustment to the governor
7 by November 15 for the fiscal year which commences two years
8 from the beginning date of the fiscal year in progress at the
9 time the recommendation is made. The allowed growth factor
10 adjustment shall address costs associated with new consumers
11 of service, service cost inflation, and investments for
12 economy and efficiency. In developing the service cost
13 inflation recommendation, the committee shall consider the
14 cost trends indicated by the gross expenditure amount reported
15 in the expenditure reports submitted by counties pursuant to
16 subsection 1, paragraph "b a". The governor shall consider
17 the committee's recommendation in developing the governor's
18 recommendation for an allowed growth factor adjustment for
19 such fiscal year. The governor's recommendation shall be
20 submitted at the time the governor's proposed budget for the
21 succeeding fiscal year is submitted in accordance with chapter
22 8.

23 Sec. 54. Section 331.439, subsection 7, Code Supplement
24 1997, is amended to read as follows:

25 7. A county shall annually report data concerning the
26 services managed by the county. At a minimum, the data
27 reported shall indicate the number of different individuals
28 who utilized services in a fiscal year and the various types
29 of services. Data reported under this subsection shall be
30 submitted with the county's expenditure report required under
31 subsection 1, paragraph "b a".

32 Sec. 55. Section 400.1, Code Supplement 1997, is amended
33 to read as follows:

34 400.1 APPOINTMENT OF COMMISSION.

35 In cities having a population of eight thousand or over and

1 having a paid fire department or a paid police department, the
2 mayor, one year after each a regular municipal election, with
3 the approval of the council, shall appoint three civil service
4 commissioners who shall hold office, one until the first
5 Monday in April of the second year, one until the first Monday
6 in April of the third year, and one until the first Monday in
7 April of the fourth year after such appointment, whose
8 successors shall be appointed for a term of four years. In
9 cities having a population of more than one hundred thousand,
10 the city council may establish, by ordinance, the number of
11 civil service commissioners at not less than three.

12 For the purpose of determining the population of a city
13 under this chapter, the federal census conducted in 1980 shall
14 be used.

15 Sec. 56. Section 403.22, subsection 1, unnumbered
16 paragraph 3, Code Supplement 1997, is amended to read as
17 follows:

18 For a municipality with a population of five thousand or
19 less, the municipality need not provide any low and moderate
20 income family housing assistance if the municipality has
21 completed a housing needs assessment meeting the standards set
22 out by the department of economic development, which shows no
23 low and moderate income housing need and the department of
24 economic development agrees that no low and moderate income
25 family housing assistance is needed.

26 Sec. 57. Section 422.7, subsection 12A, unnumbered
27 paragraph 3, Code Supplement 1997, is amended to read as
28 follows:

29 The additional deduction shall not be allowed for wages
30 paid to an individual who was hired to replace an individual
31 whose employment was terminated within the twelve-month period
32 preceding the date of first employment. However, if the
33 individual being replaced left employment voluntarily without
34 good cause attributable to the employer or if the individual
35 was discharged for misconduct in connection with the

1 individual's employment as determined by the ~~division-of-job~~
2 ~~service-of-the~~ department of ~~employment-services~~ workforce
3 development, the additional deduction shall be allowed.

4 Sec. 58. Section 422.120, subsection 1, paragraph a, Code
5 Supplement 1997, is amended to read as follows:

6 a. There is allowed a state tax credit for livestock
7 production operations located in the state. The amount of the
8 credit equals ten cents for each corn equivalent consumed by
9 the livestock in the production operation as specified under
10 this section. The credit shall be refunded as provided in
11 section ~~422-121~~ 422.122.

12 Sec. 59. Section 426B.2, subsection 3, Code Supplement
13 1997, is amended to read as follows:

14 3. The ~~department~~ director of human services shall notify
15 ~~the-director-of-revenue-and-finance-of-the-amounts-due-a~~
16 ~~county-in-accordance-with-the-provisions-of-this-section.--The~~
17 ~~director-of-revenue-and-finance-shall~~ draw warrants on the
18 property tax relief fund, payable to the county treasurer in
19 the amount due to a county in accordance with subsection 1 and
20 mail the warrants to the county auditors in September and
21 March of each year.

22 Sec. 60. Section 426B.3, subsection 1, Code Supplement
23 1997, is amended to read as follows:

24 1. The county auditor shall reduce the certified budget
25 amount received from the board of supervisors for the
26 succeeding fiscal year for the county mental health, mental
27 retardation, and developmental disabilities services fund
28 created in section 331.424A by an amount equal to the amount
29 the county will receive from the property tax relief fund
30 pursuant to section 426B.2, for the succeeding fiscal year and
31 the auditor shall determine the rate of taxation necessary to
32 raise the reduced amount. On the tax list, the county auditor
33 shall compute the amount of taxes due and payable on each
34 parcel before and after the amount received from the property
35 tax relief fund is used to reduce the county budget. The

1 director of ~~revenue-and-finance~~ human services shall notify
2 the county auditor of each county of the amount of moneys the
3 county will receive from the property tax relief fund pursuant
4 to section 426B.2, for the succeeding fiscal year.

5 Sec. 61. Section 452A.52, unnumbered paragraph 2, Code
6 1997, is amended to read as follows:

7 Any person who is unable to display either of the permits
8 or the license provided in section 452A.53 and brings into the
9 state in the fuel supply tanks of a commercial motor vehicle
10 more than thirty gallons of motor fuel or special fuel in
11 violation of the provisions of the preceding paragraph is
12 guilty of a simple misdemeanor.

13 Sec. 62. Section 452A.53, unnumbered paragraph 4, Code
14 Supplement 1997, is amended to read as follows:

15 Each vehicle operated into or through Iowa in interstate
16 operations using motor fuel or special fuel acquired in any
17 other state shall carry in or on the vehicle a duplicate or
18 evidence of the permit or license required in this section. A
19 fee not to exceed fifty cents shall be charged for each
20 duplicate or other evidence of a permit or license issued.

21 Sec. 63. Section 453A.3, subsection 2, Code Supplement
22 1997, is amended to read as follows:

23 2. A person who violates section 453A.2, subsection 2,
24 shall pay a civil penalty pursuant to section 805.8,
25 subsection 11. Failure to pay the civil penalty imposed for a
26 violation of section 453A.2, subsection 2, is a simple
27 misdemeanor punishable as a scheduled violation under section
28 805.8, subsection 11. Notwithstanding section 602.8106 or any
29 other provision to the contrary, any civil penalty or criminal
30 fine paid under this subsection shall be retained by the city
31 or county enforcing the violation to be used for enforcement
32 of section 453A.2.

33 Sec. 64. Section 455A.11, Code 1997, is amended to read as
34 follows:

35 455A.11 PREFERENCES IN TEMPORARY EMPLOYMENT.

1 In its employment of persons in temporary positions in
2 conservation and outdoor recreation, the department of natural
3 resources shall give preference to persons meeting eligibility
4 requirements for the green thumb program under-section-15-227
5 and to persons working toward an advanced education in natural
6 resources and conservation.

7 Sec. 65. Section 487.909, Code Supplement 1997, is amended
8 to read as follows:

9 487.909 RESIGNATION OF AGENT FOR SERVICE OF PROCESS.

10 An agent for service of process of a foreign limited
11 partnership may resign as agent by signing and delivering to
12 the secretary of state an original statement of resignation
13 for filing in accordance with section ~~487-206~~ 487.108. The
14 agent shall send a copy of the statement of resignation by
15 certified mail to the foreign limited partnership at its
16 principal place of business. The agent shall certify to the
17 secretary of state that the copy has been sent to the limited
18 partnership, including the date the copy was sent. The
19 appointment of the agent terminates on the date on which the
20 statement is filed by the secretary of state.

21 Sec. 66. Section 490.1110, subsection 2, Code Supplement
22 1997, is amended to read as follows:

23 2. This section does not apply in any of the following
24 circumstances:

25 a. The corporation does not have a class of voting stock
26 that is listed on a national securities exchange, authorized
27 for quotation on the national association of securities
28 dealers automated quotations--national market system, or held
29 of record by more than two thousand shareholders, unless any
30 of the foregoing results from action taken, directly or
31 indirectly, by an interested shareholder or from a transaction
32 in which a person becomes an interested shareholder.

33 b. The corporation's original articles of incorporation
34 contain a provision expressly electing not to be governed by
35 this section.

1 c. The corporation, by action of its board of directors,
2 adopts an amendment to its bylaws by no later than September
3 29, 1997, expressly electing not to be governed by this
4 section, which amendment shall not be further amended by the
5 board of directors.

6 d. The corporation, by action of its shareholders, adopts
7 an amendment to its articles of incorporation or bylaws
8 expressly electing not to be governed by this section,
9 provided that, in addition to any other vote required by law,
10 such amendment to the articles of incorporation or bylaws must
11 be approved by the affirmative vote of a majority of the
12 shares entitled to vote. An amendment adopted pursuant to
13 this paragraph is effective immediately in the case of a
14 corporation that has never had a class of voting stock that
15 falls within any of the three categories set out in paragraph
16 "a" and has not elected by a provision in its original
17 articles of incorporation or any amendment to such articles to
18 be governed by this section. In all other cases, an amendment
19 adopted pursuant to this paragraph is not effective until
20 twelve months after the adoption of the amendment and does not
21 apply to any business combination between the corporation and
22 any person who became an interested shareholder of the
23 corporation on or prior to such adoption.

24 An amendment to the bylaws adopted pursuant to this
25 paragraph shall not be further amended by the board of
26 directors.

27 e. A shareholder becomes an interested shareholder
28 inadvertently and both of the following apply:

29 (1) As soon as practicable the shareholder divests itself
30 of ownership of sufficient shares so that the shareholder
31 ceases to be an interested shareholder.

32 (2) The shareholder would not, at any time within the
33 three-year period immediately prior to a business combination
34 between the corporation and such shareholder, have been an
35 interested shareholder but for the inadvertent acquisition of

1 ownership.

2 f. (1) The business combination is proposed prior to the
3 consummation or abandonment of and subsequent to the earlier
4 of the public announcement or the notice required in this
5 paragraph of a proposed transaction which satisfies all of the
6 following:

7 (a) Constitutes a transaction described in subparagraph
8 (2).

9 (b) Is with or by a person who either was not an
10 interested shareholder during the previous three years or who
11 became an interested shareholder with the approval of the
12 corporation's board of directors or who became an interested
13 shareholder during the time period described in paragraph "g".

14 (c) Is approved or not opposed by a majority of the
15 members of the board of directors then in office who were
16 directors prior to any person becoming an interested
17 shareholder during the previous three years, or who were
18 recommended for election or elected to succeed such directors
19 by a majority of such directors.

20 (2) A proposed transaction under subparagraph (1) is
21 limited to the following:

22 (a) A merger of the corporation, other than a merger
23 pursuant to section 490.1104.

24 (b) A sale, lease, exchange, mortgage, pledge, transfer,
25 or other disposition, in one or more transactions and whether
26 as part of a dissolution or otherwise, of assets of the
27 corporation or of any direct or indirect majority-owned
28 subsidiary of the corporation, other than to a direct or
29 indirect wholly owned subsidiary of the corporation or to the
30 corporation itself, which has an aggregate market value equal
31 to fifty percent or more of either the aggregate market value
32 of all of the assets of the corporation determined on a
33 consolidated basis, or the aggregate market value of all the
34 outstanding stock of the corporation.

35 (c) A proposed tender or exchange offer for fifty percent

1 or more of the outstanding voting stock of the corporation.

2 (3) The corporation shall give no less than twenty days'
3 notice to all interested shareholders prior to the
4 consummation of any of the transactions described in
5 subparagraph (2), subparagraph subdivision (a) or (b).

6 g. The business combination is with an interested
7 shareholder who becomes an interested shareholder of the
8 corporation at a time when the corporation is not subject to
9 this section pursuant to paragraphs paragraph "a", through
10 "b", "c", or "d".

11 Notwithstanding paragraphs "a" through "d", a corporation
12 may elect under its original articles of incorporation or any
13 amendment to such articles to be subject to this section.
14 However, such amendment shall not apply to restrict a business
15 combination between the corporation and an interested
16 shareholder of the corporation if the interested shareholder
17 became such prior to the effective date of the amendment.

18 Sec. 67. Section 499.22, Code Supplement 1997, is amended
19 to read as follows:

20 499.22 CAPITAL STOCK.

21 An association with capital stock may divide the shares
22 into common and preferred stock. Par value stock shall not be
23 issued for less than par. The general corporation laws shall
24 govern the consideration for which no-par stock is issued. If
25 the articles so provide, common stock may be issued in two
26 classes, voting and nonvoting. Voting stock shall be issued
27 to all agricultural producers and nonvoting stock to all other
28 members. Voting stock or nonvoting stock may be issued to a
29 cooperative association as provided in the cooperative
30 association's articles of incorporation of the association
31 issuing the stock. Nonvoting stock shall have all privileges
32 of membership except the right to vote. Preferred stock held
33 by nonmembers shall not exceed in amount that held by members.

34 Sec. 68. Section 513B.7, subsections 2 and 3, Code
35 Supplement 1997, are amended to read as follows:

1 2. A small employer carrier or organized delivery system
2 shall file each March 1 with the commissioner or the director
3 of public health an actuarial certification that the small
4 employer carrier or organized delivery system is in compliance
5 with this section and that the rating methods of the small
6 employer carrier or organized delivery system are actuarially
7 sound. A copy of the certification shall be retained by the
8 small employer carrier or organized delivery system at its
9 principal place of business.

10 3. A small employer carrier or organized delivery system
11 shall make the information and documentation described in
12 subsection 1 available to the commissioner or organized
13 delivery-system the director of public health upon request.
14 The information is not a public record or otherwise subject to
15 disclosure under chapter 22, and is considered proprietary and
16 trade secret information and is not subject to disclosure by
17 the commissioner or the director of public health to persons
18 outside of the division or department except as agreed to by
19 the small employer carrier or organized delivery system or as
20 ordered by a court of competent jurisdiction.

21 Sec. 69. Section 513B.10, subsection 4, paragraph b,
22 unnumbered paragraph 1, Code Supplement 1997, is amended to
23 read as follows:

24 A carrier or organized delivery system offering group
25 health insurance coverage shall not impose any preexisting
26 condition exclusion as follows:

27 Sec. 70. Section 514E.1, subsection 1, Code Supplement
28 1997, is amended to read as follows:

29 1. "Association" means the Iowa comprehensive health
30 insurance association established by section 514E.2.

31 Sec. 71. Section 514E.7, subsection 4, paragraph b,
32 unnumbered paragraph 1, Code Supplement 1997, is amended to
33 read as follows:

34 Plan coverage shall not impose any preexisting condition
35 exclusion as follows:

1 Sec. 72. Section 535.11, subsection 4, Code 1997, is
2 amended to read as follows:

3 4. With respect to an open account, the creditor may
4 impose a finance charge not exceeding that permitted by
5 section 537.2202, subsections subsection 2 and-3.

6 Sec. 73. Section 537.2202, subsection 3, Code Supplement
7 1997, is amended by striking the subsection.

8 Sec. 74. Section 537.2402, subsection 3, Code Supplement
9 1997, is amended by striking the subsection.

10 Sec. 75. Section 537B.2, subsection 2, Code 1997, is
11 amended to read as follows:

12 2. "Motor vehicle" means a motor vehicle as defined in
13 section 321.1 which is subject to registration. However,
14 "motor vehicle" does not include a motor vehicle, as defined
15 in section 321.1, with a registered gross vehicle weight
16 rating of more than twelve thousand pounds.

17 Sec. 76. Section 556.13, subsection 3, Code Supplement
18 1997, is amended to read as follows:

19 3. If the holder of property reported to the treasurer of
20 state is the issuer of a certificated security, the treasurer
21 of state has the right to obtain a replacement certificate
22 pursuant to section ~~554-8408~~ 554.8405 but an indemnity bond is
23 not required.

24 Sec. 77. Section 602.6110, subsection 1, Code Supplement
25 1997, is amended to read as follows:

26 1. A peer review court may be established in each judicial
27 district to divert certain ~~youthful~~ juvenile offenders from
28 the criminal or juvenile justice systems. The court shall
29 consist of a qualified adult to act as judge while the duties
30 of prosecutor, defense counsel, court attendant, clerk, and
31 jury shall be performed by persons twelve through seventeen
32 years of age.

33 Sec. 78. Section 614.1, subsection 2A, paragraph b,
34 subparagraph (1), Code Supplement 1997, is amended to read as
35 follows:

1 (1) The fifteen-year limitation in paragraph "a" shall not
2 apply to the time period in which to discover a disease that
3 is latent and caused by exposure to a harmful material, in
4 which event the cause of action shall be deemed to have
5 accrued when the disease and such disease's cause have been
6 made known to the person or at the point the person should
7 have been aware of the disease and such disease's cause. This
8 subsection shall not apply to cases governed by section 614.1,
9 subsection 11.

10 Sec. 79. Section 633.556, subsection 3, Code Supplement
11 1997, is amended to read as follows:

12 3. Section 633.551 applies to the appointment of a
13 conservator guardian.

14 Sec. 80. Section 642.2, subsection 1, Code Supplement
15 1997, is amended to read as follows:

16 1. The state of Iowa, and all of its governmental
17 subdivisions and agencies, may be garnished, only as provided
18 in this section and the consent of the state and of its
19 governmental subdivisions and agencies to those garnishment
20 proceedings is hereby given. However, notwithstanding the
21 requirements of this chapter, income withholding notices for
22 child support shall be served on the state, and all of its
23 governmental subdivisions and agencies, pursuant to the
24 requirements of chapter 252D.

25 Sec. 81. Section 673.3, unnumbered paragraph 4, Code
26 Supplement 1997, is amended to read as follows:

27 The domesticated animal may ~~act~~ react unpredictably to
28 conditions, including, but not limited to, a sudden movement,
29 loud noise, an unfamiliar environment, or the introduction of
30 unfamiliar persons, animals, or objects.

31 Sec. 82. Section 730.5, subsection 3, paragraph f, Code
32 1997, is amended to read as follows:

33 f. The employer shall provide substance abuse evaluation,
34 and treatment if recommended by the evaluation, with costs
35 apportioned as provided under the employee benefit plan or at

1 employer expense, if there is no employee benefit plan, the
2 first time an employee's drug test indicates the presence of
3 alcohol or a controlled substance. An employer shall take no
4 disciplinary action against an employee due to the employee's
5 drug involvement the first time the employee's drug test
6 indicates the presence of alcohol or a controlled substance if
7 the employee undergoes a substance abuse evaluation, and if
8 the employee successfully completes substance abuse treatment
9 if treatment is recommended by the evaluation. However, if an
10 employee fails to undergo substance abuse evaluation when
11 required under the results of a drug test, or fails to
12 successfully complete substance abuse treatment when
13 recommended by an evaluation, the employee may be disciplined
14 up to and including discharge. The substance abuse evaluation
15 and treatment provided by the employer shall take place under
16 a program approved by the department of public health or
17 accredited by the joint commission on the accreditation of
18 hospitals health care organizations.

19 Sec. 83. Section 805.8, subsection 2, paragraph c, Code
20 Supplement 1997, is amended to read as follows:

21 c. For improperly used or nonused, or defective or
22 improper equipment, other than brakes, driving lights and
23 brake lights, under sections 321.317, 321.387, 321.388,
24 321.389, 321.390, ~~321.391~~, 321.392, 321.393, 321.422, 321.432,
25 321.436, 321.437, 321.438, subsection 1 or 3, sections
26 321.439, 321.440, 321.441, 321.442, 321.444, and 321.445, the
27 scheduled fine is ten dollars.

28 Sec. 84. Section 805.8, subsection 2, paragraph p, Code
29 Supplement 1997, is amended by striking the paragraph.

30 Sec. 85. Section 805.8, subsection 2, paragraph q, Code
31 Supplement 1997, is amended to read as follows:

32 q. For failure to have proper carrier identification
33 markings under section ~~325.317-327.197-327A.87~~-or 327B.1, the
34 scheduled fine is fifteen dollars.

35 Sec. 86. Section 805.8, subsection 2, paragraph v, Code

1 Supplement 1997, is amended to read as follows:

2 v. Violations of the schedule of axle and tandem axle and
3 gross or group of axle weight violations in section 321.463
4 shall be scheduled violations subject to the provisions,
5 procedures and exceptions contained in sections 805.6 to
6 805.11, irrespective of the amount of the fine under that
7 schedule. Violations of the schedule of weight violations
8 shall be chargeable, where the fine charged does not exceed
9 one hundred dollars, only by uniform citation and complaint.
10 Violations of the schedule of weight violations, where the
11 fine charged exceeds one hundred dollars:

12 ~~---(1)---Shall~~ shall, when the violation is admitted and
13 section 805.9 applies, be chargeable upon uniform citation and
14 complaint, indictment, or county attorney's information,
15 {2} but otherwise, shall be chargeable only upon
16 indictment or county attorney's information.

17 PARAGRAPH DIVIDED. In all cases of charges under the
18 schedule of weight violations, the charge shall specify the
19 amount of fine charged under the schedule. Where a defendant
20 is convicted and the fine under the foregoing schedule of
21 weight violations exceeds one hundred dollars, the conviction
22 shall be of an indictable offense although section 805.9 is
23 employed and whether the violation is charged upon uniform
24 citation and complaint, indictment, or county attorney's
25 information.

26 Sec. 87. Section 805.8, subsection 11, paragraph b,
27 subparagraph (2), Code Supplement 1997, is amended to read as
28 follows:

29 (2) For failing to pay the civil penalty under section
30 453A.2, subsection 2, the scheduled criminal fine is twenty-
31 five dollars if the violation is a first offense, fifty
32 dollars if the violation is a second offense, and one hundred
33 dollars if the violation is a third or subsequent offense.
34 Failure to pay the scheduled criminal fine shall not result in
35 the person being detained in a secure facility. The

1 complainant shall not be charged a filing fee.

2 Sec. 88. Section 809A.4, subsection 2, paragraph b, Code
3 1997, is amended to read as follows:

4 b. If the only conduct giving rise to forfeiture is a
5 violation of section 124.401, subsection 3 5, real property is
6 not subject to forfeiture and other property subject to
7 forfeiture pursuant to paragraph "a", subparagraph (2), may be
8 forfeited only pursuant to section 809A.14.

9 Sec. 89. Section 903A.2, Code Supplement 1997, is amended
10 to read as follows:

11 903A.2 GOOD CONDUCT TIME.

12 1. Each inmate committed to the custody of the director of
13 the department of corrections is eligible for a reduction of
14 sentence for good behavior in the manner provided in this
15 section. For purposes of calculating the amount of time by
16 which an inmate's sentence may be reduced, inmates shall be
17 grouped into the following two sentencing categories:

18 a. Category "A" sentences are those sentences which are
19 not subject to a maximum accumulation of good conduct time of
20 fifteen percent of the total sentence of confinement under
21 section 902.12. To the extent provided in subsection 5,
22 category "A" sentences also include life sentences imposed
23 under section 902.1. An inmate of an institution under the
24 control of the department of corrections who is serving a
25 category "A" sentence is eligible for a reduction of sentence
26 equal to one day for each day of good conduct while committed
27 to one of the department's institutions. In addition, each
28 inmate who is serving a category "A" sentence is eligible for
29 an additional reduction of up to five days per month if the
30 inmate participates satisfactorily in any of the following
31 activities:

- 32 (1) Employment in the institution.
33 (2) Iowa state industries.
34 (3) An employment program established by the director.
35 (4) A treatment program established by the director.

1 (5) An inmate educational program approved by the
2 director.

3 b. Category "B" sentences are those sentences which are
4 subject to a maximum accumulation of good conduct time of
5 fifteen percent of the total sentence of confinement under
6 section 902.12. An inmate of an institution under the control
7 of the department of corrections who is serving a category "B"
8 sentence is eligible for a reduction of sentence equal to
9 fifteen eighty-fifths of a day for each day of good conduct by
10 the inmate.

11 2. Good conduct time earned pursuant to this section may
12 be forfeited in the manner prescribed in section 903A.3.

13 3. Time served in a jail or another facility prior to
14 actual placement in an institution under the control of the
15 department of corrections and credited against the sentence by
16 the court shall accrue for the purpose of reduction of
17 sentence under this section. Time which elapses during an
18 escape shall not accrue for purposes of reduction of sentence
19 under this section.

20 4. Time which elapses between the date on which a person
21 is incarcerated, based upon a determination of the board of
22 parole that a violation of parole has occurred, and the date
23 on which the violation of parole was committed shall not
24 accrue for purposes of reduction of sentence under this
25 section.

26 5. Good conduct time accrued by inmates serving life
27 sentences imposed under section 902.1 shall not reduce the
28 life sentence, but shall be credited against the inmate's
29 sentence if the life sentence is commuted to a term of years
30 under section 902.2.

31 Sec. 90. Section 903A.7, Code Supplement 1997, is amended
32 to read as follows:

33 903A.7 SEPARATE SENTENCES.

34 Consecutive multiple sentences that are within the same
35 category under section 903A.2 shall be construed as one

1 continuous sentence for purposes of calculating reductions of
2 sentence for good conduct time. If a person is sentenced to
3 serve sentences of both categories, category "B" sentences
4 shall be served before category "A" sentences are served, and
5 good conduct time earned against the category "B" sentences
6 shall not be used to reduce the category "A" sentences. If an
7 inmate serving a category "A" sentence is sentenced to serve a
8 category "B" sentence, the category "A" sentence shall be
9 interrupted, and no further good conduct time shall accrue
10 against that sentence until the category "B" sentence is
11 completed.

12 Sec. 91. Section 910.9, unnumbered paragraph 3, Code
13 Supplement 1997, is amended to read as follows:

14 Fines, penalties, and surcharges, crime victim compensation
15 program reimbursement, public agency restitution, court costs
16 including correctional fees claimed by a sheriff pursuant to
17 section 356.7, court-appointed attorney's fees, and expenses
18 for public defenders, shall not be withheld by the clerk of
19 court until all victims have been paid in full. Payments to
20 victims shall be made by the clerk of court at least
21 quarterly. Payments by a clerk of court shall be made no
22 later than the last business day of the quarter, but may be
23 made more often at the discretion of the clerk of court. The
24 clerk of court receiving final payment from an offender, shall
25 notify all victims that full restitution has been made, and a
26 copy of the notice shall be sent to the sentencing court.
27 Each office or individual charged with supervising an offender
28 who is required to perform community service as full or
29 partial restitution shall keep records to assure compliance
30 with the portions of the plan of restitution and restitution
31 plan of payment relating to community service and, when the
32 offender has complied fully with the community service
33 requirement, notify the sentencing court.

34 Sec. 92. 1997 Iowa Acts, chapter 84, section 6, is amended
35 to read as follows:

1 SEC. 6. EFFECTIVE DATE -- APPLICABILITY. This Act, being
2 deemed of immediate importance, takes effect upon enactment.
3 Notwithstanding Prior to the beginning of school for the
4 school year beginning July 1, 1997, and notwithstanding the
5 timing of the notice requirements in section 4 of this Act, a
6 school district may conduct periodic inspection of school
7 lockers, desks, or other facilities or spaces if the school
8 district sends a notice to all students and the students'
9 parents, guardians, or legal custodians prior to commencing
10 any inspections.

11 Sec. 93. 1997 Iowa Acts, chapter 130, section 3, is
12 amended by striking the section and inserting in lieu thereof
13 the following:

14 SEC. 3. Section 904.102, subsection 8, Code 1997, is
15 amended to read as follows:

16 8. ~~Correctional-release-center~~ Newton correctional
17 facility.

18 Sec. 94. 1997 Iowa Acts, chapter 137, section 7, is
19 amended by striking the section and inserting in lieu thereof
20 the following:

21 SEC. 7. Section 455B.304, subsection 2, Code 1997, is
22 amended to read as follows:

23 2. The commission shall adopt rules that allow the use of
24 wet or dry sludge from publicly owned treatment works for land
25 application. A sale of wet or dry sludge for the purpose of
26 land application shall be accompanied by a written agreement
27 signed by both parties which contains a general analysis of
28 the contents of the sludge. The heavy metal content of the
29 sludge shall not exceed that allowed by rules of the
30 commission. An owner of a publicly owned treatment works
31 which sells wet or dry sludge ~~is-not-subject-to-criminal~~
32 ~~liability-for-acts-or-emissions-in-connection-with-a-sale,~~ and
33 is not subject to any action by the purchaser to recover
34 damages for harm to person or property caused by sludge that
35 is delivered pursuant to a sale unless it is a result of a

1 violation of the written agreement or if the heavy metal
2 content of the sludge exceeds that allowed by rules of the
3 commission. Nothing in this section shall provide immunity to
4 any person from action by the department pursuant to section
5 455B.307. The rules ~~promulgated~~ adopted under this subsection
6 shall be generally consistent with those rules of the
7 department existing on January 1, 1982, regarding the land
8 application of municipal sewage sludge except that they may
9 provide for different methods of application for wet sludge
10 and dry sludge.

11 Sec. 95. 1997 Iowa Acts, chapter 175, section 110, is
12 amended by striking the section and inserting in lieu thereof
13 the following:

14 SEC. 110. Section 252I.1, subsections 1, 3, 5, and 8, Code
15 1997, are amended to read as follows:

16 1. "Account" means "account" as defined in section
17 524.103, "share account or shares" as defined in section
18 534.102, the savings or deposits of a member received or being
19 held by a credit union, or certificates of deposit. "Account"
20 also includes deposits held by an agent, a broker-dealer, or
21 an issuer as defined in section 502.102 and money-market
22 mutual fund accounts. However, "account" does not include
23 amounts held by a financial institution as collateral for
24 loans extended by the financial institution.

25 3. "Court order" means "court support order" as defined in
26 section ~~252E-1~~ 252J.1.

27 5. "~~Financial institution~~ includes a bank, credit union,
28 or savings and loan association means "financial institution"
29 as defined in 42 U.S.C. § 669A(d)(1). "Financial institution"
30 also includes an institution which holds deposits for an
31 agent, broker-dealer, or an issuer as defined in section
32 502.102.

33 8. "Support" or "support payments" means "support" or
34 "support payments" as defined in section ~~252B-1~~ 252D.16A.

35 Sec. 96. 1997 Iowa Acts, chapter 176, section 32, is

1 amended by striking the section and inserting in lieu thereof
2 the following:

3 SEC. 32. Section 235A.15, subsection 2, paragraph b,
4 unnumbered paragraph 1, Code 1997, as amended by this Act, is
5 amended to read as follows:

6 Persons involved in an ~~investigation-or~~ assessment of child
7 abuse as follows:

8 Sec. 97. 1997 Iowa Acts, chapter 176, section 33, is
9 amended by striking the section and inserting in lieu thereof
10 the following:

11 SEC. 33. Section 235A.15, subsection 2, paragraph b,
12 subparagraphs (2), (3), (4), and (8), Code 1997, as amended by
13 this Act, are amended to read as follows:

14 (2) To an employee or agent of the department of human
15 services responsible for the ~~investigation-or~~ assessment of a
16 child abuse report.

17 (3) To a law enforcement officer responsible for assisting
18 in an ~~investigation~~ assessment of a child abuse allegation or
19 for the temporary emergency removal of a child from the
20 child's home.

21 (4) To a multidisciplinary team, if the department of
22 human services approves the composition of the
23 multidisciplinary team and determines that access to the team
24 is necessary to assist the department in the ~~investigation~~;
25 diagnosis, assessment, and disposition of a child abuse case.

26 (8) To a licensing authority for a facility providing care
27 to a child named in a report, if the licensing authority is
28 notified of a relationship between facility policy and the
29 alleged child abuse under section ~~232.717-subsection-4~~
30 232.71B.

31 Sec. 98. 1997 Iowa Acts, chapter 176, section 37, is
32 amended by striking the section and inserting in lieu thereof
33 the following:

34 SEC. 37. Section 235A.15, subsection 6, Code 1997, as
35 amended by this Act, is amended to read as follows:

1 6. a. If a child who is a legal resident of another state
2 is present in this state and a report of child abuse is made
3 concerning the child, the department shall act to ensure the
4 safety of the child. The department shall contact the child's
5 state of legal residency to coordinate the investigation-or
6 assessment of the report. If the child's state of residency
7 refuses to conduct an investigation-or assessment, the
8 department shall commence an appropriate investigation-or
9 assessment.

10 b. If a report of child abuse is made concerning an
11 alleged perpetrator who resides in this state and a child who
12 resides in another state, the department shall assist the
13 child's state of residency in conducting an investigation-or
14 assessment of the report. The assistance shall include but is
15 not limited to an offer to interview the alleged perpetrator
16 and any other relevant source. If the child's state of
17 residency refuses to conduct an investigation-or assessment of
18 the report, the department shall commence an appropriate
19 investigation-or assessment. The department shall seek to
20 develop protocols with states contiguous to this state for
21 coordination in the investigation-or assessment of a report of
22 child abuse when a person involved with the report is a
23 resident of another state.

24 Sec. 99. 1997 Iowa Acts, chapter 176, section 39, is
25 amended by striking the section and inserting in lieu thereof
26 the following:

27 SEC. 39. Section 235A.19, subsection 2, paragraph a, Code
28 1997, as amended by this Act, is amended to read as follows:

29 a. A subject of a child abuse report may file with the
30 department within six months of the date of the notice of the
31 results of an-investigation-required-by-section-232-717
32 subsection-77-or an assessment performed in accordance with
33 section 232-71A 232.71B, a written statement to the effect
34 that report data and disposition data referring to the subject
35 is in whole or in part erroneous, and may request a correction

1 of that data or of the findings of the investigation-or
2 assessment report. The department shall provide the subject
3 with an opportunity for an evidentiary hearing pursuant to
4 chapter 17A to correct the data or the findings, unless the
5 department corrects the data or findings as requested. The
6 department may defer the hearing until the conclusion of a
7 pending juvenile or district court case relating to the data
8 or findings.

9 Sec. 100. RETROACTIVE APPLICABILITY. Sections 93 through
10 95 of this Act, amending 1997 Iowa Acts, chapters 130, 137,
11 and 175, are retroactively applicable to July 1, 1997.

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HSB 544

JUDICIARY
Succeeded By
SF/HF 2162

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON LAMBERTI)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to nonsubstantive Code corrections and including
2 a retroactive applicability provision.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 15.353, subsection 5, paragraph b, Code
2 Supplement 1997, is amended to read as follows:

3 b. "Local housing group" means an entity organized to
4 represent community housing development interest interests.

5 Sec. 2. Section 15E.182, subsection 1, paragraph b, Code
6 Supplement 1997, is amended to read as follows:

7 b. The director of the department of economic development.

8 Sec. 3. Section 15E.182, subsection 3, paragraph e, Code
9 Supplement 1997, is amended to read as follows:

10 e. Conduct an annual risk analysis which matches the
11 current and anticipated value of investments made pursuant to
12 this division with the current and anticipated value of any
13 tax credits given. If the anticipated value of any tax
14 credits given exceeds the anticipated value of investments,
15 the department of economic development shall establish a
16 reserve account within the strategic investment fund
17 sufficient to cover such losses to the general fund of the
18 state in the event of the termination of the Iowa capital
19 investment board.

20 Sec. 4. Section 15E.183, subsection 2, Code Supplement
21 1997, is amended to read as follows:

22 2. The department of revenue and finance shall, in
23 consultation with the Iowa capital transition board, develop a
24 system for the registration, issuance, transfer, or redemption
25 of tax credits issued by the state under this section. The
26 department of revenue and finance shall also, in consultation
27 with the Iowa capital transition board, adopt any other
28 policies, procedures, or rules pursuant to chapter 17A
29 necessary for the administration of tax credits issued by the
30 state under this section.

31 Sec. 5. Section 15E.184, Code Supplement 1997, is amended
32 to read as follows:

33 15E.184 SUPPORT.

34 The department of economic development shall provide staff
35 assistance, physical facilities, and other support as

1 necessary.

2 Sec. 6. Section 49.30, unnumbered paragraph 1, Code
3 Supplement 1997, is amended to read as follows:

4 ~~The names of all candidates,~~ All constitutional amendments,
5 and all public measures, and the names of all candidates,
6 other than presidential electors, to be voted for in each
7 election precinct, ~~other than presidential electors,~~ shall be
8 printed on one ballot, except that separate ballots are
9 authorized under the following circumstances:

10 Sec. 7. Section 49.47, Code Supplement 1997, is amended to
11 read as follows:

12 49.47 NOTICE ON BALLOTS.

13 At the top of paper ballots for public measures shall be
14 printed the following:

15 [Notice to voters. To vote to approve any question on this
16 ballot, make a cross mark or check in the target ~~after~~ before
17 the word "Yes". To vote against a question make a similar
18 mark in the target ~~following~~ preceding the word "No".]

19 This notice shall be adapted to describe the proper mark
20 where it is appropriate.

21 Sec. 8. Section 49.94, unnumbered paragraph 1, Code
22 Supplement 1997, is amended to read as follows:

23 If ~~the names of~~ all the candidates for whom a voter desires
24 to vote in any election other than the primary election were
25 nominated by the same political party or nonparty political
26 organization, and the voter desires to vote for all candidates
27 nominated by that political party or organization, the voter
28 may do so in any one of the following ways:

29 Sec. 9. Section 49.95, Code Supplement 1997, is amended to
30 read as follows:

31 49.95 VOTING PART OF TICKET ONLY.

32 If ~~the names of~~ all the candidates for whom the voter
33 desires to vote were nominated by the same political party or
34 nonparty political organization but the voter does not desire
35 to vote for all of the candidates nominated by the party or

1 organization, the voter shall mark the voting target next to
2 the name of each candidate for whom the voter desires to vote
3 without marking the target next to the name of the party or
4 organization in the straight party or organization section of
5 the ballot.

6 Sec. 10. Section 49.97, unnumbered paragraph 1, Code
7 Supplement 1997, is amended to read as follows:

8 ~~If the names of~~ all candidates for whom a voter desires to
9 vote were not nominated by the same political party or
10 nonparty political organization, the voter may indicate the
11 candidates of the voter's choice by marking the ballot in any
12 one of the following ways:

13 Sec. 11. Section 52.10, Code Supplement 1997, is amended
14 to read as follows:

15 52.10 BALLOTS -- FORM.

16 All ballots shall be printed in black ink on clear, white
17 material, of such size as will fit the ballot frame, and in as
18 plain, clear type as the space will reasonably permit. The
19 party name for each political party represented on the machine
20 shall be prefixed to the list of candidates of such party.
21 The order of the list of candidates of the several parties or
22 organizations shall be arranged as provided in sections 49.30
23 to ~~49.41~~ 49.42A, except that the lists may be arranged in
24 horizontal rows or vertical columns to meet the physical
25 requirements of the voting machine used.

26 Sec. 12. Section 97A.3, subsection 1, Code 1997, is
27 amended to read as follows:

28 1. All members of the division of highway safety,
29 uniformed force, and radio communications and the division of
30 criminal investigation and bureau of identification in the
31 department of public safety, excepting the members of the
32 clerical force, who are employed by the state of Iowa when
33 ~~this chapter becomes effective~~ on July 4, 1949, and all
34 persons thereafter employed as members of such divisions in
35 the department of public safety or division of drug law

1 enforcement and arson investigators, except the members of the
2 clerical force, shall be members of this system, except as
3 otherwise provided in subsection 3. Effective July 1, 1994,
4 gaming enforcement officers employed by the division of
5 criminal investigation for excursion boat gambling enforcement
6 activities, fire prevention inspector peace officers employed
7 by the department of public safety, and employees of the
8 division of capitol police, except clerical workers, shall be
9 members of this system, except as otherwise provided in
10 subsection 3 or section 97B.42B. Such members shall not be
11 required to make contributions under any other pension or
12 retirement system of the state of Iowa, anything to the
13 contrary notwithstanding.

14 Sec. 13. Section 135.83, Code Supplement 1997, is amended
15 to read as follows:

16 135.83 CONTRACTS FOR ASSISTANCE WITH ANALYSES, STUDIES AND
17 DATA.

18 In furtherance of the department's responsibilities under
19 sections ~~135.767-135.77~~ and 135.78, the director may contract
20 with the ~~Iowa-hospital~~ association of Iowa hospitals and
21 health systems and third party payers, the Iowa health care
22 facilities association and third party payers, or the Iowa
23 association of homes for the aging and third party payers for
24 the establishment of pilot programs dealing with prospective
25 rate review in hospitals or health care facilities, or both.
26 Such contract shall be subject to the approval of the
27 executive council and shall provide for an equitable
28 representation of health care providers, third party payers,
29 and health care consumers in the determination of criterion
30 for rate review. No third party payer shall be excluded from
31 positive financial incentives based upon volume of gross
32 patient revenues. No state or federal funds appropriated or
33 available to the department shall be used for any such pilot
34 program.

35 Sec. 14. Section 135.105A, subsections 3 and 4, Code

1 Supplement 1997, are amended to read as follows:

2 3. A person who owns real property which includes a
3 residential dwelling and who performs lead inspection or lead
4 abatement of the residential dwelling is not required to
5 obtain certification to perform these measures, unless the
6 residential dwelling is occupied by a person other than the
7 owner or a member of the owner's immediate family while the
8 measures are being performed. However, the department shall
9 encourage property owners ~~and-managers~~ who are not required to
10 be certified to complete the training course to ensure the use
11 of appropriate and safe mitigation and abatement procedures.

12 4. A Except as otherwise provided in this section, a
13 person shall not perform lead abatement or lead inspections
14 unless the person has completed a training program approved by
15 the department and has obtained certification. A person who
16 violates this section is subject to a civil penalty not to
17 exceed five thousand dollars for each offense.

18 Sec. 15. Section 135.107, subsection 4, Code Supplement
19 1997, is amended to read as follows:

20 4. The director of public health shall establish a primary
21 care collaborative work group to coordinate all statewide
22 recruitment and retention activities established pursuant to
23 this section and to make recommendations to the department and
24 the center for rural health and primary care relating to the
25 implementation of subsection 3. Membership of the work group
26 shall consist, at a minimum, of representatives from the
27 university of Iowa college of medicine, university of
28 osteopathic medicine and health sciences, university of Iowa
29 physician assistant school, university of Iowa nurse
30 practitioner school, university of osteopathic medicine and
31 health sciences physician assistant program, Iowa-Nebraska
32 primary care association, Iowa medical society, Iowa
33 osteopathic medical association, Iowa chapter of American
34 college of osteopathic family physicians, Iowa academy of
35 family physicians, nurse practitioner association, Iowa nurses

1 association, ~~Iowa-hospital~~ association of Iowa hospitals and
2 health systems, and Iowa physicians assistants association.

3 Sec. 16. Section 135B.20, subsection 4, Code 1997, is
4 amended to read as follows:

5 4. "Joint conference committee" shall mean the joint
6 conference committee as required by the joint commission on
7 accreditation of ~~hospitals~~ health care organizations or, in a
8 hospital having no such committee, a similar committee, an
9 equal number of which shall be members of the medical staff
10 selected by the staff and an equal number of which shall be
11 selected by the governing board of the hospital.

12 Sec. 17. Section 135J.2, unnumbered paragraph 2, Code
13 1997, is amended to read as follows:

14 The hospice program shall meet the criteria pursuant to
15 section 135J.3 before a license is issued. The department of
16 inspections and appeals is responsible to provide the
17 necessary personnel to inspect the hospice program, the home
18 care and inpatient care provided and the hospital or facility
19 used by the hospice to determine if the hospice complies with
20 necessary standards before a license is issued. Hospices that
21 are certified as medicare hospice providers by the department
22 of inspections and appeals or are accredited as hospices by
23 the joint commission ~~for~~ on the accreditation of ~~hospitals~~
24 health care organizations, shall be licensed without
25 inspection by the department of inspections and appeals.

26 Sec. 18. Section 147A.2, Code 1997, is amended to read as
27 follows:

28 147A.2 COUNCIL ESTABLISHED -- TERMS OF OFFICE.

29 An EMS advisory council shall be appointed by the director.
30 Membership of the council shall be comprised of individuals
31 nominated from, but not limited to, the following state or
32 national organizations: Iowa osteopathic medical association,
33 Iowa medical society, American college of emergency
34 physicians, Iowa physician assistant society, Iowa academy of
35 family physicians, university of Iowa hospitals and clinics,

1 Iowa EMS association, Iowa firemen's association, Iowa
2 professional firefighters, EMS education programs committee,
3 EMS regional council, Iowa nurses association, ~~Iowa-hospital~~
4 association of Iowa hospitals and health systems, and the Iowa
5 state association of counties.

6 The EMS advisory council shall advise the director and
7 develop policy recommendations concerning the regulation,
8 administration, and coordination of emergency medical services
9 in the state.

10 Sec. 19. Section 147A.24, subsection 1, paragraphs i and
11 j, Code 1997, are amended to read as follows:

12 i. ~~Iowa-hospital-association~~ Association of Iowa hospitals
13 and health systems representing rural hospitals.

14 j. ~~Iowa-hospital-association~~ Association of Iowa hospitals
15 and health systems representing urban hospitals.

16 Sec. 20. Section 155A.13, subsection 4, paragraph d, Code
17 1997, is amended to read as follows:

18 d. Give recognition to the standards of the joint
19 commission on the accreditation of hospitals health care
20 organizations and the American osteopathic association and to
21 the conditions of participation under medicare.

22 Sec. 21. Section 169C.4, subsection 1, paragraphs a and b,
23 Code Supplement 1997, are amended to read as follows:

24 a. To a landowner for damages caused by the livestock
25 owner's livestock which have trespassed on the landowner's
26 land, including but not limited to property damage and costs
27 incurred by ~~a~~ the landowner's custody of the livestock
28 including maintenance costs. A livestock owner's liability is
29 not affected by the failure of a landowner to take custody of
30 the livestock. A livestock owner shall not be liable for
31 damages incurred by ~~the~~ a landowner if the livestock
32 trespassed through a fence that was not maintained by the
33 landowner as required pursuant to chapter 359A.

34 b. To a landowner who takes custody of livestock on a
35 public road as provided in section ~~169C.3~~ 169C.2 for costs

1 incurred by the landowner in taking custody of the livestock,
2 including maintenance costs.

3 Sec. 22. Section 169C.4, subsection 3, Code Supplement
4 1997, is amended to read as follows:

5 3. ~~An aggrieved party~~ A landowner is not liable for an
6 injury or death suffered by the livestock in the landowner's
7 custody, unless the landowner caused the injury or death. The
8 landowner is not liable for livestock that strays from the
9 landowner's land. An aggrieved party is not liable for
10 livestock that strays from the control of the aggrieved party.

11 Sec. 23. Section 218.99, Code Supplement 1997, is amended
12 to read as follows:

13 218.99 COUNTIES TO BE NOTIFIED OF PATIENTS' PERSONAL
14 ACCOUNTS.

15 The administrator of a division of the department of human
16 services in control of a state institution shall direct the
17 business manager of each institution under the administrator's
18 jurisdiction which is mentioned in section 331.424, subsection
19 1, paragraphs "a" and "b" and for which services are paid
20 under section 331.424A to quarterly inform the county of legal
21 settlement's entity designated to perform the county's single
22 entry point process of any patient or resident who has an
23 amount in excess of two hundred dollars on account in the
24 patients' personal deposit fund and the amount on deposit.
25 The administrators shall direct the business manager to
26 further notify the entity designated to perform the county's
27 single entry point process at least fifteen days before the
28 release of funds in excess of two hundred dollars or upon the
29 death of the patient or resident. If the patient or resident
30 has no county of legal settlement, notice shall be made to the
31 director of human services and the administrator of the
32 division of the department in control of the institution
33 involved.

34 Sec. 24. Section 232.19, subsection 1, paragraph c, Code
35 Supplement 1997, is amended to read as follows:

1 c. By a peace officer, when the peace officer has
2 reasonable grounds to believe the child has run away from the
3 child's parents, guardian, or custodian, for the purposes of
4 determining whether the child shall be reunited with the
5 child's parents, guardian, or custodian, placed in shelter
6 care, or, if the child is a chronic runaway and the county has
7 an approved county runaway treatment plan, placed in a runaway
8 assessment and-counseling center under section 232.196.

9 Sec. 25. Section 232.54, subsection 7, Code Supplement
10 1997, is amended to read as follows:

11 7. With respect to a juvenile court dispositional order
12 entered regarding a child who has received a youthful offender
13 deferred sentence under section 907.3A, the dispositional
14 order may be terminated prior to the child reaching the age of
15 eighteen upon motion of the child, the person or agency to
16 whom custody of the child has been transferred, or the county
17 attorney following a hearing before the juvenile court if it
18 is shown by clear and convincing evidence that it is in the
19 best interests of the child and the community to terminate the
20 order. The hearing may be waived if all parties to the
21 proceeding agree. The dispositional order regarding a child
22 who has received a youthful offender deferred sentence may
23 also be terminated prior to the child reaching the age of
24 eighteen upon motion of the county attorney, if the waiver of
25 the child to district court was conditioned upon the terms of
26 an agreement between the county attorney and the child, and
27 the child violates the terms of the agreement after the waiver
28 order has been entered. The district court shall discharge
29 the child's youthful offender status upon receiving a
30 termination order under this section.

31 Sec. 26. Section 232.148, subsection 5, paragraph b, Code
32 Supplement 1997, is amended to read as follows:

33 b. After a petition is filed, the petition is dismissed or
34 the proceedings are suspended and the child has not entered
35 into a consent decree, and has not been adjudicated delinquent

1 on the basis of a delinquent act other than one alleged in the
2 petition in question, or the child has not been placed on
3 youthful offender status.

4 Sec. 27. Section 232.163, subsection 2, Code Supplement
5 1997, is amended to read as follows:

6 2. If a child is placed outside the residency state of the
7 child's parent, the placement sending agency shall provide for
8 a designee to visit the child at least once every twelve
9 months and to submit a written report to the court concerning
10 the child and the visit.

11 Sec. 28. Section 232.195, Code Supplement 1997, is amended
12 to read as follows:

13 232.195 RUNAWAY TREATMENT PLAN.

14 A county may develop a runaway treatment plan to address
15 problems with chronic runaway children in the county. The
16 plan shall identify the problems with chronic runaway children
17 in the county and specific solutions to be implemented by the
18 county, including the development of a runaway assessment and
19 counseling center.

20 Sec. 29. Section 232.196, Code Supplement 1997, is amended
21 to read as follows:

22 232.196 RUNAWAY ASSESSMENT AND-COUNSELING CENTER.

23 1. As part of a county runaway treatment plan under
24 section 232.195, a county may establish a runaway assessment
25 and-treatment center or other plan. The center or other plan,
26 if established, shall provide services to assess a child who
27 is referred to the center or plan for being a chronic runaway
28 and intensive family counseling services designed to address
29 any problem causing the child to run away. A center shall at
30 least meet the requirements established for providing child
31 foster care under chapter 237.

32 2. a. If not sent home with the child's parent, guardian,
33 or custodian, a chronic runaway may be placed in a runaway
34 assessment and-treatment center by the peace officer who takes
35 the child into custody under section 232.19, if the officer

1 believes it to be in the child's best interest after
2 consulting with the child's parent, guardian, or custodian. A
3 chronic runaway shall not be placed in a runaway assessment
4 and-treatment center for more than forty-eight hours.

5 b. If a runaway is placed in a-treatment an assessment
6 center according to a county plan, the runaway shall be
7 assessed within twenty-four hours of being placed in the
8 center by a center counselor to determine the following:

9 (1) The reasons why the child is a runaway.

10 (2) Whether the initiation or continuation of child in
11 need of assistance or family in need of assistance proceedings
12 is appropriate.

13 c. As soon as practicable following the assessment, the
14 child and the child's parents, guardian, or custodian shall be
15 provided the opportunity for a counseling session to identify
16 the underlying causes of the runaway behavior and develop a
17 plan to address those causes.

18 d. A child shall be released from a runaway assessment and
19 treatment center, established pursuant to the county plan, to
20 the child's parents, guardian, or custodian not later than
21 forty-eight hours after being placed in the center unless the
22 child is placed in shelter care under section 232.21 or an
23 order is entered under section 232.78. A child whose parents,
24 guardian, or custodian failed to attend counseling at the
25 center or fail to take custody of the child at the end of
26 placement in the center may be the subject of a child in need
27 of assistance petition or such other order as the juvenile
28 court finds to be in the child's best interest.

29 Sec. 30. Section 235C.2, subsection 8, Code 1997, is
30 amended to read as follows:

31 8. A hospital administrator selected by the board of the
32 ~~Iowa-hospital~~ association of Iowa hospitals and health
33 systems.

34 Sec. 31. Section 252B.1, subsection 2, Code Supplement
35 1997, is amended to read as follows:

1 2. "Child" includes but shall not be limited to a
2 stepchild, foster child or legally adopted child and means a
3 child actually or apparently under eighteen years of age, and
4 a dependent person eighteen years of age or over who is unable
5 to maintain the person's self and is likely to become a public
6 charge. "Child" includes "~~dependent-children~~ child" as
7 defined in section 239B.1.

8 Sec. 32. Section 255.26, unnumbered paragraph 1, Code
9 1997, is amended to read as follows:

10 Warrants issued under section 255.25 shall be promptly
11 drawn on the treasurer of state and forwarded by the director
12 of revenue and finance to the treasurer of the state
13 university, and the same shall be by the treasurer of the
14 state university placed to the credit of the funds which are
15 set aside for the support of ~~said~~ the university hospital.
16 However, warrants shall not be paid unless the UB-82 claim
17 required pursuant to section 255A.13 has been filed with the
18 ~~Iowa community health data-commission~~ management information
19 system. The superintendent of the ~~said~~ university hospital
20 shall certify to the auditor of state on the first day of
21 January, April, July and October of each year, the amount as
22 herein provided not previously certified by the superintendent
23 due the state from the several counties having patients
24 chargeable thereto, and the auditor of state shall thereupon
25 charge the same to the county so owing. A duplicate
26 certificate shall also be mailed to the auditor of each county
27 having patients chargeable thereto. Expenses for obstetrical
28 patients served under section 255A.9 shall be reimbursed as
29 specified in section 255A.9.

30 Sec. 33. Section 255A.13, Code 1997, is amended to read as
31 follows:

32 255A.13 DATA COLLECTION.

33 Beginning July 1, 1987, the University of Iowa hospitals
34 and clinics shall submit, on a quarterly basis, UB-82 claims
35 for all patients discharged after being served under the

1 indigent patient program under chapter 255. The UB-82 claim
2 shall include all data elements which are required by the Iowa
3 community health data-commission management information
4 system.

5 Sec. 34. Section 257.14, subsection 2, Code Supplement
6 1997, is amended by striking the subsection.

7 Sec. 35. Section 260A.1, subsection 4, Code Supplement
8 1997, is amended to read as follows:

9 4. Moneys received by a community college under this
10 section shall not be commingled with general state financial
11 aid, including financial aid to merged areas in lieu of
12 personal property tax replacement payments ~~under-section~~
13 ~~427A-13~~, to merged areas as defined in section 260C.2, and
14 including moneys received for vocational education programs in
15 accordance with chapters 258 and 260C. Payments made to a
16 community college shall be accounted for by the community
17 college separately from other state aid payments. Each
18 community college shall maintain a separate listing within its
19 budget accounting for payments received and expenditures made
20 pursuant to this section and section 260A.3.

21 Sec. 36. Section 280.17, Code 1997, is amended to read as
22 follows:

23 280.17 PROCEDURES FOR HANDLING CHILD ABUSE REPORTS.

24 The board of directors of a public school and the
25 authorities in control of a nonpublic school shall prescribe
26 procedures, in accordance with the guidelines contained in the
27 model policy developed by the department of education in
28 consultation with the department of human services, and
29 adopted by the department of education pursuant to chapter
30 17A, for the handling of reports of child abuse, as defined in
31 section 232.68, subsection 2, paragraph "a", "b c", or "d e",
32 alleged to have been committed by an employee or agent of the
33 public or nonpublic school.

34 Sec. 37. Section 297.22, subsection 3, Code Supplement
35 1997, is amended to read as follows:

1 3. The provisions in ~~subsection~~ subsections 1 and 2
2 relating to the sale, lease, or disposition of school district
3 property do not apply to student-constructed buildings and the
4 property on which student-constructed buildings are located.
5 The board of directors of a school district may sell, lease,
6 or dispose of a student-constructed building and the property
7 on which the student-constructed building is located, and may
8 purchase sites for the erection of additional structures, by
9 any procedure which is adopted by the board.

10 Sec. 38. Section 307.25, subsection 4, Code Supplement
11 1997, is amended to read as follows:

12 4. Administer chapters ~~327A~~, 328, 329 and 330.

13 Sec. 39. Section 307.27, subsection 7, Code Supplement
14 1997, is amended to read as follows:

15 7. Administer the regulation of motor ~~vehicle-certificated~~
16 carriers pursuant to chapter ~~325~~ 325A.

17 Sec. 40. Section 307.27, subsection 8, Code Supplement
18 1997, is amended by striking the subsection.

19 Sec. 41. Section 321.20B, subsection 1, unnumbered
20 paragraph 2, Code Supplement 1997, is amended to read as
21 follows:

22 This subsection does not apply to the operator of a motor
23 vehicle owned or leased to the United States, this state, or
24 any political subdivision of this state or to a motor vehicle
25 which is subject to section ~~325-267-327-157-327A-57~~ 325A.6 or
26 327B.6.

27 Sec. 42. Section 321.44A, Code Supplement 1997, is amended
28 to read as follows:

29 321.44A VOLUNTARY CONTRIBUTION -- ANATOMICAL GIFT PUBLIC
30 AWARENESS AND TRANSPLANTATION FUND -- AMOUNT RETAINED BY
31 COUNTY TREASURER.

32 For each application for registration or renewal, the
33 county treasurer or the department shall request through use
34 of a written form, and, if the application is made in person,
35 through verbal communication, that an applicant make a

1 voluntary contribution of one dollar or more to the anatomical
2 gift public awareness and transplantation fund established
3 pursuant to section 142C.15. Ninety-five percent of the
4 moneys collected by the county and one hundred percent of the
5 moneys collected by the department in the form of
6 contributions shall be remitted to the treasurer of state for
7 deposit in the fund to be used for the purposes specified for
8 the fund. The remaining five percent of the moneys collected
9 by the county shall be retained by the county treasurer for
10 deposit in the general fund of the county. The director shall
11 adopt rules to administer this section.

12 Sec. 43. Section 321.71, subsection 7, Code 1997, is
13 amended to read as follows:

14 7. A certificate of title shall not be issued for a motor
15 vehicle less than ten model years old which is equipped with
16 an odometer by the manufacturer, unless an odometer statement
17 which is in compliance with federal law and regulations has
18 been made by the transferor of the vehicle and is furnished
19 with the application for certificate of title. The new
20 certificate of title shall record on its face the odometer
21 reading and the word "actual" if the true mileage is known.
22 If the odometer reading is not the true mileage or the true
23 mileage is unknown, the words "not actual" shall be recorded.
24 If the odometer reading is greater than the odometer can
25 mechanically count, the words "exceeds the mechanical limits"
26 shall be recorded. However, a certificate of title may be
27 issued for a motor vehicle to a person who moves into this
28 state if the person acquired ownership of the motor vehicle
29 prior to moving to this state. This subsection does not apply
30 to motor vehicles having a registered gross vehicle weight
31 rating of more than sixteen thousand pounds.

32 Sec. 44. Section 321.179, subsection 1, unnumbered
33 paragraph 1, Code Supplement 1997, is amended to read as
34 follows:

35 Notwithstanding the provisions of this chapter or chapter

1 321L which grant sole authority to the department for the
2 issuance of motor vehicle licenses, nonoperator's
3 identification cards, and persons with disabilities
4 ~~identification-devices~~ parking permits, the counties of Adams,
5 Cass, Fremont, Mills, Montgomery, and Page shall be authorized
6 to issue motor vehicle licenses, nonoperator's identification
7 cards, and persons with disabilities ~~identification-devices~~
8 parking permits on a permanent basis. However, a county shall
9 only be authorized to issue commercial driver's licenses if
10 certified to do so by the department. If a county fails to
11 meet the standards for certification under this section, the
12 department itself shall provide for the issuance of commercial
13 driver's licenses in that county. The department shall
14 certify the county treasurers in the permanent counties to
15 issue commercial driver's licenses if all of the following
16 conditions are met:

17 Sec. 45. Section 321.216B, Code Supplement 1997, is
18 amended to read as follows:

19 321.216B USE OF MOTOR VEHICLE LICENSE OR NONOPERATOR'S
20 IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN ALCOHOL.

21 A person who is under the age of twenty-one, who alters or
22 displays or has in the person's possession a fictitious or
23 fraudulently altered motor vehicle license or nonoperator's
24 identification card and who uses the license to violate or
25 attempt to violate section 123.47, commits a simple
26 misdemeanor punishable by a fine of one hundred dollars. The
27 court shall forward a copy of the conviction ~~or-order-of~~
28 ~~adjudication-under-section-232-47~~ to the department.

29 Sec. 46. Section 321.231, subsection 5, Code Supplement
30 1997, is amended to read as follows:

31 5. The foregoing provisions shall not relieve the driver
32 of an authorized emergency vehicle or the rider of a police
33 bicycle from the duty to drive or ride with due regard for the
34 safety of all persons, nor shall such provisions protect the
35 driver or rider from the consequences of the driver's or

1 rider's reckless disregard for the safety of others.

2 Sec. 47. Section 321.492, unnumbered paragraph 2, Code
3 Supplement 1997, is amended to read as follows:

4 A peace officer having probable cause to stop a vehicle may
5 require exhibition of the proof of ~~insurance~~ financial
6 liability coverage card issued for the vehicle if the vehicle
7 is a motor vehicle registered in this state.

8 Sec. 48. Section 321A.33, Code Supplement 1997, is amended
9 to read as follows:

10 321A.33 EXCEPTIONS.

11 This chapter does not apply to any motor vehicle owned by
12 the United States, this state, or any political subdivision of
13 this state or to any operator, except for section 321A.4,
14 while on official duty operating such motor vehicle. This
15 chapter does not apply, except for sections 321A.4 and
16 321A.26, to any motor vehicle which is subject to section
17 ~~325-267-327-157-327A-57~~ 325A.6 or 327B.6.

18 Sec. 49. Section 321J.2, subsection 3, paragraph a,
19 subparagraph (3), Code Supplement 1997, is amended to read as
20 follows:

21 (3) If the defendant has previously received a deferred
22 judgment or sentence for a violation of subsection 2 1 or for
23 a violation of a statute in another state substantially
24 corresponding to subsection 2 1.

25 Sec. 50. Section 327C.2, Code Supplement 1997, is amended
26 to read as follows:

27 327C.2 GENERAL JURISDICTION OF TRANSPORTATION DEPARTMENT.

28 The department has general supervision of all railroads in
29 the state, express companies, car companies, freight and
30 freight-line companies, motor carriers, and any common carrier
31 engaged in the transportation of passengers or freight.
32 However, the provisions of this chapter regarding the
33 supervision of carriers do not apply to regular route motor
34 carriers of passengers or charter carriers, as defined under
35 section ~~325-1~~ 325A.12.

1 Sec. 51. Section 327D.1, Code Supplement 1997, is amended
2 to read as follows:

3 327D.1 APPLICABILITY OF CHAPTER.

4 This chapter applies to intrastate transportation by for-
5 hire common carriers of persons and property. However, this
6 chapter does not apply to regular route motor carriers of
7 passengers or charter carriers, as defined under section ~~325-1~~
8 325A.12.

9 Sec. 52. Section 331.439, subsection 3, paragraph b, Code
10 Supplement 1997, is amended to read as follows:

11 b. Based upon information contained in county management
12 plans and budgets, the state-county management committee shall
13 recommend an allowed growth factor adjustment to the governor
14 by November 15 for the fiscal year which commences two years
15 from the beginning date of the fiscal year in progress at the
16 time the recommendation is made. The allowed growth factor
17 adjustment shall address costs associated with new consumers
18 of service, service cost inflation, and investments for
19 economy and efficiency. In developing the service cost
20 inflation recommendation, the committee shall consider the
21 cost trends indicated by the gross expenditure amount reported
22 in the expenditure reports submitted by counties pursuant to
23 subsection 1, paragraph "b a". The governor shall consider
24 the committee's recommendation in developing the governor's
25 recommendation for an allowed growth factor adjustment for
26 such fiscal year. The governor's recommendation shall be
27 submitted at the time the governor's proposed budget for the
28 succeeding fiscal year is submitted in accordance with chapter
29 8.

30 Sec. 53. Section 331.439, subsection 7, Code Supplement
31 1997, is amended to read as follows:

32 7. A county shall annually report data concerning the
33 services managed by the county. At a minimum, the data
34 reported shall indicate the number of different individuals
35 who utilized services in a fiscal year and the various types

1 of services. Data reported under this subsection shall be
2 submitted with the county's expenditure report required under
3 subsection 1, paragraph "b a".

4 Sec. 54. Section 400.1, Code Supplement 1997, is amended
5 to read as follows:

6 400.1 APPOINTMENT OF COMMISSION.

7 In cities having a population of eight thousand or over and
8 having a paid fire department or a paid police department, the
9 mayor, one year after each a regular municipal election, with
10 the approval of the council, shall appoint three civil service
11 commissioners who shall hold office, one until the first
12 Monday in April of the second year, one until the first Monday
13 in April of the third year, and one until the first Monday in
14 April of the fourth year after such appointment, whose
15 successors shall be appointed for a term of four years. In
16 cities having a population of more than one hundred thousand,
17 the city council may establish, by ordinance, the number of
18 civil service commissioners at not less than three.

19 For the purpose of determining the population of a city
20 under this chapter, the federal census conducted in 1980 shall
21 be used.

22 Sec. 55. Section 403.22, subsection 1, unnumbered
23 paragraph 3, Code Supplement 1997, is amended to read as
24 follows:

25 For a municipality with a population of five thousand or
26 less, the municipality need not provide any low and moderate
27 income family housing assistance if the municipality has
28 completed a housing needs assessment meeting the standards set
29 out by the department of economic development, which shows no
30 low and moderate income housing need and the department of
31 economic development agrees that no low and moderate income
32 family housing assistance is needed.

33 Sec. 56. Section 422.7, subsection 12A, unnumbered
34 paragraph 3, Code Supplement 1997, is amended to read as
35 follows:

1 The additional deduction shall not be allowed for wages
2 paid to an individual who was hired to replace an individual
3 whose employment was terminated within the twelve-month period
4 preceding the date of first employment. However, if the
5 individual being replaced left employment voluntarily without
6 good cause attributable to the employer or if the individual
7 was discharged for misconduct in connection with the
8 individual's employment as determined by the ~~division-of-job~~
9 ~~service-of-the~~ department of ~~employment-services~~ workforce
10 development, the additional deduction shall be allowed.

11 Sec. 57. Section 422.120, subsection 1, paragraph a, Code
12 Supplement 1997, is amended to read as follows:

13 a. There is allowed a state tax credit for livestock
14 production operations located in the state. The amount of the
15 credit equals ten cents for each corn equivalent consumed by
16 the livestock in the production operation as specified under
17 this section. The credit shall be refunded as provided in
18 section ~~422-121~~ 422.122.

19 Sec. 58. Section 426B.2, subsection 3, Code Supplement
20 1997, is amended to read as follows:

21 3. The department director of human services shall notify
22 ~~the-director-of-revenue-and-finance-of-the-amounts-due-a~~
23 ~~county-in-accordance-with-the-provisions-of-this-section.--The~~
24 ~~director-of-revenue-and-finance-shall~~ draw warrants on the
25 property tax relief fund, payable to the county treasurer in
26 the amount due to a county in accordance with subsection 1 and
27 mail the warrants to the county auditors in September and
28 March of each year.

29 Sec. 59. Section 426B.3, subsection 1, Code Supplement
30 1997, is amended to read as follows:

31 1. The county auditor shall reduce the certified budget
32 amount received from the board of supervisors for the
33 succeeding fiscal year for the county mental health, mental
34 retardation, and developmental disabilities services fund
35 created in section 331.424A by an amount equal to the amount

1 the county will receive from the property tax relief fund
2 pursuant to section 426B.2, for the succeeding fiscal year and
3 the auditor shall determine the rate of taxation necessary to
4 raise the reduced amount. On the tax list, the county auditor
5 shall compute the amount of taxes due and payable on each
6 parcel before and after the amount received from the property
7 tax relief fund is used to reduce the county budget. The
8 director of ~~revenue-and-finance~~ human services shall notify
9 the county auditor of each county of the amount of moneys the
10 county will receive from the property tax relief fund pursuant
11 to section 426B.2, for the succeeding fiscal year.

12 Sec. 60. Section 452A.52, unnumbered paragraph 2, Code
13 1997, is amended to read as follows:

14 Any person who is unable to display either of the permits
15 or the license provided in section 452A.53 and brings into the
16 state in the fuel supply tanks of a commercial motor vehicle
17 more than thirty gallons of motor fuel or special fuel in
18 violation of the provisions of the preceding paragraph is
19 guilty of a simple misdemeanor.

20 Sec. 61. Section 452A.53, unnumbered paragraph 4, Code
21 Supplement 1997, is amended to read as follows:

22 Each vehicle operated into or through Iowa in interstate
23 operations using motor fuel or special fuel acquired in any
24 other state shall carry in or on the vehicle a duplicate or
25 evidence of the permit or license required in this section. A
26 fee not to exceed fifty cents shall be charged for each
27 duplicate or other evidence of a permit or license issued.

28 Sec. 62. Section 453A.3, subsection 2, Code Supplement
29 1997, is amended to read as follows:

30 2. A person who violates section 453A.2, subsection 2,
31 shall pay a civil penalty pursuant to section 805.8,
32 subsection 11. Failure to pay the civil penalty imposed for a
33 violation of section 453A.2, subsection 2, is a simple
34 misdemeanor punishable as a scheduled violation under section
35 805.8, subsection 11. Notwithstanding section 602.8106 or any

1 other provision to the contrary, any civil penalty or criminal
2 fine paid under this subsection shall be retained by the city
3 or county enforcing the violation to be used for enforcement
4 of section 453A.2.

5 Sec. 63. Section 455A.11, Code 1997, is amended to read as
6 follows:

7 455A.11 PREFERENCES IN TEMPORARY EMPLOYMENT.

8 In its employment of persons in temporary positions in
9 conservation and outdoor recreation, the department of natural
10 resources shall give preference to persons meeting eligibility
11 requirements for the green thumb program ~~under-section-15-227~~
12 and to persons working toward an advanced education in natural
13 resources and conservation.

14 Sec. 64. Section 487.909, Code Supplement 1997, is amended
15 to read as follows:

16 487.909 RESIGNATION OF AGENT FOR SERVICE OF PROCESS.

17 An agent for service of process of a foreign limited
18 partnership may resign as agent by signing and delivering to
19 the secretary of state an original statement of resignation
20 for filing in accordance with section ~~487-206~~ 487.108. The
21 agent shall send a copy of the statement of resignation by
22 certified mail to the foreign limited partnership at its
23 principal place of business. The agent shall certify to the
24 secretary of state that the copy has been sent to the limited
25 partnership, including the date the copy was sent. The
26 appointment of the agent terminates on the date on which the
27 statement is filed by the secretary of state.

28 Sec. 65. Section 490.1110, subsection 2, Code Supplement
29 1997, is amended to read as follows:

30 2. This section does not apply in any of the following
31 circumstances:

32 a. The corporation does not have a class of voting stock
33 that is listed on a national securities exchange, authorized
34 for quotation on the national association of securities
35 dealers automated quotations--national market system, or held

1 of record by more than two thousand shareholders, unless any
2 of the foregoing results from action taken, directly or
3 indirectly, by an interested shareholder or from a transaction
4 in which a person becomes an interested shareholder.

5 b. The corporation's original articles of incorporation
6 contain a provision expressly electing not to be governed by
7 this section.

8 c. The corporation, by action of its board of directors,
9 adopts an amendment to its bylaws by no later than September
10 29, 1997, expressly electing not to be governed by this
11 section, which amendment shall not be further amended by the
12 board of directors.

13 d. The corporation, by action of its shareholders, adopts
14 an amendment to its articles of incorporation or bylaws
15 expressly electing not to be governed by this section,
16 provided that, in addition to any other vote required by law,
17 such amendment to the articles of incorporation or bylaws must
18 be approved by the affirmative vote of a majority of the
19 shares entitled to vote. An amendment adopted pursuant to
20 this paragraph is effective immediately in the case of a
21 corporation that has never had a class of voting stock that
22 falls within any of the three categories set out in paragraph
23 "a" and has not elected by a provision in its original
24 articles of incorporation or any amendment to such articles to
25 be governed by this section. In all other cases, an amendment
26 adopted pursuant to this paragraph is not effective until
27 twelve months after the adoption of the amendment and does not
28 apply to any business combination between the corporation and
29 any person who became an interested shareholder of the
30 corporation on or prior to such adoption.

31 An amendment to the bylaws adopted pursuant to this
32 paragraph shall not be further amended by the board of
33 directors.

34 e. A shareholder becomes an interested shareholder
35 inadvertently and both of the following apply:

1 (1) As soon as practicable the shareholder divests itself
2 of ownership of sufficient shares so that the shareholder
3 ceases to be an interested shareholder.

4 (2) The shareholder would not, at any time within the
5 three-year period immediately prior to a business combination
6 between the corporation and such shareholder, have been an
7 interested shareholder but for the inadvertent acquisition of
8 ownership.

9 f. (1) The business combination is proposed prior to the
10 consummation or abandonment of and subsequent to the earlier
11 of the public announcement or the notice required in this
12 paragraph of a proposed transaction which satisfies all of the
13 following:

14 (a) Constitutes a transaction described in subparagraph
15 (2).

16 (b) Is with or by a person who either was not an
17 interested shareholder during the previous three years or who
18 became an interested shareholder with the approval of the
19 corporation's board of directors or who became an interested
20 shareholder during the time period described in paragraph "g".

21 (c) Is approved or not opposed by a majority of the
22 members of the board of directors then in office who were
23 directors prior to any person becoming an interested
24 shareholder during the previous three years, or who were
25 recommended for election or elected to succeed such directors
26 by a majority of such directors.

27 (2) A proposed transaction under subparagraph (1) is
28 limited to the following:

29 (a) A merger of the corporation, other than a merger
30 pursuant to section 490.1104.

31 (b) A sale, lease, exchange, mortgage, pledge, transfer,
32 or other disposition, in one or more transactions and whether
33 as part of a dissolution or otherwise, of assets of the
34 corporation or of any direct or indirect majority-owned
35 subsidiary of the corporation, other than to a direct or

1 indirect wholly owned subsidiary of the corporation or to the
2 corporation itself, which has an aggregate market value equal
3 to fifty percent or more of either the aggregate market value
4 of all of the assets of the corporation determined on a
5 consolidated basis, or the aggregate market value of all the
6 outstanding stock of the corporation.

7 (c) A proposed tender or exchange offer for fifty percent
8 or more of the outstanding voting stock of the corporation.

9 (3) The corporation shall give no less than twenty days'
10 notice to all interested shareholders prior to the
11 consummation of any of the transactions described in
12 subparagraph (2), subparagraph subdivision (a) or (b).

13 g. The business combination is with an interested
14 shareholder who becomes an interested shareholder of the
15 corporation at a time when the corporation is not subject to
16 this section pursuant to ~~paragraphs~~ paragraph "a", through
17 "b", "c", or "d".

18 Notwithstanding paragraphs "a" through "d", a corporation
19 may elect under its original articles of incorporation or any
20 amendment to such articles to be subject to this section.
21 However, such amendment shall not apply to restrict a business
22 combination between the corporation and an interested
23 shareholder of the corporation if the interested shareholder
24 became such prior to the effective date of the amendment.

25 Sec. 66. Section 499.22, Code Supplement 1997, is amended
26 to read as follows:

27 499.22 CAPITAL STOCK.

28 An association with capital stock may divide the shares
29 into common and preferred stock. Par value stock shall not be
30 issued for less than par. The general corporation laws shall
31 govern the consideration for which no-par stock is issued. If
32 the articles so provide, common stock may be issued in two
33 classes, voting and nonvoting. Voting stock shall be issued
34 to all agricultural producers and nonvoting stock to all other
35 members. Voting stock or nonvoting stock may be issued to a

1 cooperative association as provided in the cooperative
2 association's articles of incorporation of the association
3 issuing the stock. Nonvoting stock shall have all privileges
4 of membership except the right to vote. Preferred stock held
5 by nonmembers shall not exceed in amount that held by members.

6 Sec. 67. Section 513B.7, subsections 2 and 3, Code
7 Supplement 1997, are amended to read as follows:

8 2. A small employer carrier or organized delivery system
9 shall file each March 1 with the commissioner or the director
10 of public health an actuarial certification that the small
11 employer carrier or organized delivery system is in compliance
12 with this section and that the rating methods of the small
13 employer carrier or organized delivery system are actuarially
14 sound. A copy of the certification shall be retained by the
15 small employer carrier or organized delivery system at its
16 principal place of business.

17 3. A small employer carrier or organized delivery system
18 shall make the information and documentation described in
19 subsection 1 available to the commissioner or organized
20 delivery-system the director of public health upon request.
21 The information is not a public record or otherwise subject to
22 disclosure under chapter 22, and is considered proprietary and
23 trade secret information and is not subject to disclosure by
24 the commissioner or the director of public health to persons
25 outside of the division or department except as agreed to by
26 the small employer carrier or organized delivery system or as
27 ordered by a court of competent jurisdiction.

28 Sec. 68. Section 513B.10, subsection 4, paragraph b,
29 unnumbered paragraph 1, Code Supplement 1997, is amended to
30 read as follows:

31 A carrier or organized delivery system offering group
32 health insurance coverage shall not impose any preexisting
33 condition exclusion as follows:

34 Sec. 69. Section 514E.1, subsection 1, Code Supplement
35 1997, is amended to read as follows:

1 1. "Association" means the Iowa comprehensive health
2 insurance association established by section 514E.2.

3 Sec. 70. Section 514E.7, subsection 4, paragraph b,
4 unnumbered paragraph 1, Code Supplement 1997, is amended to
5 read as follows:

6 Plan coverage shall not impose any preexisting condition
7 exclusion as follows:

8 Sec. 71. Section 535.11, subsection 4, Code 1997, is
9 amended to read as follows:

10 4. With respect to an open account, the creditor may
11 impose a finance charge not exceeding that permitted by
12 section 537.2202, subsections subsection 2 and-3.

13 Sec. 72. Section 537.2202, subsection 3, Code Supplement
14 1997, is amended by striking the subsection.

15 Sec. 73. Section 537.2402, subsection 3, Code Supplement
16 1997, is amended by striking the subsection.

17 Sec. 74. Section 537B.2, subsection 2, Code 1997, is
18 amended to read as follows:

19 2. "Motor vehicle" means a motor vehicle as defined in
20 section 321.1 which is subject to registration. However,
21 "motor vehicle" does not include a motor vehicle, as defined
22 in section 321.1, with a registered gross vehicle weight
23 rating of more than twelve thousand pounds.

24 Sec. 75. Section 556.13, subsection 3, Code Supplement
25 1997, is amended to read as follows:

26 3. If the holder of property reported to the treasurer of
27 state is the issuer of a certificated security, the treasurer
28 of state has the right to obtain a replacement certificate
29 pursuant to section ~~554-8400~~ 554.8405 but an indemnity bond is
30 not required.

31 Sec. 76. Section 602.6110, subsection 1, Code Supplement
32 1997, is amended to read as follows:

33 1. A peer review court may be established in each judicial
34 district to divert certain youthful juvenile offenders from
35 the criminal or juvenile justice systems. The court shall

1 consist of a qualified adult to act as judge while the duties
2 of prosecutor, defense counsel, court attendant, clerk, and
3 jury shall be performed by persons twelve through seventeen
4 years of age.

5 Sec. 77. Section 614.1, subsection 2A, paragraph b,
6 subparagraph (1), Code Supplement 1997, is amended to read as
7 follows:

8 (1) The fifteen-year limitation in paragraph "a" shall not
9 apply to the time period in which to discover a disease that
10 is latent and caused by exposure to a harmful material, in
11 which event the cause of action shall be deemed to have
12 accrued when the disease and such disease's cause have been
13 made known to the person or at the point the person should
14 have been aware of the disease and such disease's cause. This
15 subsection shall not apply to cases governed by section 614.1,
16 subsection 11.

17 Sec. 78. Section 633.556, subsection 3, Code Supplement
18 1997, is amended to read as follows:

19 3. Section 633.551 applies to the appointment of a
20 conservator guardian.

21 Sec. 79. Section 642.2, subsection 1, Code Supplement
22 1997, is amended to read as follows:

23 1. The state of Iowa, and all of its governmental
24 subdivisions and agencies, may be garnished, only as provided
25 in this section and the consent of the state and of its
26 governmental subdivisions and agencies to those garnishment
27 proceedings is hereby given. However, notwithstanding the
28 requirements of this chapter, income withholding notices for
29 child support shall be served on the state, and all of its
30 governmental subdivisions and agencies, pursuant to the
31 requirements of chapter 252D.

32 Sec. 80. Section 673.3, unnumbered paragraph 4, Code
33 Supplement 1997, is amended to read as follows:

34 The domesticated animal may ~~act~~ react unpredictably to
35 conditions, including, but not limited to, a sudden movement,

1 loud noise, an unfamiliar environment, or the introduction of
2 unfamiliar persons, animals, or objects.

3 Sec. 81. Section 730.5, subsection 3, paragraph f, Code
4 1997, is amended to read as follows:

5 f. The employer shall provide substance abuse evaluation,
6 and treatment if recommended by the evaluation, with costs
7 apportioned as provided under the employee benefit plan or at
8 employer expense, if there is no employee benefit plan, the
9 first time an employee's drug test indicates the presence of
10 alcohol or a controlled substance. An employer shall take no
11 disciplinary action against an employee due to the employee's
12 drug involvement the first time the employee's drug test
13 indicates the presence of alcohol or a controlled substance if
14 the employee undergoes a substance abuse evaluation, and if
15 the employee successfully completes substance abuse treatment
16 if treatment is recommended by the evaluation. However, if an
17 employee fails to undergo substance abuse evaluation when
18 required under the results of a drug test, or fails to
19 successfully complete substance abuse treatment when
20 recommended by an evaluation, the employee may be disciplined
21 up to and including discharge. The substance abuse evaluation
22 and treatment provided by the employer shall take place under
23 a program approved by the department of public health or
24 accredited by the joint commission on the accreditation of
25 hospitals health care organizations.

26 Sec. 82. Section 805.8, subsection 2, paragraph c, Code
27 Supplement 1997, is amended to read as follows:

28 c. For improperly used or nonused, or defective or
29 improper equipment, other than brakes, driving lights and
30 brake lights, under sections 321.317, 321.387, 321.388,
31 321.389, 321.390, ~~321.391~~, 321.392, 321.393, 321.422, 321.432,
32 321.436, 321.437, 321.438, subsection 1 or 3, sections
33 321.439, 321.440, 321.441, 321.442, 321.444, and 321.445, the
34 scheduled fine is ten dollars.

35 Sec. 83. Section 805.8, subsection 2, paragraph p, Code

1 Supplement 1997, is amended by striking the paragraph.

2 Sec. 84. Section 805.8, subsection 2, paragraph q, Code
3 Supplement 1997, is amended to read as follows:

4 q. For failure to have proper carrier identification
5 markings under section ~~325-317-327-197-327A-87~~-or 327B.1, the
6 scheduled fine is fifteen dollars.

7 Sec. 85. Section 805.8, subsection 2, paragraph v, Code
8 Supplement 1997, is amended to read as follows:

9 v. Violations of the schedule of axle and tandem axle and
10 gross or group of axle weight violations in section 321.463
11 shall be scheduled violations subject to the provisions,
12 procedures and exceptions contained in sections 805.6 to
13 805.11, irrespective of the amount of the fine under that
14 schedule. Violations of the schedule of weight violations
15 shall be chargeable, where the fine charged does not exceed
16 one hundred dollars, only by uniform citation and complaint.

17 Violations of the schedule of weight violations, where the
18 fine charged exceeds one hundred dollars:

19 ~~---(1)--~~ shall, when the violation is admitted and
20 section 805.9 applies, be chargeable upon uniform citation and
21 complaint, indictment, or county attorney's information,
22 ~~(2)~~ but otherwise, shall be chargeable only upon
23 indictment or county attorney's information.

24 PARAGRAPH DIVIDED. In all cases of charges under the
25 schedule of weight violations, the charge shall specify the
26 amount of fine charged under the schedule. Where a defendant
27 is convicted and the fine under the foregoing schedule of
28 weight violations exceeds one hundred dollars, the conviction
29 shall be of an indictable offense although section 805.9 is
30 employed and whether the violation is charged upon uniform
31 citation and complaint, indictment, or county attorney's
32 information.

33 Sec. 86. Section 805.8, subsection 11, paragraph b,
34 subparagraph (2), Code Supplement 1997, is amended to read as
35 follows:

1 (2) For failing to pay the civil penalty under section
2 453A.2, subsection 2, the scheduled criminal fine is twenty-
3 five dollars if the violation is a first offense, fifty
4 dollars if the violation is a second offense, and one hundred
5 dollars if the violation is a third or subsequent offense.
6 Failure to pay the scheduled criminal fine shall not result in
7 the person being detained in a secure facility. The
8 complainant shall not be charged a filing fee.

9 Sec. 87. Section 809A.4, subsection 2, paragraph b, Code
10 1997, is amended to read as follows:

11 b. If the only conduct giving rise to forfeiture is a
12 violation of section 124.401, subsection 3 5, real property is
13 not subject to forfeiture and other property subject to
14 forfeiture pursuant to paragraph "a", subparagraph (2), may be
15 forfeited only pursuant to section 809A.14.

16 Sec. 88. Section 903A.2, Code Supplement 1997, is amended
17 to read as follows:

18 903A.2 GOOD CONDUCT TIME.

19 1. Each inmate committed to the custody of the director of
20 the department of corrections is eligible for a reduction of
21 sentence for good behavior in the manner provided in this
22 section. For purposes of calculating the amount of time by
23 which an inmate's sentence may be reduced, inmates shall be
24 grouped into the following two sentencing categories:

25 a. Category "A" sentences are those sentences which are
26 not subject to a maximum accumulation of good conduct time of
27 fifteen percent of the total sentence of confinement under
28 section 902.12. To the extent provided in subsection 5,
29 category "A" sentences also include life sentences imposed
30 under section 902.1. An inmate of an institution under the
31 control of the department of corrections who is serving a
32 category "A" sentence is eligible for a reduction of sentence
33 equal to one day for each day of good conduct while committed
34 to one of the department's institutions. In addition, each
35 inmate who is serving a category "A" sentence is eligible for

1 an additional reduction of up to five days per month if the
2 inmate participates satisfactorily in any of the following
3 activities:

- 4 (1) Employment in the institution.
- 5 (2) Iowa state industries.
- 6 (3) An employment program established by the director.
- 7 (4) A treatment program established by the director.
- 8 (5) An inmate educational program approved by the
9 director.

10 b. Category "B" sentences are those sentences which are
11 subject to a maximum accumulation of good conduct time of
12 fifteen percent of the total sentence of confinement under
13 section 902.12. An inmate of an institution under the control
14 of the department of corrections who is serving a category "B"
15 sentence is eligible for a reduction of sentence equal to
16 fifteen eighty-fifths of a day for each day of good conduct by
17 the inmate.

18 2. Good conduct time earned pursuant to this section may
19 be forfeited in the manner prescribed in section 903A.3.

20 3. Time served in a jail or another facility prior to
21 actual placement in an institution under the control of the
22 department of corrections and credited against the sentence by
23 the court shall accrue for the purpose of reduction of
24 sentence under this section. Time which elapses during an
25 escape shall not accrue for purposes of reduction of sentence
26 under this section.

27 4. Time which elapses between the date on which a person
28 is incarcerated, based upon a determination of the board of
29 parole that a violation of parole has occurred, and the date
30 on which the violation of parole was committed shall not
31 accrue for purposes of reduction of sentence under this
32 section.

33 5. Good conduct time accrued by inmates serving life
34 sentences imposed under section 902.1 shall not reduce the
35 life sentence, but shall be credited against the inmate's

1 sentence if the life sentence is commuted to a term of years
2 under section 902.2.

3 Sec. 89. Section 903A.7, Code Supplement 1997, is amended
4 to read as follows:

5 903A.7 SEPARATE SENTENCES.

6 Consecutive multiple sentences that are within the same
7 category under section 903A.2 shall be construed as one
8 continuous sentence for purposes of calculating reductions of
9 sentence for good conduct time. If a person is sentenced to
10 serve sentences of both categories, category "B" sentences
11 shall be served before category "A" sentences are served, and
12 good conduct time earned against the category "B" sentences
13 shall not be used to reduce the category "A" sentences. If an
14 inmate serving a category "A" sentence is sentenced to serve a
15 category "B" sentence, the category "A" sentence shall be
16 interrupted, and no further good conduct time shall accrue
17 against that sentence until the category "B" sentence is
18 completed.

19 Sec. 90. Section 910.9, unnumbered paragraph 3, Code
20 Supplement 1997, is amended to read as follows:

21 Fines, penalties, and surcharges, crime victim compensation
22 program reimbursement, public agency restitution, court costs
23 including correctional fees claimed by a sheriff pursuant to
24 section 356.7, court-appointed attorney's fees, and expenses
25 for public defenders, shall not be withheld by the clerk of
26 court until all victims have been paid in full. Payments to
27 victims shall be made by the clerk of court at least
28 quarterly. Payments by a clerk of court shall be made no
29 later than the last business day of the quarter, but may be
30 made more often at the discretion of the clerk of court. The
31 clerk of court receiving final payment from an offender, shall
32 notify all victims that full restitution has been made, and a
33 copy of the notice shall be sent to the sentencing court.
34 Each office or individual charged with supervising an offender
35 who is required to perform community service as full or

1 partial restitution shall keep records to assure compliance
2 with the portions of the plan of restitution and restitution
3 plan of payment relating to community service and, when the
4 offender has complied fully with the community service
5 requirement, notify the sentencing court.

6 Sec. 91. 1997 Iowa Acts, chapter 84, section 6, is amended
7 to read as follows:

8 SEC. 6. EFFECTIVE DATE -- APPLICABILITY. This Act, being
9 deemed of immediate importance, takes effect upon enactment.
10 Notwithstanding Prior to the beginning of school for the
11 school year beginning July 1, 1997, and notwithstanding the
12 timing of the notice requirements in section 4 of this Act, a
13 school district may conduct periodic inspection of school
14 lockers, desks, or other facilities or spaces if the school
15 district sends a notice to all students and the students'
16 parents, guardians, or legal custodians prior to commencing
17 any inspections.

18 Sec. 92. 1997 Iowa Acts, chapter 130, section 3, is
19 amended by striking the section and inserting in lieu thereof
20 the following:

21 SEC. 3. Section 904.102, subsection 8, Code 1997, is
22 amended to read as follows:

23 8. ~~Correctional-release-center~~ Newton correctional
24 facility.

25 Sec. 93. 1997 Iowa Acts, chapter 137, section 7, is
26 amended by striking the section and inserting in lieu thereof
27 the following:

28 SEC. 7. Section 455B.304, subsection 2, Code 1997, is
29 amended to read as follows:

30 2. The commission shall adopt rules that allow the use of
31 wet or dry sludge from publicly owned treatment works for land
32 application. A sale of wet or dry sludge for the purpose of
33 land application shall be accompanied by a written agreement
34 signed by both parties which contains a general analysis of
35 the contents of the sludge. The heavy metal content of the

1 sludge shall not exceed that allowed by rules of the
2 commission. An owner of a publicly owned treatment works
3 which sells wet or dry sludge ~~is not subject to criminal~~
4 ~~liability for acts or omissions in connection with a sale, and~~
5 is not subject to any action by the purchaser to recover
6 damages for harm to person or property caused by sludge that
7 is delivered pursuant to a sale unless it is a result of a
8 violation of the written agreement or if the heavy metal
9 content of the sludge exceeds that allowed by rules of the
10 commission. Nothing in this section shall provide immunity to
11 any person from action by the department pursuant to section
12 455B.307. The rules ~~promulgated~~ adopted under this subsection
13 shall be generally consistent with those rules of the
14 department existing on January 1, 1982, regarding the land
15 application of municipal sewage sludge except that they may
16 provide for different methods of application for wet sludge
17 and dry sludge.

18 Sec. 94. 1997 Iowa Acts, chapter 175, section 110, is
19 amended by striking the section and inserting in lieu thereof
20 the following:

21 SEC. 110. Section 252I.1, subsections 1, 3, 5, and 8, Code
22 1997, are amended to read as follows:

23 1. "Account" means "account" as defined in section
24 524.103, "share account or shares" as defined in section
25 534.102, the savings or deposits of a member received or being
26 held by a credit union, or certificates of deposit. "Account"
27 also includes deposits held by an agent, a broker-dealer, or
28 an issuer as defined in section 502.102 and money-market
29 mutual fund accounts. However, "account" does not include
30 amounts held by a financial institution as collateral for
31 loans extended by the financial institution.

32 3. "Court order" means "~~court~~ support order" as defined in
33 section ~~252E.1~~ 252J.1.

34 5. "Financial institution" ~~includes a bank, credit union,~~
35 ~~or savings and loan association~~ means "financial institution"

1 as defined in 42 U.S.C. § 669A(d)(1). "Financial institution"
2 also includes an institution which holds deposits for an
3 agent, broker-dealer, or an issuer as defined in section
4 502.102.

5 8. "Support" or "support payments" means "support" or
6 "support payments" as defined in section ~~252B.1~~ 252D.16A.

7 Sec. 95. 1997 Iowa Acts, chapter 176, section 32, is
8 amended by striking the section and inserting in lieu thereof
9 the following:

10 SEC. 32. Section 235A.15, subsection 2, paragraph b,
11 unnumbered paragraph 1, Code 1997, as amended by this Act, is
12 amended to read as follows:

13 Persons involved in an investigation-or assessment of child
14 abuse as follows:

15 Sec. 96. 1997 Iowa Acts, chapter 176, section 33, is
16 amended by striking the section and inserting in lieu thereof
17 the following:

18 SEC. 33. Section 235A.15, subsection 2, paragraph b,
19 subparagraphs (2), (3), (4), and (8), Code 1997, as amended by
20 this Act, are amended to read as follows:

21 (2) To an employee or agent of the department of human
22 services responsible for the investigation-or assessment of a
23 child abuse report.

24 (3) To a law enforcement officer responsible for assisting
25 in an investigation assessment of a child abuse allegation or
26 for the temporary emergency removal of a child from the
27 child's home.

28 (4) To a multidisciplinary team, if the department of
29 human services approves the composition of the
30 multidisciplinary team and determines that access to the team
31 is necessary to assist the department in the investigation,
32 diagnosis, assessment, and disposition of a child abuse case.

33 (8) To a licensing authority for a facility providing care
34 to a child named in a report, if the licensing authority is
35 notified of a relationship between facility policy and the

1 alleged child abuse under section ~~232-717-subsection-4~~
2 232.71B.

3 Sec. 97. 1997 Iowa Acts, chapter 176, section 37, is
4 amended by striking the section and inserting in lieu thereof
5 the following:

6 SEC. 37. Section 235A.15, subsection 6, Code 1997, as
7 amended by this Act, is amended to read as follows:

8 6. a. If a child who is a legal resident of another state
9 is present in this state and a report of child abuse is made
10 concerning the child, the department shall act to ensure the
11 safety of the child. The department shall contact the child's
12 state of legal residency to coordinate the ~~investigation-or~~
13 assessment of the report. If the child's state of residency
14 refuses to conduct an ~~investigation-or~~ assessment, the
15 department shall commence an appropriate ~~investigation-or~~
16 assessment.

17 b. If a report of child abuse is made concerning an
18 alleged perpetrator who resides in this state and a child who
19 resides in another state, the department shall assist the
20 child's state of residency in conducting an ~~investigation-or~~
21 assessment of the report. The assistance shall include but is
22 not limited to an offer to interview the alleged perpetrator
23 and any other relevant source. If the child's state of
24 residency refuses to conduct an ~~investigation-or~~ assessment of
25 the report, the department shall commence an appropriate
26 ~~investigation-or~~ assessment. The department shall seek to
27 develop protocols with states contiguous to this state for
28 coordination in the ~~investigation-or~~ assessment of a report of
29 child abuse when a person involved with the report is a
30 resident of another state.

31 Sec. 98. 1997 Iowa Acts, chapter 176, section 39, is
32 amended by striking the section and inserting in lieu thereof
33 the following:

34 SEC. 39. Section 235A.19, subsection 2, paragraph a, Code
35 1997, as amended by this Act, is amended to read as follows:

1 a. A subject of a child abuse report may file with the
2 department within six months of the date of the notice of the
3 results of ~~an investigation required by section 232.71,~~
4 ~~subsection 77~~ or an assessment performed in accordance with
5 section ~~232.71A~~ 232.71B, a written statement to the effect
6 that report data and disposition data referring to the subject
7 is in whole or in part erroneous, and may request a correction
8 of that data or of the findings of the ~~investigation or~~
9 assessment report. The department shall provide the subject
10 with an opportunity for an evidentiary hearing pursuant to
11 chapter 17A to correct the data or the findings, unless the
12 department corrects the data or findings as requested. The
13 department may defer the hearing until the conclusion of a
14 pending juvenile or district court case relating to the data
15 or findings.

16 Sec. 99. RETROACTIVE APPLICABILITY. Sections 92 through
17 94 of this Act, amending 1997 Iowa Acts, chapters 130, 137,
18 and 175, are retroactively applicable to July 1, 1997.

19 EXPLANATION

20 Code section 15.353(5)(b): In the new section directing
21 the department of economic development to establish a local
22 housing assistance program, a grammatical correction is made
23 in the definition of "local housing group" by changing
24 "community housing development interest" to "community housing
25 development interests".

26 Code sections 15E.182(1)(b) and (3)(e), 15E.183(2), and
27 15E.184: In the new sections relating to the Iowa capital
28 investment board, the words "of economic development" are
29 added after "the department" in sections 15E.182 and 15E.184,
30 and the words "of revenue and finance" are added after "the
31 department" in section 15E.183 to reflect the apparent intent
32 of the sections. "Department" is not defined in Code chapter
33 15E.

34 Code section 49.30: In the section relating to printing of
35 election ballots, grammatical corrections are made which are

1 necessary following the addition of "constitutional
2 amendments" and "public measures" to the items appearing on a
3 ballot, by 1997 Iowa Acts, chapter 170, section 29.

4 Code section 49.47: In the section relating to notice of
5 proper markings on paper ballots for public measures, the
6 instructions for making the proper markings are changed to
7 reflect the changes made in the general form of ballots by
8 1997 Iowa Acts, chapter 170, section 41.

9 Code sections 49.94, 49.95, and 49.97: In the sections
10 relating to marking voting tickets, the words "the names of"
11 preceding "all the candidates" are stricken to correspond to
12 the changes made by 1997 Iowa Acts, chapter 170, sections 48,
13 49, and 51, relating to the manner in which the names of
14 candidates appear on voting tickets.

15 Code section 52.10: In the section relating to the form of
16 election ballots, the reference to the Code sections for the
17 order of the list of candidates is changed from "sections
18 49.30 to 49.41" to "sections 49.30 to 49.42A". When Code
19 section 49.42 was repealed and replaced with Code section
20 49.42A by 1997 Iowa Acts, chapter 170, sections 37 and 93, the
21 reference was changed to omit the repealed section,
22 inadvertently leaving out the reference to the new replacement
23 section.

24 Code section 97A.3(1): In the section relating to
25 membership in the public safety peace officers' retirement
26 system, "when this chapter becomes effective" is replaced with
27 the date on which the chapter became effective, July 4, 1949.

28 Code section 135.83: In the section relating to the
29 authority of the department of public health to contract with
30 other entities for assistance with analyses, studies, and
31 compilation of data, the reference to Code section 135.77,
32 relating to reports to the governor and legislature by the
33 department, is stricken. Code section 135.77 was repealed by
34 1997 Iowa Acts, chapter 203, section 18, and there is no
35 replacement section.

1 Code sections 135.83, 135.107(4), 147A.2, 147A.24(1)(i) and
2 (j), and 235C.2(8): References to the "Iowa hospital
3 association" are changed to refer to the current name of the
4 association, the "association of Iowa hospitals and health
5 systems".

6 Code section 135.105A(3) and (4): In the section relating
7 to lead inspector and lead abater training and certification,
8 "and managers" is deleted from a provision requiring the
9 department of public health to encourage property owners and
10 managers who are not required to be certified to complete the
11 training course. Property managers were removed from the
12 provision exempting certain persons from the certification
13 requirements by 1997 Iowa Acts, chapter 159, section 5. In
14 addition, the provision prohibiting a person from performing
15 lead abatement or inspection unless the person is certified is
16 qualified with "except as otherwise provided in this section".
17 The section allows property owners who are not certified to
18 perform lead abatement and inspection.

19 Code sections 135B.20(4), 135J.2, 155A.13(4)(d), and
20 730.5(3)(f): References to the "joint commission on
21 accreditation of hospitals" are changed to refer to the
22 current name of the commission, the "joint commission on the
23 accreditation of health care organizations".

24 Code section 169C.4(1)(a) and (b) and (3): In the new
25 section relating to liability for trespassing of stray
26 livestock, grammatical changes are made to reflect the
27 apparent intent of the section. In addition, a reference to
28 new Code section 169C.3 is changed to refer to section 169C.2
29 to correspond to the reference described in section 169C.4.

30 Code section 218.99: In the section requiring state
31 institutions under the department of human services to inform
32 a patient's or resident's county of legal settlement of
33 certain occurrences in regard to the patient's or resident's
34 personal deposit fund, a direction to inform the county's
35 single entry point process is changed to direct such

1 information to the "entity designated to perform the county's
2 single entry point process", to provide the proper reference
3 and agree with another direction to inform in the section.

4 Code sections 232.19(1)(c), 232.195, and 232.196: In the
5 provisions relating to runaway assessment and counseling
6 centers, the centers were referred to as both "runaway
7 assessment and counseling centers" and "runaway assessment and
8 treatment centers". The bill changes all references to such
9 centers to "runaway assessment centers" and "assessment
10 centers" to be consistent.

11 Code section 232.54(7): In the new provision allowing
12 termination of a juvenile court dispositional order regarding
13 a child who has received a youthful offender deferred sentence
14 upon motion of the county attorney prior to the child reaching
15 the age of 18 if the child violates an agreement between the
16 county attorney and the child which was the basis of the
17 waiver of the child to district court, "and the child" is
18 inserted preceding "violates the terms of the agreement" to
19 reflect the apparent intent of the provision.

20 Code section 232.148(5)(b): In the provision requiring the
21 removal and destruction of fingerprints and photographs of a
22 child taken into custody in certain situations, minor
23 grammatical changes are made to accommodate the addition of a
24 situation by 1997 Iowa Acts, chapter 126, section 33.

25 Code section 232.163(2): In the section relating to
26 visitation, inspection, or supervision of a child's placement
27 outside the home and in another state pursuant to the
28 interstate compact on the placement of children, a reference
29 to "the placement agency" is changed to "the sending agency"
30 to be consistent with the use of the term throughout the
31 compact.

32 Code section 252B.1(2): In Code chapter 252B, relating to
33 child support recovery, "child" was defined to include
34 "'dependent children' as defined in section 239B.1". The
35 reference used to be to "'dependent children' as defined in

1 section 239.1". Code section 239.1 defined "dependent
2 children", but was repealed by 1997 Iowa Acts, chapter 41,
3 section 29, and replaced by Code section 239B.1, which only
4 defines "child". Therefore, the reference to "dependent
5 children" in Code section 252B.1 is replaced by a reference to
6 "child".

7 Code sections 255.26 and 255A.13: References to the "Iowa
8 health data commission" are changed to refer to the "community
9 health management information system". The health data
10 commission was repealed by its own terms effective July 1,
11 1996, and other such references in the Code were changed to
12 refer to the community health management information system,
13 provided for in Code chapter 144C. Minor grammatical changes
14 are also made to Code section 255.26 to remove archaic
15 language.

16 Code section 257.14(2): In the section relating to
17 adjustments for school district budgets, subsection 2 relates
18 to the budget year beginning July 1, 1995, and is therefore
19 obsolete. The bill strikes the subsection.

20 Code section 260A.1(4): In the section relating to
21 appropriations for community college vocational-technical
22 technology improvement, a reference to Code section 427A.13 is
23 stricken. Code section 427A.13, relating to appropriations
24 for the personal property tax replacement fund, was repealed
25 by 1997 Iowa Acts, chapter 158, section 48, effective July 1,
26 1997.

27 Code section 280.17: In the section relating to schools'
28 procedures for handling child abuse reports, a reference to
29 Code section 232.68, subsection 2, paragraph "a", "b", or "d",
30 is changed to refer to Code section 232.68, subsection 2,
31 paragraph "a", "c", or "e". Section 232.68 was amended in
32 1993 by inserting new paragraphs in the definition of "child
33 abuse"; however, the reference in section 280.17 was not
34 amended at that time to correspond to the relettered
35 paragraphs.

1 Code section 297.22(3): An internal reference to
2 subsection 1 is changed to refer to subsections 1 and 2. The
3 change is necessary because the section was amended in 1997 by
4 amending subsection 1 and dividing subsection 1 into
5 subsections 1 and 2.

6 Code sections 307.25(4), 307.27(7) and (8), 321.20B(1),
7 321A.33, 327C.2, 327D.1, and 805.8(2)(p) and (q): References
8 to Code chapters 325, 327, and 327A, and to sections within
9 those chapters, are stricken. Chapters 325, 327, and 327A,
10 relating to certificated carriers, truck operators, and liquid
11 transport carriers, respectively, were repealed by 1997 Iowa
12 Acts, chapter 104, section 60, effective January 1, 1998, and
13 replaced by chapter 325A, relating to motor carrier authority.
14 References which corresponded to provisions in new chapter
15 325A or sections within that chapter are replaced by the
16 appropriate references. The scheduled fine provisions for
17 violations of sections 325.3, 327.3, 327A.17, in Code section
18 805.8, subsection 2, paragraph "p", and for violations of
19 sections 325.31, 327.19, and 327A.8, in Code section 805.8,
20 subsection 2, paragraph "q", are stricken. New Code section
21 325A.24 and Code section 805.8, subsection 2, new paragraph
22 "ag", provide for scheduled fines for violations of new Code
23 chapter 325A.

24 Code section 321.44A: In the section relating to voluntary
25 contributions to the anatomical gift public awareness and
26 transplantation fund, the section is amended to specify the
27 apparent intent of the section that, if an applicant applies
28 to the state department of transportation for a registration
29 or renewal rather than to a county, and the applicant makes a
30 contribution to the fund, 100 percent of the contribution
31 shall be deposited in the fund rather than depositing 5
32 percent of the contribution in the general fund of the county.

33 Code sections 321.71(7) and 537B.2(2): References to
34 "registered gross vehicle weight rating" are changed to refer
35 to "gross vehicle weight rating" as defined in Code section

1 321.1 and as used throughout Code chapter 321.

2 Code section 321.179(1): In the section relating to the
3 issuance of motor vehicle licenses by county treasurers,
4 references to "identification devices" are changed to refer to
5 "parking permits" to correspond to identical changes made in
6 1996 Iowa Acts, chapter 1171.

7 Code section 321.216B: In the section providing that the
8 use of a motor vehicle license or nonoperator's identification
9 card by an underage person to obtain alcohol is a simple
10 misdemeanor, a reference to a copy of an order of adjudication
11 under Code section 232.47 is stricken. Code section 321.482
12 provides that Code chapter 232 has no application in the
13 prosecution of offenses committed in violation of Code chapter
14 321 which are simple misdemeanors.

15 Code section 321.231(5): In the section relating to
16 authorized emergency vehicles and police bicycles, language
17 relating to riders of police bicycles is added to the
18 provisions requiring the driver of an emergency vehicle to
19 drive with due regard for the safety of all persons. It
20 appears that when the section was amended to include police
21 bicycles in 1997 Iowa Acts, chapter 71, section 1, the
22 language in these provisions was not changed to agree with the
23 addition of police bicycles to the section.

24 Code section 321.492: A reference to a "proof of insurance
25 card" is changed to refer to a "proof of financial liability
26 coverage card". A "proof of financial liability coverage
27 card" is defined in Code section 321.1 and includes a
28 liability insurance card, a bond insurance card, a security
29 insurance card, and a self-insurance card. "Proof of
30 insurance card" is not used in any other provision of the
31 Code.

32 Code section 321J.2(3)(a)(3): In the section relating to
33 operating while under the influence of alcohol or drugs, two
34 internal references to a "violation of subsection 2 or a
35 statute in another state substantially corresponding to

1 subsection 2" are changed to refer to subsection 1.
2 Subsection 1 appears to be the correct reference since
3 subsection 1 sets out the offense of operating while
4 intoxicated and subsection 2 sets out the penalties for that
5 offense.

6 Code section 331.439(3)(b) and (7): In the section
7 relating to state payments to counties for mental health,
8 mental retardation, and developmental disabilities services
9 expenditures, internal references to counties' expenditure
10 reports required or submitted pursuant to subsection 1,
11 paragraph "b", are changed to refer to paragraph "a", where
12 the reports are required.

13 Code section 400.1: In the section relating to city civil
14 service commissions, "one year after each regular municipal
15 election" is changed to "one year after a regular municipal
16 election". The change is necessary to allow the staggered
17 terms provided for in the amendment to the section by 1997
18 Iowa Acts, chapter 162, section 1, to take effect.

19 Code section 403.22(1): In the section relating to low-
20 income assistance requirements for public improvements related
21 to housing and residential development, a reference to "low
22 and moderate family housing assistance" is changed to "low and
23 moderate income family housing assistance" to correspond to
24 the usage of the term throughout the section.

25 Code section 422.7(12A): A reference to the "division of
26 job service of the department of employment services" is
27 changed to refer to the "department of workforce development".
28 The department of workforce development replaced the division
29 of job service of the department of employment services in
30 1996 Iowa Acts, chapter 1186.

31 Code section 422.120(1)(a): In the section providing for a
32 livestock production tax credit, a reference to a refund of
33 the credit "as provided in section 422.121" is changed to
34 refer to Code section 422.122, the actual Code section
35 relating to the refund.

1 Code sections 426B.2(3) and 426B.3(1): In the sections
2 relating to property tax relief fund distributions, references
3 to the director of revenue and finance are replaced with
4 references to the director of human services. Code sections
5 426B.1 and 426B.4 were amended by 1997 Iowa Acts, chapter 158,
6 sections 28 and 29, to place the relief fund under the
7 authority of the department of human services rather than the
8 department of revenue and finance.

9 Code sections 452A.52 and 452A.53: In the sections
10 relating to fuels imported in supply tanks of motor vehicles
11 and permits or licenses for such importation, references to
12 the permits provided for in Code section 452A.53 are expanded
13 to refer to "permits and licenses". Code section 452A.53 was
14 amended by 1997 Iowa Acts, chapter 108, section 43, to provide
15 for the procurement of permanent international fuel tax
16 agreement licenses in addition to permits.

17 Code section 453A.3(2): In the section providing penalties
18 for certain cigarette and tobacco sale and use violations,
19 "any civil penalty or fine paid" is changed to read "any civil
20 penalty or criminal fine paid" to specify that both types of
21 fines are to be retained by the city or county enforcing the
22 violation.

23 Code section 455A.11: In the section relating to
24 preferences in temporary employment by the department of
25 natural resources, a reference to the "green thumb program
26 under section 15.227" is changed by striking the reference to
27 Code section 15.227. Code section 15.227 was repealed by 1996
28 Iowa Acts, chapter 1186, section 26; however, a green thumb
29 program still exists.

30 Code section 487.909: In the section relating to the
31 resignation of an agent of a foreign limited partnership for
32 service of process, a reference to filing requirements under
33 Code section 487.206 is changed to refer to Code section
34 487.108. Code section 487.206 was repealed by 1997 Iowa Acts,
35 chapter 188, section 74, and replaced by Code section 487.108.

1 Code section 490.1110(2)(g): In the provision exempting
2 corporations in certain circumstances from the prohibition
3 against business combinations with interested shareholders, a
4 reference to the exemptions in "paragraphs 'a' through 'd'" is
5 changed to refer to "paragraph 'a', 'b', 'c', or 'd'" as it is
6 apparent that a corporation would qualify for one of the
7 exemptions rather than all of the exemptions in those
8 paragraphs.

9 Code section 499.22: In the section relating to capital
10 stock of a cooperative association, a provision allowing
11 voting or nonvoting stock to be issued to a cooperative
12 association is reworded to reflect the intent to allow such
13 issuance as provided in the articles of incorporation of the
14 association issuing the stock.

15 Code section 513B.7(2) and (3): In the section relating to
16 maintenance of records by a carrier providing small group
17 health coverage, references to the "director" are made more
18 specific by adding "of public health". Also, a reference to
19 "organized delivery system" is changed to refer to "the
20 director of public health" to agree with the requirement in
21 subsection 2 that records be filed with the commissioner of
22 insurance and the director of public health rather than with
23 the organized delivery system.

24 Code sections 513B.10(4)(b) and 514E.7(4)(b): In
25 provisions relating to health plan coverage, references to
26 imposition of "any preexisting condition" are changed to refer
27 to "any preexisting condition exclusion" to reflect the
28 apparent intent of the provisions.

29 Code section 514E.1(1): In the provision defining
30 "association", "Iowa comprehensive health association" is
31 changed to read "Iowa comprehensive health insurance
32 association" to reflect the actual name of the association.

33 Code section 535.11(4): In the section relating to
34 allowable finance charges on accounts receivable, a reference
35 to section 537.2202, subsections 2 and 3, is changed to refer

1 to subsection 2 of that section due to the strike of former
2 subsection 3 of that section in 1997 Iowa Acts, chapter 187,
3 section 3.

4 Code sections 537.2202(3) and 537.2402(3): In the sections
5 relating to finance charges for consumer credit sales and
6 consumer loans pursuant to open end credit, similar
7 subsections were stricken from each of these Code sections by
8 1997 Iowa Acts, chapter 187, sections 3 and 5, thereby making
9 the renumbered subsection 3 of each Code section inapplicable.
10 The inapplicable subsections are stricken by this bill.

11 Code section 556.13(3): In a provision relating to the
12 right of the treasurer of state to obtain a replacement
13 certificate for a certificated security reported to the
14 treasurer as abandoned, a reference to Code section 554.8408
15 is changed to refer to the correct Code section relating to
16 replacement certificates, Code section 554.8405.

17 Code section 602.6110(1): In the section providing for a
18 peer review court, a reference to "certain youthful offenders"
19 is changed to refer to "certain juvenile offenders". The
20 reference change is necessary to avoid confusion with the
21 youthful offender program enacted in 1997 Iowa Acts, chapter
22 126.

23 Code section 614.1(2A)(b)(1): In the section providing for
24 the time periods for limitations of actions, "cause of" is
25 inserted before "action shall be deemed to have accrued". The
26 change is necessary because causes of action accrue rather
27 than actions.

28 Code section 633.556(3): In the section relating to
29 appointment of a guardian, an inadvertent reference to
30 "conservator" is changed to refer to "guardian".

31 Code section 642.2(1): In the section relating to
32 garnishment of a public employer, a reference to "income
33 withholding notices" is made more specific by adding "for
34 child support" to correspond to the reference to Code chapter
35 252D, governing income withholding for child support.

1 Code section 673.3: In the new section requiring a
2 domesticated animal professional conducting domesticated
3 animal activities on property to post a notice, "domesticated
4 animal may act unpredictably to conditions" is changed to read
5 that the "domesticated animal may react unpredictably to
6 conditions" to be grammatically correct and to agree with the
7 use of "react" in unnumbered paragraph 5.

8 Code section 805.8(2)(c): In the provisions relating to
9 scheduled fines for traffic violations, a reference to Code
10 section 321.391 is stricken. Code section 321.391 was
11 repealed by 1997 Iowa Acts, chapter 108, section 49.

12 Code section 805.8(2)(v): In the provisions relating to
13 scheduled fines for traffic violations, paragraph designations
14 are stricken and corresponding grammatical corrections are
15 made.

16 Code section 805.8(11)(b): In the provisions relating to
17 scheduled fines for smoking violations, "scheduled fine" is
18 changed to "scheduled criminal fine" in two places to
19 distinguish the criminal fine for failure to pay a civil
20 penalty from the scheduled fines which are civil penalties.

21 Code section 809A.4(2)(b): A reference to Code section
22 124.401, subsection 3, is changed to refer to subsection 5 of
23 that section. The change is necessary because when the
24 subsections in Code section 124.401 were renumbered according
25 to a change in that section by 1996 Iowa Acts, chapter 1164,
26 the reference in Code section 809A.4(2)(b) was not changed.

27 Code sections 903A.2 and 903A.7: In provisions relating to
28 reductions of sentences for good behavior, references to "good
29 time" are changed to refer to the official term for such
30 reductions, "good conduct time".

31 Code section 910.9: In the section relating to collection
32 of payments for restitution, a reference to "court costs" is
33 changed to include "correctional fees claimed by a sheriff
34 pursuant to section 356.7". 1997 Iowa Acts, chapter 140,
35 sections 2 through 4 added the inclusory language after "court

1 costs" in other provisions but inadvertently omitted the
2 language in Code section 910.9.

3 1997 Iowa Acts, chapter 84, section 6: In the provision
4 relating to school searches notwithstanding the timing of the
5 notice requirements in section 4 of the Act, "prior to the
6 beginning of school for the school year beginning July 1,
7 1997," is inserted to reflect the apparent intent to make the
8 inspection provision in section 6 temporary until notices of
9 school searches could be given at the beginning of school in
10 1997.

11 1997 Iowa Acts, chapter 130, section 3: The section
12 amending Code section 904.102, subsection 8, is changed to
13 reflect the correct strike-throughs, which indicate the proper
14 changes to the actual 1997 Code language.

15 1997 Iowa Acts, chapter 137, section 7: In the section
16 amending Code section 455B.304, subsection 2, an error was
17 made in engrossing the Act. The words "and dry sludge" are
18 added at the end of Code section 455B.304, subsection 2, to
19 reflect the actual 1997 Code language, which was not amended
20 by 1997 Iowa Acts, chapter 137.

21 1997 Iowa Acts, chapter 175, section 110: 1997 Code
22 language was incorrectly reproduced in the amendment to Code
23 section 252I.1(1)(3)(5) and (8). Changes are made to correct
24 the Code language.

25 1997 Iowa Acts, chapter 176, sections 32, 33, and 37: The
26 sections amending Code section 235A.15, subsections 2(b) and
27 (6), as amended by division 1 of the Act, inadvertently left
28 out the word "or" between "investigation" and "assessment".
29 "Or" was included in these provisions as amended in division 1
30 of the Act. The sections of the Act are changed by inserting
31 "or" in the proper places and striking through the word to
32 reflect the amendments to Code section 235A.15 by both
33 division 1 and division 2 of the Act. The effective dates for
34 both divisions of the Act remain the same as provided for in
35 the Act, with division 1 being effective July 1, 1997, and

1 division 2 effective July 1, 1998.

2 1997 Iowa Acts, chapter 176, section 39: This section in
3 division 2 of the Act amends Code section 235A.19, subsection
4 2(a). Code section 235A.19, subsection 2(a), refers to Code
5 section 232.71A. However, division 2 of the Act replaces Code
6 section 232.71A with Code section 232.71B, effective July 1,
7 1998. Therefore, the reference to Code section 232.71A is
8 changed to refer to Code section 232.71B.

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HOUSE FILE 2162

AN ACT

RELATING TO NONSUBSTANTIVE CODE CORRECTIONS AND INCLUDING
A RETROACTIVE APPLICABILITY PROVISION.

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

Section 1. Section 15.353, subsection 5, paragraph b, Code Supplement 1997, is amended to read as follows:

b. "Local housing group" means an entity organized to represent community housing development interest interests.

Sec. 2. Section 15E.182, subsection 1, paragraph b, Code Supplement 1997, is amended to read as follows:

b. The director of the department of economic development.

Sec. 3. Section 15E.182, subsection 3, paragraph e, Code Supplement 1997, is amended to read as follows:

e. Conduct an annual risk analysis which matches the current and anticipated value of investments made pursuant to this division with the current and anticipated value of any tax credits given. If the anticipated value of any tax credits given exceeds the anticipated value of investments, the department of economic development shall establish a reserve account within the strategic investment fund sufficient to cover such losses to the general fund of the state in the event of the termination of the Iowa capital investment board.

Sec. 4. Section 15E.183, subsection 2, Code Supplement 1997, is amended to read as follows:

2. The department of revenue and finance shall, in consultation with the Iowa capital transition board, develop a system for the registration, issuance, transfer, or redemption of tax credits issued by the state under this section. The department of revenue and finance shall also, in consultation

with the Iowa capital transition board, adopt any other policies, procedures, or rules pursuant to chapter 17A necessary for the administration of tax credits issued by the state under this section.

Sec. 5. Section 15E.184, Code Supplement 1997, is amended to read as follows:

15E.184 SUPPORT.

The department of economic development shall provide staff assistance, physical facilities, and other support as necessary.

Sec. 6. Section 49.30, unnumbered paragraph 1, Code Supplement 1997, is amended to read as follows:

~~The names of all candidates,~~ All constitutional amendments, and all public measures, and the names of all candidates, other than presidential electors, to be voted for in each election precinct, ~~other than presidential electors,~~ shall be printed on one ballot, except that separate ballots are authorized under the following circumstances:

Sec. 7. Section 49.47, Code Supplement 1997, is amended to read as follows:

49.47 NOTICE ON BALLOTS.

At the top of paper ballots for public measures shall be printed the following:

[Notice to voters. To vote to approve any question on this ballot, make a cross mark or check in the target after before the word "Yes". To vote against a question make a similar mark in the target following preceding the word "No".]

This notice shall be adapted to describe the proper mark where it is appropriate.

Sec. 8. Section 49.94, unnumbered paragraph 1, Code Supplement 1997, is amended to read as follows:

~~If the names of~~ all the candidates for whom a voter desires to vote in any election other than the primary election were nominated by the same political party or nonparty political organization, and the voter desires to vote for all candidates nominated by that political party or organization, the voter may do so in any one of the following ways:

Sec. 9. Section 49.95, Code Supplement 1997, is amended to read as follows:

49.95 VOTING PART OF TICKET ONLY.

If ~~the names of~~ all the candidates for whom the voter desires to vote were nominated by the same political party or nonparty political organization but the voter does not desire to vote for all of the candidates nominated by the party or organization, the voter shall mark the voting target next to the name of each candidate for whom the voter desires to vote without marking the target next to the name of the party or organization in the straight party or organization section of the ballot.

Sec. 10. Section 49.97, unnumbered paragraph 1, Code Supplement 1997, is amended to read as follows:

If ~~the names of~~ all candidates for whom a voter desires to vote were not nominated by the same political party or nonparty political organization, the voter may indicate the candidates of the voter's choice by marking the ballot in any one of the following ways:

Sec. 11. Section 52.10, Code Supplement 1997, is amended to read as follows:

52.10 BALLOTS -- FORM.

All ballots shall be printed in black ink on clear, white material, of such size as will fit the ballot frame, and in as plain, clear type as the space will reasonably permit. The party name for each political party represented on the machine shall be prefixed to the list of candidates of such party. The order of the list of candidates of the several parties or organizations shall be arranged as provided in sections 49.30 to ~~49.41~~ 49.42A, except that the lists may be arranged in horizontal rows or vertical columns to meet the physical requirements of the voting machine used.

Sec. 12. Section 97A.3, subsection 1, Code 1997, is amended to read as follows:

1. All members of the division of highway safety, uniformed force, and radio communications and the division of

criminal investigation and bureau of identification in the department of public safety, excepting the members of the clerical force, who are employed by the state of Iowa when ~~this chapter becomes effective on July 4, 1949~~, and all persons thereafter employed as members of such divisions in the department of public safety or division of drug law enforcement and arson investigators, except the members of the clerical force, shall be members of this system, except as otherwise provided in subsection 3. Effective July 1, 1994, gaming enforcement officers employed by the division of criminal investigation for excursion boat gambling enforcement activities, fire prevention inspector peace officers employed by the department of public safety, and employees of the division of capitol police, except clerical workers, shall be members of this system, except as otherwise provided in subsection 3 or section 97B.42B. Such members shall not be required to make contributions under any other pension or retirement system of the state of Iowa, anything to the contrary notwithstanding.

Sec. 13. Section 135.83, Code Supplement 1997, is amended to read as follows:

135.83 CONTRACTS FOR ASSISTANCE WITH ANALYSES, STUDIES AND DATA.

In furtherance of the department's responsibilities under sections ~~135.767-135.777~~ and 135.78, the director may contract with the ~~Iowa hospital~~ association of Iowa hospitals and health systems and third party payers, the Iowa health care facilities association and third party payers, or the Iowa association of homes for the aging and third party payers for the establishment of pilot programs dealing with prospective rate review in hospitals or health care facilities, or both. Such contract shall be subject to the approval of the executive council and shall provide for an equitable representation of health care providers, third party payers, and health care consumers in the determination of criterion for rate review. No third party payer shall be excluded from

positive financial incentives based upon volume of gross patient revenues. No state or federal funds appropriated or available to the department shall be used for any such pilot program.

Sec. 14. Section 135.105A, subsections 3 and 4, Code Supplement 1997, are amended to read as follows:

3. A person who owns real property which includes a residential dwelling and who performs lead inspection or lead abatement of the residential dwelling is not required to obtain certification to perform these measures, unless the residential dwelling is occupied by a person other than the owner or a member of the owner's immediate family while the measures are being performed. However, the department shall encourage property owners and managers who are not required to be certified to complete the training course to ensure the use of appropriate and safe mitigation and abatement procedures.

4. A Except as otherwise provided in this section, a person shall not perform lead abatement or lead inspections unless the person has completed a training program approved by the department and has obtained certification. A person who violates this section is subject to a civil penalty not to exceed five thousand dollars for each offense.

Sec. 15. Section 135.107, subsection 4, Code Supplement 1997, is amended to read as follows:

4. The director of public health shall establish a primary care collaborative work group to coordinate all statewide recruitment and retention activities established pursuant to this section and to make recommendations to the department and the center for rural health and primary care relating to the implementation of subsection 3. Membership of the work group shall consist, at a minimum, of representatives from the university of Iowa college of medicine, university of osteopathic medicine and health sciences, university of Iowa physician assistant school, university of Iowa nurse practitioner school, university of osteopathic medicine and health sciences physician assistant program, Iowa-Nebraska

primary care association, Iowa medical society, Iowa osteopathic medical association, Iowa chapter of American college of osteopathic family physicians, Iowa academy of family physicians, nurse practitioner association, Iowa nurses association, Iowa-hospital association of Iowa hospitals and health systems, and Iowa physicians assistants association.

Sec. 16. Section 135B.20, subsection 4, Code 1997, is amended to read as follows:

4. "Joint conference committee" shall mean the joint conference committee as required by the joint commission on accreditation of hospitals health care organizations or, in a hospital having no such committee, a similar committee, an equal number of which shall be members of the medical staff selected by the staff and an equal number of which shall be selected by the governing board of the hospital.

Sec. 17. Section 135J.2, unnumbered paragraph 2, Code 1997, is amended to read as follows:

The hospice program shall meet the criteria pursuant to section 135J.3 before a license is issued. The department of inspections and appeals is responsible to provide the necessary personnel to inspect the hospice program, the home care and inpatient care provided and the hospital or facility used by the hospice to determine if the hospice complies with necessary standards before a license is issued. Hospices that are certified as medicare hospice providers by the department of inspections and appeals or are accredited as hospices by the joint commission for on the accreditation of hospitals health care organizations, shall be licensed without inspection by the department of inspections and appeals.

Sec. 18. Section 147A.2, Code 1997, is amended to read as follows:

147A.2 COUNCIL ESTABLISHED -- TERMS OF OFFICE.

An EMS advisory council shall be appointed by the director. Membership of the council shall be comprised of individuals nominated from, but not limited to, the following state or national organizations: Iowa osteopathic medical association,

Iowa medical society, American college of emergency physicians, Iowa physician assistant society, Iowa academy of family physicians, university of Iowa hospitals and clinics, Iowa EMS association, Iowa firemen's association, Iowa professional firefighters, EMS education programs committee, EMS regional council, Iowa nurses association, ~~Iowa-hospital association of Iowa hospitals and health systems~~, and the Iowa state association of counties.

The EMS advisory council shall advise the director and develop policy recommendations concerning the regulation, administration, and coordination of emergency medical services in the state.

Sec. 19. Section 147A.24, subsection 1, paragraphs i and j, Code 1997, are amended to read as follows:

i. ~~Iowa-hospital-association~~ Association of Iowa hospitals and health systems representing rural hospitals.

j. ~~Iowa-hospital-association~~ Association of Iowa hospitals and health systems representing urban hospitals.

Sec. 20. Section 155A.13, subsection 4, paragraph d, Code 1997, is amended to read as follows:

d. Give recognition to the standards of the joint commission on the accreditation of hospitals health care organizations and the American osteopathic association and to the conditions of participation under medicare.

Sec. 21. Section 169C.4, subsection 1, paragraphs a and b, Code Supplement 1997, are amended to read as follows:

a. To a landowner for damages caused by the livestock owner's livestock which have trespassed on the landowner's land, including but not limited to property damage and costs incurred by a the landowner's custody of the livestock including maintenance costs. A livestock owner's liability is not affected by the failure of a landowner to take custody of the livestock. A livestock owner shall not be liable for damages incurred by the a landowner if the livestock trespassed through a fence that was not maintained by the landowner as required pursuant to chapter 359A.

b. To a landowner who takes custody of livestock on a public road as provided in section ~~169E-3~~ 169C.2 for costs incurred by the landowner in taking custody of the livestock, including maintenance costs.

Sec. 22. Section 169C.4, subsection 3, Code Supplement 1997, is amended to read as follows:

3. An aggrieved party A landowner is not liable for an injury or death suffered by the livestock in the landowner's custody, unless the landowner caused the injury or death. The landowner is not liable for livestock that strays from the landowner's land. An aggrieved party is not liable for livestock that strays from the control of the aggrieved party.

Sec. 23. Section 218.99, Code Supplement 1997, is amended to read as follows:

218.99 COUNTIES TO BE NOTIFIED OF PATIENTS' PERSONAL ACCOUNTS.

The administrator of a division of the department of human services in control of a state institution shall direct the business manager of each institution under the administrator's jurisdiction which is mentioned in section 331.424, subsection 1, paragraphs "a" and "b" and for which services are paid under section 331.424A to quarterly inform the county of legal settlement's entity designated to perform the county's single entry point process of any patient or resident who has an amount in excess of two hundred dollars on account in the patients' personal deposit fund and the amount on deposit. The administrators shall direct the business manager to further notify the entity designated to perform the county's single entry point process at least fifteen days before the release of funds in excess of two hundred dollars or upon the death of the patient or resident. If the patient or resident has no county of legal settlement, notice shall be made to the director of human services and the administrator of the division of the department in control of the institution involved.

Sec. 24. Section 232.19, subsection 1, paragraph c, Code Supplement 1997, is amended to read as follows:

c. By a peace officer, when the peace officer has reasonable grounds to believe the child has run away from the child's parents, guardian, or custodian, for the purposes of determining whether the child shall be reunited with the child's parents, guardian, or custodian, placed in shelter care, or, if the child is a chronic runaway and the county has an approved county runaway treatment plan, placed in a runaway assessment and-counseling center under section 232.196.

Sec. 25. Section 232.54, subsection 7, Code Supplement 1997, is amended to read as follows:

7. With respect to a juvenile court dispositional order entered regarding a child who has received a youthful offender deferred sentence under section 907.3A, the dispositional order may be terminated prior to the child reaching the age of eighteen upon motion of the child, the person or agency to whom custody of the child has been transferred, or the county attorney following a hearing before the juvenile court if it is shown by clear and convincing evidence that it is in the best interests of the child and the community to terminate the order. The hearing may be waived if all parties to the proceeding agree. The dispositional order regarding a child who has received a youthful offender deferred sentence may also be terminated prior to the child reaching the age of eighteen upon motion of the county attorney, if the waiver of the child to district court was conditioned upon the terms of an agreement between the county attorney and the child, and the child violates the terms of the agreement after the waiver order has been entered. The district court shall discharge the child's youthful offender status upon receiving a termination order under this section.

Sec. 26. Section 232.148, subsection 5, paragraph b, Code Supplement 1997, is amended to read as follows:

b. After a petition is filed, the petition is dismissed or the proceedings are suspended and the child has not entered

into a consent decree and has not been adjudicated delinquent on the basis of a delinquent act other than one alleged in the petition in question, or the child has not been placed on youthful offender status.

Sec. 27. Section 232.163, subsection 2, Code Supplement 1997, is amended to read as follows:

2. If a child is placed outside the residency state of the child's parent, the placement sending agency shall provide for a designee to visit the child at least once every twelve months and to submit a written report to the court concerning the child and the visit.

Sec. 28. Section 232.195, Code Supplement 1997, is amended to read as follows:

232.195 RUNAWAY TREATMENT PLAN.

A county may develop a runaway treatment plan to address problems with chronic runaway children in the county. The plan shall identify the problems with chronic runaway children in the county and specific solutions to be implemented by the county, including the development of a runaway assessment and counseling center.

Sec. 29. Section 232.196, Code Supplement 1997, is amended to read as follows:

232.196 RUNAWAY ASSESSMENT AND-COUNSELING CENTER.

1. As part of a county runaway treatment plan under section 232.195, a county may establish a runaway assessment and-treatment center or other plan. The center or other plan, if established, shall provide services to assess a child who is referred to the center or plan for being a chronic runaway and intensive family counseling services designed to address any problem causing the child to run away. A center shall at least meet the requirements established for providing child foster care under chapter 237.

2. a. If not sent home with the child's parent, guardian, or custodian, a chronic runaway may be placed in a runaway assessment and-treatment center by the peace officer who takes the child into custody under section 232.19, if the officer

believes it to be in the child's best interest after consulting with the child's parent, guardian, or custodian. A chronic runaway shall not be placed in a runaway assessment and-treatment center for more than forty-eight hours.

b. If a runaway is placed in a-treatment an assessment center according to a county plan, the runaway shall be assessed within twenty-four hours of being placed in the center by a center counselor to determine the following:

(1) The reasons why the child is a runaway.

(2) Whether the initiation or continuation of child in need of assistance or family in need of assistance proceedings is appropriate.

c. As soon as practicable following the assessment, the child and the child's parents, guardian, or custodian shall be provided the opportunity for a counseling session to identify the underlying causes of the runaway behavior and develop a plan to address those causes.

d. A child shall be released from a runaway assessment and treatment center, established pursuant to the county plan, to the child's parents, guardian, or custodian not later than forty-eight hours after being placed in the center unless the child is placed in shelter care under section 232.21 or an order is entered under section 232.78. A child whose parents, guardian, or custodian failed to attend counseling at the center or fail to take custody of the child at the end of placement in the center may be the subject of a child in need of assistance petition or such other order as the juvenile court finds to be in the child's best interest.

Sec. 30. Section 235C.2, subsection 8, Code 1997, is amended to read as follows:

8. A hospital administrator selected by the board of the Iowa-hospital association of Iowa hospitals and health systems.

Sec. 31. Section 252B.1, subsection 2, Code Supplement 1997, is amended to read as follows:

2. "Child" includes but shall not be limited to a stepchild, foster child or legally adopted child and means a child actually or apparently under eighteen years of age, and a dependent person eighteen years of age or over who is unable to maintain the person's self and is likely to become a public charge. "Child" includes "dependent-children child" as defined in section 239B.1.

Sec. 32. Section 255.26, unnumbered paragraph 1, Code 1997, is amended to read as follows:

Warrants issued under section 255.25 shall be promptly drawn on the treasurer of state and forwarded by the director of revenue and finance to the treasurer of the state university, and the same shall be by the treasurer of the state university placed to the credit of the funds which are set aside for the support of said the university hospital. However, warrants shall not be paid unless the UB-82 claim required pursuant to section 255A.13 has been filed with the Iowa community health data-commission management information system. The superintendent of the said university hospital shall certify to the auditor of state on the first day of January, April, July and October of each year, the amount as herein provided not previously certified by the superintendent due the state from the several counties having patients chargeable thereto, and the auditor of state shall thereupon charge the same to the county so owing. A duplicate certificate shall also be mailed to the auditor of each county having patients chargeable thereto. Expenses for obstetrical patients served under section 255A.9 shall be reimbursed as specified in section 255A.9.

Sec. 33. Section 255A.13, Code 1997, is amended to read as follows:

255A.13 DATA COLLECTION.

Beginning July 1, 1987, the University of Iowa hospitals and clinics shall submit, on a quarterly basis, UB-82 claims for all patients discharged after being served under the indigent patient program under chapter 255. The UB-82 claim

shall include all data elements which are required by the ~~fewa~~ community health data-commission management information system.

Sec. 34. Section 257.14, subsection 2, Code Supplement 1997, is amended by striking the subsection.

Sec. 35. Section 260A.1, subsection 4, Code Supplement 1997, is amended to read as follows:

4. Moneys received by a community college under this section shall not be commingled with general state financial aid, including financial aid to merged areas in lieu of personal property tax replacement payments ~~under-section 427A-13~~, to merged areas as defined in section 260C.2, and including moneys received for vocational education programs in accordance with chapters 258 and 260C. Payments made to a community college shall be accounted for by the community college separately from other state aid payments. Each community college shall maintain a separate listing within its budget accounting for payments received and expenditures made pursuant to this section and section 260A.3.

Sec. 36. Section 280.17, Code 1997, is amended to read as follows:

280.17 PROCEDURES FOR HANDLING CHILD ABUSE REPORTS.

The board of directors of a public school and the authorities in control of a nonpublic school shall prescribe procedures, in accordance with the guidelines contained in the model policy developed by the department of education in consultation with the department of human services, and adopted by the department of education pursuant to chapter 17A, for the handling of reports of child abuse, as defined in section 232.68, subsection 2, paragraph "a", "b c", or "d e", alleged to have been committed by an employee or agent of the public or nonpublic school.

Sec. 37. Section 297.22, subsection 3, Code Supplement 1997, is amended to read as follows:

3. The provisions in subsection subsections 1 and 2 relating to the sale, lease, or disposition of school district

property do not apply to student-constructed buildings and the property on which student-constructed buildings are located. The board of directors of a school district may sell, lease, or dispose of a student-constructed building and the property on which the student-constructed building is located, and may purchase sites for the erection of additional structures, by any procedure which is adopted by the board.

Sec. 38. Section 307.25, subsection 4, Code Supplement 1997, is amended to read as follows:

4. Administer chapters ~~327A~~ 328, 329 and 330.

Sec. 39. Section 307.27, subsection 7, Code Supplement 1997, is amended to read as follows:

7. Administer the regulation of motor vehicle-certificated carriers pursuant to chapter 325 ~~325A~~.

Sec. 40. Section 307.27, subsection 8, Code Supplement 1997, is amended by striking the subsection.

Sec. 41. Section 321.20B, subsection 1, unnumbered paragraph 2, Code Supplement 1997, is amended to read as follows:

This subsection does not apply to the operator of a motor vehicle owned or leased to the United States, this state, or any political subdivision of this state or to a motor vehicle which is subject to section ~~325-267-327-157-327A-57~~ 325A.6 or 327B.6.

Sec. 42. Section 321.44A, Code Supplement 1997, is amended to read as follows:

321.44A VOLUNTARY CONTRIBUTION -- ANATOMICAL GIFT PUBLIC AWARENESS AND TRANSPLANTATION FUND -- AMOUNT RETAINED BY COUNTY TREASURER.

For each application for registration or renewal, the county treasurer or the department shall request through use of a written form, and, if the application is made in person, through verbal communication, that an applicant make a voluntary contribution of one dollar or more to the anatomical gift public awareness and transplantation fund established pursuant to section 142C.15. Ninety-five percent of the

moneys collected by the county and one hundred percent of the moneys collected by the department in the form of contributions shall be remitted to the treasurer of state for deposit in the fund to be used for the purposes specified for the fund. The remaining five percent of the moneys collected by the county shall be retained by the county treasurer for deposit in the general fund of the county. The director shall adopt rules to administer this section.

Sec. 43. Section 321.71, subsection 7, Code 1997, is amended to read as follows:

7. A certificate of title shall not be issued for a motor vehicle less than ten model years old which is equipped with an odometer by the manufacturer, unless an odometer statement which is in compliance with federal law and regulations has been made by the transferor of the vehicle and is furnished with the application for certificate of title. The new certificate of title shall record on its face the odometer reading and the word "actual" if the true mileage is known. If the odometer reading is not the true mileage or the true mileage is unknown, the words "not actual" shall be recorded. If the odometer reading is greater than the odometer can mechanically count, the words "exceeds the mechanical limits" shall be recorded. However, a certificate of title may be issued for a motor vehicle to a person who moves into this state if the person acquired ownership of the motor vehicle prior to moving to this state. This subsection does not apply to motor vehicles having a registered gross vehicle weight rating of more than sixteen thousand pounds.

Sec. 44. Section 321.179, subsection 1, unnumbered paragraph 1, Code Supplement 1997, is amended to read as follows:

Notwithstanding the provisions of this chapter or chapter 321L which grant sole authority to the department for the issuance of motor vehicle licenses, nonoperator's identification cards, and persons with disabilities identification-devices parking permits, the counties of Adams,

Cass, Fremont, Mills, Montgomery, and Page shall be authorized to issue motor vehicle licenses, nonoperator's identification cards, and persons with disabilities identification-devices parking permits on a permanent basis. However, a county shall only be authorized to issue commercial driver's licenses if certified to do so by the department. If a county fails to meet the standards for certification under this section, the department itself shall provide for the issuance of commercial driver's licenses in that county. The department shall certify the county treasurers in the permanent counties to issue commercial driver's licenses if all of the following conditions are met:

Sec. 45. Section 321.216B, Code Supplement 1997, is amended to read as follows:

321.216B USE OF MOTOR VEHICLE LICENSE OR NONOPERATOR'S IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN ALCOHOL.

A person who is under the age of twenty-one, who alters or displays or has in the person's possession a fictitious or fraudulently altered motor vehicle license or nonoperator's identification card and who uses the license to violate or attempt to violate section 123.47, commits a simple misdemeanor punishable by a fine of one hundred dollars. The court shall forward a copy of the conviction or-order-of adjudication-under-section-232.47 to the department.

Sec. 46. Section 321.231, subsection 5, Code Supplement 1997, is amended to read as follows:

5. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle or the rider of a police bicycle from the duty to drive or ride with due regard for the safety of all persons, nor shall such provisions protect the driver or rider from the consequences of the driver's or rider's reckless disregard for the safety of others.

Sec. 47. Section 321.284, Code 1997, is amended to read as follows:

321.284 OPEN CONTAINERS IN MOTOR VEHICLES.

by November 15 for the fiscal year which commences two years from the beginning date of the fiscal year in progress at the time the recommendation is made. The allowed growth factor adjustment shall address costs associated with new consumers of service, service cost inflation, and investments for economy and efficiency. In developing the service cost inflation recommendation, the committee shall consider the cost trends indicated by the gross expenditure amount reported in the expenditure reports submitted by counties pursuant to subsection 1, paragraph "b a". The governor shall consider the committee's recommendation in developing the governor's recommendation for an allowed growth factor adjustment for such fiscal year. The governor's recommendation shall be submitted at the time the governor's proposed budget for the succeeding fiscal year is submitted in accordance with chapter 8.

Sec. 54. Section 331.439, subsection 7, Code Supplement 1997, is amended to read as follows:

7. A county shall annually report data concerning the services managed by the county. At a minimum, the data reported shall indicate the number of different individuals who utilized services in a fiscal year and the various types of services. Data reported under this subsection shall be submitted with the county's expenditure report required under subsection 1, paragraph "b a".

Sec. 55. Section 400.1, Code Supplement 1997, is amended to read as follows:

400.1 APPOINTMENT OF COMMISSION.

In cities having a population of eight thousand or over and having a paid fire department or a paid police department, the mayor, one year after each a regular municipal election, with the approval of the council, shall appoint three civil service commissioners who shall hold office, one until the first Monday in April of the second year, one until the first Monday in April of the third year, and one until the first Monday in April of the fourth year after such appointment, whose

successors shall be appointed for a term of four years. In cities having a population of more than one hundred thousand, the city council may establish, by ordinance, the number of civil service commissioners at not less than three.

For the purpose of determining the population of a city under this chapter, the federal census conducted in 1980 shall be used.

Sec. 56. Section 403.22, subsection 1, unnumbered paragraph 3, Code Supplement 1997, is amended to read as follows:

For a municipality with a population of five thousand or less, the municipality need not provide any low and moderate income family housing assistance if the municipality has completed a housing needs assessment meeting the standards set out by the department of economic development, which shows no low and moderate income housing need and the department of economic development agrees that no low and moderate income family housing assistance is needed.

Sec. 57. Section 422.7, subsection 12A, unnumbered paragraph 3, Code Supplement 1997, is amended to read as follows:

The additional deduction shall not be allowed for wages paid to an individual who was hired to replace an individual whose employment was terminated within the twelve-month period preceding the date of first employment. However, if the individual being replaced left employment voluntarily without good cause attributable to the employer or if the individual was discharged for misconduct in connection with the individual's employment as determined by the division-of-job service-of-the department of employment-services workforce development, the additional deduction shall be allowed.

Sec. 58. Section 422.120, subsection 1, paragraph a, Code Supplement 1997, is amended to read as follows:

a. There is allowed a state tax credit for livestock production operations located in the state. The amount of the credit equals ten cents for each corn equivalent consumed by

A person driving a motor vehicle shall not knowingly possess in a motor vehicle upon a public street or highway an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage, wine, or beer with the intent to consume the alcoholic beverage, wine, or beer while the motor vehicle is upon a public street or highway. Evidence that an open or unsealed receptacle containing an alcoholic beverage, wine, or beer was found during an authorized search in the glove compartment, utility compartment, console, front passenger seat, or any unlocked portable device and within the immediate reach of the driver while the motor vehicle is upon a public street or highway is evidence from which the court or jury may infer that the driver intended to consume the alcoholic beverage, wine, or beer while upon the public street or highway if the inference is supported by corroborative evidence. However, an open or unsealed receptacle containing an alcoholic beverage, wine, or beer may be transported at any time in the trunk of the motor vehicle or in some other area of the interior of the motor vehicle not designed or intended to be occupied by the driver and not readily accessible to the driver while the motor vehicle is in motion. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 10, paragraph-4c.

Sec. 48. Section 321.492, unnumbered paragraph 2, Code Supplement 1997, is amended to read as follows:

A peace officer having probable cause to stop a vehicle may require exhibition of the proof of insurance financial liability coverage card issued for the vehicle if the vehicle is a motor vehicle registered in this state.

Sec. 49. Section 321A.33, Code Supplement 1997, is amended to read as follows:

321A.33 EXCEPTIONS.

This chapter does not apply to any motor vehicle owned by the United States, this state, or any political subdivision of

this state or to any operator, except for section 321A.4, while on official duty operating such motor vehicle. This chapter does not apply, except for sections 321A.4 and 321A.26, to any motor vehicle which is subject to section ~~325.26, 327.15, 327A.5, 325A.6~~ or 327B.6.

Sec. 50. Section 321J.2, subsection 3, paragraph a, subparagraph (3), Code Supplement 1997, is amended to read as follows:

(3) If the defendant has previously received a deferred judgment or sentence for a violation of subsection 2 1 or for a violation of a statute in another state substantially corresponding to subsection 2 1.

Sec. 51. Section 327C.2, Code Supplement 1997, is amended to read as follows:

327C.2 GENERAL JURISDICTION OF TRANSPORTATION DEPARTMENT.

The department has general supervision of all railroads in the state, express companies, car companies, freight and freight-line companies, motor carriers, and any common carrier engaged in the transportation of passengers or freight. However, the provisions of this chapter regarding the supervision of carriers do not apply to regular route motor carriers of passengers or charter carriers, as defined under section ~~325.1~~ 325A.12.

Sec. 52. Section 327D.1, Code Supplement 1997, is amended to read as follows:

327D.1 APPLICABILITY OF CHAPTER.

This chapter applies to intrastate transportation by for-hire common carriers of persons and property. However, this chapter does not apply to regular route motor carriers of passengers or charter carriers, as defined under section ~~325.1~~ 325A.12.

Sec. 53. Section 331.439, subsection 3, paragraph b, Code Supplement 1997, is amended to read as follows:

b. Based upon information contained in county management plans and budgets, the state-county management committee shall recommend an allowed growth factor adjustment to the governor

the livestock in the production operation as specified under this section. The credit shall be refunded as provided in section ~~422.121~~ 422.122.

Sec. 59. Section 426B.2, subsection 3, Code Supplement 1997, is amended to read as follows:

3. The department director of human services shall notify ~~the director of revenue and finance of the amounts due a county in accordance with the provisions of this section~~ ~~the director of revenue and finance shall~~ draw warrants on the property tax relief fund, payable to the county treasurer in the amount due to a county in accordance with subsection 1 and mail the warrants to the county auditors in September and March of each year.

Sec. 60. Section 426B.3, subsection 1, Code Supplement 1997, is amended to read as follows:

1. The county auditor shall reduce the certified budget amount received from the board of supervisors for the succeeding fiscal year for the county mental health, mental retardation, and developmental disabilities services fund created in section 331.424A by an amount equal to the amount the county will receive from the property tax relief fund pursuant to section 426B.2, for the succeeding fiscal year and the auditor shall determine the rate of taxation necessary to raise the reduced amount. On the tax list, the county auditor shall compute the amount of taxes due and payable on each parcel before and after the amount received from the property tax relief fund is used to reduce the county budget. The ~~director of revenue and finance~~ human services shall notify the county auditor of each county of the amount of moneys the county will receive from the property tax relief fund pursuant to section 426B.2, for the succeeding fiscal year.

Sec. 61. Section 452A.52, unnumbered paragraph 2, Code 1997, is amended to read as follows:

Any person who is unable to display either of the permits or the license provided in section 452A.53 and brings into the state in the fuel supply tanks of a commercial motor vehicle

more than thirty gallons of motor fuel or special fuel in violation of the provisions of the preceding paragraph is guilty of a simple misdemeanor.

Sec. 62. Section 452A.53, unnumbered paragraph 4, Code Supplement 1997, is amended to read as follows:

Each vehicle operated into or through Iowa in interstate operations using motor fuel or special fuel acquired in any other state shall carry in or on the vehicle a duplicate or evidence of the permit or license required in this section. A fee not to exceed fifty cents shall be charged for each duplicate or other evidence of a permit or license issued.

Sec. 63. Section 453A.3, subsection 2, Code Supplement 1997, is amended to read as follows:

2. A person who violates section 453A.2, subsection 2, shall pay a civil penalty pursuant to section 805.8, subsection 11. Failure to pay the civil penalty imposed for a violation of section 453A.2, subsection 2, is a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 11. Notwithstanding section 602.8106 or any other provision to the contrary, any civil penalty or criminal fine paid under this subsection shall be retained by the city or county enforcing the violation to be used for enforcement of section 453A.2.

Sec. 64. Section 455A.11, Code 1997, is amended to read as follows:

455A.11 PREFERENCES IN TEMPORARY EMPLOYMENT.

In its employment of persons in temporary positions in conservation and outdoor recreation, the department of natural resources shall give preference to persons meeting eligibility requirements for the green thumb program ~~under section 15.227~~ and to persons working toward an advanced education in natural resources and conservation.

Sec. 65. Section 487.909, Code Supplement 1997, is amended to read as follows:

487.909 RESIGNATION OF AGENT FOR SERVICE OF PROCESS.

An agent for service of process of a foreign limited partnership may resign as agent by signing and delivering to the secretary of state an original statement of resignation for filing in accordance with section ~~487+206~~ 487.108. The agent shall send a copy of the statement of resignation by certified mail to the foreign limited partnership at its principal place of business. The agent shall certify to the secretary of state that the copy has been sent to the limited partnership, including the date the copy was sent. The appointment of the agent terminates on the date on which the statement is filed by the secretary of state.

Sec. 66. Section 490.1110, subsection 2, Code Supplement 1997, is amended to read as follows:

2. This section does not apply in any of the following circumstances:

a. The corporation does not have a class of voting stock that is listed on a national securities exchange, authorized for quotation on the national association of securities dealers automated quotations--national market system, or held of record by more than two thousand shareholders, unless any of the foregoing results from action taken, directly or indirectly, by an interested shareholder or from a transaction in which a person becomes an interested shareholder.

b. The corporation's original articles of incorporation contain a provision expressly electing not to be governed by this section.

c. The corporation, by action of its board of directors, adopts an amendment to its bylaws by no later than September 29, 1997, expressly electing not to be governed by this section, which amendment shall not be further amended by the board of directors.

d. The corporation, by action of its shareholders, adopts an amendment to its articles of incorporation or bylaws expressly electing not to be governed by this section, provided that, in addition to any other vote required by law, such amendment to the articles of incorporation or bylaws must

be approved by the affirmative vote of a majority of the shares entitled to vote. An amendment adopted pursuant to this paragraph is effective immediately in the case of a corporation that has never had a class of voting stock that falls within any of the three categories set out in paragraph "a" and has not elected by a provision in its original articles of incorporation or any amendment to such articles to be governed by this section. In all other cases, an amendment adopted pursuant to this paragraph is not effective until twelve months after the adoption of the amendment and does not apply to any business combination between the corporation and any person who became an interested shareholder of the corporation on or prior to such adoption.

An amendment to the bylaws adopted pursuant to this paragraph shall not be further amended by the board of directors.

e. A shareholder becomes an interested shareholder inadvertently and both of the following apply:

(1) As soon as practicable the shareholder divests itself of ownership of sufficient shares so that the shareholder ceases to be an interested shareholder.

(2) The shareholder would not, at any time within the three-year period immediately prior to a business combination between the corporation and such shareholder, have been an interested shareholder but for the inadvertent acquisition of ownership.

f. (1) The business combination is proposed prior to the consummation or abandonment of and subsequent to the earlier of the public announcement or the notice required in this paragraph of a proposed transaction which satisfies all of the following:

(a) Constitutes a transaction described in subparagraph (2).

(b) Is with or by a person who either was not an interested shareholder during the previous three years or who became an interested shareholder with the approval of the

corporation's board of directors or who became an interested shareholder during the time period described in paragraph "g".

(c) Is approved or not opposed by a majority of the members of the board of directors then in office who were directors prior to any person becoming an interested shareholder during the previous three years, or who were recommended for election or elected to succeed such directors by a majority of such directors.

(2) A proposed transaction under subparagraph (1) is limited to the following:

(a) A merger of the corporation, other than a merger pursuant to section 490.1104.

(b) A sale, lease, exchange, mortgage, pledge, transfer, or other disposition, in one or more transactions and whether as part of a dissolution or otherwise, of assets of the corporation or of any direct or indirect majority-owned subsidiary of the corporation, other than to a direct or indirect wholly owned subsidiary of the corporation or to the corporation itself, which has an aggregate market value equal to fifty percent or more of either the aggregate market value of all of the assets of the corporation determined on a consolidated basis, or the aggregate market value of all the outstanding stock of the corporation.

(c) A proposed tender or exchange offer for fifty percent or more of the outstanding voting stock of the corporation.

(3) The corporation shall give no less than twenty days' notice to all interested shareholders prior to the consummation of any of the transactions described in subparagraph (2), subparagraph subdivision (a) or (b).

g. The business combination is with an interested shareholder who becomes an interested shareholder of the corporation at a time when the corporation is not subject to this section pursuant to paragraphs ~~paragraph~~ "a", through "b", "c", or "d".

Notwithstanding paragraphs "a" through "d", a corporation may elect under its original articles of incorporation or any

amendment to such articles to be subject to this section. However, such amendment shall not apply to restrict a business combination between the corporation and an interested shareholder of the corporation if the interested shareholder became such prior to the effective date of the amendment.

Sec. 67. Section 499.22, Code Supplement 1997, is amended to read as follows:

499.22 CAPITAL STOCK.

An association with capital stock may divide the shares into common and preferred stock. Par value stock shall not be issued for less than par. The general corporation laws shall govern the consideration for which no-par stock is issued. If the articles so provide, common stock may be issued in two classes, voting and nonvoting. Voting stock shall be issued to all agricultural producers and nonvoting stock to all other members. Voting stock or nonvoting stock may be issued to a cooperative association as provided in the cooperative association's articles of incorporation of the association issuing the stock. Nonvoting stock shall have all privileges of membership except the right to vote. Preferred stock held by nonmembers shall not exceed in amount that held by members.

Sec. 68. Section 513B.7, subsections 2 and 3, Code Supplement 1997, are amended to read as follows:

2. A small employer carrier or organized delivery system shall file each March 1 with the commissioner or the director of public health an actuarial certification that the small employer carrier or organized delivery system is in compliance with this section and that the rating methods of the small employer carrier or organized delivery system are actuarially sound. A copy of the certification shall be retained by the small employer carrier or organized delivery system at its principal place of business.

3. A small employer carrier or organized delivery system shall make the information and documentation described in subsection 1 available to the commissioner or organized delivery-system the director of public health upon request.

The information is not a public record or otherwise subject to disclosure under chapter 22, and is considered proprietary and trade secret information and is not subject to disclosure by the commissioner or the director of public health to persons outside of the division or department except as agreed to by the small employer carrier or organized delivery system or as ordered by a court of competent jurisdiction.

Sec. 69. Section 513B.10, subsection 4, paragraph b, unnumbered paragraph 1, Code Supplement 1997, is amended to read as follows:

A carrier or organized delivery system offering group health insurance coverage shall not impose any preexisting condition exclusion as follows:

Sec. 70. Section 514E.1, subsection 1, Code Supplement 1997, is amended to read as follows:

1. "Association" means the Iowa comprehensive health insurance association established by section 514E.2.

Sec. 71. Section 514E.7, subsection 4, paragraph b, unnumbered paragraph 1, Code Supplement 1997, is amended to read as follows:

Plan coverage shall not impose any preexisting condition exclusion as follows:

Sec. 72. Section 535.11, subsection 4, Code 1997, is amended to read as follows:

4. With respect to an open account, the creditor may impose a finance charge not exceeding that permitted by section 537.2202, ~~subsections~~ subsection 2 and-3.

Sec. 73. Section 537.2202, subsection 3, Code Supplement 1997, is amended by striking the subsection.

Sec. 74. Section 537.2402, subsection 3, Code Supplement 1997, is amended by striking the subsection.

Sec. 75. Section 537B.2, subsection 2, Code 1997, is amended to read as follows:

2. "Motor vehicle" means a motor vehicle as defined in section 321.1 which is subject to registration. However, "motor vehicle" does not include a motor vehicle, as defined

in section 321.1, with a registered gross vehicle weight rating of more than twelve thousand pounds.

Sec. 76. Section 556.13, subsection 3, Code Supplement 1997, is amended to read as follows:

3. If the holder of property reported to the treasurer of state is the issuer of a certificated security, the treasurer of state has the right to obtain a replacement certificate pursuant to section ~~554-8400~~ 554.8405 but an indemnity bond is not required.

Sec. 77. Section 602.6110, subsection 1, Code Supplement 1997, is amended to read as follows:

1. A peer review court may be established in each judicial district to divert certain youthful juvenile offenders from the criminal or juvenile justice systems. The court shall consist of a qualified adult to act as judge while the duties of prosecutor, defense counsel, court attendant, clerk, and jury shall be performed by persons twelve through seventeen years of age.

Sec. 78. Section 614.1, subsection 2A, paragraph b, subparagraph (1), Code Supplement 1997, is amended to read as follows:

(1) The fifteen-year limitation in paragraph "a" shall not apply to the time period in which to discover a disease that is latent and caused by exposure to a harmful material, in which event the cause of action shall be deemed to have accrued when the disease and such disease's cause have been made known to the person or at the point the person should have been aware of the disease and such disease's cause. This subsection shall not apply to cases governed by section 614.1, subsection 11.

Sec. 79. Section 633.556, subsection 3, Code Supplement 1997, is amended to read as follows:

3. Section 633.551 applies to the appointment of a conservator guardian.

Sec. 80. Section 673.3, unnumbered paragraph 4, Code Supplement 1997, is amended to read as follows:

The domesticated animal may act react unpredictably to conditions, including, but not limited to, a sudden movement, loud noise, an unfamiliar environment, or the introduction of unfamiliar persons, animals, or objects.

Sec. 81. Section 730.5, subsection 3, paragraph f, Code 1997, is amended to read as follows:

f. The employer shall provide substance abuse evaluation, and treatment if recommended by the evaluation, with costs apportioned as provided under the employee benefit plan or at employer expense, if there is no employee benefit plan, the first time an employee's drug test indicates the presence of alcohol or a controlled substance. An employer shall take no disciplinary action against an employee due to the employee's drug involvement the first time the employee's drug test indicates the presence of alcohol or a controlled substance if the employee undergoes a substance abuse evaluation, and if the employee successfully completes substance abuse treatment if treatment is recommended by the evaluation. However, if an employee fails to undergo substance abuse evaluation when required under the results of a drug test, or fails to successfully complete substance abuse treatment when recommended by an evaluation, the employee may be disciplined up to and including discharge. The substance abuse evaluation and treatment provided by the employer shall take place under a program approved by the department of public health or accredited by the joint commission on the accreditation of hospitals health care organizations.

Sec. 82. Section 805.8, subsection 2, paragraph c, Code Supplement 1997, is amended to read as follows:

c. For improperly used or nonused, or defective or improper equipment, other than brakes, driving lights and brake lights, under sections 321.317, 321.387, 321.388, 321.389, 321.390, ~~321.391~~, 321.392, 321.393, 321.422, 321.432, 321.436, 321.437, 321.438, subsection 1 or 3, sections 321.439, 321.440, 321.441, 321.442, 321.444, and 321.445, the scheduled fine is ten dollars.

Sec. 83. Section 805.8, subsection 2, paragraph p, Code Supplement 1997, is amended by striking the paragraph.

Sec. 84. Section 805.8, subsection 2, paragraph q, Code Supplement 1997, is amended to read as follows:

q. For failure to have proper carrier identification markings under section ~~325-317-327-19-327A-67~~ or 327B.1, the scheduled fine is fifteen dollars.

Sec. 85. Section 805.8, subsection 2, paragraph v, Code Supplement 1997, is amended to read as follows:

v. Violations of the schedule of axle and tandem axle and gross or group of axle weight violations in section 321.463 shall be scheduled violations subject to the provisions, procedures and exceptions contained in sections 805.6 to 805.11, irrespective of the amount of the fine under that schedule. Violations of the schedule of weight violations shall be chargeable, where the fine charged does not exceed one hundred dollars, only by uniform citation and complaint. Violations of the schedule of weight violations, where the fine charged exceeds one hundred dollars:

{1}--~~She~~ shall, when the violation is admitted and section 805.9 applies, be chargeable upon uniform citation and complaint, indictment, or county attorney's information,

{2} but otherwise, shall be chargeable only upon indictment or county attorney's information.

PARAGRAPH DIVIDED. In all cases of charges under the schedule of weight violations, the charge shall specify the amount of fine charged under the schedule. Where a defendant is convicted and the fine under the foregoing schedule of weight violations exceeds one hundred dollars, the conviction shall be of an indictable offense although section 805.9 is employed and whether the violation is charged upon uniform citation and complaint, indictment, or county attorney's information.

Sec. 86. Section 805.8, subsection 11, paragraph b, subparagraph (2), Code Supplement 1997, is amended to read as follows:

(2) For failing to pay the civil penalty under section 453A.2, subsection 2, the scheduled criminal fine is twenty-five dollars if the violation is a first offense, fifty dollars if the violation is a second offense, and one hundred dollars if the violation is a third or subsequent offense. Failure to pay the scheduled criminal fine shall not result in the person being detained in a secure facility. The complainant shall not be charged a filing fee.

Sec. 87. Section 809A.4, subsection 2, paragraph b. Code 1997, is amended to read as follows:

b. If the only conduct giving rise to forfeiture is a violation of section 124.401, subsection 3 5, real property is not subject to forfeiture and other property subject to forfeiture pursuant to paragraph "a", subparagraph (2), may be forfeited only pursuant to section 809A.14.

Sec. 88. Section 903A.2, Code Supplement 1997, is amended to read as follows:

903A.2 GOOD CONDUCT TIME.

1. Each inmate committed to the custody of the director of the department of corrections is eligible for a reduction of sentence for good behavior in the manner provided in this section. For purposes of calculating the amount of time by which an inmate's sentence may be reduced, inmates shall be grouped into the following two sentencing categories:

a. Category "A" sentences are those sentences which are not subject to a maximum accumulation of good conduct time of fifteen percent of the total sentence of confinement under section 902.12. To the extent provided in subsection 5, category "A" sentences also include life sentences imposed under section 902.1. An inmate of an institution under the control of the department of corrections who is serving a category "A" sentence is eligible for a reduction of sentence equal to one day for each day of good conduct while committed to one of the department's institutions. In addition, each inmate who is serving a category "A" sentence is eligible for an additional reduction of up to five days per month if the

inmate participates satisfactorily in any of the following activities:

- (1) Employment in the institution.
- (2) Iowa state industries.
- (3) An employment program established by the director.
- (4) A treatment program established by the director.
- (5) An inmate educational program approved by the

director.

b. Category "B" sentences are those sentences which are subject to a maximum accumulation of good conduct time of fifteen percent of the total sentence of confinement under section 902.12. An inmate of an institution under the control of the department of corrections who is serving a category "B" sentence is eligible for a reduction of sentence equal to fifteen eighty-fifths of a day for each day of good conduct by the inmate.

2. Good conduct time earned pursuant to this section may be forfeited in the manner prescribed in section 903A.3.

3. Time served in a jail or another facility prior to actual placement in an institution under the control of the department of corrections and credited against the sentence by the court shall accrue for the purpose of reduction of sentence under this section. Time which elapses during an escape shall not accrue for purposes of reduction of sentence under this section.

4. Time which elapses between the date on which a person is incarcerated, based upon a determination of the board of parole that a violation of parole has occurred, and the date on which the violation of parole was committed shall not accrue for purposes of reduction of sentence under this section.

5. Good conduct time accrued by inmates serving life sentences imposed under section 902.1 shall not reduce the life sentence, but shall be credited against the inmate's sentence if the life sentence is commuted to a term of years under section 902.2.

Sec. 89. Section 903A.7, Code Supplement 1997, is amended to read as follows:

903A.7 SEPARATE SENTENCES.

Consecutive multiple sentences that are within the same category under section 903A.2 shall be construed as one continuous sentence for purposes of calculating reductions of sentence for good conduct time. If a person is sentenced to serve sentences of both categories, category "B" sentences shall be served before category "A" sentences are served, and good conduct time earned against the category "B" sentences shall not be used to reduce the category "A" sentences. If an inmate serving a category "A" sentence is sentenced to serve a category "B" sentence, the category "A" sentence shall be interrupted, and no further good conduct time shall accrue against that sentence until the category "B" sentence is completed.

Sec. 90. Section 910.9, unnumbered paragraph 3, Code Supplement 1997, is amended to read as follows:

Fines, penalties, and surcharges, crime victim compensation program reimbursement, public agency restitution, court costs including correctional fees claimed by a sheriff pursuant to section 356.7, court-appointed attorney's fees, and expenses for public defenders, shall not be withheld by the clerk of court until all victims have been paid in full. Payments to victims shall be made by the clerk of court at least quarterly. Payments by a clerk of court shall be made no later than the last business day of the quarter, but may be made more often at the discretion of the clerk of court. The clerk of court receiving final payment from an offender, shall notify all victims that full restitution has been made, and a copy of the notice shall be sent to the sentencing court. Each office or individual charged with supervising an offender who is required to perform community service as full or partial restitution shall keep records to assure compliance with the portions of the plan of restitution and restitution plan of payment relating to community service and, when the

offender has complied fully with the community service requirement, notify the sentencing court.

Sec. 91. 1997 Iowa Acts, chapter 84, section 6, is amended to read as follows:

SEC. 6. EFFECTIVE DATE -- APPLICABILITY. This Act, being deemed of immediate importance, takes effect upon enactment. Notwithstanding Prior to the beginning of school for the school year beginning July 1, 1997, and notwithstanding the timing of the notice requirements in section 4 of this Act, a school district may conduct periodic inspection of school lockers, desks, or other facilities or spaces if the school district sends a notice to all students and the students' parents, guardians, or legal custodians prior to commencing any inspections.

Sec. 92. 1997 Iowa Acts, chapter 130, section 3, is amended by striking the section and inserting in lieu thereof the following:

SEC. 3. Section 904.102, subsection 8, Code 1997, is amended to read as follows:

8. ~~Correctional-release-center~~ Newton correctional facility.

Sec. 93. 1997 Iowa Acts, chapter 137, section 7, is amended by striking the section and inserting in lieu thereof the following:

SEC. 7. Section 455B.304, subsection 2, Code 1997, is amended to read as follows:

2. The commission shall adopt rules that allow the use of wet or dry sludge from publicly owned treatment works for land application. A sale of wet or dry sludge for the purpose of land application shall be accompanied by a written agreement signed by both parties which contains a general analysis of the contents of the sludge. The heavy metal content of the sludge shall not exceed that allowed by rules of the commission. An owner of a publicly owned treatment works which sells wet or dry sludge ~~is-not-subject-to-criminal-liability-for-acts-or-omissions-in-connection-with-a-sale-and~~

is not subject to any action by the purchaser to recover damages for harm to person or property caused by sludge that is delivered pursuant to a sale unless it is a result of a violation of the written agreement or if the heavy metal content of the sludge exceeds that allowed by rules of the commission. Nothing in this section shall provide immunity to any person from action by the department pursuant to section 455B.307. The rules promulgated adopted under this subsection shall be generally consistent with those rules of the department existing on January 1, 1982, regarding the land application of municipal sewage sludge except that they may provide for different methods of application for wet sludge and dry sludge.

Sec. 94. 1997 Iowa Acts, chapter 175, section 110, is amended by striking the section and inserting in lieu thereof the following:

SEC. 110. Section 252I.1, subsections 1, 3, 5, and 8, Code 1997, are amended to read as follows:

1. "Account" means "account" as defined in section 524.103, "share account or shares" as defined in section 534.102, the savings or deposits of a member received or being held by a credit union, or certificates of deposit. "Account" also includes deposits held by an agent, a broker-dealer, or an issuer as defined in section 502.102 and money-market mutual fund accounts. However, "account" does not include amounts held by a financial institution as collateral for loans extended by the financial institution.

3. "Court order" means "court support order" as defined in section ~~252E.1~~ 252J.1.

5. "Financial institution" ~~includes a bank, credit union, or savings and loan association~~ means "financial institution" as defined in 42 U.S.C. § 669A(d)(1). "Financial institution" also includes an institution which holds deposits for an agent, broker-dealer, or an issuer as defined in section 502.102.

8. "Support" or "support payments" means "support" or "support payments" as defined in section ~~252D.16A~~ 252D.16A.

Sec. 95. 1997 Iowa Acts, chapter 176, section 32, is amended by striking the section and inserting in lieu thereof the following:

SEC. 32. Section 235A.15, subsection 2, paragraph b, unnumbered paragraph 1, Code 1997, as amended by this Act, is amended to read as follows:

Persons involved in an ~~investigation~~-or assessment of child abuse as follows:

Sec. 96. 1997 Iowa Acts, chapter 176, section 33, is amended by striking the section and inserting in lieu thereof the following:

SEC. 33. Section 235A.15, subsection 2, paragraph b, subparagraphs (2), (3), (4), and (8), Code 1997, as amended by this Act, are amended to read as follows:

(2) To an employee or agent of the department of human services responsible for the ~~investigation~~-or assessment of a child abuse report.

(3) To a law enforcement officer responsible for assisting in an ~~investigation~~ assessment of a child abuse allegation or for the temporary emergency removal of a child from the child's home.

(4) To a multidisciplinary team, if the department of human services approves the composition of the multidisciplinary team and determines that access to the team is necessary to assist the department in the ~~investigation~~; diagnosis, assessment, and disposition of a child abuse case.

(8) To a licensing authority for a facility providing care to a child named in a report, if the licensing authority is notified of a relationship between facility policy and the alleged child abuse under section ~~232.71~~-subsection-4 232.71B.

Sec. 97. 1997 Iowa Acts, chapter 176, section 37, is amended by striking the section and inserting in lieu thereof the following:

SEC. 37. Section 235A.15, subsection 6, Code 1997, as amended by this Act, is amended to read as follows:

6. a. If a child who is a legal resident of another state is present in this state and a report of child abuse is made concerning the child, the department shall act to ensure the safety of the child. The department shall contact the child's state of legal residency to coordinate the investigation-or assessment of the report. If the child's state of residency refuses to conduct an investigation-or assessment, the department shall commence an appropriate investigation-or assessment.

b. If a report of child abuse is made concerning an alleged perpetrator who resides in this state and a child who resides in another state, the department shall assist the child's state of residency in conducting an investigation-or assessment of the report. The assistance shall include but is not limited to an offer to interview the alleged perpetrator and any other relevant source. If the child's state of residency refuses to conduct an investigation-or assessment of the report, the department shall commence an appropriate investigation-or assessment. The department shall seek to develop protocols with states contiguous to this state for coordination in the investigation-or assessment of a report of child abuse when a person involved with the report is a resident of another state.

Sec. 98. 1997 Iowa Acts, chapter 176, section 39, is amended by striking the section and inserting in lieu thereof the following:

SEC. 39. Section 235A.19, subsection 2, paragraph a, Code 1997, as amended by this Act, is amended to read as follows:

a. A subject of a child abuse report may file with the department within six months of the date of the notice of the results of an investigation-required-by-section-232-71; subsection-71-or an assessment performed in accordance with section 232-71A 232.71B, a written statement to the effect that report data and disposition data referring to the subject

is in whole or in part erroneous, and may request a correction of that data or of the findings of the investigation-or assessment report. The department shall provide the subject with an opportunity for an evidentiary hearing pursuant to chapter 17A to correct the data or the findings, unless the department corrects the data or findings as requested. The department may defer the hearing until the conclusion of a pending juvenile or district court case relating to the data or findings.

Sec. 99. RETROACTIVE APPLICABILITY. Sections 92 through 94 of this Act, amending 1997 Iowa Acts, chapters 130, 137, and 175, are retroactively applicable to July 1, 1997.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2162, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved 4/15, 1998

TERRY E. BRANSTAD
Governor