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JUDICIARY

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HOUSE FILE

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BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON LARSON)

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

A BILL FOR

1 An Act relating to statutory corrections which may adjust  
2 language to reflect current practices, insert earlier  
3 omissions, delete redundancies and inaccuracies, delete  
4 temporary language, resolve inconsistencies and conflicts,  
5 update ongoing provisions, or remove ambiguities and providing  
6 effective dates and for retroactive applicability.

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

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

3 12. Invest moneys within from the endowment fund and the  
4 program fund in any investments which are determined by the  
5 treasurer of state to be appropriate.

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

8 6. A participant may transfer ownership rights to another  
9 eligible participant individual, including a gift of the  
10 ownership rights to a minor beneficiary. The transfer shall  
11 be made and the property distributed in accordance with rules  
12 adopted by the treasurer of state or with the terms of the  
13 participation agreement.

14 Sec. 3. Section 15.241, subsection 1, unnumbered paragraph  
15 1, Code 1999, is amended to read as follows:

16 A "self-employment loan program account" is established  
17 within the strategic investment fund created in section 15.313  
18 to provide funding for the self-employment loan program which  
19 ~~is-to-be-conducted-in-coordination-with-the-job-training~~  
20 ~~partnership-program-and-other-programs-administered-under~~  
21 ~~section-15-1087-subsection-67-paragraph-"c"~~. The department  
22 may contract with local community action agencies or other  
23 local entities in administering the program, and shall work  
24 with the department of workforce development and the  
25 department of human services in developing the program. The  
26 department shall cooperate with the division of vocational  
27 rehabilitation under the department of education to implement  
28 a business development initiative for entrepreneurs with  
29 disabilities.

30 Sec. 4. Section 87.11, unnumbered paragraph 6, Code 1999,  
31 is amended to read as follows:

32 Financial statements provided to the commissioner of  
33 insurance pursuant to this section may be held as  
34 confidential, proprietary trade secrets, pursuant to section  
35 22.7, subsection 3, upon the request of the employer, subject

1 to rules adopted by the commissioner of insurance, and are not  
2 subject to disclosure or examination under chapter 22.

3 Sec. 5. Section 135C.33, subsection 2, Code 1999, is  
4 amended to read as follows:

5 2. If the department of public safety determines that a  
6 person has committed a crime or has a record of founded  
7 dependent adult abuse and is to be employed in a facility  
8 licensed under this chapter, the department of public safety  
9 shall notify the licensee that an evaluation will be conducted  
10 by the department of human services to determine whether  
11 prohibition of the person's employment is warranted. If a  
12 department of human services child abuse record check  
13 determines the person has a record of founded child abuse, the  
14 department of human services shall inform the licensee that an  
15 evaluation will be conducted to determine whether prohibition  
16 of the person's employment is warranted.

17 Sec. 6. Section 144.36, subsection 4, Code 1999, is  
18 amended to read as follows:

19 4. The county registrar shall record and forward to the  
20 state registrar on or before the tenth day of each calendar  
21 month the original certificates of marriages filed with the  
22 county registrar during the preceding calendar month and the  
23 fees collected by the county registrar on behalf of the state  
24 for applications for a license to marry in accordance with  
25 section 331.605, subsection 7 6.

26 Sec. 7. Section 144.46, Code 1999, is amended to read as  
27 follows:

28 144.46 FEE FOR COPY OF RECORD.

29 The department by rule shall establish fees based on the  
30 average administrative cost which shall be collected by the  
31 state registrar or the county registrar for each certified  
32 copy or short form certification of certificates or records,  
33 or for a search of the files or records when no copy is made,  
34 or when no record is found on file. Fees collected by the  
35 state registrar and by the county registrar on behalf of the

1 state under this section shall be deposited in the general  
2 fund of the state. Fees collected by the county registrar  
3 pursuant to section 331.605, subsection 6 5, shall be  
4 deposited in the county general fund. A fee shall not be  
5 collected from a political subdivision or agency of this  
6 state.

7 Sec. 8. Section 147.111, Code 1999, is amended to read as  
8 follows:

9 147.111 REPORT OF TREATMENT OF WOUNDS AND OTHER INJURIES.

10 Any person licensed under the provisions of this subtitle  
11 who shall administer any treatment to any person suffering a  
12 gunshot or stab wound or other serious bodily injury, as  
13 defined in section 702.18, which appears to have been received  
14 in connection with the commission of a criminal offense, or to  
15 whom an application is made for treatment of any nature  
16 because of any such gunshot or stab wound or other serious  
17 injury, as defined in section 702.18, shall at once but not  
18 later than twelve hours thereafter, report that fact to the  
19 law enforcement agency within whose jurisdiction the treatment  
20 was administered or an application therefor was made, or if  
21 ascertainable, to the law enforcement agency in whose  
22 jurisdiction the gunshot or stab wound or other serious bodily  
23 injury occurred, stating the name of such person, the person's  
24 residence if ascertainable, and giving a brief description of  
25 the gunshot or stab wound or other serious bodily injury. Any  
26 provision of law or rule of evidence relative to confidential  
27 communications is suspended insofar as the provisions of this  
28 section are concerned.

29 Sec. 9. Section 147.112, Code 1999, is amended to read as  
30 follows:

31 147.112 INVESTIGATION AND REPORT BY LAW ENFORCEMENT  
32 AGENCY.

33 The law enforcement agency who has received any report  
34 required by this chapter and who has any reason to believe  
35 that the person injured was involved in the commission of any

1 crime, either as perpetrator or victim, shall at once commence  
 2 an investigation into the circumstances of the gunshot or stab  
 3 wound or other serious ~~bodily~~ injury and make a report of the  
 4 investigation to the county attorney in whose jurisdiction the  
 5 gunshot or stab wound or other serious ~~bodily~~ injury occurred.  
 6 Law enforcement personnel shall not divulge any information  
 7 received under the provisions of this section and section  
 8 147.111 to any person other than a law enforcing officer, and  
 9 then only in connection with the investigation of the alleged  
 10 commission of a crime.

11 Sec. 10. Section 166.6, unnumbered paragraph 1, Code 1999,  
 12 is amended to read as follows:

13 An application for a permit to deal in biological products  
 14 shall be accompanied by a separate bond for each place of  
 15 business, with sureties to be approved by the department, in  
 16 the sum of one five thousand dollars for each place of  
 17 business, which bond shall be conditioned:

18 Sec. 11. Section 216.15B, subsection 1, Code 1999, is  
 19 amended to read as follows:

20 ~~1. For-the-purposes-of-this-section,~~ "mediator" A mediator  
 21 shall be the ~~person~~ designated in writing by the commission to  
 22 conduct mediation of a complaint filed under this chapter.  
 23 The written designation must specifically refer to this  
 24 section.

25 Sec. 12. Section 216A.78, Code 1999, is amended to read as  
 26 follows:

27 216A.78 ADMINISTRATOR.

28 The commission officers may designate the duties and  
 29 obligations of the position of administrator. ~~Any person so~~  
 30 ~~employed may be the employee of another agency of state~~  
 31 ~~government appointed with the consent of the executive officer~~  
 32 ~~of such agency.~~ The officers administrator may appoint such  
 33 other personnel as may be necessary for the efficient  
 34 performance of the duties prescribed by this part. The  
 35 administrator shall carry out programs and policies as

1 determined by the commission.

2 Sec. 13. Section 216B.3, subsection 14, Code 1999, is  
3 amended to read as follows:

4 14. In conjunction with the recommendations made by the  
5 department of natural resources, purchase and use recycled  
6 printing and writing paper in accordance with the schedule  
7 established in section 18.18; establish a wastepaper recycling  
8 program, by January 1, 1990, in accordance with the  
9 recommendations made by the department of natural resources  
10 and requirements of section 18.20; and, in accordance with  
11 section 18.6, require product content statements, ~~the~~  
12 ~~provision-of-information-regarding-on-site-review-of-waste~~  
13 ~~management-in-product-bidding-and-contract-procedures,~~ and  
14 compliance with requirements regarding contract bidding.

15 Sec. 14. Section 260C.47, subsection 1, unnumbered  
16 paragraph 1, Code 1999, is amended to read as follows:

17 The state board of education shall establish an  
18 accreditation process for community college programs by July  
19 1, 1997. The process shall be jointly developed and agreed  
20 upon by the department of education and the community  
21 colleges. The state accreditation process shall be integrated  
22 with the accreditation process of the north central  
23 association of colleges and schools, including the evaluation  
24 cycle, the self-study process, and the criteria for  
25 evaluation, which shall incorporate the standards for  
26 community colleges developed under section 260C.48; and shall  
27 identify and make provision for the needs of the state that  
28 are not met by the association's accreditation process. ~~If-a~~  
29 ~~joint-agreement-has-not-been-reached-by-July-1-1997-the~~  
30 ~~approval-process-provided-under-section-260C-47-subsection-4~~  
31 ~~shall-remain-the-required-accreditation-process-for-community~~  
32 ~~colleges-~~ For the academic year commencing July 1, 1998, and  
33 in succeeding school years, the department of education shall  
34 use a two-component process for the continued accreditation of  
35 community college programs.

1 Sec. 15. Section 262.9, subsection 6, Code 1999, is  
2 amended to read as follows:

3 6. In conjunction with the recommendations made by the  
4 department of natural resources, purchase and use recycled  
5 printing and writing paper, with the exception of specialized  
6 paper when no recyclable product is available, in accordance  
7 with the schedule established in section 18.18; establish a  
8 wastepaper recycling program for all institutions governed by  
9 the board in accordance with recommendations made by the  
10 department of natural resources and the requirements of  
11 section 18.20; shall, in accordance with the requirements of  
12 section 18.6, require product content statements, ~~the~~  
13 ~~provision-of-information-regarding-on-site-review-of-waste~~  
14 ~~management-in-product-bidding-and-contract-procedures,~~ and  
15 compliance with requirements regarding procurement  
16 specifications; and shall comply with the requirements for the  
17 purchase of lubricating oils and industrial oils as  
18 established pursuant to section 18.22.

19 Sec. 16. Section 307.21, subsection 4, paragraph b,  
20 subparagraph (3), Code 1999, is amended to read as follows:

21 (3) Require in accordance with section 18.6 product  
22 content statements, ~~the-provision-of-information-regarding-on-~~  
23 ~~site-review-of-waste-management-in-product-bidding-and~~  
24 ~~contract-procedures,~~ and compliance with requirements  
25 regarding procurement specifications.

26 Sec. 17. Section 312.2, subsection 17, Code 1999, is  
27 amended to read as follows:

28 17. The treasurer of state, before making the allotments  
29 provided for in this section, shall credit monthly from the  
30 road use tax fund to the motorcycle rider education fund  
31 established in section ~~321.189, subsection 9~~ 321.180B, an  
32 amount equal to one dollar per year of license validity for  
33 each issued or renewed driver's license which is valid for the  
34 operation of a motorcycle. Moneys credited to the motorcycle  
35 rider education fund under this subsection shall be taken from

1 moneys credited to the road use tax fund under section 423.24.

2 Sec. 18. Section 321.20B, subsection 4, paragraph c, Code  
3 1999, is amended to read as follows:

4 c. An owner or driver cited for a violation of subsection  
5 1, who produces to the clerk of court within thirty days of  
6 the issuance of the citation proof that financial liability  
7 coverage was in effect for the motor vehicle at the time the  
8 person was stopped and cited ~~as provided in paragraph "b"~~,  
9 shall not be convicted of such violation and the citation  
10 issued shall be dismissed.

11 Sec. 19. Section 321.34, subsection 11B, paragraph c, Code  
12 1999, is amended to read as follows:

13 c. The special fee for letter number designated motorcycle  
14 rider education plates is thirty-five dollars. The fee for  
15 personalized motorcycle rider education plates is twenty-five  
16 dollars, which shall be paid in addition to the special  
17 motorcycle rider education fee of thirty-five dollars. The  
18 fees collected by the director under this subsection shall be  
19 paid monthly to the treasurer of state and credited to the  
20 road use tax fund. Notwithstanding section 423.24, and prior  
21 to the crediting of revenues to the road use tax fund under  
22 section 423.24, subsection 1, paragraph "c", the treasurer of  
23 state shall transfer monthly from those revenues to the  
24 department for use in accordance with section ~~321.189~~  
25 ~~subsection-9~~ 321.180B, the amount of the special fees  
26 collected in the previous month for the motorcycle rider  
27 education plates.

28 Sec. 20. Section 321G.4, unnumbered paragraph 2, Code  
29 1999, is amended to read as follows:

30 The owner of the all-terrain vehicle or snowmobile shall  
31 file an application for registration with the appropriate  
32 county recorder on forms provided by the commission. The  
33 application shall be completed and signed by the owner of the  
34 all-terrain vehicle or snowmobile and shall be accompanied by  
35 a fee of ~~twenty~~ twenty-five dollars and a writing fee. An



1 all-terrain vehicle or a snowmobile shall not be registered by  
2 the county recorder until the county recorder is presented  
3 with receipts, bills of sale, or other satisfactory evidence  
4 that the sales or use tax has been paid for the purchase of  
5 the all-terrain vehicle or snowmobile or that the owner is  
6 exempt from paying the tax. However, an owner of an all-  
7 terrain vehicle, except an all-terrain vehicle purchased new  
8 on or after January 1, 1990, may apply for registration  
9 without proof of sales or use tax paid until one year after  
10 January 1, 1990. Upon receipt of the application in approved  
11 form accompanied by the required fees, the county recorder  
12 shall enter it upon the records and shall issue to the  
13 applicant a pocket-size registration certificate. The  
14 certificate shall be executed in triplicate, one copy to be  
15 delivered to the owner, one copy to the commission, and one  
16 copy to be retained on file by the county recorder. The  
17 registration certificate shall bear the number awarded to the  
18 all-terrain vehicle or snowmobile and the name and address of  
19 the owner. The registration certificate shall be carried  
20 either in the all-terrain vehicle or snowmobile or on the  
21 person of the operator of the machine when in use. The  
22 operator of an all-terrain vehicle or snowmobile shall exhibit  
23 the registration certificate to a peace officer upon request,  
24 to a person injured in an accident involving an all-terrain  
25 vehicle or snowmobile, or to the owner or operator of another  
26 all-terrain vehicle or snowmobile or the owner of personal or  
27 real property when the all-terrain vehicle or snowmobile is  
28 involved in a collision or accident of any nature with another  
29 all-terrain vehicle or snowmobile or the property of another  
30 person or to the property owner or tenant when the all-terrain  
31 vehicle or snowmobile is being operated on private property  
32 without permission from the property owner or tenant.

33 Sec. 21. Section 322B.3, subsection 5, Code 1999, is  
34 amended to read as follows:

35 5. MOBILE HOME HOOKUPS. A mobile home dealer or an

1 employee of a mobile home dealer may perform water, gas,  
2 electrical, and other utility service connections in a mobile  
3 home, space, or within ten feet of such space, located in a  
4 mobile home park, and the dealer or an employee of the dealer  
5 may install a tie-down system on a mobile home located in a  
6 mobile home park. The connections are subject to inspection  
7 and approval by local building code officials and the mobile  
8 home dealer shall pay the inspection fee, if any.

9 Sec. 22. Section 357A.24, subsections 3 and 4, Code 1999,  
10 are amended to read as follows:

11 3. Upon filing the petition, the auditor shall prepare for  
12 a hearing on the petition by following the same procedures as  
13 provided in section 357A.3. The notice of the hearing shall  
14 include all of the following:

- 15 a. The location of the area subject to the petition.
- 16 b. The time and place of the hearing as established by the  
17 board of supervisors for the county in which the area to be  
18 detached is located.
- 19 c. That all owners or tenants of real property within the  
20 boundaries of the area may appear and be heard.

21 4. After the hearing the board of supervisors shall order  
22 that the area subject to the petition be detached from one  
23 district and attached to the other district if the board  
24 determines supervisors determine that all of the following  
25 have been satisfied:

- 26 a. The petition meets the requirements of this section.
- 27 b. The information included in the petition is accurate.
- 28 c. Notice required in this section has been provided.
- 29 d. The detachment and attachment is in the best interest  
30 of the residents of the area subject to the petition.

31 The order shall be published in the same newspaper which  
32 published the notice of the hearing.

33 Sec. 23. Section 420.207, Code 1999, is amended to read as  
34 follows:

35 420.207 TAXATION IN GENERAL.

1 Sections 427.1, 427.3 to 427.11, 428.4, 428.20, 428.22,  
2 428.23, 436.10, 436.11, 437.1, 437.3, ~~437.14~~, 441.21, 443.1 to  
3 443.3, 444.2 to 444.5, and 447.9 to 447.13, so far as  
4 applicable, apply to cities acting under special charters.

5 Sec. 24. Section 422.9, subsection 2, paragraph i, Code  
6 1999, is amended to read as follows:

7 i. If the taxpayer has a deduction for medical care  
8 expenses under section 213 of the Internal Revenue Code, the  
9 taxpayer shall recompute for the purposes of this subsection  
10 the amount of the deduction under section 213 by excluding  
11 from medical care, as defined in section 213, the amount  
12 subtracted under section 422.7, subsection ~~32~~ 29.

13 Sec. 25. Section 435.26, subsection 3, Code 1999, is  
14 amended to read as follows:

15 3. When the property is entered on the tax rolls, the  
16 assessor shall also enter on the tax rolls the title number  
17 last assigned to the mobile home~~7-modular-home7~~ or  
18 manufactured home and the manufacturer's identification  
19 number.

20 Sec. 26. Section 437A.3, subsection 28, Code 1999, is  
21 amended to read as follows:

22 28. "Transfer replacement tax" means the excise tax  
23 imposed in a competitive service area of a municipal utility  
24 which replaces transfers made by the municipal utility in  
25 accordance with section 384.89.

26 Sec. 27. Section 441.21, subsection 2, Code 1999, is  
27 amended by striking the subsection.

28 Sec. 28. Section 455B.202, subsection 2, paragraph b, Code  
29 1999, is amended to read as follows:

30 b. A person shall not construct or expand an animal  
31 feeding operation structure which is part of a confinement  
32 feeding operation for five years after the date of the last  
33 violation, committed by a the person or confinement feeding  
34 operation in which the person holds a controlling interest,  
35 during which the person or operation was classified as a

1 habitual violator.

2 Sec. 29. Section 455B.203A, subsection 5, paragraph b,  
3 subparagraph (2), unnumbered paragraph 1, Code 1999, is  
4 amended to read as follows:

5 The person is acting under the instructions and control of  
6 a certified ~~commercial~~ confinement site manure applicator who  
7 is both of the following:

8 Sec. 30. Section 455G.8, subsections 2 and 4, Code 1999,  
9 are amended to read as follows:

10 2. USE TAX. The revenues derived from the use tax imposed  
11 under chapter 423. The proceeds of the use tax under section  
12 423.24, subsection 1, paragraph "a", subparagraph (1), shall  
13 be allocated, consistent with this chapter, among the fund's  
14 accounts, for debt service and other fund expenses, according  
15 to the fund budget, resolution, trust agreement, or other  
16 instrument prepared or entered into by the board or authority  
17 under direction of the board. ~~The proceeds of the use tax~~  
18 ~~under section 423.24, subsection 1, paragraph "a",~~  
19 ~~subparagraph (2), shall be allocated in accordance with~~  
20 ~~section 455G.21.~~

21 ~~4.---INSURANCE PREMIUMS---Insurance premium income as~~  
22 ~~provided by section 455G.11 shall be credited to the insurance~~  
23 ~~fund.~~

24 Sec. 31. Section 455G.11, subsection 1, Code 1999, is  
25 amended to read as follows:

26 1. UNDERGROUND STORAGE TANK INSURANCE FUND.

27 a. An Iowa underground storage tank insurance fund is  
28 created as a separate fund in the state treasury on July 1,  
29 1998, consisting of all moneys held in the insurance account  
30 of the comprehensive petroleum underground storage tank fund.

31 Notwithstanding section 8.33, moneys remaining in the  
32 underground storage tank insurance fund at the end of each  
33 fiscal year shall not revert to the general fund but shall  
34 remain in the underground storage tank insurance fund.

35 Notwithstanding section 12C.7, interest or earnings on moneys

1 in the underground storage tank insurance fund shall be  
2 credited to the underground storage tank insurance fund in  
3 addition to any other income specifically allocated to the  
4 underground storage tank insurance fund.

5 b. Amounts in the underground storage tank insurance fund  
6 shall not be subject to appropriation for any purpose by the  
7 general assembly, but shall be used only for the purposes set  
8 forth in this section. The treasurer of state shall act as  
9 custodian of the underground storage tank insurance fund and  
10 disperse moneys contained in it as directed by the board. The  
11 treasurer of state is authorized to invest the moneys  
12 deposited in the underground storage tank insurance fund at  
13 the discretion of the board. The income from such investments  
14 shall be credited to and deposited in the underground storage  
15 tank insurance fund. The underground storage tank insurance  
16 fund shall be administered by the board which shall make  
17 expenditures from the underground storage tank insurance fund  
18 consistent with the purposes of the programs provided for in  
19 this chapter without further appropriation.

20 c. No later than July 1, 2004, all moneys in the  
21 underground storage tank insurance fund shall be transferred  
22 to the insurance board when restructured as an independent  
23 nonprofit entity organized to provide an allowable mechanism  
24 to demonstrate financial responsibility as required in 40  
25 C.F.R. pts. 280 and 281, owned and operated by insureds, as  
26 determined by the comprehensive petroleum underground storage  
27 tank fund board.

28 Sec. 32. Section 455G.11, subsection 2, paragraph c, Code  
29 1999, is amended to read as follows:

30 c. Members of the insurance board are entitled to receive  
31 reimbursement of actual expenses incurred in the discharge of  
32 their duties within the limits of the moneys appropriated to  
33 the insurance board or made available to the underground  
34 storage tank insurance fund.

35 Sec. 33. Section 455G.11, subsection 8, unnumbered

1 paragraph 1, Code 1999, is amended to read as follows:

2 An owner or operator applying for coverage shall pay an  
3 annually adjusted insurance premium for coverage by the  
4 insurance fund. Premiums paid shall be credited to and  
5 deposited in the insurance fund. The board may only approve  
6 fund coverage through the payment of a premium established on  
7 an actuarially sound basis. Risk factors shall be taken into  
8 account in establishing premiums. It is the intent of the  
9 general assembly that an actuarially sound premium reflect the  
10 risk to the insurance fund presented by the insured. Risk  
11 factor adjustments should reflect the range of risk presented  
12 by the variety of tank systems, monitoring systems, and risk  
13 management practices in the general insurable tank population.  
14 Premium adjustments for risk factors should at minimum take  
15 into account lifetime costs of a tank and monitoring system  
16 and insurance fund premiums for that tank system so as to  
17 provide a positive economic incentive to the owner or operator  
18 to install the more environmentally safe option so as to  
19 reduce the exposure of the insurance fund to loss.  
20 Actuarially sound is not limited in its meaning to fund  
21 premium revenue equaling or exceeding fund expenditures for  
22 the general tank population.

23 Sec. 34. Section 455G.11, subsection 11, paragraphs a and  
24 b, Code 1999, are amended to read as follows:

25 a. Directly through the underground storage tank insurance  
26 fund with premiums and deductibles as provided in subsection  
27 10.

28 b. In cooperation with a private insurance carrier with  
29 excess or stop loss coverage provided by the underground  
30 storage tank insurance fund to reduce the cost of insurance to  
31 such installers or inspectors, and including such other terms  
32 and conditions as the board deems necessary and convenient to  
33 provide adequate coverage for a certified tank installation at  
34 a reasonable premium. An installer or inspector obtaining  
35 insurance coverage pursuant to this paragraph, may purchase

1 excess coverage of up to five million dollars, subject to the  
2 terms and conditions as determined by the board.

3 Sec. 35. Section 455G.13, subsection 12, Code 1999, is  
4 amended to read as follows:

5 12. RECOVERY OR SUBROGATION -- INSTALLERS AND INSPECTORS.

6 Notwithstanding any other provision contained in this chapter,  
7 the board or a person insured under the insurance fund has no  
8 right of recovery or right of subrogation against an installer  
9 or an inspector insured by the insurance fund for the tank  
10 giving rise to the liability other than for recovery of any  
11 deductibles paid.

12 Sec. 36. Section 455G.21, subsection 1, Code 1999, is  
13 amended to read as follows:

14 1. A marketability fund is created as a separate fund in  
15 the state treasury under the control of the board. The board  
16 shall administer the marketability fund. Notwithstanding  
17 section 8.33, moneys remaining in the marketability fund at  
18 the end of each fiscal year shall not revert to the general  
19 fund but shall remain in the marketability fund. The  
20 marketability fund shall include ~~the following:~~

21 ~~a.---Moneys-allocated-to-the-fund-pursuant-to-section~~  
22 ~~423-247-subsection-17-paragraph-"a"-subparagraph-(2)-~~

23 ~~b.---Notwithstanding, notwithstanding~~ section 12C.7,  
24 interest earned by the marketability fund or other income  
25 specifically allocated to the marketability fund.

26 Sec. 37. Section 455G.21, subsection 2, paragraph a, Code  
27 1999, is amended to read as follows:

28 ~~a. Five-million-dollars-per-year-shall-be-allocated-to-the~~

29 The innocent landowners fund which shall be established as a  
30 separate fund in the state treasury under the control of the  
31 board. The innocent landowners fund shall ~~also~~ include any  
32 moneys recovered pursuant to cost recovery enforcement under  
33 section 455G.13. Notwithstanding section 455G.1, subsection  
34 2, benefits for the costs of corrective action shall be  
35 provided to the owner of a petroleum-contaminated property,

1 who is not otherwise eligible to receive benefits under  
2 section 455G.9. An owner of a petroleum-contaminated property  
3 shall be eligible for payment of total corrective action costs  
4 subject to copayment requirements under section 455G.9,  
5 subsection 4. The board may adopt rules conditioning receipt  
6 of benefits under this paragraph to those petroleum-  
7 contaminated properties which present a higher degree of risk  
8 to the public health and safety or the environment and may  
9 adopt rules providing for denial of benefits under this  
10 paragraph to a person who did not make a good faith attempt to  
11 comply with the provisions of this chapter. This paragraph  
12 does not confer a legal right to an owner of petroleum-  
13 contaminated property for receipt of benefits under this  
14 paragraph.

15 Sec. 38. Section 455H.103, subsection 15, Code 1999, is  
16 amended by striking the subsection.

17 Sec. 39. Section 486A.906, subsection 3, paragraphs b and  
18 c, Code 1999, are amended to read as follows:

19 b. All other obligations of the surviving entity incurred  
20 before the merger by a party to the merger, but those  
21 obligations may be satisfied only out of property of the  
22 surviving entity.

23 c. Except as otherwise provided in section 486A.306, all  
24 obligations of the surviving entity incurred after the merger  
25 takes effect, but those obligations may be satisfied only out  
26 of property of the surviving entity if the partner is a  
27 limited partner.

28 Sec. 40. Section 505.8, subsection 2, Code 1999, is  
29 amended to read as follows:

30 2. The commissioner shall, subject to chapter 17A,  
31 establish, publish, and enforce rules not inconsistent with  
32 law for the enforcement of this subtitle and for the  
33 enforcement of the laws, the administration and supervision of  
34 which are imposed on the division, including rules to  
35 establish fees sufficient to administer the laws, where



1 appropriate fees are not otherwise provided for in rule or  
2 statute, ~~and as necessary to obtain from persons authorized to~~  
3 ~~do business in the state or regulated by the division that~~  
4 ~~data required by the community health management information~~  
5 system.

6 Sec. 41. Section 524.1202, subsection 2, paragraph b, Code  
7 1999, is amended to read as follows:

8 b. For purposes of this subsection, "urban complex" means  
9 the geographic area bounded by the corporate limits of two or  
10 more municipal corporations, each of which being contiguous to  
11 or cornering upon at least one of the other municipal  
12 corporations within the complex. ~~A state bank located in a~~  
13 ~~municipal corporation or urban complex which is located on a~~  
14 ~~boundary of this state and contiguous to a municipal~~  
15 ~~corporation in another state may have one bank office in~~  
16 ~~addition to the number of bank offices permitted by paragraph~~  
17 ~~"a"; provided that nothing~~ Nothing contained in this paragraph  
18 authorizes a state bank to establish a bank office outside of  
19 the boundaries of this state.

20 Sec. 42. Section 524.1213, subsection 3, unnumbered  
21 paragraph 1, Code 1999, is amended to read as follows:

22 Any two or more state banks, national banks, or state and  
23 national banks that are located in this state, that are  
24 affiliates as defined in section 524.1101, and that  
25 individually have been in existence and operated as banks  
26 continuously in this state for at least five years, may be  
27 merged or consolidated into a single state or national bank,  
28 and the resulting entity shall be a "united community bank".  
29 ~~Subject to subsection 12, the~~ The resulting united community  
30 bank of the merger or consolidation:

31 Sec. 43. Section 595.2, subsection 4, Code 1999, is  
32 amended to read as follows:

33 4. A marriage license may be issued to a male and a female  
34 either or both of whom are sixteen or seventeen years of age  
35 if both of the following apply:

1 a. The parents of the underaged party or parties certify  
2 in writing that they consent to the marriage. If one of the  
3 parents of any underaged party to a proposed marriage is dead  
4 or incompetent the certificate may be executed by the other  
5 parent, if both parents are dead or incompetent the guardian  
6 of the underaged party may execute the certificate, and if the  
7 parents are divorced the parent having legal custody may  
8 execute the certificate and

9 b. The certificate of consent of the parents, parent, or  
10 guardian is approved by a judge of the district court or, if  
11 both parents of any underaged party to a proposed marriage are  
12 dead, incompetent, or cannot be located and the party has no  
13 guardian, the proposed marriage is approved by a judge of the  
14 district court. A judge shall grant approval under this  
15 subsection only if the judge finds the underaged party or  
16 parties capable of assuming the responsibilities of marriage  
17 and that the marriage will serve the best interest of the  
18 underaged party or parties. Pregnancy alone does not  
19 establish that the proposed marriage is in the best interest  
20 of the underaged party or parties, however, if pregnancy is  
21 involved the court records which pertain to the fact that the  
22 female is pregnant shall be sealed and available only to the  
23 parties to the marriage or proposed marriage or to any  
24 interested party securing an order of the court.

25 c- 5. If a parent or guardian withholds consent, the judge  
26 upon application of a party to a proposed marriage shall  
27 determine if the consent has been unreasonably withheld. If  
28 the judge so finds, the judge shall proceed to review the  
29 application under subsection 4, paragraph "b".

30 Sec. 44. Section 708.2A, subsection 6, paragraph b, Code  
31 1999, is amended to read as follows:

32 b. A person convicted of violating subsection 4 shall be  
33 sentenced as provided under section 902.9, subsection 4,  
34 committed to the custody of the director of the department of  
35 corrections, and shall be assessed a fine of at least seven

1 hundred fifty dollars. The person shall be denied parole or  
 2 work release until the person has served a minimum of one year  
 3 of the person's sentence. Notwithstanding section 901.5,  
 4 subsection subsections 1, 3, and 5, and section 907.3,  
 5 subsection-3, the person cannot receive a suspended or  
 6 deferred sentence or a deferred judgment; however, the person  
 7 sentenced shall receive credit for any time the person was  
 8 confined in a jail or detention facility following arrest.

9 Sec. 45. Section 904.108, subsection 1, paragraph d, Code  
 10 1999, is amended to read as follows:

11 d. Establish and maintain acceptable standards of  
 12 treatment, training, education, and rehabilitation in the  
 13 various state penal and corrective institutions which shall  
 14 include habilitative services and treatment for offenders with  
 15 mental retardation. For the purposes of this paragraph,  
 16 "habilitative services and treatment" means medical, mental  
 17 health, social, educational, counseling, and other services  
 18 which will assist a person with mental retardation to become  
 19 self-reliant. However, the director may also provide  
 20 rehabilitative treatment and services to other persons who  
 21 require the services. The director shall identify all  
 22 individuals entering the correctional system who are persons  
 23 with mental retardation, as defined in section 222.2,  
 24 subsection 4. Identification shall be made by a qualified  
 25 professional in the area of mental retardation. In assigning  
 26 an offender with mental retardation, or an offender with an  
 27 inadequately developed intelligence or with impaired mental  
 28 abilities, to a correctional facility, the director shall  
 29 consider both the program needs and the security needs of the  
 30 offender. The director shall consult with the department of  
 31 human services in providing habilitative services and  
 32 treatment to offenders with mental illness or mental  
 33 retardation. The director may enter into agreements with the  
 34 department of human services to utilize mental health  
 35 institutions and share staff and resources for purposes of

1 providing habilitative services and treatment **services**, as  
2 well as providing other special needs programming. Any  
3 agreement to utilize mental health institutions and to share  
4 staff and resources shall provide that the costs of the  
5 habilitative services and treatment **services** shall be paid  
6 from state funds. Not later than twenty days prior to  
7 entering into any agreement to utilize mental health  
8 institution staff and resources, other than the use of a  
9 building or facility, for purposes of providing habilitative  
10 services and treatment **services**, as well as other special  
11 needs programming, the directors of the departments of  
12 corrections and human services shall each notify the  
13 chairpersons and ranking members of the joint appropriations  
14 subcommittees that last handled the appropriation for their  
15 respective departments of the pending agreement. Use of a  
16 building or facility shall require approval of the general  
17 assembly if the general assembly is in session or, if the  
18 general assembly is not in session, the legislative council  
19 may grant temporary authority, which shall be subject to final  
20 approval of the general assembly during the next succeeding  
21 legislative session.

22 Sec. 46. Section 915.10, subsection 3, Code 1999, is  
23 amended to read as follows:

24 3. "Victim" means a person who has suffered physical,  
25 emotional, or financial harm as the result of a public offense  
26 or a delinquent act, other than a simple misdemeanor,  
27 committed in this state. "Victim" also includes the immediate  
28 family members of a victim who died or was rendered  
29 incompetent as a result of the offense or who was under  
30 eighteen years of age at the time of the offense.

31 Sec. 47. Section 915.41, Code 1999, is amended to read as  
32 follows:

33 915.41 MEDICAL EXAMINATION COSTS.

34 The cost of a medical examination of a victim for the  
35 purpose of gathering evidence and the cost of treatment of a

1 victim for the purpose of preventing venereal disease shall be  
2 paid from the fund established in section 915.94.

3 Sec. 48. Section 915.42, subsection 4, paragraph a, Code  
4 1999, is amended to read as follows:

5 a. Prior to the scheduling of a hearing, refer the victim  
6 for counseling by a victim counselor or a person requested by  
7 the victim who is authorized to provide the counseling  
8 required pursuant to section 141.22, regarding the nature,  
9 reliability, and significance of the HIV-related test and of  
10 the serologic status of the convicted or alleged offender.

11 Sec. 49. Section 915.42, subsection 6, paragraph b, Code  
12 1999, is amended to read as follows:

13 b. An authorized representative of the petitioner or  
14 victim, the county attorney, or the court sought to obtain  
15 written informed consent from the convicted or alleged  
16 offender.

17 Sec. 50. Section 915.43, subsection 11, Code 1999, is  
18 amended to read as follows:

19 11. Notwithstanding the provisions of this subchapter  
20 requiring initial testing, if a petition is filed with the  
21 court under section 915.42 requesting an order for testing and  
22 the order is granted, and if a test has previously been  
23 performed on the convicted or alleged offender while under the  
24 control of the department of corrections, the test results  
25 shall be provided in lieu of the performance of an initial  
26 test of the convicted or alleged offender, in accordance with  
27 this subchapter.

28 Sec. 51. Section 915.50, subsection 2, Code 1999, is  
29 amended to read as follows:

30 2. The right, pursuant to section 236.12, for law  
31 enforcement to remain on the scene, to assist the victim in  
32 leaving the scene, to transport assist the victim in obtaining  
33 transportation to medical care, and to provide the person with  
34 a written statement of victim rights and information about  
35 domestic abuse shelters, support services, and crisis lines.

1 Sec. 52. Section 915.100, subsection 2, paragraph h, Code  
2 1999, is amended to read as follows:

3 h. If a convicted felon ~~attempts to~~ or the representative  
4 of a convicted felon receives or is owed any profit from which  
5 is realized as a result of the commission of the crime, and  
6 the attorney general brings an action to recover such profits,  
7 the victim may be entitled to funds held in escrow, pursuant  
8 to the provisions of section 910.15.

9 Sec. 53. Sections 236A.1, 307.38, 428.9, 428.11, 428.13,  
10 428.14, 428.15, 428.34, 428.36, 441.30, 455H.501, 455H.502,  
11 and 505.20, Code 1999, are repealed.

12 Sec. 54. Chapter 7G, Code 1999, is repealed.

13 Sec. 55. 1998 Iowa Acts, chapter 1138, section 35, is  
14 amended to read as follows:

15 SEC. 35. EFFECTIVE DATES. Division VI of this Act takes  
16 effect ~~upon enactment or~~ April 16, 1998, ~~whichever is later.~~

17 Sec. 56. 1998 Iowa Acts, chapter 1209, section 28, is  
18 amended to read as follows:

19 SEC. 28. Section ~~445B.201~~ 455B.201, subsection 4, Code  
20 1997, is amended by striking the subsection.

21 Sec. 57. 1998 Iowa Acts, chapter 1209, section 53, is  
22 amended to read as follows:

23 SEC. 53. EFFECTIVE DATES.

24 1. Sections 9, 10, 14, 27, 29, 38, 39, 40 through 43, 48,  
25 49, and this section, being deemed of immediate importance,  
26 take effect upon enactment.

27 2. Sections 11, 13, 15, 16, 18 through 21, 23, 26, 30, 31,  
28 and 33 through 35 take effect on January 1, 1999.

29 3. In section 455B.162, subsections 1, 1A, and 1C, as  
30 enacted by sections 15 and 16 of this Act, and in section  
31 455B.163, as amended by section 18 of this Act, and in section  
32 657.11, subsection 7, as enacted by section 38 of this Act,  
33 the words "the effective date of this section" shall mean the  
34 effective date of the section of this Act in which the  
35 enactments or amendments are made as specified in subsections

1 1 and 2 of this section of this Act.

2 Sec. 58. EFFECTIVE DATES -- RETROACTIVE APPLICABILITY.

3 1. Sections 55, 56, and 57 of this Act, being deemed of  
4 immediate importance, take effect upon enactment.

5 2. Section 55 of this Act applies retroactively to April  
6 16, 1998.

7 3. Section 56 of this Act applies retroactively to July 1,  
8 1998.

9 4. Section 57 of this Act applies retroactively to May 21,  
10 1998.

11 EXPLANATION

12 This bill makes corrections to the Code of Iowa to reflect  
13 current practices, to insert omissions, to delete  
14 redundancies, inaccuracies, and temporary language, to resolve  
15 inconsistencies and conflicts, to update ongoing provisions,  
16 and to remove ambiguities.

17 Section 12D.2. Subsection 12 of this section is amended to  
18 specify that Iowa educational savings plan trust endowment  
19 fund moneys can be taken from the fund and invested and that  
20 the investments are not within the fund itself.

21 Section 12D.6. Subsection 6 of this section is amended by  
22 striking the word "participant" and inserting the word  
23 "individual" in provisions relating to the transfer of  
24 ownership rights to moneys paid under a participation  
25 agreement. The term "eligible participant" is not defined and  
26 the term "participant" is limited to persons, or their legal  
27 representatives, who have entered into contractual agreements  
28 for the payment of moneys for the payment of a beneficiary's  
29 higher education costs. The subsection specifically  
30 contemplates possible transfer of ownership rights to a minor  
31 beneficiary, who may be under a legal disability with respect  
32 to entering into contracts.

33 Section 15.241. Subsection 1, unnumbered paragraph 1, is  
34 amended by striking language which refers to the coordination  
35 of the self-employment loan program with the job training

1 partnership program under section 15.108, subsection 6,  
2 paragraph "c". Section 15.108, subsection 6, paragraph "c",  
3 was stricken as part of the amendments made to that section  
4 under 1996 Iowa Acts, chapter 1186, and the job training  
5 partnership program was transferred from the jurisdiction of  
6 the department of economic development to the department of  
7 workforce development.

8 Section 87.11. Unnumbered paragraph 6 of this section is  
9 amended to specify that the financial statements, relating to  
10 an employer's solvency and financial ability to pay workers'  
11 compensation and benefits without additional insurance, are  
12 provided to the commissioner of insurance and any disclosure  
13 or examination of those statements is subject to the rules of  
14 the commissioner of insurance.

15 Section 135C.33. Subsection 2 is amended to specify that  
16 if the department of human services determines pursuant to a  
17 child abuse record check that a person who has applied for  
18 employment with a health care facility licensed by the  
19 department of inspections and appeals has a record of founded  
20 child abuse, the department of human services is to notify the  
21 licensee that an evaluation will be conducted to determine  
22 whether the person's employment is warranted. Although the  
23 term "department" is defined under chapter 135C to mean the  
24 department of inspections and appeals, because it is the  
25 department of human services which has access to the child  
26 abuse registry information under section 232.71D, the term as  
27 used in the amended sentence refers to the department of human  
28 services.

29 Sections 144.36 and 144.46. Subsection 4 of section 144.36  
30 and section 144.46 are amended to correct references to the  
31 subsections requiring the collection and forwarding or  
32 retaining of certain fees by county registrars under section  
33 331.605. 1995 Iowa Acts, chapter 124, section 11, added new  
34 subsections 6 and 7 to section 331.605. The subsections were  
35 renumbered during the codification process. However,



1 references to the new subsections, one of which was contained  
 2 in this section, were not corrected to reflect that  
 3 renumbering. Subsection 5 of section 331.605 relates to the  
 4 county fee for birth records, death records, or marriage  
 5 certificates; subsection 6 refers to the filing fee for  
 6 licenses to marry; and subsection 7 refers to other fees as  
 7 provided by law.

8 Sections 147.111 and 147.112. The term "serious bodily  
 9 injury" is amended by striking the word "bodily" to conform  
 10 the usage of the term within these sections to the term as  
 11 referenced and defined in Code section 702.18. Both sections  
 12 refer to the reporting of certain wounds which appear to have  
 13 been received in connection with the commission of a criminal  
 14 offense.

15 Section 166.6. Unnumbered paragraph 1 of this section is  
 16 amended to change the bond amount listed for dealers in  
 17 biological products for each place of business from \$1,000 to  
 18 \$5,000. The change conforms the bond amount to the bond  
 19 amount specified for dealers for each place of business under  
 20 section 166.13, subsection 1.

21 Section 216.15B. Subsection 1 is amended by converting the  
 22 definition of the term "mediator" to a requirement that the  
 23 civil rights commission designate a person as mediator to  
 24 conduct mediation under the civil rights chapter. 1998 Iowa  
 25 Acts, chapter 1062, struck former subsections 2 and 3 of this  
 26 section, which contained all other uses of the term "mediator"  
 27 in section 215.15B and which had previously necessitated the  
 28 definition of the term in subsection 1.

29 Section 216A.78. Language which states that the  
 30 administrator of the commission of persons with disabilities  
 31 may be an employee of another agency and which permits the  
 32 commission to appoint personnel for the administration of  
 33 policies and programs of the commission is stricken. The  
 34 striking of the language conforms the section to sections  
 35 216A.2 and 216A.71, which provide that the administrator of

1 the commission is the director of the department of human  
2 rights and that the director has the responsibility for  
3 coordination and supervision of personnel for the various  
4 divisions of the department.

5 Sections 216B.3, 262.9, and 307.21. Subsection 14 of  
6 section 216B.3, subsection 6 of section 262.9, and subsection  
7 4, paragraph "b", of section 307.21 are amended by striking a  
8 requirement that information regarding on-site review of waste  
9 management in product bidding and contract procedures be  
10 required under section 18.6 for institutions under the  
11 commission for the blind and the state board of regents.  
12 Under 1998 Iowa Acts, chapter 1164, section 12, and chapter  
13 1119, section 15, that requirement was stricken from section  
14 18.6.

15 Section 260C.47. Subsection 1, unnumbered paragraph 1, is  
16 amended by striking a reference to a joint agreement between  
17 the department of education and the community colleges  
18 regarding an accreditation process for community colleges that  
19 was to be reached by July 1, 1997. The Code section and  
20 subsection referenced have been stricken from the Code.

21 Sections 312.2 and 321.34. Subsection 17 of section 312.2  
22 and subsection 11B of section 321.34 are amended by changing a  
23 reference to section 321.189, subsection 9, to a reference to  
24 section 321.180B. 1998 Iowa Acts, chapter 1112, repealed the  
25 motorcycle rider education fund established in subsection 9 of  
26 section 321.189 and reestablished the fund in new section  
27 321.180B.

28 Section 321.20B. The amendment strikes the limitation on  
29 persons who may seek to have a citation dismissed when issued  
30 a citation for failure to provide proof of financial liability  
31 coverage. 1998 Iowa Acts, chapter 1121, provided a procedure  
32 for persons who were issued such a citation by a peace officer  
33 to have the citation dismissed if the person produces to the  
34 clerk of court within 30 days of the issuance of the citation  
35 proof that financial liability coverage was in effect. As

1 drafted, however, the bill permitted only persons who were  
2 issued a citation and either had their plates and registration  
3 removed or had their car impounded to have the citation  
4 dismissed. Persons who were simply issued the citation were  
5 not given that option.

6 Section 321G.4. Unnumbered paragraph 2 is amended to  
7 conform the registration fee for all-terrain vehicles or  
8 snowmobiles to the fee as specified in section 321G.6. 1997  
9 Iowa Acts, chapter 148, raised the fee amount for such  
10 registrations, but this section was not amended.

11 Section 322B.3. Subsection 5, which pertains to mobile  
12 home hookups, is amended by changing punctuation in the  
13 section to conform the operation of the section with the  
14 apparent intent to allow mobile home dealers and their  
15 employees to perform the connections necessary to hook up a  
16 mobile home to utility services. As drafted, the subsection  
17 would appear to extend the duties to connections within the  
18 mobile home itself, not just to the mobile home.

19 Section 357A.24. Subsections 3 and 4 are amended to  
20 conform use of the term "board of supervisors" within  
21 provisions dealing with detachment and attachment of areas to  
22 rural water districts to the definitions for the term which  
23 are contained in section 357A.1.

24 Section 420.207. A reference to section 437.14 is stricken  
25 from this provision which relates to taxation provisions which  
26 apply to cities acting under special charters. Section 437.14  
27 was repealed by 1998 Iowa Acts, chapter 1194.

28 Section 422.9. Subsection 1, paragraph "i", which relates  
29 to computation of tax deductions for medical expenses, is  
30 amended to change a reference from section 422.7, subsection  
31 32, to section 422.7, subsection 29. 1998 Iowa Acts, chapter  
32 1174, struck former subsections 29 through 31 of section 422.7  
33 and former subsections 32 through 34 were renumbered as  
34 subsections 29 through 31. Correction of this internal  
35 reference to former subsection 32 was inadvertently missed in

1 the renumbering process.

2 Section 435.26. Subsection 3 of section 435.26 is amended  
3 to delete references to modular homes. 1998 Iowa Acts,  
4 chapter 1107, removed modular homes from certain aspects of  
5 the scope of chapter 435, which relates to taxes on homes in  
6 mobile home parks.

7 Section 437A.3. The word "excise" is added, in subsection  
8 28, before the word "tax" in the definition of the term  
9 "transfer replacement tax" in the chapter relating to taxes on  
10 electricity and natural gas providers. The transfer  
11 replacement tax is one of two taxes imposed under the chapter  
12 to replace the property taxes previously imposed on those  
13 providers. The other tax, the "replacement tax", which is  
14 defined in subsection 23 and which is designated as an excise  
15 tax, is imposed and has the same character as the transfer  
16 replacement tax defined in this section.

17 Section 441.21. Subsection 2 of this section, which  
18 pertains to the taxation of personal property, is stricken.  
19 Personal property is no longer taxed in Iowa.

20 Section 455B.202. Subsection 2, paragraph "b", of this  
21 section is amended to specify that the persons who are  
22 restricted from constructing or expanding an animal feeding  
23 operating structure which is part of a confinement feed  
24 operation are those persons who have personally committed a  
25 violation of requirements pertaining to confinement feeding  
26 operations or those persons who have a controlling interest in  
27 a confinement feeding operation which committed a violation.

28 Section 455B.203A. Subsection 5, paragraph "b",  
29 subparagraph (2), unnumbered paragraph 1, which contains an  
30 exception to the requirement that a person be certified as a  
31 confinement site manure applicator prior to engaging in  
32 certain activities, is amended to specify that the requirement  
33 does not apply to persons who are acting under the  
34 instructions and control of a certified confinement site  
35 manure applicator, instead of a certified commercial manure

1 applicator.

2 Sections 455G.8, 455G.11, 455G.13, and 455G.21. The  
 3 amendments to these sections make corrections which relate to  
 4 the operation of the Iowa petroleum underground storage tank  
 5 program. Changes made in subsection 2 of section 455G.8 and  
 6 subsections 1 and 2 of section 455G.8 delete references to use  
 7 tax revenue allocations to the marketability and innocent  
 8 landowner's funds. The use tax revenues were retroactively  
 9 transferred to the department of economic development under  
 10 1998 Iowa Acts, chapter 1207, leaving no use tax revenue  
 11 available for allocation in the marketability fund. The  
 12 balance of the changes relate to the separation of the former  
 13 insurance account from the Iowa underground storage tank fund  
 14 and the creation of a separate underground tank insurance  
 15 fund. Language remaining in subsection 4 of section 455G.8 is  
 16 moved to subsection 8 of section 455G.11 to reflect the  
 17 separation of the two funds and references to the term "fund"  
 18 are changed to "underground storage tank insurance fund" or  
 19 "insurance fund" to specify that the fund referred to is not  
 20 the "fund" as defined under section 455G.2.

21 Section 486A.906. Subsection 3, paragraphs "b" and "c",  
 22 are amended to specify that, in the event of a merger of two  
 23 partnerships under the Uniform Partnership Act provisions  
 24 which were adopted pursuant to 1998 Iowa Acts, chapter 1201,  
 25 certain obligations incurred prior and subsequent to the  
 26 merger must be satisfied out of the assets of the surviving  
 27 entity.

28 Section 505.8. Subsection 2 of this section is amended by  
 29 striking references to duties of the commissioner of insurance  
 30 which relate to obtaining data for the community health  
 31 management information system. The chapter establishing the  
 32 community health management information system was repealed  
 33 pursuant to 1998 Iowa Acts, chapter 1119.

34 Section 524.1202. Subsection 2, paragraph "b", is amended  
 35 by striking language which permits state banks to have an

1 additional bank office when the state bank is located in a  
2 municipal corporation or urban complex which is located on a  
3 boundary of this state and is contiguous to a municipal  
4 corporation in another state. 1998 Iowa Acts, chapter 1033,  
5 struck the limitation on the number of bank offices that a  
6 state bank may have in this state.

7 Section 524.1213. Subsection 3, unnumbered paragraph 1, is  
8 amended to strike a reference to subsection 12. The reference  
9 was to former subsection 12, not current subsection 12, and  
10 former subsection 12 was stricken in 1998 Iowa Acts, chapter  
11 1033, section 3.

12 Section 595.2. Subsection 4 is amended by specifying that  
13 the conditions referred to in paragraphs "a" and "b" are the  
14 conditions which relate to the issuance of a marriage license  
15 to a male and a female who are 16 or 17 years of age. Former  
16 paragraph "c", which does not state a condition, is  
17 redesignated as subsection 5.

18 Section 708.2A. Subsection 6, paragraph "b", is amended to  
19 change references to sections 901.5 and 907.3, by adding  
20 references to subsections 1 and 5 of section 901.5, and by  
21 deleting a reference to subsection 3 of section 907.3. Given  
22 the language relating to suspended or deferred sentences and  
23 deferred judgments in the balance of the sentence, it is  
24 apparent that these references should be added.

25 Section 904.108. Subsection 1, paragraph "d", is amended  
26 to conform the habilitative services and treatment to be  
27 provided by the department of human services to the term as  
28 defined in the paragraph.

29 Section 915.10. Subsection 3 is amended to include victims  
30 of delinquent acts within the definition of victim in this  
31 subsection. This definition is referenced in subchapter II of  
32 chapter 915 which pertains to victims of juveniles.

33 Section 915.41. The words "of a victim" are added after  
34 the words "medical examination" and "treatment" to specify  
35 that it is the victim's medical examination and treatment

1 costs which are to be paid from the victim compensation fund  
2 established in section 915.94. This change is consistent with  
3 the interpretation of the section, formerly section 709.10, as  
4 expressed in the administrative rules which pertain to the  
5 victim compensation fund.

6 Sections 915.42 and 915.43. Subsection 4, paragraph "a",  
7 and subsection 11 of section 915.42 are amended to add the  
8 words "or alleged" after the word "convicted" and before the  
9 word "offender". 1998 Iowa Acts, chapter 1087, expanded the  
10 scope of provisions requiring offenders to submit to HIV-  
11 related tests to include alleged offenders. Subsection 6 is  
12 amended to add, in the procedure by which a victim or  
13 petitioner may seek to compel submission by a convicted or  
14 alleged offender to HIV-related testing, the words "or victim"  
15 to specify that an authorized representative of a victim of  
16 sexual assault could have been one of the individuals who  
17 sought to obtain written informed consent to HIV-related  
18 testing from the convicted or alleged offender.

19 Section 915.50. Subsection 2 is amended to conform  
20 language relating to the amount of assistance provided by law  
21 enforcement officers to victims in obtaining transportation to  
22 medical care in domestic abuse matters, to the language  
23 referred to in section 236.12.

24 Section 915.100. Subsection 2 is amended to conform the  
25 language contained in paragraph "h" to the language in section  
26 910.15, which is referenced in this paragraph. Section 910.15  
27 pertains to actions by the attorney general to recover moneys  
28 and other property received or owed as a result of the  
29 commission of a felony offense and to distribute the moneys or  
30 property to victims and the convicted felon.

31 Section 236A.1. This section is repealed because 1998 Iowa  
32 Acts, chapter 1090, enacted the identical provision as new  
33 section 915.20A and changed all references to this section to  
34 refer to the new section 915.20A.

35 Section 307.38. Section 307.38, which relates to public

1 transit loans, is repealed. All events and activities to  
2 which the section relates have taken place.

3 Sections 428.9, 428.11, 428.13, 428.14, 428.15, 428.34,  
4 428.36, and 441.30. These sections, which pertain to the  
5 taxation of personal property, are repealed. Personal  
6 property is no longer taxed in Iowa.

7 Sections 455H.103, 455H.501, and 455H.502. Subsection 15  
8 of section 455H.103 and these other two sections are repealed  
9 because the technical advisory committee and the department  
10 have completed all of the duties required by these sections  
11 and the technical advisory committee has been disbanded and  
12 ceases to function as required under subsection 2, paragraph  
13 "e", of section 455H.502.

14 Section 505.20. This section is repealed due to the repeal  
15 of chapter 144C, which established the community health  
16 management information system, by 1998 Iowa Acts, chapter  
17 1119. Because the community health management information  
18 system no longer exists, the commissioner no longer performs  
19 these duties.

20 Chapter 7G. This chapter, which establishes the various  
21 commissions in charge of the Iowa statehood sesquicentennial,  
22 is repealed. The state commission has completed its duties  
23 and the final audit has been completed. The county  
24 commissions expired under subsection 3 of section 7G.2 on June  
25 30, 1997, and all assets were required to be transferred to  
26 local historical societies under that subsection at that time.

27 1998 Iowa Acts, chapter 1138, section 35. This section of  
28 the 1998 Iowa Acts is amended to conform the effective date to  
29 the effective date of 1998 Iowa Acts, chapter 1011. The  
30 division of chapter 1138 to which the effective date applies  
31 amended chapter 1011, which relates to workplace drug testing,  
32 and the effective dates of this division of chapter 1138 and  
33 chapter 1011 were intended to be the same. This section is  
34 effective upon enactment and retroactively applicable to April  
35 16, 1998.



1 1998 Iowa Acts, chapter 1209, section 28. This provision  
 2 is amended by changing a reference to section 445B.201,  
 3 subsection 4, to a reference to section 455B.201, subsection  
 4 4. Section 445B.201 does not exist and, from previous  
 5 versions of the Act as it was progressing through the  
 6 legislative process, it is apparent that reference to section  
 7 455B.201 was intended. This section is effective upon  
 8 enactment and is retroactively applicable to July 1, 1998.

9 1998 Iowa Acts, chapter 1209, section 53. This section is  
 10 amended to specify that where amendments to certain existing  
 11 Code sections were made that included the words "effective  
 12 date of this section", those words related to the effective  
 13 date of the enactments or amendments to those Code sections  
 14 and not to the original effective date of the Code section.  
 15 This section is effective upon enactment and is retroactively  
 16 applicable to May 21, 1998.

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FEB 9 1999  
Place On Calendar

HOUSE FILE **242**  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 57)

Passed House, <sup>(P.358)</sup> Date 2/16/99 Passed Senate, Date 4/13/99 <sup>(P.1098)</sup>  
Vote: Ayes 92 Nays 0 Vote: Ayes 49 Nays 0

<sup>(P.1442)</sup> Approved May 11, 1999  
*Repassed 4/19/99*  
*Vote 97-0*

A BILL FOR

1 An Act relating to statutory corrections which may adjust  
2 language to reflect current practices, insert earlier  
3 omissions, delete redundancies and inaccuracies, delete  
4 temporary language, resolve inconsistencies and conflicts,  
5 update ongoing provisions, or remove ambiguities and providing  
6 effective dates and for retroactive applicability.

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

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*Handwritten vertical text: HF 242*

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

3 12. Invest moneys within from the endowment fund and the  
4 program fund in any investments which are determined by the  
5 treasurer of state to be appropriate.

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

8 6. A participant may transfer ownership rights to another  
9 eligible participant individual, including a gift of the  
10 ownership rights to a minor beneficiary. The transfer shall  
11 be made and the property distributed in accordance with rules  
12 adopted by the treasurer of state or with the terms of the  
13 participation agreement.

14 Sec. 3. Section 15.241, subsection 1, unnumbered paragraph  
15 1, Code 1999, is amended to read as follows:

16 A "self-employment loan program account" is established  
17 within the strategic investment fund created in section 15.313  
18 to provide funding for the self-employment loan program which  
19 ~~is-to-be-conducted-in-coordination-with-the-job-training~~  
20 ~~partnership-program-and-other-programs-administered-under~~  
21 ~~section-15:1087-subsection-67-paragraph-"c"~~. The department  
22 may contract with local community action agencies or other  
23 local entities in administering the program, and shall work  
24 with the department of workforce development and the  
25 department of human services in developing the program. The  
26 department shall cooperate with the division of vocational  
27 rehabilitation under the department of education to implement  
28 a business development initiative for entrepreneurs with  
29 disabilities.

30 Sec. 4. Section 87.11, unnumbered paragraph 6, Code 1999,  
31 is amended to read as follows:

32 Financial statements provided to the commissioner of  
33 insurance pursuant to this section may be held as  
34 confidential, proprietary trade secrets, pursuant to section  
35 22.7, subsection 3, upon the request of the employer, subject

1 to rules adopted by the commissioner of insurance, and are not  
2 subject to disclosure or examination under chapter 22.

3 Sec. 5. Section 135C.33, subsection 2, Code 1999, is  
4 amended to read as follows:

5 | 2. If the department of public safety determines that a  
6 person has committed a crime or has a record of founded  
7 dependent adult abuse and is to be employed in a facility  
8 licensed under this chapter, the department of public safety  
9 shall notify the licensee that an evaluation will be conducted  
10 by the department of human services to determine whether  
11 prohibition of the person's employment is warranted. If a  
12 department of human services child abuse record check  
13 determines the person has a record of founded child abuse, the  
14 department of human services shall inform the licensee that an  
15 evaluation will be conducted to determine whether prohibition  
16 of the person's employment is warranted.

17 Sec. 6. Section 144.36, subsection 4, Code 1999, is  
18 amended to read as follows:

19 4. The county registrar shall record and forward to the  
20 state registrar on or before the tenth day of each calendar  
21 month the original certificates of marriages filed with the  
22 county registrar during the preceding calendar month and the  
23 fees collected by the county registrar on behalf of the state  
24 for applications for a license to marry in accordance with  
25 section 331.605, subsection 7 6.

26 Sec. 7. Section 144.46, Code 1999, is amended to read as  
27 follows:

28 144.46 FEE FOR COPY OF RECORD.

29 | The department by rule shall establish fees based on the  
30 average administrative cost which shall be collected by the  
31 state registrar or the county registrar for each certified  
32 copy or short form certification of certificates or records,  
33 or for a search of the files or records when no copy is made,  
34 or when no record is found on file. Fees collected by the  
35 state registrar and by the county registrar on behalf of the

1 state under this section shall be deposited in the general  
2 fund of the state. Fees collected by the county registrar  
3 pursuant to section 331.605, subsection 6 5, shall be  
4 deposited in the county general fund. A fee shall not be  
5 collected from a political subdivision or agency of this  
6 state.

7 Sec. 8. Section 147.111, Code 1999, is amended to read as  
8 follows:

9 147.111 REPORT OF TREATMENT OF WOUNDS AND OTHER INJURIES.

10 Any person licensed under the provisions of this subtitle  
11 who shall administer any treatment to any person suffering a  
12 gunshot or stab wound or other serious bodily injury, as  
13 defined in section 702.18, which appears to have been received  
14 in connection with the commission of a criminal offense, or to  
15 whom an application is made for treatment of any nature  
16 because of any such gunshot or stab wound or other serious  
17 injury, as defined in section 702.18, shall at once but not  
18 later than twelve hours thereafter, report that fact to the  
19 law enforcement agency within whose jurisdiction the treatment  
20 was administered or an application therefor was made, or if  
21 ascertainable, to the law enforcement agency in whose  
22 jurisdiction the gunshot or stab wound or other serious bodily  
23 injury occurred, stating the name of such person, the person's  
24 residence if ascertainable, and giving a brief description of  
25 the gunshot or stab wound or other serious bodily injury. Any  
26 provision of law or rule of evidence relative to confidential  
27 communications is suspended insofar as the provisions of this  
28 section are concerned.

29 Sec. 9. Section 147.112, Code 1999, is amended to read as  
30 follows:

31 147.112 INVESTIGATION AND REPORT BY LAW ENFORCEMENT  
32 AGENCY.

33 The law enforcement agency who has received any report  
34 required by this chapter and who has any reason to believe  
35 that the person injured was involved in the commission of any

1 crime, either as perpetrator or victim, shall at once commence  
2 an investigation into the circumstances of the gunshot or stab  
3 wound or other serious ~~bedily~~ injury and make a report of the  
4 investigation to the county attorney in whose jurisdiction the  
5 gunshot or stab wound or other serious ~~bedily~~ injury occurred.  
6 Law enforcement personnel shall not divulge any information  
7 received under the provisions of this section and section  
8 147.111 to any person other than a law enforcing officer, and  
9 then only in connection with the investigation of the alleged  
10 commission of a crime.

11 Sec. 10. Section 166.6, unnumbered paragraph 1, Code 1999,  
12 is amended to read as follows:

13 An application for a permit to deal in biological products  
14 shall be accompanied by a separate bond for each place of  
15 business, with sureties to be approved by the department, in  
16 the sum of one five thousand dollars for each place of  
17 business, which bond shall be conditioned:

18 Sec. 11. Section 216.15B, subsection 1, Code 1999, is  
19 amended to read as follows:

20 ~~1. For-the-purposes-of-this-section, "mediator"~~ A mediator  
21 ~~shall be the-person~~ designated in writing by the commission to  
22 conduct mediation of a complaint filed under this chapter.  
23 The written designation must specifically refer to this  
24 section.

25 Sec. 12. Section 216A.78, Code 1999, is amended to read as  
26 follows:

27 216A.78 ADMINISTRATOR.

28 The commission officers may designate the duties and  
29 obligations of the position of administrator. ~~Any-person-so~~  
30 ~~employed-may-be-the-employee-of-another-agency-of-state~~  
31 ~~government-appointed-with-the-consent-of-the-executive-officer~~  
32 ~~of-such-agency.~~ The officers administrator may appoint such  
33 other personnel as may be necessary for the efficient  
34 performance of the duties prescribed by this part. The  
35 administrator shall carry out programs and policies as

1 determined by the commission.

2 Sec. 13. Section 216B.3, subsection 14, Code 1999, is  
3 amended to read as follows:

4 14. In conjunction with the recommendations made by the  
5 department of natural resources, purchase and use recycled  
6 printing and writing paper in accordance with the schedule  
7 established in section 18.18; establish a wastepaper recycling  
8 program, by January 1, 1990, in accordance with the  
9 recommendations made by the department of natural resources  
10 and requirements of section 18.20; and, in accordance with  
11 section 18.6, require product content statements, ~~the~~  
12 ~~provision of information regarding on-site review of waste~~  
13 ~~management in product bidding and contract procedures,~~ and  
14 compliance with requirements regarding contract bidding.

15 Sec. 14. Section 260C.47, subsection 1, unnumbered  
16 paragraph 1, Code 1999, is amended to read as follows:

17 The state board of education shall establish an  
18 accreditation process for community college programs by July  
19 1, 1997. The process shall be jointly developed and agreed  
20 upon by the department of education and the community  
21 colleges. The state accreditation process shall be integrated  
22 with the accreditation process of the north central  
23 association of colleges and schools, including the evaluation  
24 cycle, the self-study process, and the criteria for  
25 evaluation, which shall incorporate the standards for  
26 community colleges developed under section 260C.48; and shall  
27 identify and make provision for the needs of the state that  
28 are not met by the association's accreditation process. ~~If a~~  
29 ~~joint agreement has not been reached by July 1, 1997, the~~  
30 ~~approval process provided under section 260C.47, subsection 4,~~  
31 ~~shall remain the required accreditation process for community~~  
32 ~~colleges.~~ For the academic year commencing July 1, 1998, and  
33 in succeeding school years, the department of education shall  
34 use a two-component process for the continued accreditation of  
35 community college programs.

1     Sec. 15. Section 262.9, subsection 6, Code 1999, is  
2 amended to read as follows:

3     6. In conjunction with the recommendations made by the  
4 department of natural resources, purchase and use recycled  
5 printing and writing paper, with the exception of specialized  
6 paper when no recyclable product is available, in accordance  
7 with the schedule established in section 18.18; establish a  
8 wastepaper recycling program for all institutions governed by  
9 the board in accordance with recommendations made by the  
10 department of natural resources and the requirements of  
11 section 18.20; shall, in accordance with the requirements of  
12 section 18.6, require product content statements, ~~the~~  
13 ~~provision of information regarding on-site review of waste~~  
14 ~~management in product bidding and contract procedures,~~ and  
15 compliance with requirements regarding procurement  
16 specifications; and shall comply with the requirements for the  
17 purchase of lubricating oils and industrial oils as  
18 established pursuant to section 18.22.

19     Sec. 16. Section 307.21, subsection 4, paragraph b,  
20 subparagraph (3), Code 1999, is amended to read as follows:

21     (3) Require in accordance with section 18.6 product  
22 content statements, ~~the provision of information regarding on-~~  
23 ~~site review of waste management in product bidding and~~  
24 ~~contract procedures,~~ and compliance with requirements  
25 regarding procurement specifications.

26     Sec. 17. Section 312.2, subsection 17, Code 1999, is  
27 amended to read as follows:

28     17. The treasurer of state, before making the allotments  
29 provided for in this section, shall credit monthly from the  
30 road use tax fund to the motorcycle rider education fund  
31 established in section ~~321.189, subsection 9~~ 321.180B, an  
32 amount equal to one dollar per year of license validity for  
33 each issued or renewed driver's license which is valid for the  
34 operation of a motorcycle. Moneys credited to the motorcycle  
35 rider education fund under this subsection shall be taken from



1 moneys credited to the road use tax fund under section 423.24.

2 Sec. 18. Section 321.20B, subsection 4, paragraph c, Code  
3 1999, is amended to read as follows:

4 c. An owner or driver cited for a violation of subsection  
5 1, who produces to the clerk of court within thirty days of  
6 the issuance of the citation proof that financial liability  
7 coverage was in effect for the motor vehicle at the time the  
8 person was stopped and cited ~~as provided in paragraph "b"~~,  
9 shall not be convicted of such violation and the citation  
10 issued shall be dismissed.

11 Sec. 19. Section 321.34, subsection 11B, paragraph c, Code  
12 1999, is amended to read as follows:

13 c. The special fee for letter number designated motorcycle  
14 rider education plates is thirty-five dollars. The fee for  
15 personalized motorcycle rider education plates is twenty-five  
16 dollars, which shall be paid in addition to the special  
17 motorcycle rider education fee of thirty-five dollars. The  
18 fees collected by the director under this subsection shall be  
19 paid monthly to the treasurer of state and credited to the  
20 road use tax fund. Notwithstanding section 423.24, and prior  
21 to the crediting of revenues to the road use tax fund under  
22 section 423.24, subsection 1, paragraph "c", the treasurer of  
23 state shall transfer monthly from those revenues to the  
24 department for use in accordance with section ~~321-1897~~  
25 ~~subsection-9~~ 321.180B, the amount of the special fees  
26 collected in the previous month for the motorcycle rider  
27 education plates.

28 Sec. 20. Section 321G.4, unnumbered paragraph 2, Code  
29 1999, is amended to read as follows:

30 The owner of the all-terrain vehicle or snowmobile shall  
31 file an application for registration with the appropriate  
32 county recorder on forms provided by the commission. The  
33 application shall be completed and signed by the owner of the  
34 all-terrain vehicle or snowmobile and shall be accompanied by  
35 a fee of ~~twenty~~ twenty-five dollars and a writing fee. An

1 all-terrain vehicle or a snowmobile shall not be registered by  
2 the county recorder until the county recorder is presented  
3 with receipts, bills of sale, or other satisfactory evidence  
4 that the sales or use tax has been paid for the purchase of  
5 the all-terrain vehicle or snowmobile or that the owner is  
6 exempt from paying the tax. However, an owner of an all-  
7 terrain vehicle, except an all-terrain vehicle purchased new  
8 on or after January 1, 1990, may apply for registration  
9 without proof of sales or use tax paid until one year after  
10 January 1, 1990. Upon receipt of the application in approved  
11 form accompanied by the required fees, the county recorder  
12 shall enter it upon the records and shall issue to the  
13 applicant a pocket-size registration certificate. The  
14 certificate shall be executed in triplicate, one copy to be  
15 delivered to the owner, one copy to the commission, and one  
16 copy to be retained on file by the county recorder. The  
17 registration certificate shall bear the number awarded to the  
18 all-terrain vehicle or snowmobile and the name and address of  
19 the owner. The registration certificate shall be carried  
20 either in the all-terrain vehicle or snowmobile or on the  
21 person of the operator of the machine when in use. The  
22 operator of an all-terrain vehicle or snowmobile shall exhibit  
23 the registration certificate to a peace officer upon request,  
24 to a person injured in an accident involving an all-terrain  
25 vehicle or snowmobile, or to the owner or operator of another  
26 all-terrain vehicle or snowmobile or the owner of personal or  
27 real property when the all-terrain vehicle or snowmobile is  
28 involved in a collision or accident of any nature with another  
29 all-terrain vehicle or snowmobile or the property of another  
30 person or to the property owner or tenant when the all-terrain  
31 vehicle or snowmobile is being operated on private property  
32 without permission from the property owner or tenant.

33 Sec. 21. Section 322B.3, subsection 5, Code 1999, is  
34 amended to read as follows:

35 5. MOBILE HOME HOOKUPS. A mobile home dealer or an

1 employee of a mobile home dealer may perform water, gas,  
2 electrical, and other utility service connections in a mobile  
3 home, space, or within ten feet of such space, located in a  
4 mobile home park, and the dealer or an employee of the dealer  
5 may install a tie-down system on a mobile home located in a  
6 mobile home park. The connections are subject to inspection  
7 and approval by local building code officials and the mobile  
8 home dealer shall pay the inspection fee, if any.

9 Sec. 22. Section 357A.24, subsections 3 and 4, Code 1999,  
10 are amended to read as follows:

11 3. Upon filing the petition, the auditor shall prepare for  
12 a hearing on the petition by following the same procedures as  
13 provided in section 357A.3. The notice of the hearing shall  
14 include all of the following:

15 a. The location of the area subject to the petition.  
16 b. The time and place of the hearing as established by the  
17 ~~board~~ of supervisors for the county in which the area to be  
18 detached is located.

19 c. That all owners or tenants of real property within the  
20 boundaries of the area may appear and be heard.

21 4. After the hearing the ~~board~~ of supervisors shall order  
22 that the area subject to the petition be detached from one  
23 district and attached to the other district if the ~~board~~  
24 ~~determines~~ supervisors determine that all of the following  
25 have been satisfied:

26 a. The petition meets the requirements of this section.  
27 b. The information included in the petition is accurate.  
28 c. Notice required in this section has been provided.  
29 d. The detachment and attachment is in the best interest  
30 of the residents of the area subject to the petition.

31 The order shall be published in the same newspaper which  
32 published the notice of the hearing.

33 Sec. 23. Section 420.207, Code 1999, is amended to read as  
34 follows:

35 420.207 TAXATION IN GENERAL.

1 Sections 427.1, 427.3 to 427.11, 428.4, 428.20, 428.22,  
2 428.23, 436.10, 436.11, 437.1, 437.3, ~~437.14~~ 441.21, 443.1 to  
3 443.3, 444.2 to 444.5, and 447.9 to 447.13, so far as  
4 applicable, apply to cities acting under special charters.

5 Sec. 24. Section 422.9, subsection 2, paragraph i, Code  
6 1999, is amended to read as follows:

7 i. If the taxpayer has a deduction for medical care  
8 expenses under section 213 of the Internal Revenue Code, the  
9 taxpayer shall recompute for the purposes of this subsection  
10 the amount of the deduction under section 213 by excluding  
11 from medical care, as defined in section 213, the amount  
12 subtracted under section 422.7, subsection ~~32~~ 29.

13 Sec. 25. Section 435.26, subsection 3, Code 1999, is  
14 amended to read as follows:

15 3. When the property is entered on the tax rolls, the  
16 assessor shall also enter on the tax rolls the title number  
17 last assigned to the mobile home~~-modular-home~~ or  
18 manufactured home and the manufacturer's identification  
19 number.

20 Sec. 26. Section 437A.3, subsection 28, Code 1999, is  
21 amended to read as follows:

22 28. "Transfer replacement tax" means the excise tax  
23 imposed in a competitive service area of a municipal utility  
24 which replaces transfers made by the municipal utility in  
25 accordance with section 384.89.

26 Sec. 27. Section 441.21, subsection 2, Code 1999, is  
27 amended by striking the subsection.

28 Sec. 28. Section 455B.202, subsection 2, paragraph b, Code  
29 1999, is amended to read as follows:

30 b. A person shall not construct or expand an animal  
31 feeding operation structure which is part of a confinement  
32 feeding operation for five years after the date of the last  
33 violation, committed by a the person or confinement feeding  
34 operation in which the person holds a controlling interest,  
35 during which the person or operation was classified as a

1 habitual violator.

2 Sec. 29. Section 455B.203A, subsection 5, paragraph b,  
3 subparagraph (2), unnumbered paragraph 1, Code 1999, is  
4 amended to read as follows:

5 The person is acting under the instructions and control of  
6 a certified ~~commercial~~ confinement site manure applicator who  
7 is both of the following:

8 Sec. 30. Section 455G.8, subsections 2 and 4, Code 1999,  
9 are amended to read as follows:

10 2. USE TAX. The revenues derived from the use tax imposed  
11 under chapter 423. The proceeds of the use tax under section  
12 423.24, subsection 1, paragraph "a", subparagraph (1), shall  
13 be allocated, consistent with this chapter, among the fund's  
14 accounts, for debt service and other fund expenses, according  
15 to the fund budget, resolution, trust agreement, or other  
16 instrument prepared or entered into by the board or authority  
17 under direction of the board. ~~The proceeds of the use tax~~  
18 ~~under section 423.24, subsection 1, paragraph "a",~~  
19 ~~subparagraph (2), shall be allocated in accordance with~~  
20 ~~section 455G.21.~~

21 ~~4. -- INSURANCE PREMIUMS. -- Insurance premium income as~~  
22 ~~provided by section 455G.11 shall be credited to the insurance~~  
23 ~~fund.~~

24 Sec. 31. Section 455G.11, subsection 1, Code 1999, is  
25 amended to read as follows:

26 1. UNDERGROUND STORAGE TANK INSURANCE FUND.

27 a. An Iowa underground storage tank insurance fund is  
28 created as a separate fund in the state treasury on July 1,  
29 1998, consisting of all moneys held in the insurance account  
30 of the comprehensive petroleum underground storage tank fund.

31 Notwithstanding section 8.33, moneys remaining in the  
32 underground storage tank insurance fund at the end of each  
33 fiscal year shall not revert to the general fund but shall  
34 remain in the underground storage tank insurance fund.

35 Notwithstanding section 12C.7, interest or earnings on moneys

1 in the underground storage tank insurance fund shall be  
2 credited to the underground storage tank insurance fund in  
3 addition to any other income specifically allocated to the  
4 underground storage tank insurance fund.

5 | b. Amounts in the underground storage tank insurance fund  
6 shall not be subject to appropriation for any purpose by the  
7 general assembly, but shall be used only for the purposes set  
8 forth in this section. The treasurer of state shall act as  
9 custodian of the underground storage tank insurance fund and  
10 disperse moneys contained in it as directed by the board. The  
11 treasurer of state is authorized to invest the moneys  
12 deposited in the underground storage tank insurance fund at  
13 the discretion of the board. The income from such investments  
14 shall be credited to and deposited in the underground storage  
15 tank insurance fund. The underground storage tank insurance  
16 fund shall be administered by the board which shall make  
17 expenditures from the underground storage tank insurance fund  
18 consistent with the purposes of the programs provided for in  
19 this chapter without further appropriation.

20 | c. No later than July 1, 2004, all moneys in the  
21 underground storage tank insurance fund shall be transferred  
22 to the insurance board when restructured as an independent  
23 nonprofit entity organized to provide an allowable mechanism  
24 to demonstrate financial responsibility as required in 40  
25 C.F.R. pts. 280 and 281, owned and operated by insureds, as  
26 determined by the comprehensive petroleum underground storage  
27 tank fund board.

28 Sec. 32. Section 455G.11, subsection 2, paragraph c, Code  
29 1999, is amended to read as follows:

30 | c. Members of the insurance board are entitled to receive  
31 reimbursement of actual expenses incurred in the discharge of  
32 their duties within the limits of the moneys appropriated to  
33 the insurance board or made available to the underground  
34 storage tank insurance fund.

35 Sec. 33. Section 455G.11, subsection 8, unnumbered

1 paragraph 1, Code 1999, is amended to read as follows:

2 An owner or operator applying for coverage shall pay an  
3 annually adjusted insurance premium for coverage by the  
4 insurance fund. Premiums paid shall be credited to and  
5 deposited in the insurance fund. The board may only approve  
6 fund coverage through the payment of a premium established on  
7 an actuarially sound basis. Risk factors shall be taken into  
8 account in establishing premiums. It is the intent of the  
9 general assembly that an actuarially sound premium reflect the  
10 risk to the insurance fund presented by the insured. Risk  
11 factor adjustments should reflect the range of risk presented  
12 by the variety of tank systems, monitoring systems, and risk  
13 management practices in the general insurable tank population.  
14 Premium adjustments for risk factors should at minimum take  
15 into account lifetime costs of a tank and monitoring system  
16 and insurance fund premiums for that tank system so as to  
17 provide a positive economic incentive to the owner or operator  
18 to install the more environmentally safe option so as to  
19 reduce the exposure of the insurance fund to loss.  
20 Actuarially sound is not limited in its meaning to fund  
21 premium revenue equaling or exceeding fund expenditures for  
22 the general tank population.

23 Sec. 34. Section 455G.11, subsection 11, paragraphs a and  
24 b, Code 1999, are amended to read as follows:

25 a. Directly through the underground storage tank insurance  
26 fund with premiums and deductibles as provided in subsection  
27 10.

28 b. In cooperation with a private insurance carrier with  
29 excess or stop loss coverage provided by the underground  
30 storage tank insurance fund to reduce the cost of insurance to  
31 such installers or inspectors, and including such other terms  
32 and conditions as the board deems necessary and convenient to  
33 provide adequate coverage for a certified tank installation at  
34 a reasonable premium. An installer or inspector obtaining  
35 insurance coverage pursuant to this paragraph, may purchase

1 excess coverage of up to five million dollars, subject to the  
2 terms and conditions as determined by the board.

3 Sec. 35. Section 455G.13, subsection 12, Code 1999, is  
4 amended to read as follows:

5 | 12. RECOVERY OR SUBROGATION -- INSTALLERS AND INSPECTORS.

6 Notwithstanding any other provision contained in this chapter,  
7 the board or a person insured under the insurance fund has no  
8 right of recovery or right of subrogation against an installer  
9 or an inspector insured by the insurance fund for the tank  
10 giving rise to the liability other than for recovery of any  
11 deductibles paid.

12 | Sec. 36. Section 455G.21, subsection 1, Code 1999, is  
13 amended to read as follows:

14 | 1. A marketability fund is created as a separate fund in  
15 the state treasury under the control of the board. The board  
16 shall administer the marketability fund. Notwithstanding  
17 section 8.33, moneys remaining in the marketability fund at  
18 the end of each fiscal year shall not revert to the general  
19 fund but shall remain in the marketability fund. The  
20 marketability fund shall include ~~the-following:~~

21 | a. ~~---Moneys-allocated-to-the-fund-pursuant-to-section~~  
22 ~~423:247-subsection-17-paragraph-"a"-subparagraph-(2)-~~

23 | b. ~~---Notwithstanding, notwithstanding~~ section 12C.7,  
24 interest earned by the marketability fund or other income  
25 specifically allocated to the marketability fund.

26 | Sec. 37. Section 455G.21, subsection 2, paragraph a, Code  
27 1999, is amended to read as follows:

28 | a. ~~Five-million-dollars-per-year-shall-be-allocated-to-the~~  
29 The innocent landowners fund which shall be established as a  
30 separate fund in the state treasury under the control of the  
31 board. The innocent landowners fund shall ~~also~~ include any  
32 moneys recovered pursuant to cost recovery enforcement under  
33 section 455G.13. Notwithstanding section 455G.1, subsection  
34 2, benefits for the costs of corrective action shall be  
35 provided to the owner of a petroleum-contaminated property,



1 who is not otherwise eligible to receive benefits under  
2 section 455G.9. An owner of a petroleum-contaminated property  
3 shall be eligible for payment of total corrective action costs  
4 subject to copayment requirements under section 455G.9,  
5 subsection 4. The board may adopt rules conditioning receipt  
6 of benefits under this paragraph to those petroleum-  
7 contaminated properties which present a higher degree of risk  
8 to the public health and safety or the environment and may  
9 adopt rules providing for denial of benefits under this  
10 paragraph to a person who did not make a good faith attempt to  
11 comply with the provisions of this chapter. This paragraph  
12 does not confer a legal right to an owner of petroleum-  
13 contaminated property for receipt of benefits under this  
14 paragraph.

15 Sec. 38. Section 455H.103, subsection 15, Code 1999, is  
16 amended by striking the subsection.

17 Sec. 39. Section 486A.906, subsection 3, paragraphs b and  
18 c, Code 1999, are amended to read as follows:

19 b. All other obligations of the surviving entity incurred  
20 before the merger by a party to the merger, but those  
21 obligations may be satisfied only out of property of the  
22 surviving entity.

23 c. Except as otherwise provided in section 486A.306, all  
24 obligations of the surviving entity incurred after the merger  
25 takes effect, but those obligations may be satisfied only out  
26 of property of the surviving entity if the partner is a  
27 limited partner.

28 Sec. 40. Section 505.8, subsection 2, Code 1999, is  
29 amended to read as follows:

30 2. The commissioner shall, subject to chapter 17A,  
31 establish, publish, and enforce rules not inconsistent with  
32 law for the enforcement of this subtitle and for the  
33 enforcement of the laws, the administration and supervision of  
34 which are imposed on the division, including rules to  
35 establish fees sufficient to administer the laws, where

1 appropriate fees are not otherwise provided for in rule or  
2 statute, ~~and as necessary to obtain from persons authorized to~~  
3 ~~do business in the state or regulated by the division that~~  
4 ~~data required by the community health management information~~  
5 ~~system.~~

6 Sec. 41. Section 524.1202, subsection 2, paragraph b, Code  
7 1999, is amended to read as follows:

8 b. For purposes of this subsection, "urban complex" means  
9 the geographic area bounded by the corporate limits of two or  
10 more municipal corporations, each of which being contiguous to  
11 or cornering upon at least one of the other municipal  
12 corporations within the complex. ~~A state bank located in a~~  
13 ~~municipal corporation or urban complex which is located on a~~  
14 ~~boundary of this state and contiguous to a municipal~~  
15 ~~corporation in another state may have one bank office in~~  
16 ~~addition to the number of bank offices permitted by paragraph~~  
17 ~~"a"; provided that nothing~~ Nothing contained in this paragraph  
18 authorizes a state bank to establish a bank office outside of  
19 the boundaries of this state.

20 Sec. 42. Section 524.1213, subsection 3, unnumbered  
21 paragraph 1, Code 1999, is amended to read as follows:

22 Any two or more state banks, national banks, or state and  
23 national banks that are located in this state, that are  
24 affiliates as defined in section 524.1101, and that  
25 individually have been in existence and operated as banks  
26 continuously in this state for at least five years, may be  
27 merged or consolidated into a single state or national bank,  
28 and the resulting entity shall be a "united community bank".  
29 ~~Subject to subsection 12, the~~ The resulting united community  
30 bank of the merger or consolidation:

31 Sec. 43. Section 595.2, subsection 4, Code 1999, is  
32 amended to read as follows:

33 | 4. A marriage license may be issued to a male and a female  
34 either or both of whom are sixteen or seventeen years of age  
35 if both of the following apply:

1 a. The parents of the underaged party or parties certify  
2 in writing that they consent to the marriage. If one of the  
3 parents of any underaged party to a proposed marriage is dead  
4 or incompetent the certificate may be executed by the other  
5 parent, if both parents are dead or incompetent the guardian  
6 of the underaged party may execute the certificate, and if the  
7 parents are divorced the parent having legal custody may  
8 execute the certificate and

9 b. The certificate of consent of the parents, parent, or  
10 guardian is approved by a judge of the district court or, if  
11 both parents of any underaged party to a proposed marriage are  
12 dead, incompetent, or cannot be located and the party has no  
13 guardian, the proposed marriage is approved by a judge of the  
14 district court. A judge shall grant approval under this  
15 subsection only if the judge finds the underaged party or  
16 parties capable of assuming the responsibilities of marriage  
17 and that the marriage will serve the best interest of the  
18 underaged party or parties. Pregnancy alone does not  
19 establish that the proposed marriage is in the best interest  
20 of the underaged party or parties, however, if pregnancy is  
21 involved the court records which pertain to the fact that the  
22 female is pregnant shall be sealed and available only to the  
23 parties to the marriage or proposed marriage or to any  
24 interested party securing an order of the court.

25 c. 5. If a parent or guardian withholds consent, the judge  
26 upon application of a party to a proposed marriage shall  
27 determine if the consent has been unreasonably withheld. If  
28 the judge so finds, the judge shall proceed to review the  
29 application under subsection 4, paragraph "b".

30 Sec. 44. Section 708.2A, subsection 6, paragraph b, Code  
31 1999, is amended to read as follows:

32 b. A person convicted of violating subsection 4 shall be  
33 sentenced as provided under section 902.9, subsection 4,  
34 committed to the custody of the director of the department of  
35 corrections, and shall be assessed a fine of at least seven

1 hundred fifty dollars. The person shall be denied parole or  
2 work release until the person has served a minimum of one year  
3 of the person's sentence. Notwithstanding section 901.5,  
4 subsection subsections 1, 3, and 5, and section 907.3,  
5 subsection-3, the person cannot receive a suspended or  
6 deferred sentence or a deferred judgment; however, the person  
7 sentenced shall receive credit for any time the person was  
8 confined in a jail or detention facility following arrest.

9 Sec. 45. Section 904.108, subsection 1, paragraph d, Code  
10 1999, is amended to read as follows:

11 d. Establish and maintain acceptable standards of  
12 treatment, training, education, and rehabilitation in the  
13 various state penal and corrective institutions which shall  
14 include habilitative services and treatment for offenders with  
15 mental retardation. For the purposes of this paragraph,  
16 "habilitative services and treatment" means medical, mental  
17 health, social, educational, counseling, and other services  
18 which will assist a person with mental retardation to become  
19 self-reliant. However, the director may also provide  
20 rehabilitative treatment and services to other persons who  
21 require the services. The director shall identify all  
22 individuals entering the correctional system who are persons  
23 with mental retardation, as defined in section 222.2,  
24 subsection 4. Identification shall be made by a qualified  
25 professional in the area of mental retardation. In assigning  
26 an offender with mental retardation, or an offender with an  
27 inadequately developed intelligence or with impaired mental  
28 abilities, to a correctional facility, the director shall  
29 consider both the program needs and the security needs of the  
30 offender. The director shall consult with the department of  
31 human services in providing habilitative services and  
32 treatment to offenders with mental illness or mental  
33 retardation. The director may enter into agreements with the  
34 department of human services to utilize mental health  
35 institutions and share staff and resources for purposes of

1 providing habilitative services and treatment services, as  
2 well as providing other special needs programming. Any  
3 agreement to utilize mental health institutions and to share  
4 staff and resources shall provide that the costs of the  
5 habilitative services and treatment services shall be paid  
6 from state funds. Not later than twenty days prior to  
7 entering into any agreement to utilize mental health  
8 institution staff and resources, other than the use of a  
9 building or facility, for purposes of providing habilitative  
10 services and treatment services, as well as other special  
11 needs programming, the directors of the departments of  
12 corrections and human services shall each notify the  
13 chairpersons and ranking members of the joint appropriations  
14 subcommittees that last handled the appropriation for their  
15 respective departments of the pending agreement. Use of a  
16 building or facility shall require approval of the general  
17 assembly if the general assembly is in session or, if the  
18 general assembly is not in session, the legislative council  
19 may grant temporary authority, which shall be subject to final  
20 approval of the general assembly during the next succeeding  
21 legislative session.

22 Sec. 46. Section 915.10, subsection 3, Code 1999, is  
23 amended to read as follows:

24 3. "Victim" means a person who has suffered physical,  
25 emotional, or financial harm as the result of a public offense  
26 or a delinquent act, other than a simple misdemeanor,  
27 committed in this state. "Victim" also includes the immediate  
28 family members of a victim who died or was rendered  
29 incompetent as a result of the offense or who was under  
30 eighteen years of age at the time of the offense.

31 Sec. 47. Section 915.41, Code 1999, is amended to read as  
32 follows:

33 915.41 MEDICAL EXAMINATION COSTS.

34 The cost of a medical examination of a victim for the  
35 purpose of gathering evidence and the cost of treatment of a

1 victim for the purpose of preventing venereal disease shall be  
2 paid from the fund established in section 915.94.

3 Sec. 48. Section 915.42, subsection 4, paragraph a, Code  
4 1999, is amended to read as follows:

5 a. Prior to the scheduling of a hearing, refer the victim  
6 for counseling by a victim counselor or a person requested by  
7 the victim who is authorized to provide the counseling  
8 required pursuant to section 141.22, regarding the nature,  
9 reliability, and significance of the HIV-related test and of  
10 the serologic status of the convicted or alleged offender.

11 Sec. 49. Section 915.42, subsection 6, paragraph b, Code  
12 1999, is amended to read as follows:

13 b. An authorized representative of the petitioner or  
14 victim, the county attorney, or the court sought to obtain  
15 written informed consent from the convicted or alleged  
16 offender.

17 Sec. 50. Section 915.43, subsection 11, Code 1999, is  
18 amended to read as follows:

19 11. Notwithstanding the provisions of this subchapter  
20 requiring initial testing, if a petition is filed with the  
21 court under section 915.42 requesting an order for testing and  
22 the order is granted, and if a test has previously been  
23 performed on the convicted or alleged offender while under the  
24 control of the department of corrections, the test results  
25 shall be provided in lieu of the performance of an initial  
26 test of the convicted or alleged offender, in accordance with  
27 this subchapter.

28 Sec. 51. Section 915.50, subsection 2, Code 1999, is  
29 amended to read as follows:

30 2. The right, pursuant to section 236.12, for law  
31 enforcement to remain on the scene, to assist the victim in  
32 leaving the scene, to transport assist the victim in obtaining  
33 transportation to medical care, and to provide the person with  
34 a written statement of victim rights and information about  
35 domestic abuse shelters, support services, and crisis lines.

1 Sec. 52. Section 915.100, subsection 2, paragraph h, Code  
2 1999, is amended to read as follows:

3 h. If a convicted felon attempts-to or the representative  
4 of a convicted felon receives or is owed any profit from which  
5 is realized as a result of the commission of the crime, and  
6 the attorney general brings an action to recover such profits,  
7 the victim may be entitled to funds held in escrow, pursuant  
8 to the provisions of section 910.15.

9 Sec. 53. Sections 236A.1, 307.38, 428.9, 428.11, 428.13,  
10 428.14, 428.15, 428.34, 428.36, 441.30, 455H.501, 455H.502,  
11 and 505.20, Code 1999, are repealed.

12 Sec. 54. Chapter 7G, Code 1999, is repealed.

13 Sec. 55. 1998 Iowa Acts, chapter 1138, section 35, is  
14 amended to read as follows:

15 SEC. 35. EFFECTIVE DATES. Division VI of this Act takes  
16 effect upon-enactment-or April 16, 1998, whichever-is-later.

17 Sec. 56. 1998 Iowa Acts, chapter 1209, section 28, is  
18 amended to read as follows:

19 SEC. 28. Section ~~445B.201~~ 455B.201, subsection 4, Code  
20 1997, is amended by striking the subsection.

21 Sec. 57. 1998 Iowa Acts, chapter 1209, section 53, is  
22 amended to read as follows:

23 SEC. 53. EFFECTIVE DATES.

24 1. Sections 9, 10, 14, 27, 29, 38, 39, 40 through 43, 48,  
25 49, and this section, being deemed of immediate importance,  
26 take effect upon enactment.

27 2. Sections 11, 13, 15, 16, 18 through 21, 23, 26, 30, 31,  
28 and 33 through 35 take effect on January 1, 1999.

29 3. In section 455B.162, subsections 1, 1A, and 1C, as  
30 enacted by sections 15 and 16 of this Act, and in section  
31 455B.163, as amended by section 18 of this Act, and in section  
32 657.11, subsection 7, as enacted by section 38 of this Act,  
33 the words "the effective date of this section" shall mean the  
34 effective date of the section of this Act in which the  
35 enactments or amendments are made as specified in subsections

1 1 and 2 of this section of this Act.

2 Sec. 58. EFFECTIVE DATES -- RETROACTIVE APPLICABILITY.

3 1. Sections 55, 56, and 57 of this Act, being deemed of  
4 immediate importance, take effect upon enactment.

5 2. Section 55 of this Act applies retroactively to April  
6 16, 1998.

7 3. Section 56 of this Act applies retroactively to July 1,  
8 1998.

9 4. Section 57 of this Act applies retroactively to May 21,  
10 1998.

11 EXPLANATION

12 This bill makes corrections to the Code of Iowa to reflect  
13 current practices, to insert omissions, to delete  
14 redundancies, inaccuracies, and temporary language, to resolve  
15 inconsistencies and conflicts, to update ongoing provisions,  
16 and to remove ambiguities.

17 Section 12D.2. Subsection 12 of this section is amended to  
18 specify that Iowa educational savings plan trust endowment  
19 fund moneys can be taken from the fund and invested and that  
20 the investments are not within the fund itself.

21 Section 12D.6. Subsection 6 of this section is amended by  
22 striking the word "participant" and inserting the word  
23 "individual" in provisions relating to the transfer of  
24 ownership rights to moneys paid under a participation  
25 agreement. The term "eligible participant" is not defined and  
26 the term "participant" is limited to persons, or their legal  
27 representatives, who have entered into contractual agreements  
28 for the payment of moneys for the payment of a beneficiary's  
29 higher education costs. The subsection specifically  
30 contemplates possible transfer of ownership rights to a minor  
31 beneficiary, who may be under a legal disability with respect  
32 to entering into contracts.

33 Section 15.241. Subsection 1, unnumbered paragraph 1, is  
34 amended by striking language which refers to the coordination  
35 of the self-employment loan program with the job training



1 partnership program under section 15.108, subsection 6,  
2 paragraph "c". Section 15.108, subsection 6, paragraph "c",  
3 was stricken as part of the amendments made to that section  
4 under 1996 Iowa Acts, chapter 1186, and the job training  
5 partnership program was transferred from the jurisdiction of  
6 the department of economic development to the department of  
7 workforce development.

8 Section 87.11. Unnumbered paragraph 6 of this section is  
9 amended to specify that the financial statements, relating to  
10 an employer's solvency and financial ability to pay workers'  
11 compensation and benefits without additional insurance, are  
12 provided to the commissioner of insurance and any disclosure  
13 or examination of those statements is subject to the rules of  
14 the commissioner of insurance.

15 Section 135C.33. Subsection 2 is amended to specify that  
16 if the department of human services determines pursuant to a  
17 child abuse record check that a person who has applied for  
18 employment with a health care facility licensed by the  
19 department of inspections and appeals has a record of founded  
20 child abuse, the department of human services is to notify the  
21 licensee that an evaluation will be conducted to determine  
22 whether the person's employment is warranted. Although the  
23 term "department" is defined under chapter 135C to mean the  
24 department of inspections and appeals, because it is the  
25 department of human services which has access to the child  
26 abuse registry information under section 232.71D, the term as  
27 used in the amended sentence refers to the department of human  
28 services.

29 Sections 144.36 and 144.46. Subsection 4 of section 144.36  
30 and section 144.46 are amended to correct references to the  
31 subsections requiring the collection and forwarding or  
32 retaining of certain fees by county registrars under section  
33 331.605. 1995 Iowa Acts, chapter 124, section 11, added new  
34 subsections 6 and 7 to section 331.605. The subsections were  
35 renumbered during the codification process. However,

1 references to the new subsections, one of which was contained  
2 in this section, were not corrected to reflect that  
3 renumbering. Subsection 5 of section 331.605 relates to the  
4 county fee for birth records, death records, or marriage  
5 certificates; subsection 6 refers to the filing fee for  
6 licenses to marry; and subsection 7 refers to other fees as  
7 provided by law.

8 Sections 147.111 and 147.112. The term "serious bodily  
9 injury" is amended by striking the word "bodily" to conform  
10 the usage of the term within these sections to the term as  
11 referenced and defined in Code section 702.18. Both sections  
12 refer to the reporting of certain wounds which appear to have  
13 been received in connection with the commission of a criminal  
14 offense.

15 Section 166.6. Unnumbered paragraph 1 of this section is  
16 amended to change the bond amount listed for dealers in  
17 biological products for each place of business from \$1,000 to  
18 \$5,000. The change conforms the bond amount to the bond  
19 amount specified for dealers for each place of business under  
20 section 166.13, subsection 1.

21 Section 216.15B. Subsection 1 is amended by converting the  
22 definition of the term "mediator" to a requirement that the  
23 civil rights commission designate a person as mediator to  
24 conduct mediation under the civil rights chapter. 1998 Iowa  
25 Acts, chapter 1062, struck former subsections 2 and 3 of this  
26 section, which contained all other uses of the term "mediator"  
27 in section 215.15B and which had previously necessitated the  
28 definition of the term in subsection 1.

29 Section 216A.78. Language which states that the  
30 administrator of the commission of persons with disabilities  
31 may be an employee of another agency and which permits the  
32 commission to appoint personnel for the administration of  
33 policies and programs of the commission is stricken. The  
34 striking of the language conforms the section to sections  
35 216A.2 and 216A.71, which provide that the administrator of

1 the commission is the director of the department of human  
2 rights and that the director has the responsibility for  
3 coordination and supervision of personnel for the various  
4 divisions of the department.

5 Sections 216B.3, 262.9, and 307.21. Subsection 14 of  
6 section 216B.3, subsection 6 of section 262.9, and subsection  
7 4, paragraph "b", of section 307.21 are amended by striking a  
8 requirement that information regarding on-site review of waste  
9 management in product bidding and contract procedures be  
10 required under section 18.6 for institutions under the  
11 commission for the blind and the state board of regents.  
12 Under 1998 Iowa Acts, chapter 1164, section 12, and chapter  
13 1119, section 15, that requirement was stricken from section  
14 18.6.

15 Section 260C.47. Subsection 1, unnumbered paragraph 1, is  
16 amended by striking a reference to a joint agreement between  
17 the department of education and the community colleges  
18 regarding an accreditation process for community colleges that  
19 was to be reached by July 1, 1997. The Code section and  
20 subsection referenced have been stricken from the Code.

21 Sections 312.2 and 321.34. Subsection 17 of section 312.2  
22 and subsection 11B of section 321.34 are amended by changing a  
23 reference to section 321.189, subsection 9, to a reference to  
24 section 321.180B. 1998 Iowa Acts, chapter 1112, repealed the  
25 motorcycle rider education fund established in subsection 9 of  
26 section 321.189 and reestablished the fund in new section  
27 321.180B.

28 Section 321.20B. The amendment strikes the limitation on  
29 persons who may seek to have a citation dismissed when issued  
30 a citation for failure to provide proof of financial liability  
31 coverage. 1998 Iowa Acts, chapter 1121, provided a procedure  
32 for persons who were issued such a citation by a peace officer  
33 to have the citation dismissed if the person produces to the  
34 clerk of court within 30 days of the issuance of the citation  
35 proof that financial liability coverage was in effect. As

1 drafted, however, the bill permitted only persons who were  
2 issued a citation and either had their plates and registration  
3 removed or had their car impounded to have the citation  
4 dismissed. Persons who were simply issued the citation were  
5 not given that option.

6 | Section 321G.4. Unnumbered paragraph 2 is amended to  
7 conform the registration fee for all-terrain vehicles or  
8 snowmobiles to the fee as specified in section 321G.6. 1997  
9 Iowa Acts, chapter 148, raised the fee amount for such  
10 registrations, but this section was not amended.

11 | Section 322B.3. Subsection 5, which pertains to mobile  
12 home hookups, is amended by changing punctuation in the  
13 section to conform the operation of the section with the  
14 apparent intent to allow mobile home dealers and their  
15 employees to perform the connections necessary to hook up a  
16 mobile home to utility services. As drafted, the subsection  
17 would appear to extend the duties to connections within the  
18 mobile home itself, not just to the mobile home.

19 | Section 357A.24. Subsections 3 and 4 are amended to  
20 conform use of the term "board of supervisors" within  
21 provisions dealing with detachment and attachment of areas to  
22 rural water districts to the definitions for the term which  
23 are contained in section 357A.1.

24 | Section 420.207. A reference to section 437.14 is stricken  
25 from this provision which relates to taxation provisions which  
26 apply to cities acting under special charters. Section 437.14  
27 was repealed by 1998 Iowa Acts, chapter 1194.

28 | Section 422.9. Subsection 2, paragraph "i", which relates  
29 to computation of tax deductions for medical expenses, is  
30 amended to change a reference from section 422.7, subsection  
31 32, to section 422.7, subsection 29. 1998 Iowa Acts, chapter  
32 1174, struck former subsections 29 through 31 of section 422.7  
33 and former subsections 32 through 34 were renumbered as  
34 subsections 29 through 31. Correction of this internal  
35 reference to former subsection 32 was inadvertently missed in

1 the renumbering process.

2 Section 435.26. Subsection 3 of section 435.26 is amended  
3 to delete references to modular homes. 1998 Iowa Acts,  
4 chapter 1107, removed modular homes from certain aspects of  
5 the scope of chapter 435, which relates to taxes on homes in  
6 mobile home parks.

7 Section 437A.3. The word "excise" is added, in subsection  
8 28, before the word "tax" in the definition of the term  
9 "transfer replacement tax" in the chapter relating to taxes on  
10 electricity and natural gas providers. The transfer  
11 replacement tax is one of two taxes imposed under the chapter  
12 to replace the property taxes previously imposed on those  
13 providers. The other tax, the "replacement tax", which is  
14 defined in subsection 23 and which is designated as an excise  
15 tax, is imposed and has the same character as the transfer  
16 replacement tax defined in this section.

17 Section 441.21. Subsection 2 of this section, which  
18 pertains to the taxation of personal property, is stricken.  
19 Personal property is no longer taxed in Iowa.

20 Section 455B.202. Subsection 2, paragraph "b", of this  
21 section is amended to specify that the persons who are  
22 restricted from constructing or expanding an animal feeding  
23 operating structure which is part of a confinement feed  
24 operation are those persons who have personally committed a  
25 violation of requirements pertaining to confinement feeding  
26 operations or those persons who have a controlling interest in  
27 a confinement feeding operation which committed a violation.

28 Section 455B.203A. Subsection 5, paragraph "b",  
29 subparagraph (2), unnumbered paragraph 1, which contains an  
30 exception to the requirement that a person be certified as a  
31 confinement site manure applicator prior to engaging in  
32 certain activities, is amended to specify that the requirement  
33 does not apply to persons who are acting under the  
34 instructions and control of a certified confinement site  
35 manure applicator, instead of a certified commercial manure

1 applicator.

2 Sections 455G.8, 455G.11, 455G.13, and 455G.21. The  
3 amendments to these sections make corrections which relate to  
4 the operation of the Iowa petroleum underground storage tank  
5 program. Changes made in subsection 2 of section 455G.8 and  
6 subsections 1 and 2 of section 455G.21 delete references to  
7 use tax revenue allocations to the marketability and innocent  
8 landowner's funds. The use tax revenues were retroactively  
9 transferred to the department of economic development under  
10 1998 Iowa Acts, chapter 1207, leaving no use tax revenue  
11 available for allocation in the marketability fund. The  
12 balance of the changes relate to the separation of the former  
13 insurance account from the Iowa underground storage tank fund  
14 and the creation of a separate underground tank insurance  
15 fund. Language remaining in subsection 4 of section 455G.8 is  
16 moved to subsection 8 of section 455G.11 to reflect the  
17 separation of the two funds and references to the term "fund"  
18 are changed to "underground storage tank insurance fund" or  
19 "insurance fund" to specify that the fund referred to is not  
20 the "fund" as defined under section 455G.2.

21 Section 486A.906. Subsection 3, paragraphs "b" and "c",  
22 are amended to specify that, in the event of a merger of two  
23 partnerships under the Uniform Partnership Act provisions  
24 which were adopted pursuant to 1998 Iowa Acts, chapter 1201,  
25 certain obligations incurred prior and subsequent to the  
26 merger must be satisfied out of the assets of the surviving  
27 entity.

28 Section 505.8. Subsection 2 of this section is amended by  
29 striking references to duties of the commissioner of insurance  
30 which relate to obtaining data for the community health  
31 management information system. The chapter establishing the  
32 community health management information system was repealed  
33 pursuant to 1998 Iowa Acts, chapter 1119.

34 Section 524.1202. Subsection 2, paragraph "b", is amended  
35 by striking language which permits state banks to have an

1 additional bank office when the state bank is located in a  
2 municipal corporation or urban complex which is located on a  
3 boundary of this state and is contiguous to a municipal  
4 corporation in another state. 1998 Iowa Acts, chapter 1033,  
5 struck the limitation on the number of bank offices that a  
6 state bank may have in this state.

7 Section 524.1213. Subsection 3, unnumbered paragraph 1, is  
8 amended to strike a reference to subsection 12. The reference  
9 was to former subsection 12, not current subsection 12, and  
10 former subsection 12 was stricken in 1998 Iowa Acts, chapter  
11 1033, section 3.

12 Section 595.2. Subsection 4 is amended by specifying that  
13 the conditions referred to in paragraphs "a" and "b" are the  
14 conditions which relate to the issuance of a marriage license  
15 to a male and a female who are 16 or 17 years of age. Former  
16 paragraph "c", which does not state a condition, is  
17 redesignated as subsection 5.

18 Section 708.2A. Subsection 6, paragraph "b", is amended to  
19 change references to sections 901.5 and 907.3, by adding  
20 references to subsections 1 and 5 of section 901.5, and by  
21 deleting a reference to subsection 3 of section 907.3. Given  
22 the language relating to suspended or deferred sentences and  
23 deferred judgments in the balance of the sentence, it is  
24 apparent that these references should be added.

25 Section 904.108. Subsection 1, paragraph "d", is amended  
26 to conform the habilitative services and treatment to be  
27 provided by the department of human services to the term as  
28 defined in the paragraph.

29 Section 915.10. Subsection 3 is amended to include victims  
30 of delinquent acts within the definition of victim in this  
31 subsection. This definition is referenced in subchapter II of  
32 chapter 915 which pertains to victims of juveniles.

33 Section 915.41. The words "of a victim" are added after  
34 the words "medical examination" and "treatment" to specify  
35 that it is the victim's medical examination and treatment

1 costs which are to be paid from the victim compensation fund  
2 established in section 915.94. This change is consistent with  
3 the interpretation of the section, formerly section 709.10, as  
4 expressed in the administrative rules which pertain to the  
5 victim compensation fund.

6 Sections 915.42 and 915.43. Subsection 4, paragraph "a",  
7 of section 915.42, and subsection 11 of section 915.43 are  
8 amended to add the words "or alleged" after the word  
9 "convicted" and before the word "offender". 1998 Iowa Acts,  
10 chapter 1087, expanded the scope of provisions requiring  
11 offenders to submit to HIV-related tests to include alleged  
12 offenders. Subsection 6 of section 915.42 is amended to add,  
13 in the procedure by which a victim or petitioner may seek to  
14 compel submission by a convicted or alleged offender to HIV-  
15 related testing, the words "or victim" to specify that an  
16 authorized representative of a victim of sexual assault could  
17 have been one of the individuals who sought to obtain written  
18 informed consent to HIV-related testing from the convicted or  
19 alleged offender.

20 Section 915.50. Subsection 2 is amended to conform  
21 language relating to the amount of assistance provided by law  
22 enforcement officers to victims in obtaining transportation to  
23 medical care in domestic abuse matters, to the language  
24 referred to in section 236.12.

25 Section 915.100. Subsection 2 is amended to conform the  
26 language contained in paragraph "h" to the language in section  
27 910.15, which is referenced in this paragraph. Section 910.15  
28 pertains to actions by the attorney general to recover moneys  
29 and other property received or owed as a result of the  
30 commission of a felony offense and to distribute the moneys or  
31 property to victims and the convicted felon.

32 Section 236A.1. This section is repealed because 1998 Iowa  
33 Acts, chapter 1090, enacted the identical provision as new  
34 section 915.20A and changed all references to this section to  
35 refer to the new section 915.20A.



1 Section 307.38. Section 307.38, which relates to public  
2 transit loans, is repealed. All events and activities to  
3 which the section relates have taken place.

4 Sections 428.9, 428.11, 428.13, 428.14, 428.15, 428.34,  
5 428.36, and 441.30. These sections, which pertain to the  
6 taxation of personal property, are repealed. Personal  
7 property is no longer taxed in Iowa.

8 Sections 455H.103, 455H.501, and 455H.502. Subsection 15  
9 of section 455H.103 and these other two sections are repealed  
10 because the technical advisory committee and the department  
11 have completed all of the duties required by these sections  
12 and the technical advisory committee has been disbanded and  
13 ceases to function as required under subsection 2, paragraph  
14 "e", of section 455H.502.

15 Section 505.20. This section is repealed due to the repeal  
16 of chapter 144C, which established the community health  
17 management information system, by 1998 Iowa Acts, chapter  
18 1119. Because the community health management information  
19 system no longer exists, the commissioner no longer performs  
20 these duties.

21 Chapter 7G. This chapter, which establishes the various  
22 commissions in charge of the Iowa statehood sesquicentennial,  
23 is repealed. The state commission has completed its duties  
24 and the final audit has been completed. The county  
25 commissions expired under subsection 3 of section 7G.2 on June  
26 30, 1997, and all assets were required to be transferred to  
27 local historical societies under that subsection at that time.

28 1998 Iowa Acts, chapter 1138, section 35. This section of  
29 the 1998 Iowa Acts is amended to conform the effective date to  
30 the effective date of 1998 Iowa Acts, chapter 1011. The  
31 division of chapter 1138 to which the effective date applies  
32 amended chapter 1011, which relates to workplace drug testing,  
33 and the effective dates of this division of chapter 1138 and  
34 chapter 1011 were intended to be the same. This section is  
35 effective upon enactment and retroactively applicable to April

1 16, 1998.

2 1998 Iowa Acts, chapter 1209, section 28. This provision  
3 is amended by changing a reference to section 445B.201,  
4 subsection 4, to a reference to section 455B.201, subsection  
5 4. Section 445B.201 does not exist and, from previous  
6 versions of the Act as it was progressing through the  
7 legislative process, it is apparent that reference to section  
8 455B.201 was intended. This section is effective upon  
9 enactment and is retroactively applicable to July 1, 1998.

10 1998 Iowa Acts, chapter 1209, section 53. This section is  
11 amended to specify that where amendments to certain existing  
12 Code sections were made that included the words "effective  
13 date of this section", those words related to the effective  
14 date of the enactments or amendments to those Code sections  
15 and not to the original effective date of the Code section.  
16 This section is effective upon enactment and is retroactively  
17 applicable to May 21, 1998.

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HOUSE FILE 242

S-3147

1 Amend House File 242, as passed by the House, as  
2 follows:

3 1. Page 4, by inserting after line 17, the  
4 following:

5 "Sec. \_\_\_\_ . Section 200A.3, subsection 4, Code  
6 1999, is amended to read as follows:

7 4. "Distribute" means to offer for sale, sell,  
8 hold out for sale, exchange, barter, or supply, or  
9 furnish a bulk dry animal nutrient product on a  
10 commercial basis."

11 2. Page 7, line 25, by inserting after the figure  
12 "321.180B," the following: "subsection 6,".

13 3. Page 10, line 26, by inserting after the  
14 figure "2," the following: "unnumbered paragraph 1,".

15 4. Page 10, line 27, by striking the word  
16 "subsection" and inserting the following: "unnumbered  
17 paragraph".

18 5. By renumbering, relettering, or redesignating  
19 and correcting internal references as necessary.

By COMMITTEE ON JUDICIARY  
ANDY McKEAN, Chairperson

S-3147 FILED MARCH 24, 1999

*Adopted*  
*4/13/99 (P.1097)*

SENATE AMENDMENT TO HOUSE FILE 242

H-1590

1 Amend House File 242, as passed by the House, as  
2 follows:

3 1. Page 4, by inserting after line 17, the  
4 following:

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8 hold out for sale, exchange, barter, or supply, or  
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15 4. Page 10, line 27, by striking the word  
16 "subsection" and inserting the following: "unnumbered  
17 paragraph".

18 5. By renumbering, relettering, or redesignating  
19 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-1590 FILED APRIL 13, 1999

*House Concurred*  
*4/19/99 (P.1441)*