

McLaren

SSB-3231

Appropriations

Succeeded By

SF/HF 2452

SENATE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON \_\_\_\_\_)

APPROPRIATIONS BILL BY

CHAIRPERSON McLAREN)

Passed Senate, Date \_\_\_\_\_

Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to public expenditure and regulatory matters,  
2 making appropriations, and providing an effective date.

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

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DIVISION I

MH/MR/DD ALLOWED GROWTH

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

10 For distribution to counties of the county mental health,  
11 mental retardation, and developmental disabilities allowed  
12 growth factor adjustment, in accordance with section 331.438,  
13 subsection 2, and section 331.439, subsection 3, and chapter  
14 426B:

15 ..... \$ 25,784,846

16 The funding appropriated in this section is the allowed  
17 growth factor adjustment of 1.7 percent for fiscal year 2001-  
18 2002, and is allocated as follows:

19 1. For distribution to counties for fiscal year 2001-2002  
20 in accordance with the formula in section 331.438, subsection  
21 2, paragraph "b":

22 ..... \$ 12,000,000

23 2. For deposit in the per capita expenditure target pool  
24 created in the property tax relief fund pursuant to section  
25 426B.5, subsection 1:

26 ..... \$ 9,784,846

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

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

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

3 3. For deposit in the incentive and efficiency pool  
4 created in the property tax relief fund pursuant to section  
5 426B.5, subsection 2:  
6 ..... \$ 2,000,000

7 4. For deposit in the risk pool created in the property  
8 tax relief fund pursuant to section 426B.5, subsection 3:  
9 ..... \$ 2,000,000

10 DIVISION II

11 TOBACCO FUNDS -- TRANSFER AND CASH FLOW

12 Sec. 2. TRANSFER OF FUNDS -- TOBACCO SETTLEMENT FUND.

13 From moneys deposited in the tobacco settlement fund created  
14 in section 12.65, the sum of sixty-four million six hundred  
15 thousand dollars is transferred to the general fund of the  
16 state for the fiscal year beginning July 1, 2000, and ending  
17 June 30, 2001.

18 Sec. 3. Section 12.65, Code 1999, is amended by adding the  
19 following new unnumbered paragraph:

20 NEW UNNUMBERED PARAGRAPH. Moneys in the tobacco  
21 settlement fund shall be considered part of the general fund  
22 of the state for cash flow purposes only, provided any moneys  
23 used for cash flow purposes are returned to the fund by the  
24 close of each fiscal year.

25 DIVISION III

26 REDUCTION IN PHASE III MONEYS

27 Sec. 4. Section 294A.25, subsection 1, Code Supplement  
28 1999, is amended to read as follows:

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

1 DIVISION IV

2 WASTE REDUCTION CENTER -- NONREVERSION

3 Sec. 5. Notwithstanding section 8.33, moneys appropriated  
4 in 1999 Iowa Acts, chapter 208, section 25, to the state board  
5 of regents for the purpose of the Iowa waste reduction center  
6 at the university of northern Iowa that remain unencumbered or  
7 unobligated at the close of the fiscal year beginning July 1,  
8 1999, shall not revert but shall remain available for  
9 expenditure for the purpose for which the moneys were  
10 appropriated until the close of the fiscal year beginning July  
11 1, 2000.

12 Sec. 6. EFFECTIVE DATE. This division of this Act, being  
13 deemed of immediate importance, takes effect upon enactment.

14 DIVISION V

15 CORRECTIVE AMENDMENTS

16 Sec. 7. Section 2D.3, as enacted by 2000 Iowa Acts, House  
17 File 2442, section 3, is amended to read as follows:

18 2D.3 LEGISLATIVE BRANCH PROTOCOL OFFICER.

19 The legislative service bureau shall employ a legislative  
20 branch protocol officer to coordinate activities related to  
21 state, national, and international visitors to the state  
22 capitol or with an interest in the general assembly, and  
23 related to travel of members of the general assembly abroad.  
24 The protocol officer shall serve in a consultative capacity  
25 and shall provide staff support to the international relations  
26 advisory council. The protocol officer shall also work with  
27 the executive branch protocol officer to coordinate state,  
28 national, and international relations activities. The  
29 legislative branch protocol officer shall submit periodic  
30 reports to the international relations committee of the  
31 legislative council regarding the visits of state, national,  
32 and international visitors and regarding international  
33 activities.

34 Sec. 8. Section 30.2, subsection 2, Code 1999, is amended  
35 to read as follows:

1 2. The commission is composed of twelve members appointed  
 2 by the governor. One member shall be appointed to represent  
 3 the department of agriculture and land stewardship, one to  
 4 represent the department of workforce development, one to  
 5 represent the department of justice, one to represent the  
 6 department of natural resources, one to represent the  
 7 department of public defense, one to represent the Iowa  
 8 department of public health, one to represent the department  
 9 of public safety, one to represent the state department of  
 10 transportation, one to represent the state fire service  
 11 ~~institute-of-the-Iowa-state-university-of-science-and~~  
 12 technology and emergency response council, and one to  
 13 represent the office of the governor. Two representatives  
 14 from private industry shall also be appointed by the governor,  
 15 subject to confirmation by the senate.

16 Sec. 9. Section 85.3, subsection 3, unnumbered paragraph  
 17 1, as enacted by 2000 Iowa Acts, Senate File 2373, section 1,  
 18 is amended to read as follows:

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

29 Sec. 10. Section 88.6, subsection 9, as enacted by 2000  
 30 Iowa Acts, House File 2492, section 6, is amended to read as  
 31 follows:

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

1 Sec. 11. Section 135.110, subsection 1, paragraph a,  
2 subparagraph (1), as enacted by 2000 Iowa Acts, House File  
3 2362, section 3, is amended to read as follows:

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

10 Sec. 12. Section 148E.3, subsection 1, as enacted by 2000  
11 Iowa Acts, Senate File 182, section 7, is amended to read as  
12 follows:

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

18 Sec. 13. Section 152.7, unnumbered paragraph 3, as enacted  
19 by 2000 Iowa Acts, House File 2105, section 5, is amended to  
20 read as follows:

21 For purposes of licensure pursuant to the nurse licensure  
22 compact contained in section 152E.1, the compact administrator  
23 may refuse to accept a change in the qualifications for  
24 licensure as a registered nurse or as a licensed practical or  
25 vocational nurse by a licensing authority in another state  
26 which is a party to the compact which substantially modifies  
27 that state's qualifications for licensure in effect on July 1,  
28 2000. A refusal to accept a change in a party state's  
29 qualifications for licensure may result in submitting the  
30 issue to an arbitration panel or in withdrawal from the  
31 compact, in at the discretion of the compact administrator.

32 Sec. 14. Section 152E.1, article II, sections i, k, l, and  
33 n, as enacted by 2000 Iowa Acts, House File 2105, section 8,  
34 are amended to read as follows:

35 i. "Nurse" means a registered nurse or licensed practical

1 or vocational nurse, as those terms are defined by each  
2 party's-state party state's practice laws.

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

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

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

10 1. "Remote state action" means either of the following:

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

17 2. Cease and desist and other injunctive or equitable  
18 orders issued by remote states or the licensing boards<sup>1</sup> boards  
19 of remote states.

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

28 Sec. 15. Section 152E.1, article III, sections a and e, as  
29 enacted by 2000 Iowa Acts, House File 2105, section 8, are  
30 amended to read as follows:

31 a. A license to practice registered nursing issued by a  
32 home state to a resident in that state ~~will~~ shall be  
33 recognized by each party state as authorizing a multistate  
34 licensure privilege to practice as a registered nurse in such  
35 party state. A license to practice licensed practical or

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

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

15 Sec. 16. Section 152E.1, article IV, sections c and d, as  
16 enacted by 2000 Iowa Acts, House File 2105, section 8, are  
17 amended to read as follows:

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

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

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

34 3. If a nurse changes the nurse's primary state of  
35 residence by moving from a party state to a nonparty state,



1 the license issued by the prior home state converts to an  
2 individual state license, valid only in the former home state,  
3 without the multistate licensure privilege to practice in  
4 other party states.

5 Sec. 17. Section 152E.1, article VI, section c, as enacted  
6 by 2000 Iowa Acts, House File 2105, section 8, is amended to  
7 read as follows:

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

10 Sec. 18. Section 152E.1, article VII, sections a and d, as  
11 enacted by 2000 Iowa Acts, House File 2105, section 8, are  
12 amended to read as follows:

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

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

26 Sec. 19. Section 232.2, subsection 4, unnumbered paragraph  
27 1, Code Supplement 1999, as amended by 2000 Iowa Acts, Senate  
28 File 2344, section 4, is amended to read as follows:

29 "Case permanency plan" means the plan, mandated by Pub. L.  
30 No. 96-272 and Pub. L. No. 105-89, as codified in 42 U.S.C. §  
31 622(b)(10), 671(a)(16), and 675(1),(5), which is designed to  
32 achieve placement in the most appropriate, least restrictive,  
33 and most family-like, ~~and most appropriate~~ setting available  
34 and in close proximity to the parent's home, consistent with  
35 the best interests and special needs of the child, and which

1 considers the placement's proximity to the school in which the  
2 child is enrolled at the time of placement. The plan shall be  
3 developed by the department or agency involved and the child's  
4 parent, guardian, or custodian. The plan shall specifically  
5 include all of the following:

6 Sec. 20. Section 249H.2, subsection 1, paragraphs a and b,  
7 as enacted by 2000 Iowa Acts, Senate File 2193, section 2, are  
8 amended to read as follows:

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

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

15 Sec. 21. Section 249H.3, subsection 1, as enacted by 2000  
16 Iowa Acts, Senate File 2193, section 3, is amended to read as  
17 follows:

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

30 Sec. 22. Section 249H.6, subsection 12, as enacted by 2000  
31 Iowa Acts, Senate File 2193, section 6, is amended to read as  
32 follows:

33 12. The senior living coordinating unit shall review  
34 projects that receive grants under this section to ensure that  
35 the goal to provide alternatives to nursing facility care is

1 being met and that an adequate number of nursing facility  
2 services ~~remain~~ remains to meet the needs of Iowans.

3 Sec. 23. Section 249H.8, subsection 1, as enacted by 2000  
4 Iowa Acts, Senate File 2193, section 8, is amended to read as  
5 follows:

6 1. A person operating a PACE program shall have a PACE  
7 program agreement with the health care financing  
8 administration of the United States department of health and  
9 human services, shall enter into a contract with the  
10 department of human services and shall comply with 42 U.S.C. §  
11 1396(u)(4) and all regulations promulgated pursuant to that  
12 section.

13 Sec. 24. Section 261.19B, Code 1999, as amended by 2000  
14 Iowa Acts, Senate File 2248, section 13, is amended to read as  
15 follows:

16 261.19B OSTEOPATHIC PHYSICIAN RECRUITMENT REVOLVING FUND.

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

30 Sec. 25. Section 279.52, unnumbered paragraph 1, Code  
31 1999, as amended by 2000 Iowa Acts, House File 2435, section  
32 1, is amended to read as follows:

33 The board of directors may pay the actual cost of an  
34 asbestos project from any funds in the general fund of the  
35 district, funds received from the physical plant and equipment

1 levy, or moneys obtained through a federal asbestos loan  
2 program, to be repaid from any of the funds specified in this  
3 ~~subsection~~ section over a three-year period.

4 Sec. 26. Section 306.11, Code 1999, as amended by 2000  
5 Iowa Acts, Senate File 2194, section 1, is amended to read as  
6 follows:

7 306.11 HEARING -- PLACE -- DATE.

8 In proceeding to the vacation and closing of a road, part  
9 thereof, or railroad crossing, the agency in control of the  
10 road, or road system, shall fix a date for a hearing on the  
11 vacation and closing in the county where the road, or part  
12 thereof, or crossing, is located, and if located in more than  
13 one county, then in a county in which any part of the road or  
14 crossing is located. If the road to be vacated or changed is  
15 a secondary road located in more than one county, the boards  
16 of supervisors of the counties, acting jointly, shall fix a  
17 date for a hearing on the vacation or change in either or any  
18 of the counties where the road, or part thereof, is located.  
19 If the proposed vacation is of part of a road right-of-way  
20 held by easement and will not change the existing traveled  
21 portion of the road or deny access to the road by adjoining  
22 landowners, a hearing is not required.

23 Sec. 27. Section 411.22, subsection 1, unnumbered  
24 paragraph 1, as enacted by 2000 Iowa Acts, Senate File 2411,  
25 section 109, is amended to read as follows:

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

1 court shall enter judgment for distribution of the recovery as  
2 follows:

3 Sec. 28. Section 455B.171, subsection 31B, as enacted by  
4 2000 Iowa Acts, Senate File 2371, is amended to read as  
5 follows:

6 31B. "Section 305(b) ~~list~~ report" means any report ~~or-list~~  
7 required under 33 U.S.C. § 1315(b).

8 Sec. 29. Section 455B.193, unnumbered paragraph 2, as  
9 enacted by 2000 Iowa Acts, Senate File 2371, section 10, is  
10 amended to read as follows:

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

15 Sec. 30. Section 462A.14, subsection 12, paragraph d, as  
16 enacted by 2000 Iowa Acts, House File 2331, if 2000 Iowa Acts,  
17 House File 2511 is enacted, is amended to read as follows:

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

28 Sec. 31. Section 466.4, subsections 2 and 5, as enacted by  
29 2000 Iowa Acts, Senate File 2371, section 5, are amended to  
30 read as follows:

31 2. The department of agriculture and land stewardship  
32 shall request the assistance of and consult with the United  
33 States department of ~~agriculture~~ agriculture's natural  
34 resources conservation service and farm service agency to  
35 implement the conservation reserve enhancement program. The

1 department shall also consult with county boards of  
2 supervisors, county conservation boards, drainage district  
3 representatives, department of natural resources, and soil and  
4 water conservation districts affected by the implementation of  
5 the conservation reserve enhancement program. The department  
6 shall also collaborate with other public agencies and private  
7 organizations to develop wetland habitat and related projects  
8 to improve water quality.

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

12 Sec. 32. Section 481A.125, subsection 1, paragraph a, as  
13 enacted by 2000 Iowa Acts, Senate File 2300, section 1, is  
14 amended to read as follows:

15 a. To intentionally place oneself in a location where a  
16 human presence may affect the behavior of a fur-bearing game  
17 animal, bird, or fish or the feasibility of killing or taking  
18 a fur-bearing game animal, bird, or fish with the intent of  
19 obstructing or harassing another person who is lawfully  
20 hunting, fishing, or fur harvesting.

21 Sec. 33. Section 481A.125, subsection 5, as enacted by  
22 2000 Iowa Acts, Senate File 2300, section 1, is amended to  
23 read as follows:

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

28 Sec. 34. Section 521F.3, subsection 2, paragraph a,  
29 unnumbered paragraph 1, as enacted by 2000 Iowa Acts, House  
30 File 2316, section 3, is amended to read as follows:

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

1 the following:

2 Sec. 35. Section 521F.4, subsection 3, as enacted by 2000  
3 Iowa Acts, House File 2316, section 4, is amended to read as  
4 follows:

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

13 Sec. 36. Section 521F.8, subsection 2, paragraph b,  
14 subparagraph (1), as enacted by 2000 Iowa Acts, House File  
15 2316, section 8, is amended to read as follows:

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

18 Sec. 37. Section 523C.19, subsections 2 and 3, as enacted  
19 by 2000 Iowa Acts, House File 2317, section 30, are amended to  
20 read as follows:

21 2. If a hearing is not timely requested, the summary order  
22 becomes final by operation of law. The order shall remain  
23 effective from the date of issuance until the date the order  
24 becomes final by operation of law or is overturned by a  
25 presiding officer or court following a request for hearing. A  
26 person who has been issued a summary order under this section  
27 may contest it by filing a request for a contested case  
28 proceeding as provided in chapter 17A and in accordance with  
29 rules adopted by the commissioner. However, the person shall  
30 have at least thirty days from the date that the order is  
31 issued in order to file the request. Section 17A.18A is  
32 inapplicable to a summary order issued under this subsection  
33 section.

34 3. A person violating a summary order issued under this  
35 subsection section shall be deemed in contempt of that order.

1 The commissioner may petition the district court to enforce  
2 the order as certified by the commissioner. The district  
3 court shall adjudge the person in contempt of the order if the  
4 court finds after hearing that the person is not in compliance  
5 with the order. The court shall assess a civil penalty  
6 against the person in an amount not less than three thousand  
7 dollars but not greater than ten thousand dollars per  
8 violation, and may issue further orders as it deems  
9 appropriate.

10 Sec. 38. Section 600.13, subsection 1, paragraph c, as  
11 amended by 2000 Iowa Acts, Senate File 421, section 17, is  
12 amended to read as follows:

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

21 Sec. 39. Section 692B.2, article XI(a)(1)(B), as enacted  
22 by 2000 Iowa Acts, Senate File 2145, section 2, is amended to  
23 read as follows:

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

26 Sec. 40. Section 714.16, subsection 2, paragraph n,  
27 subparagraph (3), subparagraph subdivision (a), as enacted by  
28 2000 Iowa Acts, House File 2148, section 1, is amended to read  
29 as follows:

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

34 Sec. 41. 2000 Iowa Acts, Senate File 2193, section 23, is  
35 amended to read as follows:



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

5 Sec. 42. 2000 Iowa Acts, Senate File 2254, section 4, is  
6 amended to read as follows:

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

10 Sec. 43. 2000 Iowa Acts, Senate File 2344, section 16, is  
11 amended by striking the section and inserting in lieu thereof  
12 the following:

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

16 The following persons are deemed to be eligible for  
17 benefits under the state child care assistance program  
18 administered by the department in accordance with section  
19 237A.13, notwithstanding the program's eligibility  
20 requirements or any waiting list:

21 Sec. 44. APPROPRIATIONS FOR THE DRUG POLICY COORDINATOR.  
22 References in 2000 Iowa Acts, House File 2533, sections 5  
23 through 8 and 33, to the drug enforcement and abuse prevention  
24 coordinator are deemed to be references to the drug policy  
25 coordinator if 2000 Iowa Acts, House File 2153 is enacted.

26 Sec. 45. AMENDMENTS TO DISAPPROVED BILLS VOID. If a  
27 provision of a bill, which is amended in this division of this  
28 Act, does not become law due to the governor's disapproval of  
29 the provision, the amendment to that disapproved provision in  
30 this division of this Act is void.

31 EXPLANATION

32 Division I of this bill appropriates moneys for the 2001-  
33 2002 fiscal year to the department of human services for  
34 distribution to counties of the county mental health, mental  
35 retardation, and developmental disabilities (MH/MR/DD) allowed

SB 231

1 growth factor adjustment. The allowed growth factor  
2 adjustment equals 1.7 percent. The division also provides for  
3 the allotment of the appropriation for various purposes for  
4 county relief for MH/MR/DD services provided by the county.

5 The division applies additional eligibility requirements  
6 for allotment of funding from the per capita expenditure  
7 target pool involving the size of the county's MH/MR/DD  
8 services fund balance and compliance with a financial  
9 reporting deadline.

10 Division II of this bill transfers from moneys deposited in  
11 the tobacco settlement fund, created in Code section 12.65,  
12 the sum of \$64,600,000 to the general fund of the state for  
13 the 1999-2000 fiscal year.

14 The division also amends Code section 12.65, relating to  
15 the tobacco settlement fund, to provide that moneys in the  
16 fund may be used for cash flow purposes so long as the moneys  
17 are returned to the fund by the close of the fiscal year.

18 Division III of this bill reduces the standing limited  
19 appropriation for the education excellence program by  
20 \$2,000,000 beginning with the 2000-2001 fiscal year.

21 Division IV of this bill provides that any moneys remaining  
22 from the appropriation made for the 1998-1999 fiscal year to  
23 the state board of regents for the Iowa waste reduction center  
24 at the university of northern Iowa which are unencumbered or  
25 unobligated at the close of the 1999-2000 fiscal year shall  
26 not revert but are available for expenditure during the 2000-  
27 2001 fiscal year.

28 The division takes effect upon enactment.

29 Division V of this Act makes numerous corrective changes to  
30 previously passed legislation during the 2000 Session. The  
31 more significant include the following:

32 New Code section 2D.3 is amended to correct a reference to  
33 the international relations advisory council.

34 Code section 30.2, subsection 2, and Code section 88.6, new  
35 subsection 9, are amended to correct the references to the new

1 state fire service and emergency response council.

2 Code section 85.3, new subsection 3, is amended to change  
3 reference to the workers' compensation commission to the  
4 workers' compensation commissioner.

5 New Code section 135.110, subsection 1, paragraph "a",  
6 subparagraph (1), is amended to correct a reference to  
7 domestic abuse death certificates.

8 New Code section 152E.1, articles II, III, IV, and VI, are  
9 amended to change the improper use of the words "will" or "may  
10 not" to "shall" or "shall not" and to make other technical  
11 corrections.

12 Code section 232.2, subsection 4, unnumbered paragraph 1,  
13 is amended to eliminate a redundancy.

14 Code section 261.19B is amended to correct a reference to  
15 the osteopathic physician recruitment revolving fund.

16 Code section 279.52, unnumbered paragraph 1, is amended to  
17 correct the reference from "this subsection" to "this section"  
18 as there are no subsections in Code section 279.52.

19 New Code section 411.22, subsection 1, unnumbered paragraph  
20 1, is amended to change a reference from "member's legal  
21 representative beneficiary" to "member's beneficiary".

22 Code section 455B.171, new subsection 31B, is amended to  
23 change a defined term and reference from "list" to "report"  
24 since that is what is required under 33 U.S.C. § 1315(b).

25 New Code section 464.4, subsection 5, is amended to correct  
26 the reference to the conservation reserve enhancement program.

27 Code section 462A.14, new subsection 12, paragraph "d", is  
28 amended to refer to licensed substance abuse programs which  
29 conduct courses for drinking drivers, providing House File  
30 2511 is enacted during the 2000 Session.

31 Code section 481A.125, new subsection 5, is amended to  
32 correct a reference from "subsection" to "section" in order  
33 for the prohibition in the new subsection 5 to make sense.

34 New Code section 521F.4, subsection 3, is amended to  
35 specify that the insurer referred to in that subsection is a

1 health organization.

2 Code section 600.13, subsection 1, paragraph "c", is  
3 amended to change the reference from "Act" to "chapter" since  
4 the Act referred to was the one which amended Code chapter  
5 600.

6 New Code section 692B.2, article XI(a)(1)(b), is amended to  
7 correct the reference to the article of that section in which  
8 rules and standards are established.

9 The retroactive applicability provisions in 2000 Iowa Acts,  
10 Senate File 2193 and Senate File 2254, are amended to correct  
11 internal references.

12 The amendment to 2000 Iowa Acts, Senate File 2344, section  
13 16, is to correct the lead-in error in reference to Code  
14 section 239B.24, subsection 1.

15 The division deems references to the current drug  
16 enforcement and abuse prevention coordinator in the federal  
17 block grant appropriation bill as referring to the drug policy  
18 coordinator if House File 2153 is enacted.

19 The division contains a provision that specifies that if  
20 the governor disapproves of any portion of a bill that is  
21 amended in this division, the amendment to that disapproved  
22 portion of the bill is void.

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FILED APR 12 '00

SENATE FILE 2452  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3231)

(P.1434) Passed Senate, Date 4/26/00 (P.1938) Passed House, Date 4/26/00  
Vote: Ayes 48 Nays 0 Vote: Ayes 90 Nays 0

Approved 5/33/00  
*[Signature]*

A BILL FOR

1 An Act relating to public expenditure and regulatory matters,  
2 making appropriations, and providing an effective date.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SF 2452

~~SENATE FILE 2452~~

S-5457

1 Amend Senate File 2452 as follows:

2 1. Page 13, by inserting after line 28 the  
3 following:

4 "Sec. \_\_\_\_ . Section 483A.2, as enacted by 2000 Iowa  
5 Acts, House File 2486, section 6, is amended to read  
6 as follows:

7 483A.2 DUAL RESIDENCY.

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

By MERLIN E. BARTZ

17 P.1432  
18 S-5457 FILED APRIL 17, 2000

19 *adopted*  
4/26/00

DIVISION I

MH/MR/DD ALLOWED GROWTH

1  
2  
3 Section 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND  
4 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH FACTOR ADJUSTMENT  
5 AND ALLOCATIONS. There is appropriated from the general fund  
6 of the state to the department of human services for the  
7 fiscal year beginning July 1, 2001, and ending June 30, 2002,  
8 the following amount, or so much thereof as is necessary, to  
9 be used for the purpose designated:

10 For distribution to counties of the county mental health,  
11 mental retardation, and developmental disabilities allowed  
12 growth factor adjustment, in accordance with section 331.438,  
13 subsection 2, and section 331.439, subsection 3, and chapter  
14 426B:

15 ..... \$ 25,784,846

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

19 1. For distribution to counties for fiscal year 2001-2002  
20 in accordance with the formula in section 331.438, subsection  
21 2, paragraph "b":

22 ..... \$ 12,000,000

23 2. For deposit in the per capita expenditure target pool  
24 created in the property tax relief fund pursuant to section  
25 426B.5, subsection 1:

26 ..... \$ 9,784,846

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

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

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

3 3. For deposit in the incentive and efficiency pool  
4 created in the property tax relief fund pursuant to section  
5 426B.5, subsection 2:  
6 ..... \$ 2,000,000

7 4. For deposit in the risk pool created in the property  
8 tax relief fund pursuant to section 426B.5, subsection 3:  
9 ..... \$ 2,000,000

10 DIVISION II

11 TOBACCO FUNDS -- TRANSFER AND CASH FLOW

12 Sec. 2. TRANSFER OF FUNDS -- TOBACCO SETTLEMENT FUND.

13 From moneys deposited in the tobacco settlement fund created  
14 in section 12.65, the sum of sixty-four million six hundred  
15 thousand dollars is transferred to the general fund of the  
16 state for the fiscal year beginning July 1, 2000, and ending  
17 June 30, 2001.

18 Sec. 3. Section 12.65, Code 1999, is amended by adding the  
19 following new unnumbered paragraph:

20 NEW UNNUMBERED PARAGRAPH. Moneys in the tobacco

21 settlement fund shall be considered part of the general fund  
22 of the state for cash flow purposes only, provided any moneys  
23 used for cash flow purposes are returned to the fund by the  
24 close of each fiscal year.

25 DIVISION III

26 REDUCTION IN PHASE III MONEYS

27 Sec. 4. Section 294A.25, subsection 1, Code Supplement  
28 1999, is amended to read as follows:

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

1 DIVISION IV

2 WASTE REDUCTION CENTER -- NONREVERSION

3 Sec. 5. Notwithstanding section 8.33, moneys appropriated  
4 in 1999 Iowa Acts, chapter 208, section 25, to the state board  
5 of regents for the purpose of the Iowa waste reduction center  
6 at the university of northern Iowa that remain unencumbered or  
7 unobligated at the close of the fiscal year beginning July 1,  
8 1999, shall not revert but shall remain available for  
9 expenditure for the purpose for which the moneys were  
10 appropriated until the close of the fiscal year beginning July  
11 1, 2000.

12 Sec. 6. EFFECTIVE DATE. This division of this Act, being  
13 deemed of immediate importance, takes effect upon enactment.

14 DIVISION V

15 CORRECTIVE AMENDMENTS

16 Sec. 7. Section 2D.3, as enacted by 2000 Iowa Acts, House  
17 File 2442, section 3, is amended to read as follows:

18 2D.3 LEGISLATIVE BRANCH PROTOCOL OFFICER.

19 The legislative service bureau shall employ a legislative  
20 branch protocol officer to coordinate activities related to  
21 state, national, and international visitors to the state  
22 capitol or with an interest in the general assembly, and  
23 related to travel of members of the general assembly abroad.  
24 The protocol officer shall serve in a consultative capacity  
25 and shall provide staff support to the international relations  
26 advisory council. The protocol officer shall also work with  
27 the executive branch protocol officer to coordinate state,  
28 national, and international relations activities. The  
29 legislative branch protocol officer shall submit periodic  
30 reports to the international relations committee of the  
31 legislative council regarding the visits of state, national,  
32 and international visitors and regarding international  
33 activities.

34 Sec. 8. Section 30.2, subsection 2, Code 1999, is amended  
35 to read as follows:



1 2. The commission is composed of twelve members appointed  
2 by the governor. One member shall be appointed to represent  
3 the department of agriculture and land stewardship, one to  
4 represent the department of workforce development, one to  
5 represent the department of justice, one to represent the  
6 department of natural resources, one to represent the  
7 department of public defense, one to represent the Iowa  
8 department of public health, one to represent the department  
9 of public safety, one to represent the state department of  
10 transportation, one to represent the state fire service  
11 institute-of-the-iowa-state-university-of-science-and  
12 technology and emergency response council, and one to  
13 represent the office of the governor. Two representatives  
14 from private industry shall also be appointed by the governor,  
15 subject to confirmation by the senate.

16 Sec. 9. Section 85.3, subsection 3, unnumbered paragraph  
17 1, as enacted by 2000 Iowa Acts, Senate File 2373, section 1,  
18 is amended to read as follows:

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

29 Sec. 10. Section 88.6, subsection 9, as enacted by 2000  
30 Iowa Acts, House File 2492, section 6, is amended to read as  
31 follows:

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

1     Sec. 11. Section 135.110, subsection 1, paragraph a,  
2 subparagraph (1), as enacted by 2000 Iowa Acts, House File  
3 2362, section 3, is amended to read as follows:

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

10    Sec. 12. Section 148E.3, subsection 1, as enacted by 2000  
11 Iowa Acts, Senate File 182, section 7, is amended to read as  
12 follows:

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

18    Sec. 13. Section 152.7, unnumbered paragraph 3, as enacted  
19 by 2000 Iowa Acts, House File 2105, section 5, is amended to  
20 read as follows:

21    For purposes of licensure pursuant to the nurse licensure  
22 compact contained in section 152E.1, the compact administrator  
23 may refuse to accept a change in the qualifications for  
24 licensure as a registered nurse or as a licensed practical or  
25 vocational nurse by a licensing authority in another state  
26 which is a party to the compact which substantially modifies  
27 that state's qualifications for licensure in effect on July 1,  
28 2000. A refusal to accept a change in a party state's  
29 qualifications for licensure may result in submitting the  
30 issue to an arbitration panel or in withdrawal from the  
31 compact, in at the discretion of the compact administrator.

32    Sec. 14. Section 152E.1, article II, sections i, k, l, and  
33 n, as enacted by 2000 Iowa Acts, House File 2105, section 8,  
34 are amended to read as follows:

35    i. "Nurse" means a registered nurse or licensed practical

1 or vocational nurse, as those terms are defined by each  
2 ~~party's-state~~ party state's practice laws.

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

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

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

10 1. "Remote state action" means either of the following:

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

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

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

28 Sec. 15. Section 152E.1, article III, sections a and e, as  
29 enacted by 2000 Iowa Acts, House File 2105, section 8, are  
30 amended to read as follows:

31 a. A license to practice registered nursing issued by a  
32 home state to a resident in that state ~~will~~ shall be  
33 recognized by each party state as authorizing a multistate  
34 licensure privilege to practice as a registered nurse in such  
35 party state. A license to practice licensed practical or

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

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

15 Sec. 16. Section 152E.1, article IV, sections c and d, as  
16 enacted by 2000 Iowa Acts, House File 2105, section 8, are  
17 amended to read as follows:

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

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

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

34 3. If a nurse changes the nurse's primary state of  
35 residence by moving from a party state to a nonparty state,

1 the license issued by the prior home state converts to an  
2 individual state license, valid only in the former home state,  
3 without the multistate licensure privilege to practice in  
4 other party states.

5 Sec. 17. Section 152E.1, article VI, section c, as enacted  
6 by 2000 Iowa Acts, House File 2105, section 8, is amended to  
7 read as follows:

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

10 Sec. 18. Section 152E.1, article VII, sections a and d, as  
11 enacted by 2000 Iowa Acts, House File 2105, section 8, are  
12 amended to read as follows:

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

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

26 Sec. 19. Section 232.2, subsection 4, unnumbered paragraph  
27 1, Code Supplement 1999, as amended by 2000 Iowa Acts, Senate  
28 File 2344, section 4, is amended to read as follows:

29 "Case permanency plan" means the plan, mandated by Pub. L.  
30 No. 96-272 and Pub. L. No. 105-89, as codified in 42 U.S.C. §  
31 622(b)(10), 671(a)(16), and 675(1),(5), which is designed to  
32 achieve placement in the most appropriate, least restrictive,  
33 and most family-like, ~~and most appropriate~~ setting available  
34 and in close proximity to the parent's home, consistent with  
35 the best interests and special needs of the child, and which

1 considers the placement's proximity to the school in which the  
2 child is enrolled at the time of placement. The plan shall be  
3 developed by the department or agency involved and the child's  
4 parent, guardian, or custodian. The plan shall specifically  
5 include all of the following:

6 Sec. 20. Section 249H.2, subsection 1, paragraphs a and b,  
7 as enacted by 2000 Iowa Acts, Senate File 2193, section 2, are  
8 amended to read as follows:

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

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

15 Sec. 21. Section 249H.3, subsection 1, as enacted by 2000  
16 Iowa Acts, Senate File 2193, section 3, is amended to read as  
17 follows:

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

30 Sec. 22. Section 249H.6, subsection 12, as enacted by 2000  
31 Iowa Acts, Senate File 2193, section 6, is amended to read as  
32 follows:

33 12. The senior living coordinating unit shall review  
34 projects that receive grants under this section to ensure that  
35 the goal to provide alternatives to nursing facility care is

1 being met and that an adequate number of nursing facility  
2 services ~~remain~~ remains to meet the needs of Iowans.

3 Sec. 23. Section 249H.8, subsection 1, as enacted by 2000  
4 Iowa Acts, Senate File 2193, section 8, is amended to read as  
5 follows:

6 1. A person operating a PACE program shall have a PACE  
7 program agreement with the health care financing  
8 administration of the United States department of health and  
9 human services, shall enter into a contract with the  
10 department of human services and shall comply with 42 U.S.C. §  
11 1396(u)(4) and all regulations promulgated pursuant to that  
12 section.

13 Sec. 24. Section 261.19B, Code 1999, as amended by 2000  
14 Iowa Acts, Senate File 2248, section 13, is amended to read as  
15 follows:

16 261.19B OSTEOPATHIC PHYSICIAN RECRUITMENT REVOLVING FUND.

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

30 Sec. 25. Section 279.52, unnumbered paragraph 1, Code  
31 1999, as amended by 2000 Iowa Acts, House File 2435, section  
32 1, is amended to read as follows:

33 The board of directors may pay the actual cost of an  
34 asbestos project from any funds in the general fund of the  
35 district, funds received from the physical plant and equipment

1 levy, or moneys obtained through a federal asbestos loan  
2 program, to be repaid from any of the funds specified in this  
3 ~~subsection~~ section over a three-year period.

4 Sec. 26. Section 306.11, Code 1999, as amended by 2000  
5 Iowa Acts, Senate File 2194, section 1, is amended to read as  
6 follows:

7 306.11 HEARING -- PLACE -- DATE.

8 In proceeding to the vacation and closing of a road, part  
9 thereof, or railroad crossing, the agency in control of the  
10 road, or road system, shall fix a date for a hearing on the  
11 vacation and closing in the county where the road, or part  
12 thereof, or crossing, is located, and if located in more than  
13 one county, then in a county in which any part of the road or  
14 crossing is located. If the road to be vacated or changed is  
15 a secondary road located in more than one county, the boards  
16 of supervisors of the counties, acting jointly, shall fix a  
17 date for a hearing on the vacation or change in either or any  
18 of the counties where the road, or part thereof, is located.  
19 If the proposed vacation is of part of a road right-of-way  
20 held by easement and will not change the existing traveled  
21 portion of the road or deny access to the road by adjoining  
22 landowners, a hearing is not required.

23 Sec. 27. Section 411.22, subsection 1, unnumbered  
24 paragraph 1, as enacted by 2000 Iowa Acts, Senate File 2411,  
25 section 109, is amended to read as follows:

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



1 court shall enter judgment for distribution of the recovery as  
2 follows:

3 Sec. 28. Section 455B.171, subsection 31B, as enacted by  
4 2000 Iowa Acts, Senate File 2371, section 9, is amended to  
5 read as follows:

6 | 31B. "Section 305(b) ~~list~~ report" means any report ~~or-list~~  
7 required under 33 U.S.C. § 1315(b).

8 Sec. 29. Section 455B.193, unnumbered paragraph 2, as  
9 enacted by 2000 Iowa Acts, Senate File 2371, section 10, is  
10 amended to read as follows:

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

15 Sec. 30. Section 462A.14, subsection 12, paragraph d, as  
16 enacted by 2000 Iowa Acts, House File 2331, section 2, if 2000  
17 Iowa Acts, House File 2511 is enacted, is amended to read as  
18 follows:

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

29 | Sec. 31. Section 466.4, subsections 2 and 5, as enacted by  
30 2000 Iowa Acts, Senate File 2371, section 5, are amended to  
31 read as follows:

32 2. The department of agriculture and land stewardship  
33 shall request the assistance of and consult with the United  
34 States department of ~~agriculture~~ agriculture's natural  
35 resources conservation service and farm service agency to

1 implement the conservation reserve enhancement program. The  
2 department shall also consult with county boards of  
3 supervisors, county conservation boards, drainage district  
4 representatives, department of natural resources, and soil and  
5 water conservation districts affected by the implementation of  
6 the conservation reserve enhancement program. The department  
7 shall also collaborate with other public agencies and private  
8 organizations to develop wetland habitat and related projects  
9 to improve water quality.

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

13 Sec. 32. Section 481A.125, subsection 1, paragraph a, as  
14 enacted by 2000 Iowa Acts, Senate File 2300, section 1, is  
15 amended to read as follows:

16 a. To intentionally place oneself in a location where a  
17 human presence may affect the behavior of a fur-bearing game  
18 animal, bird, or fish or the feasibility of killing or taking  
19 a fur-bearing game animal, bird, or fish with the intent of  
20 obstructing or harassing another person who is lawfully  
21 hunting, fishing, or fur harvesting.

22 Sec. 33. Section 481A.125, subsection 5, as enacted by  
23 2000 Iowa Acts, Senate File 2300, section 1, is amended to  
24 read as follows:

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

29 Sec. 34. Section 521F.3, subsection 2, paragraph a,  
30 unnumbered paragraph 1, as enacted by 2000 Iowa Acts, House  
31 File 2316, section 3, is amended to read as follows:

32 A health organization's risk-based capital shall be  
33 determined pursuant to the formula set forth in the risk-based  
34 capital instructions. The formula shall take into account all  
35 of the following, and may by be adjusted, as deemed

1 appropriate by the commissioner, for the covariance between  
2 the following:

3 Sec. 35. Section 521F.4, subsection 3, as enacted by 2000  
4 Iowa Acts, House File 2316, section 4, is amended to read as  
5 follows:

6 | 3. The risk-based capital plan shall be filed within  
7 forty-five days of the company-action-level event, or, if the  
8 health organization requests a hearing pursuant to section  
9 521F.8 for the purpose of challenging the adjusted risk-based  
10 capital report, within forty-five days after notification to  
11 the insurer health organization that the commissioner, after  
12 hearing, has rejected the insurer's health organization's  
13 challenge.

14 Sec. 36. Section 521F.8, subsection 2, paragraph b,  
15 subparagraph (1), as enacted by 2000 Iowa Acts, House File  
16 2316, section 8, is amended to read as follows:

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

19 Sec. 37. Section 523C.19, subsections 2 and 3, as enacted  
20 by 2000 Iowa Acts, House File 2317, section 30, are amended to  
21 read as follows:

22 2. If a hearing is not timely requested, the summary order  
23 becomes final by operation of law. The order shall remain  
24 effective from the date of issuance until the date the order  
25 becomes final by operation of law or is overturned by a  
26 presiding officer or court following a request for hearing. A  
27 person who has been issued a summary order under this section  
28 may contest it by filing a request for a contested case  
29 proceeding as provided in chapter 17A and in accordance with  
30 rules adopted by the commissioner. However, the person shall  
31 have at least thirty days from the date that the order is  
32 issued in order to file the request. Section 17A.18A is  
33 inapplicable to a summary order issued under this **subsection**  
34 section.

35 3. A person violating a summary order issued under this

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

11 Sec. 38. Section 600.13, subsection 1, paragraph c, as  
12 amended by 2000 Iowa Acts, Senate File 421, section 17, is  
13 amended to read as follows:

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

22 Sec. 39. Section 692B.2, article XI(a)(1)(B), as enacted  
23 by 2000 Iowa Acts, Senate File 2145, section 2, is amended to  
24 read as follows:

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

27 Sec. 40. Section 714.16, subsection 2, paragraph n,  
28 subparagraph (3), subparagraph subdivision (a), as enacted by  
29 2000 Iowa Acts, House File 2148, section 1, is amended to read  
30 as follows:

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

35 Sec. 41. 2000 Iowa Acts, House File 683, section 4, is

1 amended to read as follows:

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

6 Sec. 42. 2000 Iowa Acts, Senate File 2193, section 23, is  
7 amended to read as follows:

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

12 Sec. 43. 2000 Iowa Acts, Senate File 2254, section 4, is  
13 amended to read as follows:

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

17 Sec. 44. 2000 Iowa Acts, Senate File 2344, section 16, is  
18 amended by striking the section and inserting in lieu thereof  
19 the following:

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

23 The following persons are deemed to be eligible for  
24 benefits under the state child care assistance program  
25 administered by the department in accordance with section  
26 237A.13, notwithstanding the program's eligibility  
27 requirements or any waiting list:

28 Sec. 45. APPROPRIATIONS FOR THE DRUG POLICY COORDINATOR.  
29 References in 2000 Iowa Acts, House File 2533, sections 5  
30 through 8 and 33, to the drug enforcement and abuse prevention  
31 coordinator are deemed to be references to the drug policy  
32 coordinator if 2000 Iowa Acts, House File 2153 is enacted.

33 Sec. 46. CODE EDITOR DIRECTIVE. The Iowa Code editor  
34 shall transfer section 325A.16, as amended by 2000 Iowa Acts,  
35 Senate File 2147, section 36, to an appropriate place in

1 subchapter 1 of chapter 325A and change internal references as  
2 necessary.

3 Sec. 47. AMENDMENTS TO DISAPPROVED BILLS VOID. If a  
4 provision of a bill, which is amended in this division of this  
5 Act, does not become law due to the governor's disapproval of  
6 the provision, the amendment to that disapproved provision in  
7 this division of this Act is void.

8 EXPLANATION

9 Division I of this bill appropriates moneys for the 2001-  
10 2002 fiscal year to the department of human services for  
11 distribution to counties of the county mental health, mental  
12 retardation, and developmental disabilities (MH/MR/DD) allowed  
13 growth factor adjustment. The division also provides for the  
14 allotment of the appropriation for various purposes for county  
15 relief for MH/MR/DD services provided by the county.

16 The division applies additional eligibility requirements  
17 for allotment of funding from the per capita expenditure  
18 target pool involving the size of the county's MH/MR/DD  
19 services fund balance and compliance with a financial  
20 reporting deadline.

21 Division II of this bill transfers from moneys deposited in  
22 the tobacco settlement fund, created in Code section 12.65,  
23 the sum of \$64,600,000 to the general fund of the state for  
24 the 2000-2001 fiscal year.

25 The division also amends Code section 12.65, relating to  
26 the tobacco settlement fund, to provide that moneys in the  
27 fund may be used for cash flow purposes so long as the moneys  
28 are returned to the fund by the close of the fiscal year.

29 Division III of this bill reduces the standing limited  
30 appropriation for the education excellence program by  
31 \$2,000,000 beginning with the 2000-2001 fiscal year.

32 Division IV of this bill provides that any moneys remaining  
33 from the appropriation made for the 1998-1999 fiscal year to  
34 the state board of regents for the Iowa waste reduction center  
35 at the university of northern Iowa which are unencumbered or

1 unobligated at the close of the 1999-2000 fiscal year shall  
2 not revert but are available for expenditure during the 2000-  
3 2001 fiscal year.

4 The division takes effect upon enactment.

5 Division V of this Act makes numerous corrective changes to  
6 previously passed legislation during the 2000 Session. The  
7 more significant include the following:

8 New Code section 2D.3 is amended to correct a reference to  
9 the international relations advisory council.

10 Code section 30.2, subsection 2, and Code section 88.6, new  
11 subsection 9, are amended to correct the references to the new  
12 state fire service and emergency response council.

13 Code section 85.3, new subsection 3, is amended to change  
14 reference to the workers' compensation commission to the  
15 workers' compensation commissioner.

16 New Code section 135.110, subsection 1, paragraph "a",  
17 subparagraph (1), is amended to correct a reference to  
18 domestic abuse death certificates.

19 New Code section 152E.1, articles II, III, IV, and VI, are  
20 amended to change the improper use of the words "will" or "may  
21 not" to "shall" or "shall not" and to make other technical  
22 corrections.

23 Code section 232.2, subsection 4, unnumbered paragraph 1,  
24 is amended to eliminate a redundancy.

25 Code section 261.19B is amended to correct a reference to  
26 the osteopathic physician recruitment revolving fund.

27 Code section 279.52, unnumbered paragraph 1, is amended to  
28 correct the reference from "this subsection" to "this section"  
29 as there are no subsections in Code section 279.52.

30 New Code section 411.22, subsection 1, unnumbered paragraph  
31 1, is amended to change a reference from "member's legal  
32 representative beneficiary" to "member's beneficiary".

33 Code section 455B.171, new subsection 31B, is amended to  
34 change a defined term and reference from "list" to "report"  
35 since that is what is required under 33 U.S.C. § 1315(b).

1 New Code section 464.4, subsection 5, is amended to correct  
2 the reference to the conservation reserve enhancement program.

3 Code section 462A.14, new subsection 12, paragraph "d", is  
4 amended to refer to licensed substance abuse programs which  
5 conduct courses for drinking drivers, providing House File  
6 2511 is enacted during the 2000 Session.

7 Code section 481A.125, new subsection 5, is amended to  
8 correct a reference from "subsection" to "section" in order  
9 for the prohibition in the new subsection 5 to make sense.

10 New Code section 521F.4, subsection 3, is amended to  
11 specify that the insurer referred to in that subsection is a  
12 health organization.

13 Code section 600.13, subsection 1, paragraph "c", is  
14 amended to change the reference from "Act" to "chapter" since  
15 the Act referred to was the one which amended Code chapter  
16 600.

17 New Code section 692B.2, article XI(a)(1)(b), is amended to  
18 correct the reference to the article of that section in which  
19 rules and standards are established.

20 The effective date provision of 2000 Iowa Acts, House File  
21 683, is amended because the supreme court under that House  
22 File 683 must prescribe qualifications for mediators by  
23 January 1, 2001, but the effective date for that provision was  
24 originally effective July 1, 2001.

25 The retroactive applicability provisions in 2000 Iowa Acts,  
26 Senate File 2193 and Senate File 2254, are amended to correct  
27 internal references.

28 The amendment to 2000 Iowa Acts, Senate File 2344, section  
29 16, is to correct the lead-in error in reference to Code  
30 section 239B.24, subsection 1.

31 The Code editor is directed to transfer Code section  
32 325A.16, as amended during the 2000 Session, to the more  
33 appropriate place in subchapter 1 of Code chapter 325A and  
34 correct internal references.

35 The division deems references to the current drug



1 enforcement and abuse prevention coordinator in the federal  
2 block grant appropriation bill as referring to the drug policy  
3 coordinator if House File 2153 is enacted.

4 The division contains a provision that specifies that if  
5 the governor disapproves of any portion of a bill that is  
6 amended in this division, the amendment to that disapproved  
7 portion of the bill is void.

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## SENATE FILE 2452

S-5411

1 Amend Senate File 2452 as follows:

2 1. Page 11, by inserting after line 22 the  
3 following:4 "Sec. \_\_\_\_ . Section 322.3, subsection 14, paragraph  
5 b, unnumbered paragraph 1, as enacted by 2000 Iowa  
6 Acts, House File 2106, section 1, is amended to read  
7 as follows:8 A manufacturer or importer from temporarily owning  
9 an interest in a motor vehicle dealership for the  
10 purpose of enhancing opportunities for persons who  
11 lack the financial resources to purchase the motor  
12 vehicle dealership without such assistance. A  
13 manufacturer or importer may temporarily own an  
14 interest in a motor vehicle dealership pursuant to  
15 this paragraph only if the manufacturer or importer  
16 enters into a contract with a person pursuant to whom  
17 which all of the following apply:"  
18 2. By renumbering as necessary.By RICHARD F. DRAKE  
JOHN P. KIBBIE

0/0 4/26/00

S-5411 FILED APRIL 13, 2000

(P. 1433)

## SENATE FILE 2452

S-5427

1 Amend Senate File 2452 as follows:

2 1. Page 2, by inserting after line 9 the  
3 following:4 "Sec. 100. Section 426B.5, subsection 3, paragraph  
5 c, subparagraph (4), Code 1999, is amended to read as  
6 follows:7 (4) A county receiving risk pool assistance in a  
8 fiscal year in which the county did not levy the  
9 maximum amount allowed for the county's mental health,  
10 mental retardation, and developmental disabilities  
11 services fund under section 331.424A shall be required  
12 to repay the risk pool assistance in during the two  
13 succeeding fiscal year years. The repayment amount  
14 shall be limited to the amount by which the actual  
15 amount levied was less than the maximum amount  
16 allowed.17 Sec. \_\_\_\_ . EFFECTIVE DATE. Section 100 of this  
18 division of this Act, being deemed of immediate  
19 importance, takes effect upon enactment."20 2. Title page, line 2, by striking the words "an  
21 effective date" and inserting the following:  
22 "effective dates".

By NEAL SCHUERER

S-5427 FILED APRIL 13, 2000

adopted  
4/26/00 (P. 1429)

## SENATE FILE 2452

S-5551

- 1 Amend Senate File 2452 as follows:  
 2 1. Page 2, by inserting after line 35 the  
 3 following:  
 4 "DIVISION  
 5 MICROSOFT FUND  
 6 Sec. \_\_\_\_ . NEW SECTION. 12.67 MICROSOFT  
 7 SETTLEMENT FUND.  
 8 A Microsoft settlement fund is created in the  
 9 office of the treasurer of state. The state portion  
 10 of any moneys paid to the state by Microsoft in  
 11 settlement of its federal antitrust trial or the  
 12 state's antitrust lawsuit shall be deposited in the  
 13 Microsoft settlement fund. Moneys deposited in the  
 14 fund shall be used only as provided in appropriations  
 15 made by the general assembly.  
 16 Notwithstanding section 12C.7, subsection 2,  
 17 interest or earnings on moneys in the Microsoft  
 18 settlement fund shall be credited to the Microsoft  
 19 settlement fund."

O/O 4/26/00 (P. 1433)

By DERRYL McLAREN

S-5551 FILED APRIL 20, 2000

## SENATE FILE 2452

S-5573

- 1 Amend Senate File 2452 as follows:  
 2 1. Page 17, by inserting before line 8 the  
 3 following:  
 4 "DIVISION  
 5 MOTOR VEHICLE FRANCHISES -- CONDITIONS BARRING  
 6 CHANGE IN FRANCHISE  
 7 Sec. \_\_\_\_ . Section 322A.11, Code 1999, is amended  
 8 by adding the following new subsection:  
 9 NEW SUBSECTION. 5. The fact that the dealership  
 10 does not meet an index or standard established by the  
 11 franchiser, unless the franchiser proves that the  
 12 failure of the dealership to meet the index or  
 13 standard will be substantially detrimental to the  
 14 distribution of the franchiser's motor vehicles in the  
 15 community."  
 16 2. By renumbering as necessary.

O/O 4/26/00 (P. 1433)

By RICHARD F. DRAKE  
MICHAEL E. GRONSTAL

S-5573 FILED APRIL 24, 2000

## SENATE FILE 2452

S-5609

- 1 Amend Senate File 2452 as follows:  
 2 1. Page 2, by striking lines 25 through 35.  
 By MIKE CONNOLLY

S-5609 FILED APRIL 25, 2000

W/D 4/26/00 (P. 1431)

## SENATE FILE 2452

S-5459

1 Amend Senate File 2452 as follows:

2 1. Page 13, line 13, by striking the word and  
3 letter "paragraph a" and inserting the following:  
4 "paragraphs a, b, and c".

5 2. Page 13, line 14, by striking the word "is"  
6 and inserting the following: "are".

7 3. Page 13, by striking lines 16 through 21 and  
8 inserting the following:

9 "a. To intentionally place oneself in a location  
10 where a human presence may affect the behavior of a  
11 fur-bearing game animal, game, bird, or fish or the  
12 feasibility of killing or taking a fur-bearing game  
13 animal, game, bird, or fish with the intent of  
14 obstructing or harassing another person who is  
15 lawfully hunting, fishing, or fur harvesting.

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

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

By DERRYL McLAREN

S-5459 FILED APRIL 17, 2000

o/o  
4/26/00  
(p. 1433)

## SENATE FILE 2452

S-5661

1 Amend Senate File 2452 as follows:

2 1. Page 2, by inserting after line 9 the  
3 following:

4 "Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2555,  
5 section 3, subsection 2, is amended by adding the  
6 following new paragraph:

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

16 Sec. \_\_\_\_\_. Section 331.424A, subsection 6,  
17 paragraph c, as enacted by 2000 Iowa Acts, House File  
18 2327, section 1, is amended to read as follows:

19 c. If a capital asset is owned by the county or  
20 the acquisition cost is charged to the county's  
21 general fund and the capital asset is used in part for  
22 a purpose payable from the county's services fund, the  
23 county's services fund shall annually reimburse the  
24 county's general fund for the use of the capital  
25 asset. For capital assets acquired on or after July  
26 1, ~~2000~~ 2001, and for subsequent improvements of those  
27 capital assets, the reimbursement amount shall be in  
28 accordance with comparable federally approved  
29 depreciation schedules. For capital assets for which  
30 appropriations were included in the county budget  
31 prior to July 1, ~~2000~~ 2001, and for subsequent  
32 improvements of those capital assets, the  
33 reimbursement amount shall be the current fair market  
34 rate for use of the capital asset, as determined by an  
35 independent real estate appraiser.

36 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2327, section  
37 5, subsection 2, is amended to read as follows:

38 2. If, as of ~~the effective date of this Act~~ April  
39 13, 2000, a county's base year expenditures includes  
40 expenditures for acquisition of a capital asset that  
41 effective July 1, 2001, are to be charged to the  
42 county's general fund in accordance with section  
43 331.424A, subsection 6, as enacted by this Act, the  
44 county shall petition the county finance committee by  
45 ~~April 30~~ December 1, 2000, to approve an adjustment in  
46 the county's base year expenditures in an amount equal  
47 to those capital asset expenditures. The amount of  
48 the county's base year expenditures shall be adjusted  
49 in accordance with the county finance committee's  
50 action.

S-5661

-1-

S-5661

Page 2

1 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2327, section  
2 5, subsection 3, is amended by striking the  
3 subsection.

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

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

20 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2327, section  
21 6, is amended to read as follows:

22 SEC. 6. EFFECTIVE AND APPLICABILITY DATES. This  
23 Act, being deemed of immediate importance, takes  
24 effect upon enactment. The amendments to section  
25 331.424A, 331.427, and 331.438, and the transition  
26 section in this Act are first applicable to county  
27 budgets and levies in effect for the fiscal year  
28 beginning July 1, ~~2000~~ 2001, and ending June 30, ~~2001~~  
29 2002.

30 Sec. \_\_\_\_\_. EFFECTIVE DATE -- RETROACTIVE  
31 APPLICABILITY. The sections in this division of this  
32 Act amending 2000 Iowa Acts, House File 2327, being  
33 deemed of immediate importance, take effect upon  
34 enactment and are retroactively applicable to April  
35 13, 2000."

36 2. Page 2, by striking lines 18 through 24, and  
37 inserting the following:

38 "Sec. \_\_\_\_\_. Section 12.65, Code 1999, is amended by  
39 striking the section and inserting in lieu thereof the  
40 following:

41 12.65 TOBACCO SETTLEMENT ENDOWMENT FUND.

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

48 2. Any moneys paid to the state by the tobacco  
49 settlement authority pursuant to chapter 12E shall be  
50 deposited in the fund. Additionally, the state's

S-5661

-2-

S-5661

Page 3

1 share of the moneys which are not sold to the tobacco  
2 settlement authority pursuant to chapter 12E shall be  
3 deposited in the fund.

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

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

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

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

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

35 Sec. \_\_\_\_\_. REFERENCES. References to the tobacco  
36 settlement fund in other enactments of the 2000  
37 session of the Seventy-eighth Iowa general assembly,  
38 are references to the tobacco settlement endowment  
39 fund.

40 Sec. \_\_\_\_\_. CONDITIONAL EFFECTIVENESS. Section  
41 12.65, subsection 2, as enacted in this division of  
42 this Act, takes effect only if 2000 Iowa Acts, House  
43 File 2579 is enacted."

44 3. Page 2, by inserting after line 35 the  
45 following:

46 "DIVISION \_\_\_\_\_  
47 MICROSOFT FUND

48 Sec. \_\_\_\_\_. NEW SECTION. 12.67 MICROSOFT  
49 SETTLEMENT FUND.

50 A Microsoft settlement fund is created in the

S-5661

-3-

S-5661

Page 4

1 office of the treasurer of state. The state portion  
2 of any moneys paid to the state by Microsoft in  
3 settlement of its federal antitrust trial or the  
4 state's antitrust lawsuit shall be deposited in the  
5 Microsoft settlement fund. Moneys deposited in the  
6 fund shall be used only as provided in appropriations  
7 made by the general assembly.

8 Notwithstanding section 12C.7, subsection 2,  
9 interest or earnings on moneys in the Microsoft  
10 settlement fund shall be credited to the Microsoft  
11 settlement fund."

12 4. Page 3, by inserting after line 13, the  
13 following:

14 "DIVISION  
15 MISCELLANEOUS

16 Sec. \_\_\_\_ . NEW SECTION. 12C.26 REFUND FROM  
17 SINKING FUNDS.

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

24 Sec. \_\_\_\_ . Section 100B.1, subsection 1, as enacted  
25 by 2000 Iowa Acts, House File 2492, section 8, is  
26 amended to read as follows:

27 1. The state fire service and emergency response  
28 council is established in the division of fire  
29 protection of the department of public safety. The  
30 council shall consist of ~~ten~~ eleven voting members.  
31 Members of the state fire service and emergency  
32 response council shall be appointed by the governor.  
33 The governor shall appoint members ~~from the following~~  
34 organizations, chosen of the council from a list of  
35 names nominees submitted by each of the following  
36 organizations:

37 a. Two members from a list submitted by the Iowa  
38 firemen's association.

39 b. Two members from a list submitted by the Iowa  
40 fire chiefs' association.

41 c. One member from a list submitted by the Iowa  
42 association of professional fire fighters.

43 d. Two members from a list submitted by the Iowa  
44 association of professional fire chiefs.

45 e. One member from a list submitted by the Iowa  
46 fire fighters group.

47 f. One member from a list submitted by the Iowa  
48 emergency medical services association.

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

S-5661

-4-



S-5661

Page 5

1 nominates the person.

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

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

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

15 Sec. \_\_\_\_\_. Section 142A.6, subsection 6, as enacted  
16 by 2000 Iowa Acts, House File 2565, section 6, is  
17 amended by adding the following new paragraph:

18 NEW PARAGRAPH. e. The prohibitions contained in  
19 this subsection shall only apply to violations of the  
20 master settlement agreement as defined in section  
21 453C.1 as applicable to both smoking and smokeless  
22 tobacco products.

23 Sec. \_\_\_\_\_. Section 166D.7, subsection 4, paragraph  
24 a, Code 1999, as amended by 2000 Acts, Senate File  
25 2312, section 10, is amended to read as follows:

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

42 Sec. \_\_\_\_\_. Section 256E.2, subsection 2, Code  
43 Supplement 1999, is amended to read as follows:

44 2. The department shall adopt rules concerning the  
45 grant application and award process, including  
46 reasonable cost estimates for beginning teacher  
47 induction programs. The department may disapprove a  
48 plan submitted by a board if the plan does not meet  
49 the minimum criteria set forth in section 256E.3,  
50 subsection 2, or the plan exceeds the reasonable costs

S-5661

-5-

S-5661

Page 6

1 as determined by the department. If the cost  
2 estimates submitted by a board exceed reasonable cost  
3 estimates as determined by the department, the  
4 department shall work with the board to identify  
5 measures for reducing plan costs. If the department  
6 determines that moneys appropriated by the general  
7 assembly are insufficient to meet the grant requests  
8 for all approved beginning teacher induction program  
9 plans, the department shall award grants based on the  
10 ~~geographic-location-and~~ district population of the  
11 school districts with approved plans. Grants may be  
12 awarded in subsequent years based upon the most recent  
13 plan on file with the department. It is the intent of  
14 the general assembly that the department approve plans  
15 that incorporate local innovation and take into  
16 consideration local needs.

17 Sec. \_\_\_\_\_. Section 322A.11, Code 1999, is amended  
18 by adding the following new subsection:

19 NEW SUBSECTION. 5. The fact that the dealership  
20 does not meet an index or standard established by the  
21 franchiser, unless the franchiser proves that the  
22 failure of the dealership to meet the index or  
23 standard will be substantially detrimental to the  
24 distribution of the franchiser's motor vehicles in the  
25 community.

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

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

31 ~~{1}--The-claim-is-presented-after-the-lapse-of~~  
32 ~~three-months-from-its-accrual-~~

33 ~~{2}--The~~ the appropriation or fund of certification  
34 available for paying the claim has been exhausted or  
35 proves insufficient.

36 Sec. \_\_\_\_\_. Section 421.38, subsection 1, paragraph  
37 b, unnumbered paragraph 1, Code 1999, is amended to  
38 read as follows:

39 ~~The time-limitation-set-forth-in-paragraph-"a",~~  
40 ~~subparagraph-{1},~~ authority of the director is subject  
41 to the following exceptions:

42 Sec. \_\_\_\_\_. 554D.104, subsection 4, as enacted by  
43 2000 Iowa Acts, House File 2205, is amended to read as  
44 follows:

45 4. A choice of law provision ~~which-is-contained~~  
46 in a computer information agreement ~~that-governs-a~~  
47 ~~transaction-subject-to-this-chapter,~~ that which  
48 provides that the contract is to be interpreted  
49 pursuant to the laws of a state that has enacted the  
50 uniform computer information transactions Act, as

S-5661

-6-

S-5661

Page 7

1 proposed by the national conference of commissioners  
 2 on uniform state laws, or any substantially similar  
 3 law, is voidable and the agreement shall be  
 4 interpreted pursuant to the laws of this state if the  
 5 party against whom enforcement of the choice of law  
 6 provision is sought is a resident of this state or has  
 7 its principal place of business located in this state.  
 8 For purposes of this subsection, a "computer  
 9 information agreement" means an agreement that would  
 10 be governed by the uniform computer information  
 11 transactions Act or substantially similar law as  
 12 enacted in the state specified in the choice of laws  
 13 provision if that state's law were applied to the  
 14 agreement.

15 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2533, section  
 16 28, subsections 2 and 29, are amended to read as  
 17 follows:

18 2. For school lunch program, grant number 10555:  
 19 ..... \$ 50,729,658  
 20 ..... 50,075,000  
 21 29. For education of handicapped -- infants and  
 22 toddlers, grant number 84181:  
 23 ..... \$ 2,869,783  
 24 ..... 2,863,283

25 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2533, section  
 26 38, is amended to read as follows:

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

38 1. For United States department of health and  
 39 human services, grant number 13000:  
 40 ..... \$ 150,000  
 41 2. For United States department of justice, grant  
 42 number, 16000:  
 43 ..... \$ 177,028

44 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2533, section  
 45 39, subsection 1, is amended to read as follows:

46 1. For United States department of justice, grant  
 47 number 16000:  
 48 ..... \$ 28,988  
 49 ..... 5,450,000

50 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2533, section

S-5661

S-5661

Page 8

1 47, is amended by adding the following new  
2 subsections:  
3 NEW SUBSECTION. 34. For United States department  
4 of justice, grant number 16000:  
5 ..... \$ 28,988  
6 NEW SUBSECTION. 35. For state and community  
7 highway safety, grant number 20600:  
8 ..... \$ 90,000  
9 NEW SUBSECTION. 36. For education of handicapped  
10 -- infants and toddlers, grant number 84181:  
11 ..... \$ 6,500  
12 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2533, section  
13 48, subsections 2 and 4, are amended to read as  
14 follows:  
15 2. For department of justice, grant number 16000:  
16 ..... \$ 6,684,071  
17 1,017,293  
18 4. For state and community highway safety, grant  
19 number 20600:  
20 ..... \$ 2,534,863  
21 2,444,863  
22 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2533, section  
23 49, subsection 4, is amended to read as follows:  
24 4. For school lunch program, grant number 10555:  
25 ..... \$ 10,010  
26 228,668  
27 Sec. \_\_\_\_\_. EFFECTIVE DATE. The section in this  
28 division of this Act amending section 166D.7, being  
29 deemed of immediate importance, takes effect upon  
30 enactment.  
31 Sec. \_\_\_\_\_. EFFECTIVE DATE -- RETROACTIVE  
32 APPLICABILITY. The section in this division of this  
33 Act enacting section 12C.26, being deemed of immediate  
34 importance, takes effect upon enactment and applies  
35 retroactively to refunds of assessments collected  
36 under chapter 12C on or after January 1, 2000."  
37 5. Page 3, by inserting after line 33 the  
38 following:  
39 "Sec. \_\_\_\_\_. Section 12.73, subsection 1, as enacted  
40 by 2000 Iowa Acts, Senate File 2447, section 17, is  
41 amended to read as follows:  
42 1. It is the intention of the general assembly  
43 that a pledge made in respect of bonds or notes shall  
44 be valid and binding from the time the pledge is made,  
45 that the money or property so pledged and received  
46 after the pledge by the authority treasurer of state  
47 shall immediately be subject to the lien of the pledge  
48 without physical delivery or further act, and that the  
49 lien of the pledge shall be valid and binding as  
50 against all parties having claims of any kind in tort,  
S-5661 -8-

S-5661

Page 9

1 contract, or otherwise against the treasurer of state  
2 whether or not the parties have notice of the lien.  
3 Sec. \_\_\_\_\_. Section 12.83, as enacted by 2000 Iowa  
4 Acts, Senate File 2447, section 23, is amended to read  
5 as follows:

6 12.83 PLEDGES.

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

18 2. The state pledges to and agrees with the  
19 holders of bonds or notes issued under section 12.81,  
20 that the state will not limit or alter the rights and  
21 powers vested in the treasurer of state to fulfill the  
22 terms of a contract made by the treasurer of state  
23 with respect to the bonds or notes, or in any way  
24 impair the rights and remedies of the holders until  
25 the bonds and notes, together with the interest on  
26 them including interest on unpaid installments of  
27 interest, and all costs and expenses in connection  
28 with an action or proceeding by or on behalf of the  
29 holders, are fully met and discharged. The treasurer  
30 of state is authorized to include this pledge and  
31 agreement of the state, as it refers to holders of  
32 bonds or notes of the authority treasurer of state, in  
33 a contract with the holders.

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

38 (4) Conservation of open space and farmland and  
39 preserve preservation of critical environmental  
40 areas."

41 6. Page 9, by inserting after line 5, the  
42 following:

43 "Sec. \_\_\_\_\_. Section 232.8, subsection 1, paragraph  
44 c, Code 1999, as amended by 2000 Iowa Acts, House File  
45 723, section 1, is amended to read as follows:

46 c. Violations by a child, age sixteen or older,  
47 which subject the child to the provisions of section  
48 124.401, subsection 1, paragraph "e" or "f", or  
49 violations of section 723A.2 which involve a violation  
50 of chapter 724, or violation of chapter 724 which

S-5661

-9-

S-5661

Page 10

1 constitutes a felony, or violations which constitute a  
2 forcible felony are excluded from the jurisdiction of  
3 the juvenile court and shall be prosecuted as  
4 otherwise provided by law unless the court transfers  
5 jurisdiction of the child to the juvenile court upon  
6 motion and for good cause. A child over whom  
7 jurisdiction has not been transferred to the juvenile  
8 court, and who is convicted of a violation excluded  
9 from the jurisdiction of the juvenile court under this  
10 paragraph, shall be sentenced pursuant to section  
11 124.401B, 902.9, or 903.1. Notwithstanding any other  
12 provision of the Code to the contrary, the court may  
13 accept from a child a plea of guilty, or may instruct  
14 the jury on a lesser included offense to the offense  
15 excluded from the jurisdiction of the juvenile court  
16 under this section, in the same manner as regarding an  
17 adult. However, the juvenile court shall have  
18 exclusive original jurisdiction in a proceeding  
19 concerning an offense of ~~livestock-torture-as-provided~~  
20 ~~in-section-717.3-or~~ animal torture as provided in  
21 section 717B.3A alleged to have been committed by a  
22 child under the age of seventeen.

23 Sec. \_\_\_\_\_. Section 232.8 subsection 3, unnumbered  
24 paragraph 2, as enacted by 2000 Iowa Acts, House File  
25 723, section 2, is amended to read as follows:

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

31 7. Page 11, by inserting after line 22 the  
32 following:

33 "Sec. \_\_\_\_\_. Section 322.3, subsection 14, paragraph  
34 b, unnumbered paragraph 1, as enacted by 2000 Iowa  
35 Acts, House File 2106, section 1, is amended to read  
36 as follows:

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

47 Sec. \_\_\_\_\_. Section 331.506, subsection 1,  
48 paragraphs b, c, and d, as enacted by 2000 Iowa Acts,  
49 Senate File 2047, section 1, if 2000 Iowa Acts, House  
50 File 2205 is enacted, are amended to read as follows:

S-5661

-10-

S-5661

Page 11

1 b. The auditor shall not issue a warrant to a  
2 drawee until the auditor has transmitted to the  
3 treasurer a list of the warrants to be issued. The  
4 list shall include the date, amount, and number of the  
5 warrant, name of the person to whom the warrant is  
6 issued, and the purpose for which the warrant is  
7 issued. The treasurer shall acknowledge receipt of  
8 the list by affixing the treasurer's signature at the  
9 bottom of the list and immediately returning the list  
10 to the auditor. The requirement that the treasurer  
11 sign to acknowledge receipt of the list is satisfied  
12 by use of a digital signature or other secure  
13 electronic signature if the county auditor and  
14 treasurer have complied with the applicable provisions  
15 of chapter ~~554E~~ 554D.

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

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

27 Sec. \_\_\_\_ . Section 331.554, subsection 4, Code  
28 1999, as amended by 2000 Iowa Acts, Senate File 2047,  
29 section 3, if 2000 Iowa Acts, House File 2205 is  
30 enacted, is amended to read as follows:

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

40 8. Page 12, by inserting after line 2 the  
41 following:

42 "Sec. \_\_\_\_ . Section 453A.3, subsection 1, Code  
43 1999, is amended to read as follows:

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

47 Sec. \_\_\_\_ . Section 453A.22, subsection 2,  
48 unnumbered paragraph 1, Code 1999, is amended to read  
49 as follows:

50 If a retailer or employee of a retailer has

S-5661

-11-

S-5661

Page 12

1 violated section 453A.27 or section 453A.36,  
2 subsection 6, ~~or-453A.39,~~ the department or local  
3 authority, in addition to the other penalties fixed  
4 for such violations in this section, shall assess a  
5 penalty upon the same hearing and notice as prescribed  
6 in subsection 1 as follows:"

7 9. Page 13, line 13, by striking the word and  
8 letter "paragraph a" and inserting the following:  
9 "paragraphs a, b, and c".

10 10. Page 13, line 14, by striking the word "is"  
11 and inserting the following: "are".

12 11. Page 13, by striking lines 16 through 21 and  
13 inserting the following:

14 "a. To intentionally place oneself in a location  
15 where a human presence may affect the behavior of a  
16 fur-bearing ~~game~~ animal, game, bird, or fish or the  
17 feasibility of killing or taking a fur-bearing ~~game~~  
18 animal, game, bird, or fish with the intent of  
19 obstructing or harassing another person who is  
20 lawfully hunting, fishing, or fur harvesting.

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

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

33 12. Page 16, by inserting after line 5 the  
34 following:

35 "Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2433,  
36 section 4, subsections 1 and 2, are amended to read as  
37 follows:

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

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

49 13. Page 16, by inserting after line 11 the  
50 following:

S-5661

-12-



S-5661

Page 13

1 "Sec. \_\_\_\_\_. 2000 Iowa Acts, Senate File 2248,  
2 section 20, is amended to read as follows:

3 SEC. 20. TRANSFER OF OSTEOPATHIC FORGIVABLE LOAN  
4 REVOLVING FUND MONEYS BY TREASURER. On the effective  
5 date of this Act, the treasurer of state shall  
6 transfer any balance in the osteopathic forgivable  
7 loan program revolving fund to the osteopathic  
8 physician recruitment revolving fund established  
9 pursuant to section 13 of this Act."

10 14. Page 17, by inserting after line 7 the  
11 following:

12 "Sec. \_\_\_\_\_. EFFECTIVE AND RETROACTIVE APPLICABILITY  
13 PROVISIONS.

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

17 2. The amendment in this division of this Act to  
18 2000 Iowa Acts, Senate File 2193, section 23, being  
19 deemed of immediate importance, takes effect upon  
20 enactment, and applies retroactively to October 1,  
21 1999.

22 3. The amendment in this division of this Act to  
23 2000 Iowa Acts, Senate File 2254, section 4, being  
24 deemed of immediate importance, takes effect upon  
25 enactment, and applies retroactively to January 1,  
26 2000."

27 15. Page 17, by inserting before line 8 the  
28 following:

29 "DIVISION \_\_\_\_\_  
30 DEPARTMENT OF REVENUE AND FINANCE  
31 TAX ADMINISTRATION

32 Sec. \_\_\_\_\_. NEW SECTION. 421.46 TAX AGREEMENTS  
33 WITH INDIAN TRIBES.

34 1. "Indian country" means the Indian country as  
35 defined in 18 U.S.C. § 1151, and includes trust land  
36 as defined by the United States secretary of the  
37 interior.

38 2. The department and the governing council of an  
39 Indian tribe may enter into an agreement to provide  
40 for the collection and distribution or refund by the  
41 department within Indian country of any tax or fee  
42 imposed by the state and administered by the  
43 department.

44 An agreement may also provide for the collection  
45 and distribution by the department of any tribal tax  
46 or fee imposed by tribal ordinance. The agreement may  
47 provide for the retention of an administrative fee by  
48 the department which fee shall be an agreed upon  
49 percentage of the gross revenue of the tribal tax or  
50 fee collected.

S-5661

-13-

S-5661

Page 14

1 3. The provisions of this section shall not be  
2 construed to establish or relinquish any jurisdiction  
3 the state or an Indian tribe might have to levy or  
4 collect from any person any tax or fee within or  
5 without Indian country.

6 Sec. \_\_\_\_ . EFFECTIVE DATE. This division of this  
7 Act, being deemed of immediate importance, takes  
8 effect upon enactment.

9 DIVISION

10 OTHER APPROPRIATIONS

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

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

20 ..... \$ 15,000

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

24 ..... \$ 15,000

25 Sec. \_\_\_\_ . CHILD SUPPORT RECOVERY. There is  
26 appropriated from the general fund of the state to the  
27 department of human services for the fiscal year  
28 beginning July 1, 2000, and ending June 30, 2001, the  
29 following amount, or so much thereof as is necessary,  
30 to be used for the purpose designated:

31 For child support recovery, to be used in  
32 accordance with the appropriation made for this  
33 purpose in 2000 Iowa Acts, Senate File 2435:

34 ..... \$ 200,000

35 Sec. \_\_\_\_ . 2000 Iowa Acts, House File 2552,  
36 section 4, subsection 1, paragraph a, is amended to  
37 read as follows:

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

43 ..... \$ 307,537,729

44 ..... 29,865,654

45 ..... FTEs 533.50

46 ..... 528.58

47 Sec. \_\_\_\_ . 2000 Iowa Acts, House File 2552, section  
48 4, subsection 1, paragraph c, is amended by adding the  
49 following new unnumbered paragraph:

50 NEW UNNUMBERED PARAGRAPH. In addition to the funds

S-5661

S-5661

Page 15

1 appropriated in this paragraph, \$50,000 is  
2 appropriated from the general fund of the state to the  
3 department of corrections for the fiscal year  
4 beginning July 1, 2000, and ending June 30, 2001, for  
5 ongoing technology needs at the Oakdale correctional  
6 facility.

7 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2552, section  
8 4, subsection 1, paragraph h, is amended by adding the  
9 following new unnumbered paragraph:

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

17 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2552, section  
18 7, subsection 1, paragraph a, is amended by adding the  
19 following new unnumbered paragraph:

20 NEW UNNUMBERED PARAGRAPH. In addition to the funds  
21 appropriated in this paragraph, \$22,571 is  
22 appropriated from the general fund of the state to the  
23 department of corrections for the fiscal year  
24 beginning July 1, 2000, and ending June 30, 2001, for  
25 ongoing technology needs of the first judicial  
26 district department of correctional services.

27 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2552, section  
28 7, subsection 1, paragraph b, is amended by adding the  
29 following new unnumbered paragraph:

30 NEW UNNUMBERED PARAGRAPH. In addition to the funds  
31 appropriated in this paragraph, \$1,680 is appropriated  
32 from the general fund of the state to the department  
33 of corrections for the fiscal year beginning July 1,  
34 2000, and ending June 30, 2001, for ongoing technology  
35 needs of the second judicial district department of  
36 correctional services.

37 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2552, section  
38 7, subsection 1, paragraph e, is amended by adding the  
39 following new unnumbered paragraph:

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

47 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2552, section  
48 7, subsection 1, paragraph f, is amended by adding the  
49 following new unnumbered paragraph:

50 NEW UNNUMBERED PARAGRAPH. In addition to the funds

S-5661

-15-

S-5661

Page 16

1 appropriated in this paragraph, \$60,000 is  
2 appropriated from the general fund of the state to the  
3 department of corrections for the fiscal year  
4 beginning July 1, 2000, and ending June 30, 2001, for  
5 ongoing technology needs of the sixth judicial  
6 district department of correctional services.  
7 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2552, section  
8 7, subsection 1, paragraph g, is amended by adding the  
9 following new unnumbered paragraph:  
10 NEW UNNUMBERED PARAGRAPH. In addition to the funds  
11 appropriated in this paragraph, \$11,740 is  
12 appropriated from the general fund of the state to the  
13 department of corrections for the fiscal year  
14 beginning July 1, 2000, and ending June 30, 2001, for  
15 ongoing technology needs of the seventh judicial  
16 district department of correctional services."  
17 16. Title page, line 2, by striking the words  
18 "providing an effective date" and inserting the  
19 following: "including effective date and retroactive  
20 applicability provisions".  
21 17. By renumbering, relettering, or redesignating  
22 and correcting internal references as necessary.

By DERRYL McLAREN

S-5661 FILED APRIL 26, 2000 .

WITHDRAWN

(P. 1429)

## SENATE FILE 2452

S-5657

1 Amend Senate File 2452 as follows:  
2 1. Page 1, line 15, by striking the figure  
3 "25,784,846" and inserting the following:  
4 "26,492,712".  
5 2. Page 1, line 26, by striking the figure  
6 "9,784,846" and inserting the following:  
7 "10,492,712".

By DERRYL McLAREN

S-5657 FILED APRIL 26, 2000

ADOPTED

(P. 1429)

## SENATE FILE 2452

S-5662

1 Amend Senate File 2452 as follows:

2 1. Page 17, by inserting after line 7 the  
3 following:

4 "DIVISION \_\_\_\_\_  
5 VOLUNTEER EMERGENCY SERVICES PROVIDERS  
6 Sec. \_\_\_\_\_. Section 80.9, subsection 2, Code  
7 Supplement 1999, is amended by adding the following  
8 new paragraph:

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

12 Sec. \_\_\_\_\_. NEW SECTION. 100B.11 VOLUNTEER  
13 EMERGENCY SERVICES PROVIDER DEATH BENEFIT --  
14 ELIGIBILITY.

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

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

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

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

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

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

S-5662

-1-

S-5662

Page 2

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

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

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

16 Sec. \_\_\_\_ . REPEAL -- LEGISLATIVE INTENT.

17 1. This division of this Act is repealed July 1,  
18 2002.

19 2. It is the intent of the general assembly that  
20 the repeal of this division of this Act on July 1,  
21 2002, will allow consideration of recommendations  
22 relating to this division of this Act to be received  
23 by the general assembly from the department of  
24 management based on the department's study of the  
25 possible implementation of a system to provide  
26 retirement benefits and death and survivor benefits to  
27 volunteer fire fighters and volunteer emergency  
28 medical service personnel."

By KITTY REHBERG  
JERRY BEHN  
NEAL SCHUERER  
STEVE KING

RICHARD F. DRAKE  
JACK RIFE  
MERLIN E. BARTZ  
LARRY MCKIBBEN

S-5662 FILED APRIL 26, 2000

ADOPTED

(p. 1432)

SENATE FILE 2452

S-5664

1 Amend Senate File 2452 as follows:

2 1. Page 1, line 15, by striking the figure  
3 "25,784,846" and inserting the following:

4 "31,174,941".

5 2. Page 1, line 26, by striking the figure  
6 "9,784,846" and inserting the following:

7 "15,174,941".

By JOHN JUDGE  
JOHNIE HAMMOND

S-5664 FILED APRIL 26, 2000

RULED OUT OF ORDER

(p. 1430)

SENATE FILE 2452

S-5667

- 1 Amend the amendment, S-5661, to Senate File 2452,
- 2 as follows:
- 3 1. Page 8, by inserting after line 26 the
- 4 following:
- 5 "Sec. \_\_\_\_ 2000 Iowa Acts, House File 475, section
- 6 5, is repealed."
- 7 2. By renumbering as necessary.

By DERRYL McLAREN

S-5667 FILED APRIL 26, 2000  
RULED OUT OF ORDER

(p. 1429)

## SENATE FILE 2452

S-5671

1 Amend Senate File 2452 as follows:

2 1. Page 2, by striking line 26 and inserting the  
3 following: "EDUCATION FINANCING".

4 2. Page 2, by inserting after line 35 the  
5 following:

6 "Sec. \_\_\_\_\_. Section 257.11, subsection 4, paragraph  
7 a, as enacted by 2000 Iowa Acts, House File 2496, is  
8 amended to read as follows:

9 a. In order to provide additional funding to  
10 school districts for programs serving at-risk pupils  
11 and alternative school pupils in secondary schools, a  
12 supplementary weighting plan for at-risk pupils is  
13 adopted. A supplementary weighting of ~~forty-eight~~  
14 ~~ten-thousandths~~ four hundred sixty-nine one-hundred-  
15 thousandths per pupil shall be assigned to the  
16 percentage of pupils in a school district enrolled in  
17 grades one through six, as reported by the school  
18 district on the basic educational data survey for the  
19 base year, who are eligible for free and reduced price  
20 meals under the federal National School Lunch Act and  
21 the federal Child Nutrition Act of 1966, 42 U.S.C. §  
22 1751-1785, multiplied by the budget enrollment in the  
23 school district; and a supplementary weighting of one  
24 hundred ~~fifty-six~~ fifty-two one-hundred-thousandths  
25 per pupil shall be assigned to pupils included in the  
26 budget enrollment of the school district. Amounts  
27 received as supplementary weighting for at-risk pupils  
28 shall be utilized by a school district to develop or  
29 maintain at-risk pupils' programs, which may include  
30 alternative school programs.

31 Sec. \_\_\_\_\_. Section 257.11, subsection 4, paragraph  
32 b, as enacted by 2000 Iowa Acts, House File 2496, is  
33 amended by adding the following new unnumbered  
34 paragraph:

35 NEW UNNUMBERED PARAGRAPH. For the purposes of this  
36 paragraph "b", the amount received for the budget year  
37 beginning July 1, 1999, shall be adjusted according to  
38 the provisions of section 257.6 based upon reports  
39 filed under section 11.6. The adjusted amount shall  
40 be used as the basis for any guarantees or  
41 reductions."

42 3. By renumbering as necessary.

By MIKE CONNOLLY

S-5671 FILED APRIL 26, 2000

LOST

(P. 1431)



## SENATE FILE 2452

S-5672

1 Amend Senate File 2452 as follows:

2 1. Page 17, by inserting after line 7 the  
3 following:

4 "DIVISION

5 FINANCIAL INSTITUTIONS -- SATELLITE TERMINALS

6 Sec. \_\_\_\_\_. Section 527.2, subsections 10, 14, and  
7 15, Code 1999, are amended to read as follows:

8 10. "Limited-function terminal" means an on-line  
9 point-of-sale terminal, ~~or an off-line point-of-sale~~  
10 ~~terminal which satisfies the requirements of section~~  
11 ~~527.4, subsection 3, paragraph "d",~~ or a multiple use  
12 terminal, which is not operated in a manner to accept  
13 an electronic personal identifier. Except as  
14 otherwise provided, a limited-function terminal shall  
15 not be subject to the requirements imposed upon other  
16 satellite terminals pursuant to sections 527.4 and  
17 527.5, subsections 1, 2, 3, 7, and 8.

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

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

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

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

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

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

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

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

50 Sec. \_\_\_\_\_. Section 527.4, subsection 1, Code 1999,

S-5672

S-5672

Page 2

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

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

5 Sec. \_\_\_\_\_. Section 527.4, subsection 2, Code 1999,  
6 is amended by striking the subsection.

7 Sec. \_\_\_\_\_. Section 527.4, subsection 3, Code 1999,  
8 is amended to read as follows:

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

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

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

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

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

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

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

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

40 3. A financial institution shall not may establish  
41 a satellite terminal at any other location except  
42 pursuant to an agreement with a financial institution  
43 which is authorized by this subsection to establish a  
44 satellite terminal at that location and which will  
45 utilize the satellite terminal at that location within  
46 this state. This subsection does not amend, modify,  
47 or supersede any provision of chapter 524 regulating  
48 the number or locations of bank offices of a state or  
49 national bank, or authorize the establishment by a  
50 financial institution of any offices or other

S-5672

-2-

S-5672

Page 3

1 facilities except satellite terminals at locations  
2 permitted by this subsection.

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

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

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

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

29 Sec. \_\_\_\_\_. Section 527.5, subsection 5, Code 1999,  
30 is amended to read as follows:

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

44 Sec. \_\_\_\_\_. Section 527.5, subsection 11, paragraph  
45 a, Code 1999, is amended to read as follows:

46 a. If at any time, a limited-function terminal at  
47 a location ~~as defined in section 527.4, subsection 3,~~  
48 ~~paragraph "d", in this state off the premises of the~~  
49 ~~financial institution~~ is replaced by a device  
50 constituting either an on-line or an off-line point-

S-5672

S-5672

Page 4

1 of-sale terminal which may be utilized to initiate  
2 transactions which affect customer asset accounts  
3 through the use of an electronic personal identifier,  
4 or is upgraded, altered, or modified to be operated in  
5 a manner which allows the use of an electronic  
6 personal identifier to initiate transactions which  
7 affect customer asset accounts, or an on-line or an  
8 off-line point-of-sale terminal which may be utilized  
9 to initiate transactions which affect customer asset  
10 accounts through the use of an electronic personal  
11 identifier is newly established at a location defined  
12 in-section-527.4, subsection-3, paragraph-"d" in this  
13 state off the premises of the financial institution,  
14 then such upgraded, altered, or modified limited-  
15 function terminal or replacement point-of-sale  
16 terminal or such newly established point-of-sale  
17 terminal is deemed to be a full-function point-of-sale  
18 terminal for purposes of this subsection and all  
19 requirements of a satellite terminal in this chapter  
20 apply to the full-function point-of-sale terminal with  
21 regard to all transactions affecting customer asset  
22 accounts which are initiated through the use of an  
23 electronic personal identifier, except for section  
24 527.4, subsections-1, 2, and subsection 4, section  
25 527.4, subsection-3, paragraphs-"a", "b", and-"c", and  
26 subsections 1, 3, and 7 of this section.

27 Sec. \_\_\_\_ . Section 527.5, subsection 12, Code 1999,  
28 is amended to read as follows:

29 12. Effective July 1, 1994, any transaction  
30 engaged in with a retailer through a satellite  
31 terminal at a location described-in-section-527.4,  
32 subsection-3, paragraph-"d", in this state off the  
33 premises of the financial institution by means of an  
34 access device which results in a debit to a customer  
35 asset account shall be cleared and paid at par during  
36 the settlement of such transaction. Notwithstanding  
37 the terms of any contractual agreement between a  
38 retailer or financial institution and a national card  
39 association as described in subsection 11, an  
40 electronic funds transfer processing facility of a  
41 national card association, a central routing unit  
42 approved pursuant to this chapter, or a data  
43 processing center, the processing fees and charges for  
44 such transactions to the retailer shall be as  
45 contractually agreed upon between the retailer and the  
46 financial institution which establishes, owns,  
47 operates, controls, or processes transactions  
48 initiated at the satellite terminal. All accounting  
49 documents reflecting such fees and charges imposed on  
50 the retailer shall separately identify transactions

S-5672

-4-

S-5672

Page 5

1 which have resulted in a debit to a customer asset  
2 account and the charges imposed. The provisions of  
3 this subsection shall apply to all satellite  
4 terminals, including limited-function terminals, full-  
5 function point-of-sale terminals as identified in  
6 subsection 11, paragraph "a", and multiple use  
7 terminals.  
8 Sec. \_\_\_\_ . EFFECTIVE DATE. This division of this  
9 Act, being deemed of immediate importance, takes  
10 effect upon enactment."

By STEWART IVERSON, Jr.  
MICHAEL E. GRONSTAL

S-5672 FILED APRIL 26, 2000  
ADOPTED

(P 1432)

## SENATE FILE 2452

S-5673

1 Amend Senate File 2452 as follows:

2 1. Page 2, by inserting after line 9 the  
3 following:

4 "Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2555,  
5 section 3, subsection 2, is amended by adding the  
6 following new paragraph:

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

16 Sec. \_\_\_\_\_. Section 331.424A, subsection 6,  
17 paragraph c, as enacted by 2000 Iowa Acts, House File  
18 2327, section 1, is amended to read as follows:

19 c. If a capital asset is owned by the county or  
20 the acquisition cost is charged to the county's  
21 general fund and the capital asset is used in part for  
22 a purpose payable from the county's services fund, the  
23 county's services fund shall annually reimburse the  
24 county's general fund for the use of the capital  
25 asset. For capital assets acquired on or after July  
26 1, ~~2000~~ 2001, and for subsequent improvements of those  
27 capital assets, the reimbursement amount shall be in  
28 accordance with comparable federally approved  
29 depreciation schedules. For capital assets for which  
30 appropriations were included in the county budget  
31 prior to July 1, ~~2000~~ 2001, and for subsequent  
32 improvements of those capital assets, the  
33 reimbursement amount shall be the current fair market  
34 rate for use of the capital asset, as determined by an  
35 independent real estate appraiser.

36 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2327, section  
37 5, subsection 2, is amended to read as follows:

38 2. If, as of ~~the effective date of this Act~~ April  
39 13, 2000, a county's base year expenditures includes  
40 expenditures for acquisition of a capital asset that  
41 effective July 1, 2001, are to be charged to the  
42 county's general fund in accordance with section  
43 331.424A, subsection 6, as enacted by this Act, the  
44 county shall petition the county finance committee by  
45 ~~April 30~~ December 1, 2000, to approve an adjustment in  
46 the county's base year expenditures in an amount equal  
47 to those capital asset expenditures. The amount of  
48 the county's base year expenditures shall be adjusted  
49 in accordance with the county finance committee's  
50 action.

S-5673

-1-

S-5673

Page 2

1 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2327, section  
2 5, subsection 3, is amended by striking the  
3 subsection.

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

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

20 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2327, section  
21 6, is amended to read as follows:

22 SEC. 6. EFFECTIVE AND APPLICABILITY DATES. This  
23 Act, being deemed of immediate importance, takes  
24 effect upon enactment. The amendments to section  
25 331.424A, 331.427, and 331.438, and the transition  
26 section in this Act are first applicable to county  
27 budgets and levies in effect for the fiscal year  
28 beginning July 1, ~~2000~~ 2001, and ending June 30, ~~2001~~  
29 2002.

30 Sec. \_\_\_\_\_. EFFECTIVE DATE -- RETROACTIVE  
31 APPLICABILITY. The sections in this division of this  
32 Act amending 2000 Iowa Acts, House File 2327, being  
33 deemed of immediate importance, take effect upon  
34 enactment and are retroactively applicable to April  
35 13, 2000."

36 2. Page 2, by striking lines 18 through 24, and  
37 inserting the following:

38 "Sec. \_\_\_\_\_. Section 12.65, Code 1999, is amended by  
39 striking the section and inserting in lieu thereof the  
40 following:

41 12.65 TOBACCO SETTLEMENT ENDOWMENT FUND.

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

48 2. Any moneys paid to the state by the tobacco  
49 settlement authority pursuant to chapter 12E shall be  
50 deposited in the fund. Additionally, the state's

S-5673

-2-

S-5673

Page 3

1 share of the moneys which are not sold to the tobacco  
2 settlement authority pursuant to chapter 12E shall be  
3 deposited in the fund.

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

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

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

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

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

35 Sec. \_\_\_\_\_. REFERENCES. References to the tobacco  
36 settlement fund in other enactments of the 2000  
37 session of the Seventy-eighth Iowa general assembly,  
38 are references to the tobacco settlement endowment  
39 fund.

40 Sec. \_\_\_\_\_. CONDITIONAL EFFECTIVENESS. Section  
41 12.65, subsection 2, as enacted in this division of  
42 this Act, takes effect only if 2000 Iowa Acts, House  
43 File 2579 is enacted."

44 3. Page 2, by inserting after line 35 the  
45 following:

46 "DIVISION \_\_\_\_\_  
47 MICROSOFT FUND

48 Sec. \_\_\_\_\_. NEW SECTION. 12.67 MICROSOFT  
49 SETTLEMENT FUND.

50 A Microsoft settlement fund is created in the

S-5673



S-5673

Page 4

1 office of the treasurer of state. The state portion  
2 of any moneys paid to the state by Microsoft in  
3 settlement of its federal antitrust trial or the  
4 state's antitrust lawsuit shall be deposited in the  
5 Microsoft settlement fund. Moneys deposited in the  
6 fund shall be used only as provided in appropriations  
7 made by the general assembly.

8 Notwithstanding section 12C.7, subsection 2,  
9 interest or earnings on moneys in the Microsoft  
10 settlement fund shall be credited to the Microsoft  
11 settlement fund."

12 4. Page 3, by inserting after line 13, the  
13 following:

14 "DIVISION \_\_\_\_\_  
15 MISCELLANEOUS

16 Sec. \_\_\_\_\_. NEW SECTION. 12C.26 REFUND FROM  
17 SINKING FUNDS.

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

24 Sec. \_\_\_\_\_. Section 100B.1, subsection 1, as enacted  
25 by 2000 Iowa Acts, House File 2492, section 8, is  
26 amended to read as follows:

27 1. The state fire service and emergency response  
28 council is established in the division of fire  
29 protection of the department of public safety. The  
30 council shall consist of ~~ten~~ eleven voting members.  
31 Members of the state fire service and emergency  
32 response council shall be appointed by the governor.  
33 The governor shall appoint members ~~from the following~~  
34 organizations, chosen of the council from a list of  
35 names nominees submitted by each of the following  
36 organizations:

37 a. Two members from a list submitted by the Iowa  
38 firemen's association.

39 b. Two members from a list submitted by the Iowa  
40 fire chiefs' association.

41 c. One member from a list submitted by the Iowa  
42 association of professional fire fighters.

43 d. Two members from a list submitted by the Iowa  
44 association of professional fire chiefs.

45 e. One member from a list submitted by the Iowa  
46 fire fighters group.

47 f. One member from a list submitted by the Iowa  
48 emergency medical services association.

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

S-5673

S-5673

Page 5

1 nominates the person.

2 The tenth member and eleventh members of the  
3 council shall be a-member members of the general  
4 public appointed by the governor.

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

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

15 Sec. \_\_\_\_\_. Section 166D.7, subsection 4, paragraph  
16 a, Code 1999, as amended by 2000 Acts, Senate File  
17 2312, section 10, is amended to read as follows:

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

34 Sec. \_\_\_\_\_. Section 256E.2, subsection 2, Code  
35 Supplement 1999, is amended to read as follows:

36 2. The department shall adopt rules concerning the  
37 grant application and award process, including  
38 reasonable cost estimates for beginning teacher  
39 induction programs. The department may disapprove a  
40 plan submitted by a board if the plan does not meet  
41 the minimum criteria set forth in section 256E.3,  
42 subsection 2, or the plan exceeds the reasonable costs  
43 as determined by the department. If the cost  
44 estimates submitted by a board exceed reasonable cost  
45 estimates as determined by the department, the  
46 department shall work with the board to identify  
47 measures for reducing plan costs. If the department  
48 determines that moneys appropriated by the general  
49 assembly are insufficient to meet the grant requests  
50 for all approved beginning teacher induction program

S-5673

-5-

S-5673

Page 6

1 plans, the department shall award grants based on the  
2 ~~geographic location and~~ district population of the  
3 school districts with approved plans. Grants may be  
4 awarded in subsequent years based upon the most recent  
5 plan on file with the department. It is the intent of  
6 the general assembly that the department approve plans  
7 that incorporate local innovation and take into  
8 consideration local needs.

9 Sec. \_\_\_\_\_. Section 322A.11, Code 1999, is amended  
10 by adding the following new subsection:

11 NEW SUBSECTION. 5. The fact that the dealership  
12 does not meet an index or standard established by the  
13 franchiser, unless the franchiser proves that the  
14 failure of the dealership to meet the index or  
15 standard will be substantially detrimental to the  
16 distribution of the franchiser's motor vehicles in the  
17 community.

18 Sec. \_\_\_\_\_. Section 421.38, subsection 1, paragraph  
19 a, Code 1999, is amended to read as follows:

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

23 ~~{1}--The claim is presented after the lapse of~~  
24 ~~three months from its accrual.~~

25 ~~{2}--The the appropriation or fund of certification~~  
26 available for paying the claim has been exhausted or  
27 proves insufficient.

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

31 ~~The time limitation set forth in paragraph "a",~~  
32 ~~subparagraph {1}, authority of the director is subject~~  
33 to the following exceptions:

34 Sec. \_\_\_\_\_. 554D.104, subsection 4, as enacted by  
35 2000 Iowa Acts, House File 2205, is amended to read as  
36 follows:

37 4. A choice of law provision, ~~which is contained~~  
38 in a computer information agreement ~~that governs a~~  
39 ~~transaction subject to this chapter, that which~~  
40 provides that the contract is to be interpreted  
41 pursuant to the laws of a state that has enacted the  
42 uniform computer information transactions Act, as  
43 proposed by the national conference of commissioners  
44 on uniform state laws, or any substantially similar  
45 law, is voidable and the agreement shall be  
46 interpreted pursuant to the laws of this state if the  
47 party against whom enforcement of the choice of law  
48 provision is sought is a resident of this state or has  
49 its principal place of business located in this state.  
50 For purposes of this subsection, a "computer

S-5673

-6-

S-5673

Page 7

1 information agreement" means an agreement that would  
2 be governed by the uniform computer information  
3 transactions Act or substantially similar law as  
4 enacted in the state specified in the choice of laws  
5 provision if that state's law were applied to the  
6 agreement.

7 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2533, section  
8 28, subsections 2 and 29, are amended to read as  
9 follows:

10 2. For school lunch program, grant number 10555:  
11 ..... \$ 50,293,658  
12 ..... 50,075,000

13 29. For education of handicapped -- infants and  
14 toddlers, grant number 84181:  
15 ..... \$ 2,869,783  
16 ..... 2,863,283

17 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2533, section  
18 38, is amended to read as follows:

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

30 1. For United States department of health and  
31 human services, grant number 13000:  
32 ..... \$ 150,000

33 2. For United States department of justice, grant  
34 number, 16000:  
35 ..... \$ 177,028

36 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2533, section  
37 39, subsection 1, is amended to read as follows:

38 1. For United States department of justice, grant  
39 number 16000:  
40 ..... \$ 28,988  
41 ..... 5,450,000

42 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2533, section  
43 47, is amended by adding the following new  
44 subsections:

45 NEW SUBSECTION. 34. For United States department  
46 of justice, grant number 16000:  
47 ..... \$ 28,988

48 NEW SUBSECTION. 35. For state and community  
49 highway safety, grant number 20600:  
50 ..... \$ 90,000

S-5673

S-5673

Page 8

1 NEW SUBSECTION. 36. For education of handicapped  
2 -- infants and toddlers, grant number 84181:  
3 ..... \$ 6,500  
4 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2533, section  
5 48, subsections 2 and 4, are amended to read as  
6 follows:  
7 2. For department of justice, grant number 16000:  
8 ..... \$ ~~6,768,071~~  
9 1,017,293  
10 4. For state and community highway safety, grant  
11 number 20600:  
12 ..... \$ ~~2,534,863~~  
13 2,444,863  
14 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2533, section  
15 49, subsection 4, is amended to read as follows:  
16 4. For school lunch program, grant number 10555:  
17 ..... \$ ~~10,010~~  
18 228,668  
19 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 475, section  
20 5, is repealed.  
21 Sec. \_\_\_\_\_. EFFECTIVE DATE. The section in this  
22 division of this Act amending section 166D.7, being  
23 deemed of immediate importance, takes effect upon  
24 enactment.  
25 Sec. \_\_\_\_\_. EFFECTIVE DATE -- RETROACTIVE  
26 APPLICABILITY. The section in this division of this  
27 Act enacting section 12C.26, being deemed of immediate  
28 importance, takes effect upon enactment and applies  
29 retroactively to refunds of assessments collected  
30 under chapter 12C on or after January 1, 2000."  
31 5. Page 3, by inserting after line 33 the  
32 following:  
33 "Sec. \_\_\_\_\_. Section 12.73, subsection 1, as enacted  
34 by 2000 Iowa Acts, Senate File 2447, section 17, is  
35 amended to read as follows:  
36 1. It is the intention of the general assembly  
37 that a pledge made in respect of bonds or notes shall  
38 be valid and binding from the time the pledge is made,  
39 that the money or property so pledged and received  
40 after the pledge by the authority treasurer of state  
41 shall immediately be subject to the lien of the pledge  
42 without physical delivery or further act, and that the  
43 lien of the pledge shall be valid and binding as  
44 against all parties having claims of any kind in tort,  
45 contract, or otherwise against the treasurer of state  
46 whether or not the parties have notice of the lien.  
47 Sec. \_\_\_\_\_. Section 12.83, as enacted by 2000 Iowa  
48 Acts, Senate File 2447, section 23, is amended to read  
49 as follows:  
50 12.83 PLEDGES.

S-5673

S-5673

Page 9

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

12 2. The state pledges to and agrees with the  
13 holders of bonds or notes issued under section 12.81,  
14 that the state will not limit or alter the rights and  
15 powers vested in the treasurer of state to fulfill the  
16 terms of a contract made by the treasurer of state  
17 with respect to the bonds or notes, or in any way  
18 impair the rights and remedies of the holders until  
19 the bonds and notes, together with the interest on  
20 them including interest on unpaid installments of  
21 interest, and all costs and expenses in connection  
22 with an action or proceeding by or on behalf of the  
23 holders, are fully met and discharged. The treasurer  
24 of state is authorized to include this pledge and  
25 agreement of the state, as it refers to holders of  
26 bonds or notes of the authority treasurer of state, in  
27 a contract with the holders.

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

32 (4) Conservation of open space and farmland and  
33 preserve preservation of critical environmental  
34 areas."

35 6. Page 9, by inserting after line 5, the  
36 following:

37 "Sec. \_\_\_\_\_. Section 232.8, subsection 1, paragraph  
38 c, Code 1999, as amended by 2000 Iowa Acts, House File  
39 723, section 1, is amended to read as follows:

40 c. Violations by a child, age sixteen or older,  
41 which subject the child to the provisions of section  
42 124.401, subsection 1, paragraph "e" or "f", or  
43 violations of section 723A.2 which involve a violation  
44 of chapter 724, or violation of chapter 724 which  
45 constitutes a felony, or violations which constitute a  
46 forcible felony are excluded from the jurisdiction of  
47 the juvenile court and shall be prosecuted as  
48 otherwise provided by law unless the court transfers  
49 jurisdiction of the child to the juvenile court upon  
50 motion and for good cause. A child over whom

S-5673

-9-

S-5673

Page 10

1 jurisdiction has not been transferred to the juvenile  
2 court, and who is convicted of a violation excluded  
3 from the jurisdiction of the juvenile court under this  
4 paragraph, shall be sentenced pursuant to section  
5 124.401B, 902.9, or 903.1. Notwithstanding any other  
6 provision of the Code to the contrary, the court may  
7 accept from a child a plea of guilty, or may instruct  
8 the jury on a lesser included offense to the offense  
9 excluded from the jurisdiction of the juvenile court  
10 under this section, in the same manner as regarding an  
11 adult. However, the juvenile court shall have  
12 exclusive original jurisdiction in a proceeding  
13 concerning an offense of ~~livestock-torture-as-provided~~  
14 ~~in-section-717-3-or~~ animal torture as provided in  
15 section 717B.3A alleged to have been committed by a  
16 child under the age of seventeen.

17 Sec. \_\_\_\_\_. Section 232.8 subsection 3, unnumbered  
18 paragraph 2, as enacted by 2000 Iowa Acts, House File  
19 723, section 2, is amended to read as follows:

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

25 7. Page 11, by inserting after line 22 the  
26 following:

27 "Sec. \_\_\_\_\_. Section 322.3, subsection 14, paragraph  
28 b, unnumbered paragraph 1, as enacted by 2000 Iowa  
29 Acts, House File 2106, section 1, is amended to read  
30 as follows:

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

41 Sec. \_\_\_\_\_. Section 331.506, subsection 1,  
42 paragraphs b, c, and d, as enacted by 2000 Iowa Acts,  
43 Senate File 2047, section 1, if 2000 Iowa Acts, House  
44 File 2205 is enacted, are amended to read as follows:

45 b. The auditor shall not issue a warrant to a  
46 drawee until the auditor has transmitted to the  
47 treasurer a list of the warrants to be issued. The  
48 list shall include the date, amount, and number of the  
49 warrant, name of the person to whom the warrant is  
50 issued, and the purpose for which the warrant is

S-5673

-10-

S-5673

Page 11

1 issued. The treasurer shall acknowledge receipt of  
2 the list by affixing the treasurer's signature at the  
3 bottom of the list and immediately returning the list  
4 to the auditor. The requirement that the treasurer  
5 sign to acknowledge receipt of the list is satisfied  
6 by use of a digital signature or other secure  
7 electronic signature if the county auditor and  
8 treasurer have complied with the applicable provisions  
9 of chapter ~~554E~~ 554D.

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

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

21 Sec. \_\_\_\_\_. Section 331.554, subsection 4, Code  
22 1999, as amended by 2000 Iowa Acts, Senate File 2047,  
23 section 3, if 2000 Iowa Acts, House File 2205 is  
24 enacted, is amended to read as follows:

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

34 8. Page 12, by inserting after line 2 the  
35 following:

36 "Sec. \_\_\_\_\_. Section 453A.3, subsection 1, Code  
37 1999, is amended to read as follows:

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

41 Sec. \_\_\_\_\_. Section 453A.22, subsection 2,  
42 unnumbered paragraph 1, Code 1999, is amended to read  
43 as follows:

44 If a retailer or employee of a retailer has  
45 violated section 453A.27 or section 453A.36,  
46 subsection 6, ~~or 453A-39~~, the department or local  
47 authority, in addition to the other penalties fixed  
48 for such violations in this section, shall assess a  
49 penalty upon the same hearing and notice as prescribed  
50 in subsection 1 as follows:"

S-5673

-11-



S-5673

Page 12

1 9. Page 13, line 13, by striking the word and  
2 letter "paragraph a" and inserting the following:  
3 "paragraphs a, b, and c".

4 10. Page 13, line 14, by striking the word "is"  
5 and inserting the following: "are".

6 11. Page 13, by striking lines 16 through 21 and  
7 inserting the following:

8 "a. To intentionally place oneself in a location  
9 where a human presence may affect the behavior of a  
10 fur-bearing ~~game~~ animal, game, bird, or fish or the  
11 feasibility of killing or taking a fur-bearing ~~game~~  
12 animal, game, bird, or fish with the intent of  
13 obstructing or harassing another person who is  
14 lawfully hunting, fishing, or fur harvesting.

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

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

27 12. Page 16, by inserting after line 5 the  
28 following:

29 "Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2433,  
30 section 4, subsections 1 and 2, are amended to read as  
31 follows:

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

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

43 13. Page 16, by inserting after line 11 the  
44 following:

45 "Sec. \_\_\_\_\_. 2000 Iowa Acts, Senate File 2248,  
46 section 20, is amended to read as follows:

47 SEC. 20. TRANSFER OF OSTEOPATHIC FORGIVABLE LOAN  
48 REVOLVING FUND MONEYS BY TREASURER. On the effective  
49 date of this Act, the treasurer of state shall  
50 transfer any balance in the osteopathic ~~forgivable~~

S-5673

-12-

S-5673

Page 13

1 loan program revolving fund to the osteopathic  
2 physician recruitment revolving fund established  
3 pursuant to section 13 of this Act."

4 14. Page 17, by inserting after line 7 the  
5 following:

6 "Sec. \_\_\_\_ . EFFECTIVE AND RETROACTIVE APPLICABILITY  
7 PROVISIONS.

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

11 2. The amendment in this division of this Act to  
12 2000 Iowa Acts, Senate File 2193, section 23, being  
13 deemed of immediate importance, takes effect upon  
14 enactment, and applies retroactively to October 1,  
15 1999.

16 3. The amendment in this division of this Act to  
17 2000 Iowa Acts, Senate File 2254, section 4, being  
18 deemed of immediate importance, takes effect upon  
19 enactment, and applies retroactively to January 1,  
20 2000."

21 15. Page 17, by inserting before line 8 the  
22 following:

23 "DIVISION \_\_\_\_  
24 DEPARTMENT OF REVENUE AND FINANCE  
25 TAX ADMINISTRATION

26 Sec. \_\_\_\_ . NEW SECTION. 421.46 TAX AGREEMENTS  
27 WITH INDIAN TRIBES.

28 1. "Indian country" means the Indian country as  
29 defined in 18 U.S.C. § 1151, and includes trust land  
30 as defined by the United States secretary of the  
31 interior.

32 2. The department and the governing council of an  
33 Indian tribe may enter into an agreement to provide  
34 for the collection and distribution or refund by the  
35 department within Indian country of any tax or fee  
36 imposed by the state and administered by the  
37 department.

38 An agreement may also provide for the collection  
39 and distribution by the department of any tribal tax  
40 or fee imposed by tribal ordinance. The agreement may  
41 provide for the retention of an administrative fee by  
42 the department which fee shall be an agreed upon  
43 percentage of the gross revenue of the tribal tax or  
44 fee collected.

45 3. The provisions of this section shall not be  
46 construed to establish or relinquish any jurisdiction  
47 the state or an Indian tribe might have to levy or  
48 collect from any person any tax or fee within or  
49 without Indian country.

50 Sec. \_\_\_\_ . EFFECTIVE DATE. This division of this

S-5673

-13-

S-5673

Page 14

1 Act, being deemed of immediate importance, takes  
2 effect upon enactment.

3 DIVISION  
4 OTHER APPROPRIATIONS

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

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

14 ..... \$ 15,000

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

18 ..... \$ 15,000

19 Sec. \_\_\_\_ . CHILD SUPPORT RECOVERY. There is  
20 appropriated from the general fund of the state to the  
21 department of human services for the fiscal year  
22 beginning July 1, 2000, and ending June 30, 2001, the  
23 following amount, or so much thereof as is necessary,  
24 to be used for the purpose designated:

25 For child support recovery, to be used in  
26 accordance with the appropriation made for this  
27 purpose in 2000 Iowa Acts, Senate File 2435:

28 ..... \$ 200,000

29 Sec. \_\_\_\_ . 2000 Iowa Acts, House File 2552,  
30 section 4, subsection 1, paragraph a, is amended to  
31 read as follows:

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

37 ..... \$ 30,153,729  
38 ..... 29,865,654

39 ..... FTEs 533.50  
40 ..... 528.58

41 Sec. \_\_\_\_ . 2000 Iowa Acts, House File 2552, section  
42 4, subsection 1, paragraph c, is amended by adding the  
43 following new unnumbered paragraph:

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

S-5673

S-5673

Page 15

1 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2552, section  
2 4, subsection 1, paragraph h, is amended by adding the  
3 following new unnumbered paragraph:

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

11 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2552, section  
12 7, subsection 1, paragraph a, is amended by adding the  
13 following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. In addition to the funds  
15 appropriated in this paragraph, \$22,571 is  
16 appropriated from the general fund of the state to the  
17 department of corrections for the fiscal year  
18 beginning July 1, 2000, and ending June 30, 2001, for  
19 ongoing technology needs of the first judicial  
20 district department of correctional services.

21 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2552, section  
22 7, subsection 1, paragraph b, is amended by adding the  
23 following new unnumbered paragraph:

24 NEW UNNUMBERED PARAGRAPH. In addition to the funds  
25 appropriated in this paragraph, \$1,680 is appropriated  
26 from the general fund of the state to the department  
27 of corrections for the fiscal year beginning July 1,  
28 2000, and ending June 30, 2001, for ongoing technology  
29 needs of the second judicial district department of  
30 correctional services.

31 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2552, section  
32 7, subsection 1, paragraph e, is amended by adding the  
33 following new unnumbered paragraph:

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

41 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2552, section  
42 7, subsection 1, paragraph f, is amended by adding the  
43 following new unnumbered paragraph:

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

S-5673

-15-

S-5673

Page 16

1 Sec. \_\_\_\_\_. 2000 Iowa Acts, House File 2552, section  
2 7, subsection 1, paragraph g, is amended by adding the  
3 following new unnumbered paragraph:

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

11 16. Title page, line 2, by striking the words  
12 "providing an effective date" and inserting the  
13 following: "including effective date and retroactive  
14 applicability provisions".

15 17. By renumbering, relettering, or redesignating  
16 and correcting internal references as necessary.

By DERRYL McLAREN

S-5673 FILED APRIL 26, 2000

ADOPTED

(P. 1423)

SENATE FILE 2452

S-5674

1 Amend the amendment, S-5673, to Senate File 2452 as  
2 follows:

3 1. Page 7, by inserting after line 6 the  
4 following:

5 "Sec. \_\_\_\_\_. 2000 Iowa Acts, Senate File 2453,  
6 section 5, subsection 2, is amended to read as  
7 follows:

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

17 ..... \$ 3,200,000

18 Sec. \_\_\_\_\_. 2000 Iowa Acts, Senate File 2453,  
19 section 5, subsection 3, is amended by adding the  
20 following new unnumbered paragraph:

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

25 2. By numbering, renumbering, and correcting  
26 internal references as necessary.

By STEWART IVERSON, Jr.

S-5674 FILED APRIL 26, 2000

ADOPTED

(P. 1429)

SENATE FILE 2452

S-5676

- 1 Amend the amendment, S-5673, to Senate File 2452 as
  - 2 follows:
  - 3 1. Page 11, by striking lines 34 through 50.
- By O. GENE MADDOX

S-5676 FILED APRIL 26, 2000

WITHDRAWN

(p. 1430)

SENATE FILE 2452

S-5677

- 1 Amend the amendment, S-5673, to Senate File 2452 as
- 2 follows:
- 3 1. Page 14, by striking lines 19 through 28 and
- 4 inserting the following:
- 5 "Sec. \_\_\_\_ 2000 Iowa Acts, Senate File 2435,
- 6 section 7, unnumbered paragraph 2, is amended to read
- 7 as follows:
- 8 For child support recovery, including salaries,
- 9 support, maintenance, and miscellaneous purposes and
- 10 for not more than the following full-time equivalent
- 11 positions:

12 .....	\$	6747±784±
13 .....		6,671,841
14 .....	FTEs	<u>272.40"</u>

By DERRYL McLAREN

S-5677 FILED APRIL 26, 2000

ADOPTED

(p. 1430)

## SENATE FILE 2452

S-5679

1 Amend the amendment, S-5673, to Senate File 2452,  
2 as follows:

3 1. Page 14, by inserting before line 29 the  
4 following:

5 "Sec. \_\_\_\_\_. 2000 Iowa Acts, Senate File 2433,  
6 section 5, subsection 2, if enacted by the 2000  
7 Session of the Seventy-eighth General Assembly, is  
8 amended by adding the following new lettered  
9 paragraph:

10 NEW LETTERED PARAGRAPH. cc. The next \$350,000  
11 shall be allocated to the office of the secretary of  
12 state for its responsibilities under the uniform  
13 commercial code, if 2000 Iowa Acts, House File 2513 is  
14 enacted.

15 Sec. \_\_\_\_\_. 2000 Iowa Acts, Senate File 2433,  
16 section 5, subsection 2, paragraph e, unnumbered  
17 paragraph 1, if enacted by the 2000 Session of the  
18 Seventy-eighth General Assembly, is amended to read as  
19 follows:

20 The next ~~\$21,000,000~~ \$20,650,000 shall be allocated  
21 to the division of information technology services of  
22 the department of general services only for the  
23 projects designated in this paragraph as follows:"

24 2. Page 14, by inserting before line 29 the  
25 following:

26 "Sec. \_\_\_\_\_. 2000 Iowa Acts, Senate File 2433,  
27 section 5, subsection 2, paragraph d, subparagraph  
28 (11), if enacted by the 2000 Session of the Seventy-  
29 eighth General Assembly, is amended by striking the  
30 subparagraph and inserting in lieu thereof the  
31 following:

32 (11) The costs associated with electronic filing  
33 of corporate documents with the office of the  
34 secretary of state."

35 3. By renumbering as necessary.

By TOM FLYNN

S-5679 FILED APRIL 26, 2000

WITHDRAWN

(P. 1430)

## SENATE FILE 2452

S-5680

1 Amend the amendment, S-5673, to Senate File 2452 as  
2 follows:

3 1. By striking page 13, line 24 through page 14,  
4 line 3.

By DERRYL McLAREN

S-5680 FILED APRIL 26, 2000

ADOPTED

(P. 1430)

SENATE FILE 2452

S-5682

1 Amend the amendment, S-5673, to Senate File 2452,  
2 as follows:

DIV 3 1. Page 14, by inserting before line 29 the  
A 4 following:

5 "Sec. \_\_\_\_\_. 2000 Iowa Acts, Senate File 2433,  
6 section 5, subsection 2, if enacted by the 2000  
7 Session of the Seventy-eighth General Assembly, is  
8 amended by adding the following new lettered  
9 paragraph:

10 NEW LETTERED PARAGRAPH. cc. The next \$350,000  
11 shall be allocated to the office of the secretary of  
12 state for its responsibilities under the uniform  
13 commercial code, if 2000 Iowa Acts, House File 2513 is  
14 enacted.

15 Sec. \_\_\_\_\_. 2000 Iowa Acts, Senate File 2433,  
16 section 5, subsection 2, paragraph "e", unnumbered  
17 paragraph 1, if enacted by the 2000 Session of the  
18 Seventy-eighth General Assembly, is amended to read as  
19 follows:

20 The next ~~\$21,000,000~~ \$20,650,000 shall be allocated  
21 to the division of information technology services of  
22 the department of general services only for the  
23 projects designated in this paragraph as follows:"

DIV 24 2. Page 14, by inserting before line 29 the  
B 25 following:

26 "Sec. \_\_\_\_\_. 2000 Iowa Acts, Senate File 2433,  
27 section 5, subsection 2, paragraph "e", subparagraph  
28 (11), if enacted by the 2000 Session of the Seventy-  
29 eighth General Assembly, is amended by striking the  
30 subparagraph and inserting in lieu thereof the  
31 following:

32 (11) The costs associated with electronic filing  
33 of corporate documents with the office of the  
34 secretary of state."

35 3. By renumbering as necessary.

By TOM FLYNN

S-5682 FILED APRIL 26, 2000

DIV A - LOST; DIV B - ADOPTED; MTR ADOPTED; DIV B - WITHDRAWN

(P. 1430)

(P. 1432)



## SENATE FILE 2452

S-5683

- 1 Amend the amendment, S-5673, to Senate File 2452,  
 2 as follows:  
 3 1. Page 3, by inserting after line 34 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 12E.3, subsection 7, if enacted  
 6 by 2000 Iowa Act, House File 2579, is amended to read  
 7 as follows:  
 8 7. "Program plan" means the tobacco settlement  
 9 program plan established in this chapter ~~to provide~~  
 10 ~~for the implementation of the findings and purposes of~~  
 11 ~~this chapter.~~  
 12 Sec. \_\_\_\_\_. Section 12E.4, subsection 2, paragraph  
 13 i, if enacted by 2000 Iowa Acts, House File 2579, is  
 14 amended to read as follows:  
 15 i. To implement the purposes of this chapter as  
 16 ~~stated in the findings of the general assembly in~~  
 17 ~~section 12E-2.~~  
 18 Sec. \_\_\_\_\_. The section in this division of this Act  
 19 amending sections 12E.3 and 12E.4, being deemed of  
 20 immediate importance, takes effect upon enactment."  
 21 2. By renumbering as necessary.

By JEFF LAMBERTI

S-5683 FILED APRIL 26, 2000

ADOPTED

(P. 1430)

## SENATE FILE 2452

S-5684

- 1 Amend the amendment, S-5673, to Senate File 2452 as  
 2 follows:  
 3 1. Page 11, by inserting after line 40 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 453A.3, subsection 1, paragraph  
 6 c, as enacted by 2000 Iowa Acts, Senate File 2366,  
 7 section 3, is amended to read as follows:  
 8 c. A person who violates section ~~453A-39~~ 142A.6,  
 9 subsection 6, is guilty of a simple misdemeanor."  
 10 2. Page 11, line 46, by inserting after the  
 11 figure "~~453A-39~~," the following: "or section 142A.6,  
 12 subsection 6,"  
 13 3. By renumbering as necessary.

By MIKE CONNOLLY

S-5684 FILED APRIL 26, 2000

LOST

(P. 1433)

SENATE FILE 2452  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3231)

(AS AMENDED AND PASSED BY THE SENATE APRIL 26, 2000)

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

A BILL FOR

1 An Act relating to public expenditure and regulatory matters,  
2 making appropriations, and including effective date and  
3 retroactive applicability provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5  
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S.F. 2452

DIVISION I

MH/MR/DD ALLOWED GROWTH

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

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

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

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

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

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

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

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

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

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

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

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

6 ..... \$ 2,000,000

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

9 ..... \$ 2,000,000

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

12     (4) A county receiving risk pool assistance in a fiscal  
13 year in which the county did not levy the maximum amount  
14 allowed for the county's mental health, mental retardation,  
15 and developmental disabilities services fund under section  
16 331.424A shall be required to repay the risk pool assistance  
17 in during the two succeeding fiscal year years. The repayment  
18 amount shall be limited to the amount by which the actual  
19 amount levied was less than the maximum amount allowed.

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

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

26     NEW PARAGRAPH. d. A POS provider that has negotiated a  
27 reimbursement rate increase with a host county as of July 1,  
28 2000, has the option of exemption from the provisions of this  
29 section. Nothing in this section precludes a county from  
30 increasing reimbursement rates of POS providers that do not  
31 meet the criteria of this section or from increasing the rates  
32 by an amount that is greater than that specified in this  
33 section.

34     Sec. 5. Section 331.424A, subsection 6, paragraph c, as  
35 enacted by 2000 Iowa Acts, House File 2327, section 1, is

1 amended to read as follows:

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

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

19 2. If, as of ~~the effective date of this Act~~ April 13,  
20 2000, a county's base year expenditures includes expenditures  
21 for acquisition of a capital asset that effective July 1,  
22 2001, are to be charged to the county's general fund in  
23 accordance with section 331.424A, subsection 6, as enacted by  
24 this Act, the county shall petition the county finance  
25 committee by ~~April 30~~ December 1, 2000, to approve an  
26 adjustment in the county's base year expenditures in an amount  
27 equal to those capital asset expenditures. The amount of the  
28 county's base year expenditures shall be adjusted in  
29 accordance with the county finance committee's action.

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

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

34 4. If before ~~the effective date of this section~~ April 13,  
35 2000, the ownership or acquisition costs of a county's capital

1 asset used in part for a purpose payable from the county's  
2 services fund were accrued to the county's services fund,  
3 beginning with-the-effective-date-of-this-Act July 1, 2001,  
4 any appropriations or revenues attributable to that capital  
5 asset shall instead be accrued to the county's general fund.  
6 Except as expressly authorized by this Act, the county shall  
7 not make any adjustment to the county's services fund or  
8 general fund to remunerate the services fund for such  
9 appropriations or revenues that were accrued to the services  
10 fund before the transfer of accrual to the general fund.

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

13 SEC. 6. EFFECTIVE AND APPLICABILITY DATES. This Act,  
14 being deemed of immediate importance, takes effect upon  
15 enactment. The amendments to section 331.424A, 331.427, and  
16 331.438, and the transition section in this Act are first  
17 applicable to county budgets and levies in effect for the  
18 fiscal year beginning July 1, ~~2000~~ 2001, and ending June 30,  
19 ~~2001~~ 2002.

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

25 DIVISION II

26 TOBACCO FUNDS -- TRANSFER AND CASH FLOW

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

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

35 12.65 TOBACCO SETTLEMENT ENDOWMENT FUND.

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

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

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

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

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

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

33 7. Moneys in the fund shall be considered part of the  
34 general fund of the state for cash flow purposes only,  
35 provided any moneys used for cash flow purposes are returned

1 to the fund by the close of each fiscal year.

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

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

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

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

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

15 Sec. 16. REFERENCES. References to the tobacco settlement  
16 fund in other enactments of the 2000 session of the Seventy-  
17 eighth Iowa general assembly, are references to the tobacco  
18 settlement endowment fund.

19 Sec. 17. CONDITIONAL EFFECTIVENESS. Section 12.65,  
20 subsection 2, as enacted in this division of this Act, takes  
21 effect only if 2000 Iowa Acts, House File 2579 is enacted.

22 DIVISION III

23 REDUCTION IN PHASE III MONEYS

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

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

33 DIVISION IV

34 MICROSOFT FUND

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



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

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

11 DIVISION V

12 WASTE REDUCTION CENTER -- NONREVERSION

13 Sec. 20. Notwithstanding section 8.33, moneys appropriated  
14 in 1999 Iowa Acts, chapter 208, section 25, to the state board  
15 of regents for the purpose of the Iowa waste reduction center  
16 at the university of northern Iowa that remain unencumbered or  
17 unobligated at the close of the fiscal year beginning July 1,  
18 1999, shall not revert but shall remain available for  
19 expenditure for the purpose for which the moneys were  
20 appropriated until the close of the fiscal year beginning July  
21 1, 2000.

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

24 DIVISION VI

25 MISCELLANEOUS

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

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

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

35 1. The state fire service and emergency response council

1 is established in the division of fire protection of the  
2 department of public safety. The council shall consist of ten  
3 eleven voting members. Members of the state fire service and  
4 emergency response council shall be appointed by the governor.  
5 The governor shall appoint members from the following  
6 organizations, chosen of the council from a list of names  
7 nominees submitted by each of the following organizations:

8 a. Two members from a list submitted by the Iowa firemen's  
9 association.

10 b. Two members from a list submitted by the Iowa fire  
11 chiefs' association.

12 c. One member from a list submitted by the Iowa  
13 association of professional fire fighters.

14 d. Two members from a list submitted by the Iowa  
15 association of professional fire chiefs.

16 e. One member from a list submitted by the Iowa fire  
17 fighters group.

18 f. One member from a list submitted by the Iowa emergency  
19 medical services association.

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

23 The tenth member and eleventh members of the council shall  
24 be a-member members of the general public appointed by the  
25 governor.

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

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

35 Sec. 24. Section 166D.7, subsection 4, paragraph a, Code

1 1999, as amended by 2000 Acts, Senate File 2312, section 10,  
2 is amended to read as follows:

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

17 Sec. 25. Section 256E.2, subsection 2, Code Supplement  
18 1999, is amended to read as follows:

19 2. The department shall adopt rules concerning the grant  
20 application and award process, including reasonable cost  
21 estimates for beginning teacher induction programs. The  
22 department may disapprove a plan submitted by a board if the  
23 plan does not meet the minimum criteria set forth in section  
24 256E.3, subsection 2, or the plan exceeds the reasonable costs  
25 as determined by the department. If the cost estimates  
26 submitted by a board exceed reasonable cost estimates as  
27 determined by the department, the department shall work with  
28 the board to identify measures for reducing plan costs. If  
29 the department determines that moneys appropriated by the  
30 general assembly are insufficient to meet the grant requests  
31 for all approved beginning teacher induction program plans,  
32 the department shall award grants based on the geographic  
33 location and district population of the school districts with  
34 approved plans. Grants may be awarded in subsequent years  
35 based upon the most recent plan on file with the department.

1 It is the intent of the general assembly that the department  
2 approve plans that incorporate local innovation and take into  
3 consideration local needs.

4 Sec. 26. Section 322A.11, Code 1999, is amended by adding  
5 the following new subsection:

6 NEW SUBSECTION. 5. The fact that the dealership does not  
7 meet an index or standard established by the franchiser,  
8 unless the franchiser proves that the failure of the  
9 dealership to meet the index or standard will be substantially  
10 detrimental to the distribution of the franchiser's motor  
11 vehicles in the community.

12 Sec. 27. Section 421.38, subsection 1, paragraph a, Code  
13 1999, is amended to read as follows:

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

17 ~~{1}--The claim is presented after the lapse of three months~~  
18 ~~from its accrual.~~

19 ~~{2}--The the appropriation or fund of certification~~  
20 ~~available for paying the claim has been exhausted or proves~~  
21 ~~insufficient.~~

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

25 ~~The time-limitation set forth in paragraph "a",~~  
26 ~~subparagraph {1}, authority of the director is subject to the~~  
27 ~~following exceptions:~~

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

31 4. A choice of law provision, which is contained in a  
32 computer information agreement that governs a transaction  
33 subject to this chapter, that which provides that the contract  
34 is to be interpreted pursuant to the laws of a state that has  
35 enacted the uniform computer information transactions Act, as

1 proposed by the national conference of commissioners on  
2 uniform state laws, or any substantially similar law, is  
3 voidable and the agreement shall be interpreted pursuant to  
4 the laws of this state if the party against whom enforcement  
5 of the choice of law provision is sought is a resident of this  
6 state or has its principal place of business located in this  
7 state. For purposes of this subsection, a "computer  
8 information agreement" means an agreement that would be  
9 governed by the uniform computer information transactions Act  
10 or substantially similar law as enacted in the state specified  
11 in the choice of laws provision if that state's law were  
12 applied to the agreement.

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

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

22 ..... \$ 3,200,000

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

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

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

32 2. For school lunch program, grant number 10555:

33 ..... \$ 50,293,658  
34 ..... 50,075,000

35 29. For education of handicapped -- infants and toddlers,

1 grant number 84181:

2	.....	\$	2,869,783
3			<u>2,863,283</u>

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

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

15 1. For United States department of health and human  
16 services, grant number 13000:

17	.....	\$	150,000
----	-------	----	---------

18 2. For United States department of justice, grant number,  
19 16000:

20	.....	\$	177,028
----	-------	----	---------

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

23 1. For United States department of justice, grant number  
24 16000:

25	.....	\$	28,988
26			<u>5,450,000</u>

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

29 NEW SUBSECTION. 34. For United States department of  
30 justice, grant number 16000:

31	.....	\$	28,988
----	-------	----	--------

32 NEW SUBSECTION. 35. For state and community highway  
33 safety, grant number 20600:

34	.....	\$	90,000
----	-------	----	--------

35 NEW SUBSECTION. 36. For education of handicapped --

1 infants and toddlers, grant number 84181:

2 ..... \$ 6,500

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

5 2. For department of justice, grant number 16000:

6 ..... \$ 67684,071

7 ..... 1,017,293

8 4. For state and community highway safety, grant number  
9 20600:

10 ..... \$ 27534,863

11 ..... 2,444,863

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

14 4. For school lunch program, grant number 10555:

15 ..... \$ 107,010

16 ..... 228,668

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

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

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

27 DIVISION VII

28 CORRECTIVE AMENDMENTS

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

31 2D.3 LEGISLATIVE BRANCH PROTOCOL OFFICER.

32 The legislative service bureau shall employ a legislative  
33 branch protocol officer to coordinate activities related to  
34 state, national, and international visitors to the state  
35 capitol or with an interest in the general assembly, and

1 related to travel of members of the general assembly abroad.  
2 The protocol officer shall serve in a consultative capacity  
3 and shall provide staff support to the international relations  
4 advisory council. The protocol officer shall also work with  
5 the executive branch protocol officer to coordinate state,  
6 national, and international relations activities. The  
7 legislative branch protocol officer shall submit periodic  
8 reports to the international relations committee of the  
9 legislative council regarding the visits of state, national,  
10 and international visitors and regarding international  
11 activities.

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

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

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

27 12.83 PLEDGES.

28 1. It is the intention of the general assembly that a  
29 pledge made in respect of bonds or notes shall be valid and  
30 binding from the time the pledge is made, that the money or  
31 property so pledged and received after the pledge by the  
32 authority treasurer of state shall immediately be subject to  
33 the lien of the pledge without physical delivery or further  
34 act, and that the lien of the pledge shall be valid and  
35 binding as against all parties having claims of any kind in



1 tort, contract, or otherwise against the treasurer of state  
2 whether or not the parties have notice of the lien.

3 2. The state pledges to and agrees with the holders of  
4 bonds or notes issued under section 12.81, that the state will  
5 not limit or alter the rights and powers vested in the  
6 treasurer of state to fulfill the terms of a contract made by  
7 the treasurer of state with respect to the bonds or notes, or  
8 in any way impair the rights and remedies of the holders until  
9 the bonds and notes, together with the interest on them  
10 including interest on unpaid installments of interest, and all  
11 costs and expenses in connection with an action or proceeding  
12 by or on behalf of the holders, are fully met and discharged.  
13 The treasurer of state is authorized to include this pledge  
14 and agreement of the state, as it refers to holders of bonds  
15 or notes of the authority treasurer of state, in a contract  
16 with the holders.

17 Sec. 44. Section 15F.304, subsection 3, paragraph h,  
18 subparagraph (4), as enacted by 2000 Iowa Acts, Senate File  
19 2447, section 14, is amended to read as follows:

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

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

24 2. The commission is composed of twelve members appointed  
25 by the governor. One member shall be appointed to represent  
26 the department of agriculture and land stewardship, one to  
27 represent the department of workforce development, one to  
28 represent the department of justice, one to represent the  
29 department of natural resources, one to represent the  
30 department of public defense, one to represent the Iowa  
31 department of public health, one to represent the department  
32 of public safety, one to represent the state department of  
33 transportation, one to represent the state fire service  
34 ~~institute-of-the-Iowa-state-university-of-science-and~~  
35 technology and emergency response council, and one to

1 represent the office of the governor. Two representatives  
2 from private industry shall also be appointed by the governor,  
3 subject to confirmation by the senate.

4 Sec. 46. Section 85.3, subsection 3, unnumbered paragraph  
5 1, as enacted by 2000 Iowa Acts, Senate File 2373, section 1,  
6 is amended to read as follows:

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

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

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

24 Sec. 48. Section 135.110, subsection 1, paragraph a,  
25 subparagraph (1), as enacted by 2000 Iowa Acts, House File  
26 2362, section 3, is amended to read as follows:

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

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

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

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

9 For purposes of licensure pursuant to the nurse licensure  
10 compact contained in section 152E.1, the compact administrator  
11 may refuse to accept a change in the qualifications for  
12 licensure as a registered nurse or as a licensed practical or  
13 vocational nurse by a licensing authority in another state  
14 which is a party to the compact which substantially modifies  
15 that state's qualifications for licensure in effect on July 1,  
16 2000. A refusal to accept a change in a party state's  
17 qualifications for licensure may result in submitting the  
18 issue to an arbitration panel or in withdrawal from the  
19 compact, in at the discretion of the compact administrator.

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

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

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

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

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

33 1. "Remote state action" means either of the following:

34 1. Any administrative, civil, equitable, or criminal  
35 action permitted by a remote state's laws which are is imposed

1 on a nurse by the remote state's licensing board or other  
2 authority, including actions against an individual's  
3 multistate licensure privilege to practice in the remote  
4 state.

5 2. Cease and desist and other injunctive or equitable  
6 orders issued by remote states or the licensing boards<sup>+</sup> boards  
7 of remote states.

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

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

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

32 e. Individuals not residing in a party state shall  
33 continue to be able to apply for nurse licensure as provided  
34 for under the laws of each party state. However, the license  
35 granted to these individuals ~~will~~ shall not be recognized as

1 granting the privilege to practice nursing in any other party  
2 state unless explicitly agreed to by that party state.

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

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

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

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

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

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

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

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

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

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

14 Sec. 56. Section 232.2, subsection 4, unnumbered paragraph  
15 1, Code Supplement 1999, as amended by 2000 Iowa Acts, Senate  
16 File 2344, section 4, is amended to read as follows:

17 "Case permanency plan" means the plan, mandated by Pub. L.  
18 No. 96-272 and Pub. L. No. 105-89, as codified in 42 U.S.C. §  
19 622(b)(10), 671(a)(16), and 675(1),(5), which is designed to  
20 achieve placement in the most appropriate, least restrictive,  
21 and most family-like, ~~and most appropriate~~ setting available  
22 and in close proximity to the parent's home, consistent with  
23 the best interests and special needs of the child, and which  
24 considers the placement's proximity to the school in which the  
25 child is enrolled at the time of placement. The plan shall be  
26 developed by the department or agency involved and the child's  
27 parent, guardian, or custodian. The plan shall specifically  
28 include all of the following:

29 Sec. 57. Section 232.8, subsection 1, paragraph c, Code  
30 1999, as amended by 2000 Iowa Acts, House File 723, section 1,  
31 is amended to read as follows:

32 c. Violations by a child, age sixteen or older, which  
33 subject the child to the provisions of section 124.401,  
34 subsection 1, paragraph "e" or "f", or violations of section  
35 723A.2 which involve a violation of chapter 724, or violation

1 of chapter 724 which constitutes a felony, or violations which  
2 constitute a forcible felony are excluded from the  
3 jurisdiction of the juvenile court and shall be prosecuted as  
4 otherwise provided by law unless the court transfers  
5 jurisdiction of the child to the juvenile court upon motion  
6 and for good cause. A child over whom jurisdiction has not  
7 been transferred to the juvenile court, and who is convicted  
8 of a violation excluded from the jurisdiction of the juvenile  
9 court under this paragraph, shall be sentenced pursuant to  
10 section 124.401B, 902.9, or 903.1. Notwithstanding any other  
11 provision of the Code to the contrary, the court may accept  
12 from a child a plea of guilty, or may instruct the jury on a  
13 lesser included offense to the offense excluded from the  
14 jurisdiction of the juvenile court under this section, in the  
15 same manner as regarding an adult. However, the juvenile  
16 court shall have exclusive original jurisdiction in a  
17 proceeding concerning an offense of ~~livestock-torture-as~~  
18 ~~provided-in-section-717-3-or~~ animal torture as provided in  
19 section 717B.3A alleged to have been committed by a child  
20 under the age of seventeen.

21 Sec. 58. Section 232.8 subsection 3, unnumbered paragraph  
22 2, as enacted by 2000 Iowa Acts, House File 723, section 2, is  
23 amended to read as follows:

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

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

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

34 b. An increasing number of seniors and persons with  
35 disabilities in the state ~~require~~ requires long-term care

1 services provided outside of a medical institution.

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

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

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

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

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

28 1. A person operating a PACE program shall have a PACE  
29 program agreement with the health care financing  
30 administration of the United States department of health and  
31 human services, shall enter into a contract with the  
32 department of human services and shall comply with 42 U.S.C. §  
33 1396(u)(4) and all regulations promulgated pursuant to that  
34 section.

35 Sec. 63. Section 261.19B, Code 1999, as amended by 2000



1 Iowa Acts, Senate File 2248, section 13, is amended to read as  
2 follows:

3 261.19B OSTEOPATHIC PHYSICIAN RECRUITMENT REVOLVING FUND.

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

17 Sec. 64. Section 279.52, unnumbered paragraph 1, Code  
18 1999, as amended by 2000 Iowa Acts, House File 2435, section  
19 1, is amended to read as follows:

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

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

29 306.11 HEARING -- PLACE -- DATE.

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

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

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

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

22 Sec. 67. Section 331.506, subsection 1, paragraphs b, c,  
23 and d, as enacted by 2000 Iowa Acts, Senate File 2047, section  
24 1, if 2000 Iowa Acts, House File 2205 is enacted, are amended  
25 to read as follows:

26 b. The auditor shall not issue a warrant to a drawee until  
27 the auditor has transmitted to the treasurer a list of the  
28 warrants to be issued. The list shall include the date,  
29 amount, and number of the warrant, name of the person to whom  
30 the warrant is issued, and the purpose for which the warrant  
31 is issued. The treasurer shall acknowledge receipt of the  
32 list by affixing the treasurer's signature at the bottom of  
33 the list and immediately returning the list to the auditor.  
34 The requirement that the treasurer sign to acknowledge receipt  
35 of the list is satisfied by use of a digital signature or

1 other secure electronic signature if the county auditor and  
2 treasurer have complied with the applicable provisions of  
3 chapter 554E 554D.

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

9 d. The requirement that the county auditor sign a warrant  
10 is satisfied by use of a digital signature or other secure,  
11 electronic signature if the county auditor has complied with  
12 the applicable provisions of chapter 554E 554D.

13 Sec. 68. Section 331.554, subsection 4, Code 1999, as  
14 amended by 2000 Iowa Acts, Senate File 2047, section 3, if  
15 2000 Iowa Acts, House File 2205 is enacted, is amended to read  
16 as follows:

17 4. The treasurer shall return the paid warrants to the  
18 auditor. The original warrant shall be preserved for at least  
19 two years. The requirement that the original warrant be  
20 preserved is satisfied by preservation of the warrant in  
21 electronic form if the requirements of section 554E-205  
22 554D.113 are met. The treasurer shall make monthly reports to  
23 show for each warrant the number, date, drawee's name, when  
24 paid, to whom paid, original amount, and interest.

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

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

1 the third party for lost earnings and lost earnings capacity.  
2 If the retirement system recovers damages in the action, the  
3 court shall enter judgment for distribution of the recovery as  
4 follows:

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

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

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

11 If a retailer or employee of a retailer has violated  
12 section 453A.27 or section 453A.36, subsection 6, or-453A-397  
13 the department or local authority, in addition to the other  
14 penalties fixed for such violations in this section, shall  
15 assess a penalty upon the same hearing and notice as  
16 prescribed in subsection 1 as follows:

17 Sec. 72. Section 455B.171, subsection 31B, as enacted by  
18 2000 Iowa Acts, Senate File 2371, section 9, is amended to  
19 read as follows:

20 31B. "Section 305(b) ~~list~~ report" means any report ~~or-list~~  
21 required under 33 U.S.C. § 1315(b).

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

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

29 Sec. 74. Section 462A.14, subsection 12, paragraph d, as  
30 enacted by 2000 Iowa Acts, House File 2331, section 2, if 2000  
31 Iowa Acts, House File 2511 is enacted, is amended to read as  
32 follows:

33 d. The court may prescribe the length of time for the  
34 evaluation and treatment or the court may request that the  
35 community college or licensed substance abuse program

1 conducting the course for drinking drivers which the defendant  
2 is ordered to attend or the treatment program to which the  
3 defendant is committed immediately report to the court when  
4 the defendant has received maximum benefit from the course for  
5 drinking drivers or treatment program or has recovered from  
6 the defendant's addiction, dependency, or tendency to  
7 chronically abuse alcohol or drugs.

8 Sec. 75. Section 466.4, subsections 2 and 5, as enacted by  
9 2000 Iowa Acts, Senate File 2371, section 5, are amended to  
10 read as follows:

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

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

27 Sec. 76. Section 481A.125, subsection 1, paragraphs a, b,  
28 and c, as enacted by 2000 Iowa Acts, Senate File 2300, section  
29 1, are amended to read as follows:

30 a. To intentionally place oneself in a location where a  
31 human presence may affect the behavior of a fur-bearing game  
32 animal, game, bird, or fish or the feasibility of killing or  
33 taking a fur-bearing game animal, game, bird, or fish with the  
34 intent of obstructing or harassing another person who is  
35 lawfully hunting, fishing, or fur harvesting.

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

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

11 Sec. 77. Section 481A.125, subsection 5, as enacted by  
12 2000 Iowa Acts, Senate File 2300, section 1, is amended to  
13 read as follows:

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

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

20 483A.2 DUAL RESIDENCY.

21 A resident license shall be limited to persons who do not  
22 claim any resident privileges, except as defined in section  
23 483A.1A, subsection 4, paragraphs "b", and "c", and "d", in  
24 another state or country. A person shall not purchase or  
25 apply for any resident license or permit if that person has  
26 claimed residency in any other state or country.

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

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

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

4 3. The risk-based capital plan shall be filed within  
5 forty-five days of the company-action-level event, or, if the  
6 health organization requests a hearing pursuant to section  
7 521F.8 for the purpose of challenging the adjusted risk-based  
8 capital report, within forty-five days after notification to  
9 the insurer health organization that the commissioner, after  
10 hearing, has rejected the insurer's health organization's  
11 challenge.

12 Sec. 81. Section 521F.8, subsection 2, paragraph b,  
13 subparagraph (1), as enacted by 2000 Iowa Acts, House File  
14 2316, section 8, is amended to read as follows:

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

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

20 2. If a hearing is not timely requested, the summary order  
21 becomes final by operation of law. The order shall remain  
22 effective from the date of issuance until the date the order  
23 becomes final by operation of law or is overturned by a  
24 presiding officer or court following a request for hearing. A  
25 person who has been issued a summary order under this section  
26 may contest it by filing a request for a contested case  
27 proceeding as provided in chapter 17A and in accordance with  
28 rules adopted by the commissioner. However, the person shall  
29 have at least thirty days from the date that the order is  
30 issued in order to file the request. Section 17A.18A is  
31 inapplicable to a summary order issued under this subsection  
32 section.

33 3. A person violating a summary order issued under this  
34 subsection section shall be deemed in contempt of that order.  
35 The commissioner may petition the district court to enforce

1 the order as certified by the commissioner. The district  
2 court shall adjudge the person in contempt of the order if the  
3 court finds after hearing that the person is not in compliance  
4 with the order. The court shall assess a civil penalty  
5 against the person in an amount not less than three thousand  
6 dollars but not greater than ten thousand dollars per  
7 violation, and may issue further orders as it deems  
8 appropriate.

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

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

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

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

25 Sec. 85. Section 714.16, subsection 2, paragraph n,  
26 subparagraph (3), subparagraph subdivision (a), as enacted by  
27 2000 Iowa Acts, House File 2148, section 1, is amended to read  
28 as follows:

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

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

35 SEC. 4. EFFECTIVE DATE. This Act takes effect July 1,



1 2001, except that section 598.7A, subsection 5, as enacted in  
2 section 2 of this Act and section 3 of this Act takes take  
3 effect upon enactment.

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

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

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

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

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

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

23 SEC. 20. TRANSFER OF OSTEOPATHIC ~~FORGIVABLE~~ LOAN REVOLVING  
24 FUND MONEYS BY TREASURER. On the effective date of this Act,  
25 the treasurer of state shall transfer any balance in the  
26 osteopathic ~~forgivable~~ loan program revolving fund to the  
27 osteopathic physician recruitment revolving fund established  
28 pursuant to section 13 of this Act.

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

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

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

1 the following:

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

5 The following persons are deemed to be eligible for  
6 benefits under the state child care assistance program  
7 administered by the department in accordance with section  
8 237A.13, notwithstanding the program's eligibility  
9 requirements or any waiting list:

10 Sec. 92. APPROPRIATIONS FOR THE DRUG POLICY COORDINATOR.  
11 References in 2000 Iowa Acts, House File 2533, sections 5  
12 through 8 and 33, to the drug enforcement and abuse prevention  
13 coordinator are deemed to be references to the drug policy  
14 coordinator if 2000 Iowa Acts, House File 2153 is enacted.

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

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

25 Sec. 95. EFFECTIVE AND RETROACTIVE APPLICABILITY  
26 PROVISIONS.

27 1. The amendments in this division of this Act to sections  
28 453A.3 and 453A.22, being deemed of immediate importance, take  
29 effect upon enactment.

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

34 3. The amendment in this division of this Act to 2000 Iowa  
35 Acts, Senate File 2254, section 4, being deemed of immediate

1 importance, takes effect upon enactment, and applies  
2 retroactively to January 1, 2000.

3 DIVISION VIII

4 VOLUNTEER EMERGENCY SERVICES PROVIDERS

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

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

9 Sec. 97. NEW SECTION. 100B.11 VOLUNTEER EMERGENCY  
10 SERVICES PROVIDER DEATH BENEFIT -- ELIGIBILITY.

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

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

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

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

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

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

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

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

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

19 Sec. 98. REPEAL -- LEGISLATIVE INTENT.

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

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

30 DIVISION IX

31 FINANCIAL INSTITUTIONS -- SATELLITE TERMINALS

32 Sec. 99. Section 527.2, subsections 10, 14, and 15, Code  
33 1999, are amended to read as follows:

34 10. "Limited-function terminal" means an on-line point-of-  
35 sale terminal, or an off-line point-of-sale terminal which

1 ~~satisfies the requirements of section 527.47 subsection 3,~~  
2 ~~paragraph "d", or a multiple use terminal, which is not~~  
3 ~~operated in a manner to accept an electronic personal~~  
4 ~~identifier. Except as otherwise provided, a limited-function~~  
5 ~~terminal shall not be subject to the requirements imposed upon~~  
6 ~~other satellite terminals pursuant to sections 527.4 and~~  
7 ~~527.5, subsections 1, 2, 3, 7, and 8.~~

8 14. "Off-line point-of-sale terminal" means a satellite  
9 ~~terminal that satisfies the requirements of section 527.47~~  
10 ~~subsection 3, paragraph "d" and is at any location in this~~  
11 ~~state off the premises of the financial institution, other~~  
12 ~~than an on-line point-of-sale terminal, that satisfies all of~~  
13 ~~the following:~~

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

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

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

22 15. "On-line point-of-sale terminal" means a satellite  
23 ~~terminal that satisfies the requirements of section 527.47~~  
24 ~~subsection 3, paragraph "d" and is at any location in this~~  
25 ~~state off the premises of the financial institution operated~~  
26 ~~on an on-line real time basis, that satisfies all of the~~  
27 ~~following:~~

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

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

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

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

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

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

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

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

14     ~~a.--Within the boundaries of a municipal corporation if the~~  
15 ~~principal place of business or an office of the financial~~  
16 ~~institution is also located within the boundaries of the~~  
17 ~~municipal corporation:~~

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

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

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

28     ~~(1)--The satellite terminal is not operated to accept~~  
29 ~~deposits or to dispense scrip or other negotiable instruments:~~

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

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

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

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

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

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

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

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

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

12 ~~Sec. 105. Section 527.5, subsection 11, paragraph a, Code~~  
13 ~~1999, is amended to read as follows:~~

14 ~~a. If at any time, a limited-function terminal at a~~  
15 ~~location as defined in section 527.47, subsection 37, paragraph~~  
16 ~~"d", in this state off the premises of the financial~~  
17 ~~institution is replaced by a device constituting either an on-~~  
18 ~~line or an off-line point-of-sale terminal which may be~~  
19 ~~utilized to initiate transactions which affect customer asset~~  
20 ~~accounts through the use of an electronic personal identifier,~~  
21 ~~or is upgraded, altered, or modified to be operated in a~~  
22 ~~manner which allows the use of an electronic personal~~  
23 ~~identifier to initiate transactions which affect customer~~  
24 ~~asset accounts, or an on-line or an off-line point-of-sale~~  
25 ~~terminal which may be utilized to initiate transactions which~~  
26 ~~affect customer asset accounts through the use of an~~  
27 ~~electronic personal identifier is newly established at a~~  
28 ~~location defined in section 527.47, subsection 37, paragraph "d"~~  
29 ~~in this state off the premises of the financial institution,~~  
30 ~~then such upgraded, altered, or modified limited-function~~  
31 ~~terminal or replacement point-of-sale terminal or such newly~~  
32 ~~established point-of-sale terminal is deemed to be a full-~~  
33 ~~function point-of-sale terminal for purposes of this~~  
34 ~~subsection and all requirements of a satellite terminal in~~  
35 ~~this chapter apply to the full-function point-of-sale terminal~~



1 with regard to all transactions affecting customer asset  
2 accounts which are initiated through the use of an electronic  
3 personal identifier, except for section 527.4, subsections ~~17~~  
4 ~~27~~ and subsection 4, section ~~527.4~~, subsection ~~37~~, paragraphs  
5 ~~"a"~~, ~~"b"~~, and ~~"c"~~, and subsections 1, 3, and 7 of this  
6 section.

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

9 12. Effective July 1, 1994, any transaction engaged in  
10 with a retailer through a satellite terminal at a location  
11 ~~described in section 527.4, subsection 37, paragraph "d", in~~  
12 ~~this state off the premises of the financial institution by~~  
13 ~~means of an access device which results in a debit to a~~  
14 ~~customer asset account shall be cleared and paid at par during~~  
15 ~~the settlement of such transaction. Notwithstanding the terms~~  
16 ~~of any contractual agreement between a retailer or financial~~  
17 ~~institution and a national card association as described in~~  
18 ~~subsection 11, an electronic funds transfer processing~~  
19 ~~facility of a national card association, a central routing~~  
20 ~~unit approved pursuant to this chapter, or a data processing~~  
21 ~~center, the processing fees and charges for such transactions~~  
22 ~~to the retailer shall be as contractually agreed upon between~~  
23 ~~the retailer and the financial institution which establishes,~~  
24 ~~owns, operates, controls, or processes transactions initiated~~  
25 ~~at the satellite terminal. All accounting documents~~  
26 ~~reflecting such fees and charges imposed on the retailer shall~~  
27 ~~separately identify transactions which have resulted in a~~  
28 ~~debit to a customer asset account and the charges imposed.~~  
29 The provisions of this subsection shall apply to all satellite  
30 terminals, including limited-function terminals, full-function  
31 point-of-sale terminals as identified in subsection 11,  
32 paragraph "a", and multiple use terminals.

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

DIVISION X

OTHER APPROPRIATIONS

1  
2  
3 Sec. 108. DEPARTMENT FOR THE BLIND. There is appropriated  
4 from the general fund of the state to the department for the  
5 blind for the fiscal year beginning July 1, 2000, and ending  
6 June 30, 2001, the following amounts, or so much thereof as is  
7 necessary, to be used for the purposes designated:

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

11 ..... \$ 15,000

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

15 ..... \$ 15,000

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

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

21 ..... \$ 6,471,841

22 ..... 6,671,841

23 ..... FTEs 272.40

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

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

30 ..... \$ 30,153,729

31 ..... 29,865,654

32 ..... FTEs 533.50

33 ..... 528.58

34 Sec. 111. 2000 Iowa Acts, House File 2552, section 4,  
35 subsection 1, paragraph c, is amended by adding the following

1 new unnumbered paragraph:

2 NEW UNNUMBERED PARAGRAPH. In addition to the funds  
3 appropriated in this paragraph, \$50,000 is appropriated from  
4 the general fund of the state to the department of corrections  
5 for the fiscal year beginning July 1, 2000, and ending June  
6 30, 2001, for ongoing technology needs at the Oakdale  
7 correctional facility.

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

11 NEW UNNUMBERED PARAGRAPH. In addition to the funds  
12 appropriated in this paragraph, \$62,572 is appropriated from  
13 the general fund of the state to the department of corrections  
14 for the fiscal year beginning July 1, 2000, and ending June  
15 30, 2001, for ongoing technology needs at the Mitchellville  
16 correctional facility.

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

20 NEW UNNUMBERED PARAGRAPH. In addition to the funds  
21 appropriated in this paragraph, \$22,571 is appropriated from  
22 the general fund of the state to the department of corrections  
23 for the fiscal year beginning July 1, 2000, and ending June  
24 30, 2001, for ongoing technology needs of the first judicial  
25 district department of correctional services.

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

29 NEW UNNUMBERED PARAGRAPH. In addition to the funds  
30 appropriated in this paragraph, \$1,680 is appropriated from  
31 the general fund of the state to the department of corrections  
32 for the fiscal year beginning July 1, 2000, and ending June  
33 30, 2001, for ongoing technology needs of the second judicial  
34 district department of correctional services.

35 Sec. 115. 2000 Iowa Acts, House File 2552, section 7,

1 subsection 1, paragraph e, is amended by adding the following  
2 new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. In addition to the funds  
4 appropriated in this paragraph, \$70,095 is appropriated from  
5 the general fund of the state to the department of corrections  
6 for the fiscal year beginning July 1, 2000, and ending June  
7 30, 2001, for ongoing technology needs of the fifth judicial  
8 district department of correctional services.

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

12 NEW UNNUMBERED PARAGRAPH. In addition to the funds  
13 appropriated in this paragraph, \$60,000 is appropriated from  
14 the general fund of the state to the department of corrections  
15 for the fiscal year beginning July 1, 2000, and ending June  
16 30, 2001, for ongoing technology needs of the sixth judicial  
17 district department of correctional services.

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

21 NEW UNNUMBERED PARAGRAPH. In addition to the funds  
22 appropriated in this paragraph, \$11,740 is appropriated from  
23 the general fund of the state to the department of corrections  
24 for the fiscal year beginning July 1, 2000, and ending June  
25 30, 2001, for ongoing technology needs of the seventh judicial  
26 district department of correctional services.

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SENATE FILE 2452

H-9116

- 1 Amend Senate File 2452, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 15, by striking the figure
- 4 "26,492,712" and inserting the following:
- 5 "28,852,267".
- 6 2. Page 1, line 26, by striking the figure
- 7 "10,492,712" and inserting the following:
- 8 "12,852,267".

By MURPHY of Dubuque

H-9116 FILED APRIL 26, 2000

*Rest*  
4/26/00 (P 1937)

SENATE FILE 2452

H-9117

- 1 Amend Senate File 2452, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 6, by striking lines 24 through 32 and
- 4 inserting the following:
- 5 "Sec. \_\_\_\_\_. Notwithstanding the amount of the
- 6 standing appropriation from the general fund of the
- 7 state in section 294A.25, subsection 1, there is
- 8 appropriated from the general fund of the state to the
- 9 department of education in lieu of the appropriation
- 10 made in section 294A.25, subsection 1, for the fiscal
- 11 year beginning July 1, 2000, and ending June 30, 2001,
- 12 the following amount:

13 ..... \$ 80,891,336"

By MASCHER of Johnson

H-9117 FILED APRIL 26, 2000

*Rest*  
4/26/00  
(P 1938)



THOMAS J. VILSACK  
GOVERNOR

OFFICE OF THE GOVERNOR

May 23, 2000

SALLY J. PEDERSON  
LT. GOVERNOR

The Honorable Chester Culver  
Secretary of State  
State Capitol  
LOCAL

RECEIVED

MAY 25 2000

LEGISLATIVE SERVICES  
BUREAU

Dear Mr. Secretary:

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

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

I am unable to approve the item designated as Section 19 in its entirety. This section establishes a Microsoft Settlement Fund and requires that the state's portion of any monies paid to the state by Microsoft in settlement of its federal antitrust lawsuit be deposited into this fund and used only as appropriated by the general assembly. In previous years, including the current year, the legislature has authorized the Department, in the Department of Justice appropriation bill, to retain damages, costs and attorney fees awarded to the state in antitrust cases. These monies are held in a non-reverting fund that is to be used exclusively for the enforcement of the Iowa competition law. While the state's antitrust litigation against Microsoft does not include a request for monetary damages, the Department of Justice has incurred significant costs in the case, and the Department will seek to recover these costs and attorneys fees for this time from Microsoft. These costs should be placed in the antitrust fund like all other antitrust cases - not in a separate fund.


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

Page 2

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

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

Sincerely,

  
Thomas J. Vilsack  
Governor

TJV:jmc

CC: Secretary of the Senate  
Chief Clerk of the House

*Item* *Vetoed*

SENATE FILE 2452

AN ACT

RELATING TO PUBLIC EXPENDITURE AND REGULATORY MATTERS, MAKING APPROPRIATIONS, AND INCLUDING EFFECTIVE DATE AND RETROACTIVE APPLICABILITY PROVISIONS.

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

DIVISION I

MH/MR/DD ALLOWED GROWTH

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SF 2452



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

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

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

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

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

adjustment in the county's base year expenditures in an amount equal to those capital asset expenditures. The amount of the county's base year expenditures shall be adjusted in accordance with the county finance committee's action.

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

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

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

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

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

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

Sec. 11. TRANSFER OF FUNDS -- TOBACCO SETTLEMENT FUND.

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

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

12.65 TOBACCO SETTLEMENT ENDOWMENT FUND.

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

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

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

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

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

established within the fund shall be credited to the tobacco settlement endowment fund, to the savings account for healthy Iowans, or to any other account established, respectively.

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

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

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

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

Sec. 14. Section 12E.4, subsection 2, paragraph 1, if enacted by 2000 Iowa Acts, House File 2579, is amended to read as follows:

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

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

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

Sec. 17. CONDITIONAL EFFECTIVENESS. Section 12.65, subsection 2, as enacted in this division of this Act, takes effect only if 2000 Iowa Acts, House File 2579 is enacted.

DIVISION III

REDUCTION IN PHASE III MONEYS

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

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

DIVISION IV  
MICROSOFT FUND

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

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

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

NETDED

DIVISION V

WASTE REDUCTION CENTER -- NONREVERSION

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

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

DIVISION VI  
MISCELLANEOUS

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

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

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

1. The state fire service and emergency response council is established in the division of fire protection of the department of public safety. The council shall consist of ~~ten~~ eleven voting members. Members of the state fire service and emergency response council shall be appointed by the governor. The governor shall appoint members ~~from the following organizations; chosen of the council~~ from a list of names nominees submitted by each of the following organizations:

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

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

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

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

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

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

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

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

2. The department shall adopt rules concerning the grant application and award process, including reasonable cost estimates for beginning teacher induction programs. The department may disapprove a plan submitted by a board if the plan does not meet the minimum criteria set forth in section 256E.3, subsection 2, or the plan exceeds the reasonable costs as determined by the department. If the cost estimates

submitted by a board exceed reasonable cost estimates as determined by the department, the department shall work with the board to identify measures for reducing plan costs. If the department determines that moneys appropriated by the general assembly are insufficient to meet the grant requests for all approved beginning teacher induction program plans, the department shall award grants based on the ~~geographic location-and~~ district population of the school districts with approved plans. Grants may be awarded in subsequent years based upon the most recent plan on file with the department. It is the intent of the general assembly that the department approve plans that incorporate local innovation and take into consideration local needs.

Sec. 26. Section 322A.11, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The fact that the dealership does not meet an index or standard established by the franchiser, unless the franchiser proves that the failure of the dealership to meet the index or standard will be substantially detrimental to the distribution of the franchiser's motor vehicles in the community.

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

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

~~{1}--The-claim-is-presented-after-the-lapse-of-three-months from-its-accrual:~~

~~{2}--The the appropriation or fund of certification available for paying the claim has been exhausted or proves insufficient.~~

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

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

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

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

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

2. For facility utilization review services including a program statement, site recommendations, schematic designs, and other design development for additional facilities which will meet laboratory, office, and other facility needs of state agencies, including but not limited to interim or long-term leasing and relocation needs related to such projects, notwithstanding section 8.57, subsection 5, paragraph "c":  
..... \$ 3,200,000

*Verz*

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

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

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

2. For school lunch program, grant number 10555:  
..... \$ 50,293,650  
50,075,000

29. For education of handicapped -- infants and toddlers, grant number 84181:  
..... \$ 2,869,783  
2,863,283

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

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

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

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

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

5,450,000

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

NEW SUBSECTION. 34. For United States department of justice, grant number 16000:

..... \$ 28,988

NEW SUBSECTION. 35. For state and community highway safety, grant number 20600:

..... \$ 90,000

NEW SUBSECTION. 36. For education of handicapped -- infants and toddlers, grant number 84181:

..... \$ 6,500

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

2. For department of justice, grant number 16000:

..... \$ ~~6,684,071~~

1,017,293

4. For state and community highway safety, grant number 20600:

..... \$ ~~2,534,863~~

2,444,863

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

4. For school lunch program, grant number 10555:

..... \$ ~~107,010~~

228,668

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

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

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

DIVISION VII  
CORRECTIVE AMENDMENTS

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

2D.3 LEGISLATIVE BRANCH PROTOCOL OFFICER.

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

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

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

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

12.83 PLEDGES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. A license to practice registered nursing issued by a home state to a resident in that state will shall be recognized by each party state as authorizing a multistate licensure privilege to practice as a registered nurse in such party state. A license to practice licensed practical or vocational nursing issued by a home state to a resident in that state will shall be recognized by each party state as



authorized ~~authorizing~~ a multistate licensure privilege to practice as a licensed practical or vocational nurse in such party state. In order to obtain or retain a license, an applicant must meet the home state's qualifications for licensure and license renewal as well as all other applicable state laws.

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

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

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

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

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

3. If a nurse changes the nurse's primary state of residence by moving from a party state to a nonparty state, the license issued by the prior home state converts to an individual state license, valid only in the former home state,

without the multistate licensure privilege to practice in other party states.

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

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

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

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

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

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

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

developed by the department or agency involved and the child's parent, guardian, or custodian. The plan shall specifically include all of the following:

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

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

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

This subsection does not apply in a proceeding concerning an offense of ~~livestock-torture-as-provided-in-section-717-3~~

or animal torture as provided in section 717B.3A alleged to have been committed by a child under the age of seventeen.

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

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

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

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

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

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

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

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

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

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

261.19B OSTEOPATHIC PHYSICIAN RECRUITMENT REVOLVING FUND.

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

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

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

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

306.11 HEARING -- PLACE -- DATE.

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

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

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

Sec. 67. Section 331.506, subsection 1, paragraphs b, c, and d, as enacted by 2000 Iowa Acts, Senate File 2047, section 1, if 2000 Iowa Acts, House File 2205 is enacted, are amended to read as follows:

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

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

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

Sec. 68. Section 331.554, subsection 4, Code 1999, as amended by 2000 Iowa Acts, Senate File 2047, section 3, if 2000 Iowa Acts, House File 2205 is enacted, is amended to read as follows:

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

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

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

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

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

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

If a retailer or employee of a retailer has violated section 453A.27 or section 453A.36, subsection 6, or-453A-39, the department or local authority, in addition to the other penalties fixed for such violations in this section, shall assess a penalty upon the same hearing and notice as prescribed in subsection 1 as follows:

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

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

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

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

Sec. 74. Section 462A.14, subsection 12, paragraph d, as enacted by 2000 Iowa Acts, House File 2331, section 2, if 2000 Iowa Acts, House File 2511 is enacted, is amended to read as follows:

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

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

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

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

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

a. To intentionally place oneself in a location where a human presence may affect the behavior of a fur-bearing game animal, game, bird, or fish or the feasibility of killing or taking a fur-bearing game animal, game, bird, or fish with the intent of obstructing or harassing another person who is lawfully hunting, fishing, or fur harvesting.

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

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

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

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

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

A resident license shall be limited to persons who do not claim any resident privileges, except as defined in section 483A.1A, subsection 4, paragraphs "b" and "c", and "d" in

another state or country. A person shall not purchase or apply for any resident license or permit if that person has claimed residency in any other state or country.

*repealed*

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

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

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

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

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

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

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

2. If a hearing is not timely requested, the summary order becomes final by operation of law. The order shall remain effective from the date of issuance until the date the order becomes final by operation of law or is overturned by a

presiding officer or court following a request for hearing. A person who has been issued a summary order under this section may contest it by filing a request for a contested case proceeding as provided in chapter 17A and in accordance with rules adopted by the commissioner. However, the person shall have at least thirty days from the date that the order is issued in order to file the request. Section 17A.18A is inapplicable to a summary order issued under this subsection section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 20. TRANSFER OF OSTEOPATHIC ~~FORGIVABLE~~ LOAN REVOLVING FUND MONEYS BY TREASURER. On the effective date of this Act, the treasurer of state shall transfer any balance in the osteopathic ~~forgivable~~ loan program revolving fund to the osteopathic physician recruitment revolving fund established pursuant to section 13 of this Act.

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

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

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

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

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

Sec. 92. APPROPRIATIONS FOR THE DRUG POLICY COORDINATOR. References in 2000 Iowa Acts, House File 2533, sections 5 through 8 and 33, to the drug enforcement and abuse prevention coordinator are deemed to be references to the drug policy coordinator if 2000 Iowa Acts, House File 2153 is enacted.

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

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

the provision, the amendment to that disapproved provision in this division of this Act is void.

**Sec. 95. EFFECTIVE AND RETROACTIVE APPLICABILITY PROVISIONS.**

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

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

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

**DIVISION VIII**

**VOLUNTEER EMERGENCY SERVICES PROVIDERS**

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

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

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

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

2. a. If the department of public safety determines, upon the receipt of evidence and proof from the fire chief or supervising officer, that the death of a volunteer emergency services provider was the direct and proximate result of a traumatic personal injury incurred in the line of duty as a volunteer, a line of duty death benefit in an amount of one

hundred thousand dollars shall be paid in a lump sum to the volunteer emergency services provider's beneficiary. A line of duty death benefit payable under this subsection shall be in addition to any other death benefit payable to the volunteer emergency services provider.

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

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

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

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

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

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

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

**Sec. 98. REPEAL -- LEGISLATIVE INTENT.**

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

2. It is the intent of the general assembly that the repeal of this division of this Act on July 1, 2002, will



allow consideration of recommendations relating to this division of this Act to be received by the general assembly from the department of management based on the department's study of the possible implementation of a system to provide retirement benefits and death and survivor benefits to volunteer fire fighters and volunteer emergency medical service personnel.

## DIVISION IX

## FINANCIAL INSTITUTIONS -- SATELLITE TERMINALS

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

10. "Limited-function terminal" means an on-line point-of-sale terminal, or an off-line point-of-sale terminal which satisfies the requirements of section 527.47, subsection 37, paragraph "d", or a multiple use terminal, which is not operated in a manner to accept an electronic personal identifier. Except as otherwise provided, a limited-function terminal shall not be subject to the requirements imposed upon other satellite terminals pursuant to sections 527.4 and 527.5, subsections 1, 2, 3, 7, and 8.

14. "Off-line point-of-sale terminal" means a satellite terminal that satisfies the requirements of section 527.47, subsection 37, paragraph "d" and is at any location in this state off the premises of the financial institution, other than an on-line point-of-sale terminal, that satisfies all of the following:

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

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

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

15. "On-line point-of-sale terminal" means a satellite terminal that satisfies the requirements of section 527.47, subsection 37, paragraph "d" and is at any location in this state off the premises of the financial institution operated on an on-line real time basis, that satisfies all of the following:

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

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

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

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

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

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

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

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

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

~~b.--Within the boundaries of an urban complex composed of two or more Iowa municipal corporations each of which is contiguous to or corners upon at least one of the other municipal corporations within the urban complex if the~~

~~principal place of business or an office of the financial institution is also located in the urban complex;~~

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

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

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

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

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

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

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

4. A financial institution whose licensed or principal place of business is not located in this state may establish, control, maintain, or operate any number of satellite terminals at the locations identified in subsection 37 paragraphs "a", "b", "c", and "d" any location within this state if both of the following apply:

a. The other state provides for the establishment, control, maintenance, or operation of satellite terminals by a

~~financial institution, whose licensed or principal place of business is located in this state, on a reciprocal basis;~~

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

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

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

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

a. If at any time, a limited-function terminal at a location ~~as defined in section 527.47 subsection 37 paragraph "d" in this state off the premises of the financial institution~~ is replaced by a device constituting either an on-line or an off-line point-of-sale terminal which may be utilized to initiate transactions which affect customer asset accounts through the use of an electronic personal identifier, or is upgraded, altered, or modified to be operated in a

manner which allows the use of an electronic personal identifier to initiate transactions which affect customer asset accounts, or an on-line or an off-line point-of-sale terminal which may be utilized to initiate transactions which affect customer asset accounts through the use of an electronic personal identifier is newly established at a location ~~defined in section 527.47, subsection 37, paragraph "d"~~ in this state off the premises of the financial institution, then such upgraded, altered, or modified limited-function terminal or replacement point-of-sale terminal or such newly established point-of-sale terminal is deemed to be a full-function point-of-sale terminal for purposes of this subsection and all requirements of a satellite terminal in this chapter apply to the full-function point-of-sale terminal with regard to all transactions affecting customer asset accounts which are initiated through the use of an electronic personal identifier, except for section 527.4, ~~subsections 17, 27, and subsection 4, section 527.47, subsection 37, paragraphs "a", "b", and "c", and subsections 1, 3, and 7 of this section.~~

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

12. Effective July 1, 1994, any transaction engaged in with a retailer through a satellite terminal at a location ~~described in section 527.47, subsection 37, paragraph "d"~~ in this state off the premises of the financial institution by means of an access device which results in a debit to a customer asset account shall be cleared and paid at par during the settlement of such transaction. Notwithstanding the terms of any contractual agreement between a retailer or financial institution and a national card association as described in subsection 11, an electronic funds transfer processing facility of a national card association, a central routing unit approved pursuant to this chapter, or a data processing center, the processing fees and charges for such transactions

to the retailer shall be as contractually agreed upon between the retailer and the financial institution which establishes, owns, operates, controls, or processes transactions initiated at the satellite terminal. All accounting documents reflecting such fees and charges imposed on the retailer shall separately identify transactions which have resulted in a debit to a customer asset account and the charges imposed. The provisions of this subsection shall apply to all satellite terminals, including limited-function terminals, full-function point-of-sale terminals as identified in subsection 11, paragraph "a", and multiple use terminals.

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

DIVISION X  
OTHER APPROPRIATIONS

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

- 1. For establishment of statewide access to the newslines for the blind furnished by the national federation of the blind:
  - ..... \$ 15,000
- 2. For use in enabling blind individuals to independently access newspapers through the operations of the Iowa radio reading information service:
  - ..... \$ 15,000

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

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

..... \$ 674717041

5,671,841

..... FTEs 272.40

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

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

..... \$ 30,715,372.99

29,865,654

..... FTEs 533.50

528.58

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

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

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

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

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

NEW UNNUMBERED PARAGRAPH. In addition to the funds appropriated in this paragraph, \$22,571 is appropriated from

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

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

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

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

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

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

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

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

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

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MARY E. KRAMER  
President of the Senate

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BRENT SIEGRIST  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2452, Seventy-eighth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

*Item Veto*  
Approved 5/23, 2000

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THOMAS J. VILSACK  
Governor