Shey, Chair Bradley Diy Wise Chiodo

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HSB 51 COMMERCE AND REGULATION

HOUSE FILE <u>SF/HF</u> 222 BY (PROPOSED COMMITTEE ON COMMERCE AND REGULATION BILL BY CHAIRPERSON HANSEN)

jj/pj/5

Passed	House,	Date		Passed	Senate,	Date	<u> </u>
Vote:	Ayes _		Nays	Vote:	Ayes	Nays	i
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## A BILL FOR

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1 Section 1. Section 524.1201, subsection 1, Code 2001, is 2 amended to read as follows:

A-bank-shall-not-open-or-maintain-a-branch-bank- A 3 1. 4 state bank may establish and operate any number of bank 5 offices at any location in this state subject to the approval 6 and regulation of the superintendent and-to-the-restrictions 7 upon-location-and-number-imposed-by-section-524-1202. A bank 8 office may furnish all banking services ordinarily furnished 9 to customers and depositors at the principal place of business 10 of the state bank which operates the office, and a bank office 11 manager or an officer of the bank shall be physically present 12 at each bank office during a majority of its business hours. 13 The central executive and official business and principal 14 recordkeeping functions of a state bank shall be exercised 15 only at its principal place of business or at another bank 16 office as authorized by the superintendent for these 17 functions.

18 Sec. 2. Section 524.1202, Code 2001, is amended by adding 19 the following new subsection:

20 <u>NEW SUBSECTION</u>. 4. Notwithstanding other restrictions in 21 this chapter to the contrary, a state bank may establish up to 22 three bank offices at any location in Iowa in addition to the 23 bank offices that may be established pursuant to other 24 provisions of this chapter, subject to the approval of the 25 superintendent.

26 Sec. 3. Section 524.1204, Code 2001, is amended to read as 27 follows:

28 524.1204 PRIVILEGES EXTENDED TO NATIONAL BANKS.

The privileges extended to state banks by section  $524.1201_7$ 30 524.1202 and 524.1212 and chapter 527 shall be available on 31 the same conditions to national banks to the extent they are 32 so authorized by federal law.

33 Sec. 4. Section 524.1205, Code 2001, is amended to read as 34 follows:

35 524.1205 ESTABLISHMENT OF BRANCH OR OFFICE IN OTHER STATE

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1 -- SUPERINTENDENT'S AUTHORITY TO REGULATE.

<u>1.</u> Notwithstanding section 524.1201, subsection 1, and 3 section 524.1202, subsection 2, paragraph "b", upon 4 application to and approval by the superintendent, a state 5 bank may acquire in any manner, establish, maintain, operate, 6 retain, or relocate a branch or office in a state other than 7 this state. Subject to the approval of the superintendent, 8 such branch or office may engage in any activity authorized 9 for a branch or office of a bank organized under the laws of 10 that other state.

11 <u>2.</u> The superintendent shall supervise and regulate all 12 out-of-state branches and offices of a state bank.

3. Sections 524.1201 and 524.1203 apply to an out-of-state have browned or office of a state bank except as otherwise provided by the laws of the state in which a branch or office is located or by the superintendent pursuant to this section. This section does not authorize or permit a state-lectron bank located outside of this state or a national bank located outside of this state to establish a de novo branch or office in this state. This-section-does-not authorize-or-permit,-before-June-1,-1997,-an-interstate-merger 22 transaction-within-the-meaning-of-12-U.S.C.-§-1831u(a).

Sec. 5. Section 524.1205, Code 2001, as amended by section4 of this Act, is amended to read as follows:

25 524.1205 ESTABLISHMENT OF BRANCH OR OFFICE IN OTHER STATE
26 -- SUPERINTENDENT'S AUTHORITY TO REGULATE.

1. Notwithstanding section 524.1201, subsection 1, and section-524.1202,-subsection-2,-paragraph-"b", upon application to and approval by the superintendent, a state so bank may acquire in any manner, establish, maintain, operate, retain, or relocate a branch or office in a state other than this state. Subject to the approval of the superintendent, such branch or office may engage in any activity authorized for a branch or office of a bank organized under the laws of that other state.

2. The superintendent shall supervise and regulate all
 2 out-of-state branches and offices of a state bank.

3 3. Sections 524.1201 and 524.1203 apply to an out-of-state 4 branch or office of a state bank except as otherwise provided 5 by the laws of the state in which a branch or office is 6 located or by the superintendent pursuant to this section.

7 4. This section does not authorize or permit a state8 chartered bank located outside of this state or a national
9 bank located outside of this state to establish a de novo
10 branch or office in this state.

11 Sec. 6. Section 524.1212, Code 2001, is amended to read as
12 follows:

13 524.1212 LOCATION OF SATELLITE TERMINALS.

Any state bank may utilize a satellite terminal, as defined is in section 527.2, when that satellite terminal is lawfully being operated, at any location within this state. A realiste-terminal-which-complies-with-the-requirements-of chapter-527-is-not-a-branch-bank-or-an-office-of-a-bank-and-is not-subject-to-the-restrictions-on-location-or-number-set forth-in-section-524-1202. Any transaction engaged in through the use of a satellite terminal shall be deemed to take place at the principal place of business of a bank whose accounts and records are affected by the transaction.

24 Sec. 7. Section 524.1213, Code 2001, is amended by adding 25 the following new subsection:

NEW SUBSECTION. 8A. A bank that is converted to the principal place of business or to a bank office of a united community bank as a result of a merger or consolidation under subsection 3 may establish any number of additional bank offices that could have been established by the bank pursuant to section 524.1202, subsection 4, prior to the merger or consolidation.

33 Sec. 8. Section 524.1419, Code 2001, is amended to read as 34 follows:

35 524.1419 OFFICES OF A RESULTING STATE BANK.

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I If a merger or conversion results in a state bank subject to the provisions of this chapter, the resulting state bank, after the effective date of the merger or conversion, shall be subject to the provisions of sections 524.12017-524.12027 and 5 524.1203 relating to the bank offices.

6 Sec. 9. Section 534.214, subsection 2, unnumbered
7 paragraph 2, Code 2001, is amended by striking the unnumbered
8 paragraph.

9 Sec. 10. Sections 524.1202 and 524.1213, Code 2001, are 10 repealed.

11 Sec. 11. FUTURE EFFECTIVE DATE. Sections 1, 3, 5, 6, 8,
12 9, and 10 of this Act take effect July 1, 2004.

13 Sec. 12. IMMEDIATE EFFECTIVE DATE. Except as provided in 14 section 10 of this Act, this Act, being deemed of immediate 15 importance, takes effect upon enactment.

16 17

This bill allows state banks to establish additional bank

**EXPLANATION** 

18 offices, in two phases.

19 The first phase is effective upon enactment, and involves 20 an amendment to Code section 524.1202 to provide that, 21 notwithstanding other restrictions in the chapter to the 22 contrary and subject to approval by the superintendent, a 23 state bank can establish up to three bank offices at any 24 location in Iowa. In a related action, the bill amends Code 25 section 524.1213 to provide that a bank that changes to a 26 principal place of business or to a bank office of a united 27 community bank due to merger or consolidation may establish 28 the number of additional bank offices it would have been 29 entitled to establish under Code section 524.1202 prior to the 30 merger or consolidation.

The other Code section that is amended upon enactment is Code section 524.1205. The bill divides the existing section into subsections, and deletes an outdated reference restricting interstate merger transactions under 12 U.S.C. § 1831(u) prior to June 1, 1997.

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1 The second phase of the bill takes effect on July 1, 2004. 2 At that time, Code section 524.1201 is amended to provide that 3 a state bank may establish any number of bank offices at any 4 location in the state, subject to the approval and regulation 5 of the superintendent. In a related action, Code sections 6 524.1202 and 524.1213 are repealed at that time. Related 7 changes are made to Code sections 524.1204, 524.1205, 8 524.1212, and 524.1419 to delete references to the repealed 9 Code section 524.1202. Code section 534.214 deletes a 10 provision relating to the restrictions on the number of 11 offices a bank may establish.

Portions of the bill take effect upon enactment and will be codified in the next edition of the Code. The provisions of the bill that do not take effect until July 1, 2004, will not be codified until that time. Prior to that time, references to the session law will be contained in footnotes to the rappropriate Code sections.

18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 LSB 1780HC 79

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- Substitutes for SF126 2/14/01 (P. 331) FEB 8 2001

Place On Calendar

HOUSE FILE COMMITTEE ON COMMERCE BY

AND REGULATION

(SUCCESSOR TO HSB 51)

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HF JJJ

(P. 409) Passed House, Date <u>9/14/01</u> Passed Senate, Date <u>2/14/01</u> Vote: Ayes <u>95</u> Nays <u>Vote: Ayes <u>48</u> Nays <u>O</u> Approved <u>Jetu any</u> 21, 2001</u>

## A BILL FOR

1 An Act permitting banks in Iowa to establish additional bank 2 offices, and containing effective dates.

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

4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 TLSB 1780HV 79

S.F. H.F. 22

1 Section 1. Section 524.1201, subsection 1, Code 2001, is
2 amended to read as follows:

1. A-bank-shall-not-open-or-maintain-a-branch-bank- A 3 4 state bank may establish and operate any number of bank 5 offices at any location in this state subject to the approval 6 and regulation of the superintendent and-to-the-restrictions 7 upon-location-and-number-imposed-by-section-524-1202. A bank 8 office may furnish all banking services ordinarily furnished 9 to customers and depositors at the principal place of business 10 of the state bank which operates the office, and a bank office 11 manager or an officer of the bank shall be physically present 12 at each bank office during a majority of its business hours. 13 The central executive and official business and principal 14 recordkeeping functions of a state bank shall be exercised 15 only at its principal place of business or at another bank 16 office as authorized by the superintendent for these 17 functions.

18 Sec. 2. Section 524.1202, Code 2001, is amended by adding 19 the following new subsections:

20 <u>NEW SUBSECTION</u>. 4. Notwithstanding other restrictions in 21 this chapter to the contrary, a state bank may, subject to the 22 approval of the superintendent, establish up to three bank 23 offices at any location in Iowa in addition to the bank 24 offices that may be established pursuant to other provisions 25 of this chapter.

NEW SUBSECTION. 5. Notwithstanding any other restrictions in this chapter to the contrary, a branch of an out-of-state anational bank or a branch of an out-of-state state bank may establish up to three bank offices at any location in Iowa in addition to the bank offices that may be established pursuant to other provisions of this chapter, provided that no more than a total of three such bank offices may be established by all branches collectively of an out-of-state national bank or an out-of-state state bank.

35 Sec. 3. Section 524.1204, Code 2001, is amended to read as

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1 follows:

2 524.1204 PRIVILEGES EXTENDED TO NATIONAL BANKS.

The privileges extended to state banks by section 524.12017 **524.1202** and 524.1212 and chapter 527 shall be available on the same conditions to national banks to the extent they are so authorized by federal law.

7 Sec. 4. Section 524.1205, Code 2001, is amended to read as 8 follows:

9 524.1205 ESTABLISHMENT OF BRANCH OR OFFICE IN OTHER STATE 10 -- SUPERINTENDENT'S AUTHORITY TO REGULATE.

11 <u>1.</u> Notwithstanding section 524.1201, subsection 1, and 12 section 524.1202, subsection 2, paragraph "b", upon 13 application to and approval by the superintendent, a state 14 bank may acquire in any manner, establish, maintain, operate, 15 retain, or relocate a branch or office in a state other than 16 this state. Subject to the approval of the superintendent, 17 such branch or office may engage in any activity authorized 18 for a branch or office of a bank organized under the laws of 19 that other state.

20 <u>2.</u> The superintendent shall supervise and regulate all
21 out-of-state branches and offices of a state bank.
22 <u>3.</u> Sections 524.1201 and 524.1203 apply to an out-of-state

23 branch or office of a state bank except as otherwise provided 24 by the laws of the state in which a branch or office is 25 located or by the superintendent pursuant to this section. 4. This section does not authorize or permit a state-26 27 chartered bank located outside of this state or a national 28 bank located outside of this state to establish a de novo 29 branch or office in this state. This-section-does-not 30 authorize-or-permit,-before-June-1,-1997,-an-interstate-merger 31 transaction-within-the-meaning-of-12-U-S-C--§-1831u(a)-32 Sec. 5. Section 524.1205, Code 2001, as amended by section 33 4 of this Act, is amended to read as follows: 34 524.1205 ESTABLISHMENT OF BRANCH OR OFFICE IN OTHER STATE 35 -- SUPERINTENDENT'S AUTHORITY TO REGULATE.

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S.F. \_\_\_\_\_\_ H.F. 222

1 1. Notwithstanding section 524.1201, subsection 1, and 2 section-524.12027-subsection-27-paragraph-"b"7 upon 3 application to and approval by the superintendent, a state 4 bank may acquire in any manner, establish, maintain, operate, 5 retain, or relocate a branch or office in a state other than 6 this state. Subject to the approval of the superintendent, 7 such branch or office may engage in any activity authorized 8 for a branch or office of a bank organized under the laws of 9 that other state.

10 2. The superintendent shall supervise and regulate all 11 out-of-state branches and offices of a state bank.

3. Sections 524.1201 and 524.1203 apply to an out-of-state branch or office of a state bank except as otherwise provided by the laws of the state in which a branch or office is located or by the superintendent pursuant to this section. 4. This section does not authorize or permit a stater chartered bank located outside of this state or a national bank located outside of this state to establish a de novo pranch or office in this state.

20 Sec. 6. Section 524.1212, Code 2001, is amended to read as 21 follows:

22 524.1212 LOCATION OF SATELLITE TERMINALS.

Any state bank may utilize a satellite terminal, as defined in section 527.2, when that satellite terminal is lawfully being operated, at any location within this state. A satellite-terminal-which-complies-with-the-requirements-of chapter-527-is-not-a-branch-bank-or-an-office-of-a-bank-and-is not-subject-to-the-restrictions-on-location-or-number-set forth-in-section-524.1202. Any transaction engaged in through the use of a satellite terminal shall be deemed to take place at the principal place of business of a bank whose accounts and records are affected by the transaction. Sec. 7. Section 524.1213, Code 2001, is amended by adding

34 the following new subsection:

35 NEW SUBSECTION. 8A. A bank that is converted to the

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2 office as a result of a merger or consolidation under 3 subsection 3 that occurs after January 1, 2001, may establish 4 any number of additional bank offices that could have been 5 established by the bank pursuant to section 524.1202, 6 subsection 4, prior to the merger or consolidation. Section 524.1419, Code 2001, is amended to read as 7 Sec. 8. 8 follows: 524.1419 OFFICES OF A RESULTING STATE BANK. 9 If a merger or conversion results in a state bank subject 10 11 to the provisions of this chapter, the resulting state bank, 12 after the effective date of the merger or conversion, shall be 13 subject to the provisions of sections  $524.1201_7 - 524.1202_7$  and 14 524.1203 relating to the bank offices. Sec. 9. Section 534.214, subsection 2, unnumbered 15 16 paragraph 2, Code 2001, is amended by striking the unnumbered 17 paragraph. 18 Sec. 10. Sections 524.1202 and 524.1213, Code 2001, are 19 repealed. Sec. 11. FUTURE EFFECTIVE DATE. Sections 1, 3, 5, 6, 8, 20 21 9, and 10 of this Act take effect July 1, 2004. 22 Sec. 12. IMMEDIATE EFFECTIVE DATE. Except as provided in 23 section 11 of this Act, this Act, being deemed of immediate 24 importance, takes effect upon enactment. EXPLANATION 25 26 This bill allows banks in Iowa to establish additional bank 27 offices, in two phases. The first phase is effective upon enactment, and involves 28 29 an amendment to Code section 524.1202 to provide that, 30 notwithstanding other restrictions in the chapter to the 31 contrary and subject to approval by the superintendent, a 32 state bank can establish up to three bank offices at any 33 location in Iowa in addition to the bank offices that can be 34 established pursuant to Code chapter 524. A branch of an out-35 of-state national or state bank is also permitted to establish

1 principal place of business or to a united community bank

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1 up to three bank offices at any location in Iowa in addition 2 to the bank offices that may be established under Code chapter 3 524, provided that no more than a total of three such bank 4 offices may be established by all branches collectively, of an 5 out-of-state bank.

6 In a related action, the bill amends Code section 524.1213 7 to provide that a bank that changes to a principal place of 8 business or to a bank office of a united community bank due to 9 merger or consolidation after January 1, 2001, may establish 10 the number of additional bank offices it would have been 11 entitled to establish under Code section 524.1202 prior to the 12 merger or consolidation.

13 The other Code section that is amended upon enactment is 14 Code section 524.1205. The bill divides the existing section 15 into subsections, and deletes an outdated reference 16 restricting interstate merger transactions under 12 U.S.C. § 17 1831(u) prior to June 1, 1997.

18 The second phase of the bill takes effect on July 1, 2004. 19 At that time, Code section 524.1201 is amended to provide that 20 a state bank may establish any number of bank offices at any 21 location in the state, subject to the approval and regulation 22 of the superintendent. In a related action, Code sections 23 524.1202 and 524.1213 are repealed at that time. Related 24 changes are made to Code sections 524.1204, 524.1205, 25 524.1212, and 524.1419 to delete references to the repealed 26 Code section 524.1202. Code section 534.214 is amended to 27 delete a provision relating to the restrictions on the number 28 of offices a bank may establish.

Portions of the bill take effect upon enactment and will be codified in the next edition of the Code. The provisions of the bill that do not take effect until July 1, 2004, will not be codified until that time. Prior to that time, references to the session law will be contained in footnotes to the appropriate Code sections.

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HOUSE FILE 222

AN ACT PERMITTING BANKS IN IOWA TO ESTABLISH ADDITIONAL BANK OFFICES, AND CONTAINING EFFECTIVE DATES.

÷ 2

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

Section 1. Section 524.1201, subsection 1, Code 2001, is amended to read as follows:

1. A-bank-shall-not-open-or-maintain-a-branch-bank. A state bank may establish and operate <u>any number of</u> bank offices <u>at any location in this state</u> subject to <u>the</u> approval and regulation of the superintendent and-to-the-restrictions upon-location-and-number-imposed-by-section-524.1202. A bank office may furnish all banking services ordinarily furnished to customers and depositors at the principal place of business of the state bank which operates the office, and a bank office manager or an officer of the bank shall be physically present at each bank office during a majority of its business hours. The central executive and official business and principal recordkeeping functions of a state bank shall be exercised only at its principal place of business or at another bank office as authorized by the superintendent for these functions.

Sec. 2. Section 524.1202, Code 2001, is amended by adding the following new subsections:

<u>NEW SUBSECTION</u>. 4. Notwithstanding other restrictions in this chapter to the contrary, a state bank may, subject to the approval of the superintendent, establish up to three bank offices at any location in Iowa in addition to the bank offices that may be established pursuant to other provisions of this chapter.

<u>NEW SUBSECTION.</u> 5. Notwithstanding any other restrictions in this chapter to the contrary, a branch of an out-of-state national bank or a branch of an out-of-state state bank may establish up to three bank offices at any location in Iowa in addition to the bank offices that may be established pursuant to other provisions of this chapter, provided that no more than a total of three such bank offices may be established by all branches collectively of an out-of-state national bank or an out-of-state state bank.

Sec. 3. Section 524.1204, Code 2001, is amended to read as follows:

524.1204 PRIVILEGES EXTENDED TO NATIONAL BANKS.

The privileges extended to state banks by section  $524.1201_7$  $524 \pm 202$  and 524.1212 and chapter 527 shall be available on the same conditions to national banks to the extent they are so authorized by federal law.

Sec. 4. Section 524.1205, Code 2001, is amended to read as follows:

524.1205 ESTABLISHMENT OF BRANCH OR OFFICE IN OTHER STATE -- SUPERINTENDENT'S AUTHORITY TO REGULATE.

1. Notwithstanding section 524.1201, subsection 1, and section 524.1202, subsection 2, paragraph "b", upon application to and approval by the superintendent, a state bank may acquire in any manner, establish, maintain, operate, retain, or relocate a branch or office in a state other than this state. Subject to the approval of the superintendent, such branch or office may engage in any activity authorized for a branch or office of a bank organized under the laws of that other state.

2. The superintendent shall supervise and regulate all out-of-state branches and offices of a state bank.

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3. Sections 524.1201 and 524.1203 apply to an out-of-state branch or office of a state bank except as otherwise provided by the laws of the state in which a branch or office is located or by the superintendent pursuant to this section.

<u>4.</u> This section does not authorize or permit a statechartered bank located outside of this state or a national bank located outside of this state to establish a de novo branch or office in this state. This-section-does-not authorize-or-permity-before-June-17-19977-an-interstate-merger transaction-within-the-meaning-of-12-UrS-Cr-g-1031u(a).

Sec. 5. Section 524.1205, Code 2001, as amended by section 4 of this Act, is amended to read as follows:

524.1205 ESTABLISHMENT OF BRANCH OR OFFICE IN OTHER STATE -- SUPERINTENDENT'S AUTHORITY TO REGULATE.

1. Notwithstanding section 524.1201, subsection 1, and section-524.12027-subsection-27-paragraph-"b", upon application to and approval by the superintendent, a state bank may acquire in any manner, establish, maintain, operate, retain, or relocate a branch or office in a state other than this state. Subject to the approval of the superintendent, such branch or office may engage in any activity authorized for a branch or office of a bank organized under the laws of that other state.

2. The superintendent shall supervise and regulate all out-of-state branches and offices of a state bank.

3. Sections 524.1201 and 524.1203 apply to an out-of-state branch or office of a state bank except as otherwise provided by the laws of the state in which a branch or office is located or by the superintendent pursuant to this section.

4. This section does not authorize or permit a statechartered bank located outside of this state or a national bank located outside of this state to establish a de novo branch or office in this state.

Sec. 6. Section 524.1212, Code 2001, is amended to read as follows:

524.1212 LOCATION OF SATELLITE TERMINALS.

Any state bank may utilize a satellite terminal, as defined in section 527.2, when that satellite terminal is lawfully being operated, at any location within this state. A satellite-terminal-which-complies-with-the-requirements-of chapter-527-is-not-a-branch-bank-or-an-office-of-a-bank-and-is not-subject-to-the-restrictions-on-location-or-number-set forth-in-section-524-1202. Any transaction engaged in through the use of a satellite terminal shall be deemed to take place at the principal place of business of a bank whose accounts and records are affected by the transaction.

Sec. 7. Section 524.1213, Code 2001, is amended by adding the following new subsection:

<u>NEW SUBSECTION</u>. 8A. A bank that is converted to the principal place of business or to a united community bank office as a result of a merger or consolidation under subsection 3 that occurs after January 1, 2001, may establish any number of additional bank offices that could have been established by the bank pursuant to section 524.1202, subsection 4, prior to the merger or consolidation.

Sec. 8. Section 524.1419, Code 2001, is amended to read as follows:

524.1419 OFFICES OF A RESULTING STATE BANK.

If a merger or conversion results in a state bank subject to the provisions of this chapter, the resulting state bank, after the effective date of the merger or conversion, shall be subject to the provisions of sections  $524.1201_7 - 524.1202_7$  and 524.1203 relating to the bank offices.

Sec. 9. Section 534.214, subsection 2, unnumbered paragraph 2, Code 2001, is amended by striking the unnumbered paragraph.

Sec. 10. Sections 524.1202 and 524.1213, Code 2001, are repealed.

Sec. 11. FUTURE EFFECTIVE DATE. Sections 1, 3, 5, 6, 8, 9, and 10 of this Act take effect July 1, 2004.

Sec. 12. IMMEDIATE EFFECTIVE DATE. Except as provided in section 11 of this Act, this Act, being deemed of immediate importance, takes effect upon enactment.

BRENT SIEGRIST Speaker of the House

MARY E. KRAMER President of the Senate

I hereby certify that this bill originated in the House and is known as House File 222, Seventy-ninth General Assembly.

Approved Loruary 2 , 2001

MARGARET THOMSON Chief Clerk of the House

THOMAS J. VILSACK Governor

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