

HSB 262

APPROPRIATIONS

HOUSE FILE _____

(HF) 755

BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON MILLAGE)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

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

4 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, 2002, and ending June 30, 2003,
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, as provided in this section in lieu
13 of the provisions of section 331.438, subsection 2, and
14 section 331.439, subsection 3, and chapter 426B:

15 \$ 14,874,702

16 The funding appropriated in this section is the allowed
17 growth factor adjustment for fiscal year 2002-2003, and is
18 allocated for distribution as provided by law.

19 DIVISION II

20 STANDING APPROPRIATIONS -- REDUCTIONS

21 Sec. 2. GENERAL ASSEMBLY. The appropriations made from
22 the general fund of the state in section 2.12, for the fiscal
23 year beginning July 1, 2001, and ending June 30, 2002, for the
24 expenses of the general assembly and for legislative agencies,
25 are reduced by the following amount:

26 \$ 1,550,324

27 Sec. 3. PERFORMANCE OF DUTY. The appropriation made from
28 the general fund of the state in section 7D.29, for the fiscal
29 year beginning July 1, 2001, and ending June 30, 2002, for
30 performance of duty by the executive council, is reduced by
31 the following amount:

32 \$ 1,000,000

33 Sec. 4. STATE APPEAL BOARD CLAIMS. Notwithstanding the
34 standing appropriations in section 25.2, subsection 3, the
35 amount appropriated from the general fund of the state under

1 section 25.2, subsection 3, to the state appeal board to pay
2 claims against the state for the fiscal year beginning July 1,
3 2001, and ending June 30, 2002, is reduced by the following
4 amount:

5 \$ 2,000,000

6 Sec. 5. CONSTITUTIONAL AMENDMENTS AND PUBLIC MEASURES.

7 Notwithstanding the standing appropriation in section 49A.9,
8 the amount appropriated from the general fund of the state
9 under section 49A.9, to the office of the secretary of state
10 for the fiscal year beginning July 1, 2001, and ending June
11 30, 2002, is reduced by the following amount:

12 \$ 2,565

13 Sec. 6. AREA EDUCATION AGENCIES. Notwithstanding the
14 provisions of chapter 257 that determine the funding for area
15 education agencies, the state school foundation aid for these
16 agencies and the portion of the combined district cost
17 calculated for these agencies for the fiscal year beginning
18 July 1, 2001, and ending June 30, 2002, are reduced by the
19 department of management by \$6,500,000. The department shall
20 calculate a reduction such that each area education agency
21 shall receive a reduction proportionate to the amount that it
22 would have received under section 257.35 if the reduction
23 imposed pursuant to this section did not apply.

24 Notwithstanding the provisions of section 257.37, an area
25 education agency may use the funds determined to be available
26 under section 257.35 in a manner which it believes is
27 appropriate to best maintain the level of required area
28 education agency special education services.

29 Sec. 7. SCHOOL IMPROVEMENT TECHNOLOGY. Notwithstanding
30 the standing appropriation in section 256D.5, subsection 2,
31 the amount appropriated from the general fund of the state
32 under section 256D.5, subsection 2, to the department of
33 education for the fiscal year beginning July 1, 2001, and
34 ending June 30, 2002, is reduced by the following amount:

35 \$ 20,000,000

1 Sec. 8. AT-RISK CHILDREN PROGRAMS. Notwithstanding the
2 standing appropriation in section 279.51, subsection 1, the
3 amount appropriated from the general fund of the state under
4 section 279.51, subsection 1, to the department of education
5 for the fiscal year beginning July 1, 2001, and ending June
6 30, 2002, is reduced by the following amount:

7 \$ 1,000,000

8 The amount of the reduction in this section shall be
9 prorated among the programs specified in section 279.51,
10 subsection 1, paragraphs "a", "b", and "c".

11 Sec. 9. NONPUBLIC SCHOOL TRANSPORTATION. Notwithstanding
12 the standing appropriation in section 285.2, the amount
13 appropriated from the general fund of the state under section
14 285.2 to the department of education for the fiscal year
15 beginning July 1, 2001, and ending June 30, 2002, is reduced
16 by the following amount:

17 \$ 505,000

18 Sec. 10. EDUCATIONAL EXCELLENCE. Notwithstanding section
19 294A.25, subsection 1, the amount appropriated from the
20 general fund of the state under section 294A.25, subsection 1,
21 to the department of education for phase III moneys for the
22 fiscal year beginning July 1, 2001, and ending June 30, 2002,
23 is reduced by the following amount:

24 \$ 2,000,000

25 Sec. 11. PUBLIC TRANSIT ASSISTANCE APPROPRIATION.
26 Notwithstanding section 312.2, subsection 14, the amount
27 appropriated from the general fund of the state under section
28 312.2, subsection 14, to the state department of
29 transportation for public transit assistance under chapter
30 324A for the fiscal year beginning July 1, 2001, and ending
31 June 30, 2002, is reduced by the following amount:

32 \$ 659,820

33 Sec. 12. INDIAN SETTLEMENT OFFICER. Notwithstanding the
34 standing appropriation in section 331.660, the amount
35 appropriated from the general fund of the state under section

1 331.660, to the county of Tama for the fiscal year beginning
2 July 1, 2001, and ending June 30, 2002, is reduced by the
3 following amount:

4 \$ 25,000

5 Sec. 13. COURT COSTS FOR SPECIAL STATE CASES.

6 Notwithstanding the standing appropriation in section 815.1,
7 the amount appropriated from the general fund of the state
8 under section 815.1, to pay special court costs and attorney
9 fees for the fiscal year beginning July 1, 2001, and ending
10 June 30, 2002, is reduced by the following amount:

11 \$ 66,370

12 Sec. 14. Section 196.8, subsection 2, Code 2001, is
13 amended to read as follows:

14 2. Notwithstanding subsection 1, eggs gathered for sale at
15 a poultry show from fowl exhibited at the show, which show has
16 received financial assistance from the state in prior fiscal
17 years, shall be exempt from the storage temperature and
18 consumer grade quality requirements contained in subsection 1.
19 ~~if-eggs-are-offered-for-sale-at-such-an-exhibit, five-hundred~~
20 ~~dollars-is-appropriated-to-the-department-to-reimburse-the~~
21 ~~sponsoring-agency-of-the-exhibit-for-the-expenses-associated~~
22 ~~with-the-exhibit.~~

23 DIVISION III

24 LAW ENFORCEMENT PHYSICAL EXAMS

25 Sec. 15. Section 400.8, subsection 1, Code 2001, is
26 amended to read as follows:

27 1. The commission, when necessary under the rules,
28 including minimum and maximum age limits, which shall be
29 prescribed and published in advance by the commission and
30 posted in the city hall, shall hold examinations for the
31 purpose of determining the qualifications of applicants for
32 positions under civil service, other than promotions, which
33 examinations shall be practical in character and shall relate
34 to matters which will fairly test the mental and physical
35 ability of the applicant to discharge the duties of the

1 position to which the applicant seeks appointment. The
2 physical examination of applicants for appointment to the
3 positions of police officer, police matron, or fire fighter
4 shall be held in accordance with medical protocols established
5 by the board of trustees of the fire and police retirement
6 system established by section 411.5 and shall be conducted by
7 ~~the medical board as established in section 411.5~~ in
8 accordance with the directives of the board of trustees. The
9 board of trustees may change the medical protocols at any time
10 the board so determines. The physical examination of an
11 applicant for the position of police officer, police matron,
12 or fire fighter shall be conducted after a conditional offer
13 of employment has been made to the applicant. An applicant
14 shall not be discriminated against on the basis of height,
15 weight, sex, or race in determining physical or mental ability
16 of the applicant. Reasonable rules relating to strength,
17 agility, and general health of applicants shall be prescribed.
18 The costs of the physical examination required under this
19 subsection shall be paid from the trust and agency fund of the
20 city.

21 DIVISION IV

22 DEBT SERVICE AND TOBACCO FUND APPROPRIATIONS

23 TUITION REPLACEMENT

24 Sec. 16. TUITION REPLACEMENT -- GENERAL FUND. In lieu of
25 the appropriation made to the state board of regents for
26 tuition replacement in 2001 Iowa Acts, Senate File 535,
27 section 8, subsection 1, paragraph "b", if enacted, there is
28 appropriated from the general fund of the state to the state
29 board of regents for the fiscal year beginning July 1, 2001,
30 and ending June 30, 2002, the following amount, or so much
31 thereof as is necessary, to be used for the purpose
32 designated:

33 For allocation by the state board of regents to the state
34 university of Iowa, the Iowa state university of science and
35 technology, and the university of northern Iowa to reimburse

1 the institutions for deficiencies in their operating funds
2 resulting from the pledging of tuitions, student fees and
3 charges, and institutional income to finance the cost of
4 providing academic and administrative buildings and facilities
5 and utility services at the institutions:

6 \$ 26,081,384

7 Sec. 17. TUITION REPLACEMENT -- TOBACCO SETTLEMENT FUND.

8 In addition to the appropriation made in this division of this
9 Act from the general fund of the state to the state board of
10 regents for purposes of tuition replacement, there is
11 appropriated from the tax-exempt bonds proceeds restricted
12 capital funds account of the tobacco settlement trust fund
13 created in section 12E.12, pursuant to 2001 Iowa Acts, Senate
14 File 532, if enacted, to the state board of regents for the
15 fiscal year beginning July 1, 2001, and ending June 30, 2002,
16 the following amount, or so much thereof as is necessary, to
17 be used for the purpose designated:

18 For allocation by the state board of regents to the state
19 university of Iowa, the Iowa state university of science and
20 technology, and the university of northern Iowa to reimburse
21 the institutions for deficiencies in their operating funds
22 resulting from the pledging of tuitions, student fees and
23 charges, and institutional income to finance the cost of
24 providing academic and administrative buildings and facilities
25 and utility services at the institutions:

26 \$ 600,330

27 IOWA COMMUNICATIONS NETWORK

28 Sec. 18. IOWA COMMUNICATIONS NETWORK DEBT SERVICE --

29 GENERAL FUND. In lieu of the appropriation made to the
30 treasurer of state for Iowa communications network debt
31 service in 2001 Iowa Acts, House File 719, section 1, if
32 enacted, there is appropriated from the general fund of the
33 state to the treasurer of state for the fiscal year beginning
34 July 1, 2001, and ending June 30, 2002, the following amount,
35 or so much thereof as is necessary, to be used for the purpose

1 designated:

2 For debt service for the Iowa communications network:
3 \$ 9,939,165

4 Sec. 19. IOWA COMMUNICATIONS NETWORK DEBT SERVICE --
5 TOBACCO SETTLEMENT FUND. In addition to the appropriation
6 made in this division of this Act from the general fund of the
7 state to the treasurer of state for purposes of Iowa
8 communications network debt service, there is appropriated
9 from the tax-exempt bonds proceeds restricted capital funds
10 account of the tobacco settlement trust fund created in
11 section 12E.12, pursuant to 2001 Iowa Acts, Senate File 532,
12 if enacted, to the treasurer of state for the fiscal year
13 beginning July 1, 2001, and ending June 30, 2002, the
14 following amount, or so much thereof as is necessary, to be
15 used for the purpose designated:

16 For debt service for the Iowa communications network:
17 \$ 1,465,835

18 Sec. 20. DEBT SERVICE FUND. Funds appropriated in this
19 division of this Act for Iowa communications network debt
20 service shall be deposited in a separate fund established in
21 the office of the treasurer of state to be used solely for
22 debt service for the Iowa communications network. The Iowa
23 telecommunications and technology commission shall certify to
24 the treasurer of state when a debt service payment is due, and
25 upon receipt of the certification, the treasurer shall make
26 the payment. The commission shall pay any additional amount
27 due from funds deposited in the Iowa communications network
28 fund.

29 PRISON DEBT SERVICE

30 Sec. 21. There is appropriated from the tax-exempt bonds
31 proceeds restricted capital funds account of the tobacco
32 settlement trust fund created in section 12E.12, pursuant to
33 2001 Iowa Acts, Senate File 532, if enacted, to the treasurer
34 of state for the fiscal year beginning July 1, 2001, and
35 ending June 30, 2002, the following amount, or so much thereof

1 as is necessary, to be used for the purpose designated:

2 For repayment of prison infrastructure bonds under section
3 16.177:

4 \$ 5,182,272

5 TOBACCO MASTER SETTLEMENT AGREEMENT LITIGATION

6 Sec. 22. There is appropriated from the tax-exempt bonds
7 proceeds restricted capital funds account of the tobacco
8 settlement trust fund created in section 12E.12, pursuant to
9 2001 Iowa Acts, Senate File 532, if enacted, to the department
10 of justice for the fiscal year beginning July 1, 2001, and
11 ending June 30, 2002, the following amount, or so much thereof
12 as is necessary, to be used for the purpose designated:

13 For payment of litigation fees incurred pursuant to the
14 tobacco master settlement agreement:

15 \$ 10,617,000

16 Sec. 23. CONTINGENT EFFECTIVE DATE. This division of this
17 Act shall take effect only if 2001 Iowa Acts, Senate File 532
18 is enacted and only if the tobacco settlement authority
19 established in chapter 12E securitizes tobacco master
20 settlement agreement payments sold to the authority pursuant
21 to 2001 Iowa Acts, Senate File 532. If the contingencies of
22 this section are met, the effective date of this division of
23 this Act shall be the effective date of the receipt of the
24 bond proceeds by the tobacco settlement authority and the
25 deposit of the proceeds of the tax-exempt bonds and the
26 taxable bonds in the respective accounts of the tobacco
27 settlement trust fund pursuant to chapter 12E, and
28 specifically pursuant to section 12E.9.

29 DIVISION V

30 MISCELLANEOUS

31 Sec. 24. Notwithstanding section 8.55, subsection 4, and
32 section 8.56, subsection 1, for the fiscal year beginning July
33 1, 2001, and ending June 30, 2002, the interest and earnings
34 on moneys deposited in the Iowa economic emergency fund and
35 the cash reserve fund shall be credited to the general fund of

1 the state.

2 Sec. 25. Section 483A.27, Code 2001, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. 11. A hunter safety and ethics instructor
5 certified by the department shall be allowed to conduct an
6 approved hunter safety and ethics education course on public
7 school property with the approval of a majority of the board
8 of directors of the school district. The conduct of an
9 approved hunter safety and ethics education course is not a
10 violation of any public policy, rule, regulation, resolution,
11 or ordinance which prohibits the possession, display, or use
12 of a firearm, bow and arrow, or other hunting weapon on public
13 school property or other public property in this state.

14 DIVISION VI

15 SCHEDULED VIOLATIONS

16 Sec. 26. Section 321.17, Code 2001, is amended to read as
17 follows:

18 321.17 MISDEMEANOR TO VIOLATE REGISTRATION PROVISIONS.

19 It is a simple misdemeanor punishable as a scheduled
20 violation under section 805.8A, subsection 2, paragraph "b",
21 for any person to drive or move or for an owner knowingly to
22 permit to be driven or moved upon the highway a vehicle of a
23 type required to be registered under this chapter which is not
24 registered, or for which the appropriate fee has not been
25 paid, except as provided in section 321.109, subsection 3.

26 Sec. 27. Section 321.98, Code 2001, is amended to read as
27 follows:

28 321.98 OPERATION WITHOUT REGISTRATION.

29 No A person shall not operate, ~~nor shall~~ and an owner shall
30 not knowingly permit to be operated upon any highway any
31 vehicle required to be registered and titled hereunder unless
32 there shall be attached thereto and displayed thereon when and
33 as required by this chapter a valid registration card and
34 registration plate or plates issued therefor for the current
35 registration year and unless a certificate of title has been

1 issued for such vehicle except as otherwise expressly
2 permitted in this chapter. Any violation of this section is a
3 simple misdemeanor punishable as a scheduled violation under
4 section 805.8A, subsection 2, paragraph "b".

5 Sec. 28. Section 321.193, unnumbered paragraph 4, Code
6 2001, is amended to read as follows:

7 It is a simple misdemeanor punishable as a scheduled
8 violation under section 805.8A, subsection 4, paragraph "a",
9 for a person to operate a motor vehicle in any manner in
10 violation of the restrictions imposed on a restricted license
11 issued to that person under this section.

12 Sec. 29. Section 321.216, unnumbered paragraph 1, Code
13 2001, is amended to read as follows:

14 It is a simple misdemeanor punishable as a scheduled
15 violation under section 805.8A, subsection 4, paragraph "b",
16 for any person:

17 Sec. 30. Section 321.216B, Code 2001, is amended to read
18 as follows:

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

21 A person who is under the age of twenty-one, who alters or
22 displays or has in the person's possession a fictitious or
23 fraudulently altered driver's license or nonoperator's
24 identification card and who uses the license to violate or
25 attempt to violate section 123.47, commits a simple
26 misdemeanor punishable by a fine of one hundred dollars as a
27 scheduled violation under section 805.8A, subsection 4,
28 paragraph "c". The court shall forward a copy of the
29 conviction to the department.

30 Sec. 31. Section 321.216C, Code 2001, is amended to read
31 as follows:

32 321.216C USE OF DRIVER'S LICENSE OR NONOPERATOR'S
33 IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN CIGARETTES OR
34 TOBACCO PRODUCTS.

35 A person who is under the age of eighteen, who alters or

1 displays or has in the person's possession a fictitious or
2 fraudulently altered driver's license or nonoperator's
3 identification card and who uses the license or card to
4 violate or attempt to violate section 453A.2, subsection 2,
5 commits a simple misdemeanor punishable ~~by a fine of one~~
6 ~~hundred dollars~~ as a scheduled violation under section 805.8A,
7 subsection 4, paragraph "c". The court shall forward a copy
8 of the conviction to the department.

9 Sec. 32. Section 321L.3, unnumbered paragraph 2, Code
10 2001, is amended to read as follows:

11 A person who fails to return the persons with disabilities
12 parking permit and subsequently misuses the permit by
13 illegally parking in a persons with disabilities parking space
14 is guilty of a simple misdemeanor ~~and subject to a fine of up~~
15 ~~to one hundred dollars~~ punishable as a scheduled violation
16 under section 805.8A, subsection 1, paragraph "c".

17 Sec. 33. Section 321L.7, Code 2001, is amended to read as
18 follows:

19 321L.7 PENALTY FOR FAILING TO PROVIDE PERSONS WITH
20 DISABILITIES PARKING SPACES AND SIGNS.

21 Failure to provide proper persons with disabilities parking
22 spaces as provided in section 321L.5 or to properly display
23 persons with disabilities parking signs as provided in section
24 321L.6 is a simple misdemeanor for which a fine of one hundred
25 dollars shall be imposed for each violation punishable as a
26 scheduled violation under section 805.8A, subsection 1,
27 paragraph "c".

28 Sec. 34. Section 452A.52, unnumbered paragraph 2, Code
29 2001, is amended to read as follows:

30 Any person who is unable to display either of the permits
31 or the license provided in section 452A.53 and brings into the
32 state in the fuel supply tanks of a commercial motor vehicle
33 more than thirty gallons of motor fuel or special fuel in
34 violation of ~~the provisions of the preceding paragraph is~~
35 ~~guilty of~~ subsection 1 commits a simple misdemeanor punishable

1 as a scheduled violation under section 805.8A, subsection 13,
2 paragraph "c".

3 Sec. 35. CONFLICTING LEGISLATION. If both 2001 Iowa Acts,
4 Senate File 499 and 2001 Iowa Acts, House File 561 are enacted
5 by the Seventy-ninth General Assembly and if House File 561
6 maintains the scheduled fine for a violation of section
7 321.234A at one hundred dollars, the scheduled fine of fifty
8 dollars, as enacted in Senate File 499, shall prevail and the
9 schedule fine of one hundred dollars, as enacted in House File
10 561, shall be void.

11 Sec. 36. CONTINGENT EFFECTIVENESS. This division of this
12 Act takes effect only if 2001 Iowa Acts, Senate File 499 is
13 enacted.

14 DIVISION VII

15 CORRECTIVE AMENDMENTS

16 Sec. 37. Section 103A.3, subsections 10, 11, 20, and 25,
17 Code 2001, are amended to read as follows:

18 10. "Ground anchoring system" means any device or
19 combination of devices used to securely anchor a manufactured
20 or mobile home to the ground.

21 11. "Ground support system" means any device or
22 combination of devices placed beneath a manufactured or mobile
23 home and used to provide support.

24 20. "Permanent site" means any lot or parcel of land on
25 which a manufactured or mobile home used as a dwelling or
26 place of business, is located for ninety consecutive days
27 except a construction site when the manufactured or mobile
28 home is used by a commercial contractor as a construction
29 office or storage room.

30 25. "Tiedown system" means a ground support system and a
31 ground anchoring system used in concert to provide anchoring
32 and support for a manufactured or mobile home.

33 Sec. 38. Section 103A.26, Code 2001, if enacted by 2001
34 Iowa Acts, Senate File 185, section 4, is amended to read as
35 follows:

1 103A.26 MANUFACTURED OR MOBILE HOME INSTALLERS
2 CERTIFICATION -- VIOLATION -- CIVIL PENALTY.

3 1. a. A person who installs a manufactured or mobile home
4 for another person shall be certified in accordance with rules
5 adopted by the commissioner pursuant to chapter 17A. The
6 commissioner may assess a fee sufficient to recover the costs
7 of administering the certification of manufactured or mobile
8 home installers. The commissioner may suspend or revoke the
9 certification of a manufactured or mobile home installer for
10 failure to perform installation of a manufactured or mobile
11 home, pursuant to certification standards as provided by rules
12 of the commissioner.

13 b. Notwithstanding section 103A.23, all fees collected by
14 the commissioner for the administration of the manufactured or
15 mobile home program shall be credited to the general fund of
16 the state and are appropriated to the commissioner for the
17 purpose of administering this certification program including
18 the employment of personnel for the enforcement and
19 administration of this program.

20 2. If a provision of this chapter or a rule adopted
21 pursuant to this chapter relating to the manufacture or
22 installation of a manufactured or mobile home is violated, the
23 commissioner may assess a civil penalty not to exceed one
24 thousand dollars for each offense. Each violation involving a
25 separate manufactured or mobile home, or a separate failure or
26 refusal to allow an act to be performed or to perform an act
27 as required by this chapter, or a rule adopted pursuant to
28 this chapter constitutes a separate offense. However, the
29 maximum amount of civil penalties which may be assessed for
30 any series of violations occurring within one year from the
31 date of the first violation shall not exceed one million
32 dollars.

33 Sec. 39. Section 165A.5, subsection 1, as enacted by 2001
34 Iowa Acts, Senate File 209, section 5, is amended to read as
35 follows:

1 1. ~~Except-as-provided-in-this-subsection,~~ a A person
 2 violating a provision of this chapter or any rule adopted
 3 pursuant to this chapter shall be subject to a civil penalty
 4 of at least one hundred dollars but not more than one thousand
 5 dollars. The proceeding to assess a civil penalty shall be
 6 conducted as a contested case proceeding under chapter 17A.

7 Sec. 40. Section 172E.1, subsection 3, as enacted by 2001
 8 Iowa Acts, Senate File 209, section 6, is amended to read as
 9 follows:

10 3. "Livestock market" means any place where livestock are
 11 assembled from two or more sources for public auction, private
 12 sale, or sale on a commission basis, which is under state or
 13 federal supervision, including a livestock auction market, if
 14 such livestock are kept in the place for ten days or less.

15 Sec. 41. Section 331.303, subsection 1, paragraph b, Code
 16 2001, as amended by 2001 Iowa Acts, Senate File 453, section
 17 1, is amended to read as follows:

18 b. A "warrant book" which records each warrant drawn in
 19 the order of issuance by number, date, amount, and name of
 20 drawee, and refers to the order in the minute book authorizing
 21 its drawing. The board may authorize the auditor to issue
 22 checks in lieu of warrants. If the issuance of checks is
 23 authorized, the word "check" shall be substituted for the word
 24 "warrant" in those sections of this chapter and chapters ~~6B-11~~
 25 6B, 11, 35B, 336, 349, 350, 427B, and 468 in which the
 26 issuance of a check is authorized in lieu of a warrant.

27 Sec. 42. Section 351.39, Code 2001, as amended by 2001
 28 Iowa Acts, House File 179, section 1, is amended to read as
 29 follows:

30 351.39 CONFINEMENT.

31 If a local board of health receives information that an
 32 animal has bitten a person or that a dog or animal is
 33 suspected of having rabies, the board shall order the owner to
 34 confine such animal in the manner it directs. If the owner
 35 fails to confine such animal in the manner directed, the

1 animal shall be apprehended and impounded by such board, and
2 after ten days the board may humanely destroy the animal. If
3 such animal is returned to its owner, the owner shall pay the
4 cost of impoundment. This section shall not apply ~~to~~ if a
5 police service dog or a horse used by a law enforcement
6 agency, ~~that is~~ and acting in the performance of its duties
7 which has bitten a person.

8 Sec. 43. Section 466.8, unnumbered paragraph 1, as enacted
9 by 2001 Iowa Acts, Senate File 479, section 2, is amended to
10 read as follows:

11 The department of natural resources shall establish an on-
12 site wastewater systems assistance program for the purpose of
13 providing low-interest loans to homeowners residing outside
14 the boundaries of a city for improving on-site wastewater
15 disposal systems.

16 Sec. 44. Section 466.8, subsection 4, as enacted by 2001
17 Iowa Acts, Senate File 479, section 2, is amended to read as
18 follows:

19 4. The department shall report to the general assembly
20 annually on the progress of the on-site wastewater systems
21 assistance program.

22 Sec. 45. Section 507B.4A, subsection 2, paragraph c, as
23 enacted by 2001 Iowa Acts, Senate File 500, section 8, is
24 amended to read as follows:

25 c. The commissioner shall adopt rules establishing
26 processes for timely adjudication and payment of claims by
27 insurers for health care benefits. The rules shall be
28 consistent with the time frames and other procedural standards
29 for claims decisions by group health plans established by the
30 United States department of labor pursuant to 29 C.F.R. pt.
31 2560 in effect ~~at-the-time-of-passage-of-this-Act~~ on January
32 1, 2002.

33 Sec. 46. Section 522B.14, subsection 11, as enacted by
34 2001 Iowa Acts, Senate File 276, section 28, is amended to
35 read as follows:

1 11. An insurer, the authorized representative of the
 2 insurer, or an insurance producer that fails to report as
 3 required under this section, or that is found to have reported
 4 with actual malice by a court of competent jurisdiction, after
 5 notice and hearing, may have its license or certificate of
 6 authority suspended or revoked and may be fined penalized as
 7 provided in section 522B.17.

8 Sec. 47. Section 523A.401, subsection 5, paragraph c, if
 9 enacted by 2001 Iowa Acts, Senate File 473, section 28, is
 10 amended to read as follows:

11 c. The policy shall have an increasing death benefit or
 12 similar feature that provides some means for increasing the
 13 funding as the cost of cemetery merchandise, funeral
 14 merchandise, and cemetery-goods-and funeral services
 15 increases.

16 Sec. 48. Section 523A.405, subsection 1, if enacted by
 17 2001 Iowa Acts, Senate File 473, section 32, is amended to
 18 read as follows:

19 1. In lieu of trust requirements, a seller may file with
 20 the commissioner a surety bond issued by a surety company
 21 authorized to do business and doing business within this
 22 state. The bond must be conditioned upon the seller's
 23 faithful performance of purchase agreements subject to this
 24 chapter. The surety's liability extends to each such
 25 agreement executed while the bond is in force and until
 26 performance or rescision of the purchase agreement. To the
 27 extent expressly agreed to in writing by the surety, the
 28 surety's liability extends to each such agreement subject to
 29 this chapter executed prior to the time the bond was in force
 30 and until performance or rescision of the agreement. A
 31 purchaser aggrieved by a breach of a condition of the bond
 32 covering the purchaser's agreement may maintain an action
 33 against the bond. If, at the time of the breach, the
 34 purchaser is aware of the purchaser's rights under the bond
 35 and how to file a claim against the bond, the surety shall not

1 be liable for any breach of condition unless the surety
2 receives notice of a claim within sixty days following
3 discovery of the acts, omissions, or conditions constituting
4 the breach of condition, except as otherwise provided in this
5 section. A surety bond shall not be canceled by a surety
6 except upon a written notice of cancellation given by the
7 surety to the commissioner by restricted certified mail, and
8 not prior to the expiration of sixty days after receipt of the
9 notice by the commissioner. The surety's liability shall
10 extend to each purchase agreement subject to this chapter
11 executed prior to cancellation of the surety bond until the
12 seller has complied with section subsection 3.

13 Sec. 49. Section 554.9525, subsections 3 and 4, as enacted
14 by 2000 Iowa Acts, chapter 1149, section 96, are amended to
15 read as follows:

16 ~~3-~~ 2. NUMBER OF NAMES. The number of names required to be
17 indexed does not affect the amount of the fee in subsections
18 subsection 1 and-2.

19 ~~4-~~ 3. RESPONSE TO INFORMATION REQUEST. A rule ~~or~~
20 ~~ordinance~~ adopted pursuant to subsection 1 must set the fee
21 for responding to a request for information from the filing
22 office, including for communicating whether there is on file
23 any financing statement naming a particular debtor. A fee for
24 responding to a request communicated in writing must be not
25 less than twice the amount of the fee for responding to a
26 request communicated by another medium authorized by the
27 office of secretary of state or the board of supervisors for
28 the filing office where its filing office is located.

29 Sec. 50. Section 558.39, unnumbered paragraph 1, Code
30 2001, as amended by 2001 Iowa Acts, House File 259, is amended
31 to read as follows:

32 The following forms of acknowledgment shall be sufficient
33 in the cases to which they are respectively applicable. In
34 each case where one of these forms is used, the name of the
35 state and county where the acknowledgment is taken shall

1 precede the body of the certificate, and the signature and
 2 official title of the officer shall follow it as indicated in
 3 the first form and shall constitute a part of the certificate,
 4 and the stamp or seal of the officer shall be attached when
 5 necessary under the provision of this chapter and as provided
 6 in section ~~9E-6~~ 9E.6A. No certificate of acknowledgment shall
 7 be held to be defective on account of the failure to show the
 8 official title of the officer making the certificate if such
 9 title appears either in the body of such certificate or in
 10 connection therewith, or with the signature thereto.

11 Sec. 51. Section 633.4213, subsection 5, Code 2001, is
 12 amended to read as follows:

13 5. A trustee shall prepare and send to the beneficiaries
 14 an account of the trust property, liabilities, receipts, and
 15 disbursements at least annually, at the termination of the
 16 trust, and upon a change of a trustee. An accounting on
 17 behalf of a former trustee shall be prepared by the former
 18 trustee, or if the trustee's appointment is terminated by
 19 reason of death or incapacity, by the former trustee's
 20 personal representative or guardian or conservator.

21 Sec. 52. Section 702.11, subsection 2, paragraph e, as
 22 enacted by 2001 Iowa Acts, Senate File 63, section 1, is
 23 amended to read as follows:

24 e. Child endangerment resulting in bodily injury to a
 25 child or a minor in violation of section 726.6, subsection 2A.

26 Sec. 53. 2001 Iowa Acts, House File 656, section 15, is
 27 amended to read as follows:

28 SEC. 15. Sections ~~103A-37~~ 103A.30, 103A.31, 321.1, 321.47,
 29 321.123, 321.251, 321.284A, 321.457, 321E.28, 321E.31,
 30 331.429, 331.653, 422.43, 422A.1, 425.17, 426A.11, 427.11,
 31 435.22, 441.17, 445.1, 445.36A, 445.37, 445.38, 515C.1,
 32 534.605, 562B.2, 562B.13, 631.1, 631.4, and 648.3, Code 2001,
 33 are amended by inserting before the words "mobile home" the
 34 words "manufactured or".

35 Sec. 54. DIRECTION TO CODE EDITOR. In codifying

1 provisions of 2000 Iowa Acts, chapter 1149, in Code Supplement
2 2001, the Code editor may change references from "this Act" to
3 an appropriate reference, including but not limited to "this
4 Article", wherever it appears in the Act, after consultation
5 with the Iowa state bar association. The Iowa state bar
6 association is requested to respond to the Code editor's
7 consultations by no later than July 31, 2001. Nothing in this
8 section limits the authority of the Code editor under section
9 2B.13.

10 Sec. 55. CONTINGENT EFFECTIVENESS. The sections of this
11 division of this Act amending Code section 103A.3 and Code
12 section 103A.26, if enacted, take effect only if 2001 Iowa
13 Acts, House File 656 is enacted.

14 EXPLANATION

15 Division I of this bill appropriates for the 2002-2003
16 fiscal year to the department of human services for
17 distribution to counties the county mental health, mental
18 retardation, and developmental disabilities (MH/MR/DD) allowed
19 growth factor adjustment.

20 Division II of this bill reduces standing appropriations to
21 the legislative branch, the executive council for performance
22 of duty, the state appeal board for claims against the state,
23 the secretary of state for publication of public measures, the
24 department of inspections and appeals for poultry show exhibit
25 reimbursement, the area education agencies under the school
26 aid formula, school improvement technology grants, the
27 department of education for at-risk children programs,
28 nonpublic school transportation, and educational excellence-
29 phase III, the department of transportation for public transit
30 assistance, the county of Tama for an Indian settlement
31 officer, and for payment of special court costs and attorney
32 fees. These reductions are for the 2001-2002 fiscal year
33 except for the poultry show exhibit reimbursement which is
34 eliminated permanently.

35 Division III of this bill amends Code section 400.8 to

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1 provide that the physical exam of applicants for law
2 enforcement and fire fighter positions are to be conducted in
3 accordance with the directives of the board of trustees of the
4 fire and police retirement system rather than by the appointed
5 three-member medical board.

6 Division IV makes contingent appropriations for purposes of
7 debt services and for costs relating to the tobacco master
8 settlement agreement. The division includes general fund
9 appropriations made in lieu of appropriations made for the
10 same purposes in other enacted legislation. The division does
11 not take effect unless 2001 Iowa Acts, Senate File 532 is
12 enacted and the tobacco settlement authority securitizes
13 tobacco master settlement agreement payments made to the
14 authority. The effective date of the division is the
15 effective date of the receipt and deposit of bond payments by
16 the authority.

17 Division V of this bill provides that interest and earnings
18 on moneys in the Iowa economic emergency fund and cash reserve
19 fund are to be deposited into the state general fund instead
20 of the rebuild Iowa infrastructure fund for the 2001-2002
21 fiscal year. The division also allows for certified hunter
22 safety and ethics instructors to conduct hunter safety and
23 ethics education courses on public school property.

24 Division VI relates to scheduled violations. 2001 Iowa
25 Acts, Senate File 499, if enacted, reorganizes the Code
26 placement of scheduled fines in Code chapter 805 and changes
27 some of those fines. Currently several Code sections
28 prescribe unspecified or specified simple misdemeanor
29 penalties for violations of those sections but do not refer to
30 the applicable scheduled fine for those simple misdemeanor
31 penalties. The following Code sections are amended to delete
32 the reference to an unspecified or specified simple
33 misdemeanor penalty and to instead refer to the specific
34 scheduled fine provided for the violation in 2001 Iowa Acts,
35 Senate File 499, if enacted: Code sections 321.17, 321.98,

1 321.193, 321.216, 321.216B, 321.216C, 321L.3, 321L.7, and
2 452A.52.

3 Division VII provides corrective amendments to legislation
4 enacted in the 2001 legislative session.

5 Code section 103A.3 is amended to refer to both
6 manufactured and mobile homes in light of the enactment of
7 2001 Iowa Acts, House File 656, if enacted. 2001 Iowa Acts,
8 House File 656, section 15, is correspondingly amended to
9 delete a reference to Code section 103A.3

10 Code section 103A.26, if enacted by 2001 Iowa Acts, Senate
11 File 185, is amended to refer to both manufactured and mobile
12 homes in light of the enactment of 2001 Iowa Acts, House File
13 656, if enacted.

14 Code section 165A.5, as enacted in 2001 Iowa Acts, Senate
15 File 209, relating to penalties for paratuberculosis
16 enforcement, is amended to delete an erroneous reference to an
17 exception.

18 Code section 172E.1, as enacted in 2001 Iowa Acts, Senate
19 File 209, relating to marketing practices for cattle, is
20 amended to insert the word "sale" in a clause involving cattle
21 transactions on a commission basis.

22 Code section 331.303, as amended by 2001 Iowa Acts, Senate
23 File 453, relating to administrative procedures of various
24 county officers, is amended to correct an internal reference
25 in a listing of applicable Code chapters.

26 Code section 351.39, as amended by 2001 Iowa Acts, House
27 File 179, relating to police service dogs and horses, is
28 amended to restructure a sentence.

29 Code section 466.8, as enacted by 2001 Iowa Acts, Senate
30 File 479, relating to wastewater systems, is amended to insert
31 a word omitted from the name of a program established in the
32 legislation.

33 Code section 507B.4A, as enacted by 2001 Iowa Acts, Senate
34 File 500, relating to various insurance provisions, is amended
35 to include a date certain for the effectiveness of federal

1 rules containing requirements to which state rules are to
2 conform.

3 Code section 522B.14, as enacted by 2001 Iowa Acts, Senate
4 File 276, relating to the licensing of persons acting as
5 insurance producers, is amended to correct a term referring to
6 a penalty section.

7 Code section 523A.401, as enacted by 2001 Iowa Acts, Senate
8 File 473, if enacted, is amended to correct terminology
9 related to cemetery and funeral merchandise and services.

10 Code section 523A.405, as enacted by 2001 Iowa Acts, Senate
11 File 473, if enacted, is amended to correct an internal
12 reference within the section to requirements in cases of
13 cancellation of a surety bond.

14 Code section 554.9525, as enacted by 2000 Iowa Acts,
15 chapter 1149, relating to a new article of the uniform
16 commercial code that takes effect on July 1, 2001, is amended
17 to correct numbering of subsections, an internal reference,
18 and an incorrect reference to the term "ordinance".

19 Code section 558.39 is amended to correct a reference to a
20 new Code section created in 2001 Iowa Acts, House File 259,
21 relating to notarial stamps and seals.

22 Code section 633.4213, relating to the duties of a trustee
23 under the Iowa trust code, is amended to insert a missing
24 verb.

25 Code section 702.11, subsection 2, paragraph "e", as
26 enacted by 2001 Iowa Acts, Senate File 63, is amended to
27 insert a reference to the term "minor" missing from a
28 reference to another provision of the Code.

29 This division includes a directive to the Code editor to
30 change references from "this Act" to "this Article" in the new
31 article of the uniform commercial code that takes effect on
32 July 1, 2001. The Code editor is to consult with the Iowa
33 state bar association before making the changes.

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REPRINTED

MAY 2 2001
APPROPRIATIONS CALENDAR

HOUSE FILE 755
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 262)

Passed House, Date 5/4/01 (p.1884) Passed Senate, Date 5/7/01
Vote: Ayes 52 Nays 43 Vote: Ayes 28 Nays 19
(P.1551)
Approved May 22, 2001
Item veto

A BILL FOR

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

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

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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, 2002, and ending June 30, 2003, 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, as provided in this section in lieu of the provisions of section 331.438, subsection 2, and section 331.439, subsection 3, and chapter 426B:

..... \$ 14,874,702

The funding appropriated in this section is the allowed growth factor adjustment for fiscal year 2002-2003, and is allocated for distribution as provided by law.

DIVISION II

STANDING APPROPRIATIONS -- REDUCTIONS

Sec. 2. GENERAL ASSEMBLY. The appropriations made from the general fund of the state in section 2.12, for the fiscal year beginning July 1, 2001, and ending June 30, 2002, for the expenses of the general assembly and for legislative agencies, are reduced by the following amount:

..... \$ 1,550,324

Sec. 3. PERFORMANCE OF DUTY. The appropriation made from the general fund of the state in section 7D.29, for the fiscal year beginning July 1, 2001, and ending June 30, 2002, for performance of duty by the executive council, is reduced by the following amount:

..... \$ 1,000,000

Sec. 4. STATE APPEAL BOARD CLAIMS. Notwithstanding the standing appropriations in section 25.2, subsection 3, the amount appropriated from the general fund of the state under

1 section 25.2, subsection 3, to the state appeal board to pay
2 claims against the state for the fiscal year beginning July 1,
3 2001, and ending June 30, 2002, is reduced by the following
4 amount:

5 \$ 2,000,000

6 Sec. 5. CONSTITUTIONAL AMENDMENTS AND PUBLIC MEASURES.

7 Notwithstanding the standing appropriation in section 49A.9,
8 the amount appropriated from the general fund of the state
9 under section 49A.9, to the office of the secretary of state
10 for the fiscal year beginning July 1, 2001, and ending June
11 30, 2002, is reduced by the following amount:

12 \$ 2,565

13 Sec. 6. AREA EDUCATION AGENCIES. Notwithstanding the

14 provisions of chapter 257 that determine the funding for area
15 education agencies, the state school foundation aid for these
16 agencies and the portion of the combined district cost
17 calculated for these agencies for the fiscal year beginning
18 July 1, 2001, and ending June 30, 2002, are reduced by the
19 department of management by \$7,500,000. The department shall
20 calculate a reduction such that each area education agency
21 shall receive a reduction proportionate to the amount that it
22 would have received under section 257.35 if the reduction
23 imposed pursuant to this section did not apply.

24 Notwithstanding the provisions of section 257.37, an area
25 education agency may use the funds determined to be available
26 under section 257.35 in a manner which it believes is
27 appropriate to best maintain the level of required area
28 education agency special education services.

29 Sec. 7. EARLY INTERVENTION BLOCK GRANT. Notwithstanding

30 the standing appropriation in section 256D.5, subsection 1,
31 the amount appropriated from the general fund of the state
32 under section 256D.5, subsection 1, to the department of
33 education for the fiscal year beginning July 1, 2001, and
34 ending June 30, 2002, is reduced by the following amount:

35 \$ 10,000,000

1 Sec. 8. SCHOOL IMPROVEMENT TECHNOLOGY. Notwithstanding
2 the standing appropriation in section 256D.5, subsection 2,
3 the amount appropriated from the general fund of the state
4 under section 256D.5, subsection 2, to the department of
5 education for the fiscal year beginning July 1, 2001, and
6 ending June 30, 2002, is reduced by the following amount:

7 \$ 20,000,000

8 In implementing the reduction in this section, the
9 department of education shall compute under section 256D.6 the
10 amount each school district, as defined in section 256D.6, and
11 area education agency would have received but for the
12 reduction in this section and shall reduce by two-thirds such
13 amount.

14 Sec. 9. AT-RISK CHILDREN PROGRAMS. Notwithstanding the
15 standing appropriation in section 279.51, subsection 1, the
16 amount appropriated from the general fund of the state under
17 section 279.51, subsection 1, to the department of education
18 for the fiscal year beginning July 1, 2001, and ending June
19 30, 2002, is reduced by the following amount:

20 \$ 1,000,000

21 The amount of the reduction in this section shall be
22 prorated among the programs specified in section 279.51,
23 subsection 1, paragraphs "a", "b", and "c".

24 Sec. 10. NONPUBLIC SCHOOL TRANSPORTATION. Notwithstanding
25 the standing appropriation in section 285.2, the amount
26 appropriated from the general fund of the state under section
27 285.2 to the department of education for the fiscal year
28 beginning July 1, 2001, and ending June 30, 2002, is reduced
29 by the following amount:

30 \$ 505,000

31 Sec. 11. EDUCATIONAL EXCELLENCE. Notwithstanding section
32 294A.25, subsection 1, the amount appropriated from the
33 general fund of the state under section 294A.25, subsection 1,
34 to the department of education for phase III moneys for the
35 fiscal year beginning July 1, 2001, and ending June 30, 2002,

1 is reduced by the following amount:

2 \$ 2,000,000

3 Sec. 12. PUBLIC TRANSIT ASSISTANCE APPROPRIATION.

4 Notwithstanding section 312.2, subsection 14, the amount
5 appropriated from the general fund of the state under section
6 312.2, subsection 14, to the state department of
7 transportation for public transit assistance under chapter
8 324A for the fiscal year beginning July 1, 2001, and ending
9 June 30, 2002, is reduced by the following amount:

10 \$ 659,820

11 Sec. 13. INDIAN SETTLEMENT OFFICER. Notwithstanding the
12 standing appropriation in section 331.660, the amount
13 appropriated from the general fund of the state under section
14 331.660, to the county of Tama for the fiscal year beginning
15 July 1, 2001, and ending June 30, 2002, is reduced by the
16 following amount:

17 \$ 25,000

18 Sec. 14. COURT COSTS FOR SPECIAL STATE CASES.

19 Notwithstanding the standing appropriation in section 815.1,
20 the amount appropriated from the general fund of the state
21 under section 815.1, to pay special court costs and attorney
22 fees for the fiscal year beginning July 1, 2001, and ending
23 June 30, 2002, is reduced by the following amount:

24 \$ 66,370

25 Sec. 15. Section 196.8, subsection 2, Code 2001, is
26 amended to read as follows:

27 2. Notwithstanding subsection 1, eggs gathered for sale at
28 a poultry show from fowl exhibited at the show, which show has
29 received financial assistance from the state in prior fiscal
30 years, shall be exempt from the storage temperature and
31 consumer grade quality requirements contained in subsection 1.
32 ~~if-eggs-are-offered-for-sale-at-such-an-exhibit,-five-hundred~~
33 ~~dollars-is-appropriated-to-the-department-to-reimburse-the~~
34 ~~sponsoring-agency-of-the-exhibit-for-the-expenses-associated~~
35 ~~with-the-exhibit-~~

1 DIVISION III

2 LAW ENFORCEMENT PHYSICAL EXAMS

3 Sec. 16. Section 400.8, subsection 1, Code 2001, is
4 amended to read as follows:

5 1. The commission, when necessary under the rules,
6 including minimum and maximum age limits, which shall be
7 prescribed and published in advance by the commission and
8 posted in the city hall, shall hold examinations for the
9 purpose of determining the qualifications of applicants for
10 positions under civil service, other than promotions, which
11 examinations shall be practical in character and shall relate
12 to matters which will fairly test the mental and physical
13 ability of the applicant to discharge the duties of the
14 position to which the applicant seeks appointment. The
15 physical examination of applicants for appointment to the
16 positions of police officer, police matron, or fire fighter
17 shall be held in accordance with medical protocols established
18 by the board of trustees of the fire and police retirement
19 system established by section 411.5 and shall be conducted by
20 ~~the medical board as established in section 411.5~~ in
21 accordance with the directives of the board of trustees. The
22 board of trustees may change the medical protocols at any time
23 the board so determines. The physical examination of an
24 applicant for the position of police officer, police matron,
25 or fire fighter shall be conducted after a conditional offer
26 of employment has been made to the applicant. An applicant
27 shall not be discriminated against on the basis of height,
28 weight, sex, or race in determining physical or mental ability
29 of the applicant. Reasonable rules relating to strength,
30 agility, and general health of applicants shall be prescribed.
31 The costs of the physical examination required under this
32 subsection shall be paid from the trust and agency fund of the
33 city.

34 DIVISION IV

35 DEBT SERVICE AND TOBACCO FUND APPROPRIATIONS

TUITION REPLACEMENT

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Sec. 17. TUITION REPLACEMENT -- GENERAL FUND. In lieu of the appropriation made to the state board of regents for tuition replacement in 2001 Iowa Acts, Senate File 535, section 8, subsection 1, paragraph "b", if enacted, there is appropriated from the general fund of the state to the state board of regents 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 allocation by the state board of regents to the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa to reimburse the institutions for deficiencies in their operating funds resulting from the pledging of tuitions, student fees and charges, and institutional income to finance the cost of providing academic and administrative buildings and facilities and utility services at the institutions:

..... \$ 26,081,384

Sec. 18. TUITION REPLACEMENT -- TOBACCO SETTLEMENT FUND.

In addition to the appropriation made in this division of this Act from the general fund of the state to the state board of regents for purposes of tuition replacement, there is appropriated from the tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund created in section 12E.12, pursuant to 2001 Iowa Acts, Senate File 532, if enacted, to the state board of regents 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 allocation by the state board of regents to the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa to reimburse the institutions for deficiencies in their operating funds resulting from the pledging of tuitions, student fees and

1 charges, and institutional income to finance the cost of
2 providing academic and administrative buildings and facilities
3 and utility services at the institutions:

4 \$ 600,330

5 IOWA COMMUNICATIONS NETWORK

6 Sec. 19. IOWA COMMUNICATIONS NETWORK DEBT SERVICE --

7 GENERAL FUND. In lieu of the appropriation made to the
8 treasurer of state for Iowa communications network debt
9 service in 2001 Iowa Acts, House File 719, section 1, if
10 enacted, there is appropriated from the general fund of the
11 state to the treasurer of state for the fiscal year beginning
12 July 1, 2001, and ending June 30, 2002, the following amount,
13 or so much thereof as is necessary, to be used for the purpose
14 designated:

15 For debt service for the Iowa communications network:

16 \$ 9,939,165

17 Sec. 20. IOWA COMMUNICATIONS NETWORK DEBT SERVICE --

18 TOBACCO SETTLEMENT FUND. In addition to the appropriation
19 made in this division of this Act from the general fund of the
20 state to the treasurer of state for purposes of Iowa
21 communications network debt service, there is appropriated
22 from the tax-exempt bond proceeds restricted capital funds
23 account of the tobacco settlement trust fund created in
24 section 12E.12, pursuant to 2001 Iowa Acts, Senate File 532,
25 if enacted, to the treasurer of state for the fiscal year
26 beginning July 1, 2001, and ending June 30, 2002, the
27 following amount, or so much thereof as is necessary, to be
28 used for the purpose designated:

29 For debt service for the Iowa communications network:

30 \$ 1,465,835

31 Sec. 21. DEBT SERVICE FUND. Funds appropriated in this

32 division of this Act for Iowa communications network debt
33 service shall be deposited in a separate fund established in
34 the office of the treasurer of state to be used solely for
35 debt service for the Iowa communications network. The Iowa

1 telecommunications and technology commission shall certify to
2 the treasurer of state when a debt service payment is due, and
3 upon receipt of the certification, the treasurer shall make
4 the payment. The commission shall pay any additional amount
5 due from funds deposited in the Iowa communications network
6 fund.

7 PRISON DEBT SERVICE

8 Sec. 22. There is appropriated from the tax-exempt bond
9 proceeds restricted capital funds account of the tobacco
10 settlement trust fund created in section 12E.12, pursuant to
11 2001 Iowa Acts, Senate File 532, if enacted, to the treasurer
12 of state for the fiscal year beginning July 1, 2001, and
13 ending June 30, 2002, the following amount, or so much thereof
14 as is necessary, to be used for the purpose designated:

15 For repayment of prison infrastructure bonds under section
16 16.177:
17 \$ 5,182,272

18 TOBACCO MASTER SETTLEMENT AGREEMENT LITIGATION

19 Sec. 23. There is appropriated from the tax-exempt bond
20 proceeds restricted capital funds account of the tobacco
21 settlement trust fund created in section 12E.12, pursuant to
22 2001 Iowa Acts, Senate File 532, if enacted, to the department
23 of justice for the fiscal year beginning July 1, 2001, and
24 ending June 30, 2002, the following amount, or so much thereof
25 as is necessary, to be used for the purpose designated:

26 For payment of litigation fees incurred pursuant to the
27 tobacco master settlement agreement:
28 \$ 10,617,000

29 Sec. 24. CONTINGENT EFFECTIVE DATE. This division of this
30 Act shall take effect only if 2001 Iowa Acts, Senate File 532
31 is enacted and only if the tobacco settlement authority
32 established in chapter 12E securitizes tobacco master
33 settlement agreement payments sold to the authority pursuant
34 to 2001 Iowa Acts, Senate File 532. If the contingencies of
35 this section are met, the effective date of this division of

1 this Act shall be the effective date of the receipt of the
2 bond proceeds by the tobacco settlement authority and the
3 deposit of the proceeds of the tax-exempt bonds and the
4 taxable bonds in the respective accounts of the tobacco
5 settlement trust fund pursuant to chapter 12E, and
6 specifically pursuant to section 12E.9.

7 DIVISION V

8 MISCELLANEOUS

9 Sec. 25. Notwithstanding section 8.55, subsection 4, and
10 section 8.56, subsection 1, for the fiscal year beginning July
11 1, 2001, and ending June 30, 2002, the interest and earnings
12 on moneys deposited in the Iowa economic emergency fund and
13 the cash reserve fund shall be credited to the general fund of
14 the state.

15 Sec. 26. Notwithstanding any contrary provision in section
16 455E.11, subsection 1, Code 2001, any unencumbered or
17 unobligated balance in the groundwater protection fund and in
18 any of the accounts within the groundwater protection fund on
19 June 30, 2001, shall be transferred to the general fund of the
20 state.

21 Sec. 27. Section 260G.4B, subsection 1, Code 2001, is
22 amended to read as follows:

23 1. The total amount of program job credits from all
24 employers which shall be allocated for all accelerated career
25 education programs in the state in any one fiscal year shall
26 not exceed the sum of three million dollars in the fiscal year
27 beginning July 1, 2000, ~~six~~ three million dollars in the
28 fiscal year beginning July 1, 2001, and six million dollars in
29 the fiscal year beginning July 1, 2002, and every fiscal year
30 thereafter. Any increase in program job credits above the
31 six-million-dollar limitation per fiscal year shall be
32 developed, based on recommendations in a study which shall be
33 conducted by the department of economic development of the
34 needs and performance of approved programs in the fiscal years
35 beginning July 1, 2000, and July 1, 2001. The study's

1 findings and recommendations shall be submitted to the general
2 assembly by the department by December 31, 2002. The study
3 shall include but not be limited to an examination of the
4 quality of the programs, the number of program participant
5 placements, the wages and benefits in program jobs, the level
6 of employer contributions, the size of participating
7 employers, and employer locations. A community college shall
8 file a copy of each agreement with the department of economic
9 development. The department shall maintain an annual record
10 of the proposed program job credits under each agreement for
11 each fiscal year. Upon receiving a copy of an agreement, the
12 department shall allocate any available amount of program job
13 credits to the community college according to the agreement
14 sufficient for the fiscal year and for the term of the
15 agreement. When the total available program job credits are
16 allocated for a fiscal year, the department shall notify all
17 community colleges that the maximum amount has been allocated
18 and that further program job credits will not be available for
19 the remainder of the fiscal year. Once program job credits
20 have been allocated to a community college, the full
21 allocation shall be received by the community college
22 throughout the fiscal year and for the term of the agreement
23 even if the statewide program job credit maximum amount is
24 subsequently allocated and used.

25 Sec. 28. Section 483A.27, Code 2001, is amended by adding
26 the following new subsection:

27 NEW SUBSECTION. 11. A hunter safety and ethics instructor
28 certified by the department shall be allowed to conduct an
29 approved hunter safety and ethics education course on public
30 school property with the approval of a majority of the board
31 of directors of the school district. The conduct of an
32 approved hunter safety and ethics education course is not a
33 violation of any public policy, rule, regulation, resolution,
34 or ordinance which prohibits the possession, display, or use
35 of a firearm, bow and arrow, or other hunting weapon on public

1 school property or other public property in this state.

2 Sec. 29. EFFECTIVE DATE. Section 26 of this division of
3 this Act, relating to the groundwater protection fund, being
4 deemed of immediate importance, takes effect upon enactment.

5 DIVISION VI

6 SCHEDULED VIOLATIONS

7 Sec. 30. Section 321.17, Code 2001, is amended to read as
8 follows:

9 321.17 MISDEMEANOR TO VIOLATE REGISTRATION PROVISIONS.

10 It is a simple misdemeanor punishable as a scheduled
11 violation under section 805.8A, subsection 2, paragraph "b",
12 for any person to drive or move or for an owner knowingly to
13 permit to be driven or moved upon the highway a vehicle of a
14 type required to be registered under this chapter which is not
15 registered, or for which the appropriate fee has not been
16 paid, except as provided in section 321.109, subsection 3.

17 Sec. 31. Section 321.98, Code 2001, is amended to read as
18 follows:

19 321.98 OPERATION WITHOUT REGISTRATION.

20 No A person shall not operate, ~~nor shall~~ and an owner shall
21 not knowingly permit to be operated upon any highway any
22 vehicle required to be registered and titled hereunder unless
23 there shall be attached thereto and displayed thereon when and
24 as required by this chapter a valid registration card and
25 registration plate or plates issued therefor for the current
26 registration year and unless a certificate of title has been
27 issued for such vehicle except as otherwise expressly
28 permitted in this chapter. Any violation of this section is a
29 simple misdemeanor punishable as a scheduled violation under
30 section 805.8A, subsection 2, paragraph "b".

31 Sec. 32. Section 321.193, unnumbered paragraph 4, Code
32 2001, is amended to read as follows:

33 It is a simple misdemeanor punishable as a scheduled
34 violation under section 805.8A, subsection 4, paragraph "a",
35 for a person to operate a motor vehicle in any manner in

1 violation of the restrictions imposed on a restricted license
2 issued to that person under this section.

3 Sec. 33. Section 321.216, unnumbered paragraph 1, Code
4 2001, is amended to read as follows:

5 It is a simple misdemeanor punishable as a scheduled
6 violation under section 805.8A, subsection 4, paragraph "b",
7 for any person:

8 Sec. 34. Section 321.216B, Code 2001, is amended to read
9 as follows:

10 321.216B USE OF DRIVER'S LICENSE OR NONOPERATOR'S
11 IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN ALCOHOL.

12 A person who is under the age of twenty-one, who alters or
13 displays or has in the person's possession a fictitious or
14 fraudulently altered driver's license or nonoperator's
15 identification card and who uses the license to violate or
16 attempt to violate section 123.47, commits a simple
17 misdemeanor punishable by-a-fine-of-one-hundred-dollars as a
18 scheduled violation under section 805.8A, subsection 4,
19 paragraph "c". The court shall forward a copy of the
20 conviction to the department.

21 Sec. 35. Section 321.216C, Code 2001, is amended to read
22 as follows:

23 321.216C USE OF DRIVER'S LICENSE OR NONOPERATOR'S
24 IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN CIGARETTES OR
25 TOBACCO PRODUCTS.

26 A person who is under the age of eighteen, who alters or
27 displays or has in the person's possession a fictitious or
28 fraudulently altered driver's license or nonoperator's
29 identification card and who uses the license or card to
30 violate or attempt to violate section 453A.2, subsection 2,
31 commits a simple misdemeanor punishable by-a-fine-of-one
32 hundred-dollars as a scheduled violation under section 805.8A,
33 subsection 4, paragraph "c". The court shall forward a copy
34 of the conviction to the department.

35 Sec. 36. Section 321L.3, unnumbered paragraph 2, Code

1 2001, is amended to read as follows:

2 A person who fails to return the persons with disabilities
3 parking permit and subsequently misuses the permit by
4 illegally parking in a persons with disabilities parking space
5 is guilty of a simple misdemeanor ~~and subject to a fine of up~~
6 ~~to one hundred dollars~~ punishable as a scheduled violation
7 under section 805.8A, subsection 1, paragraph "c".

8 Sec. 37. Section 321L.7, Code 2001, is amended to read as
9 follows:

10 321L.7 PENALTY FOR FAILING TO PROVIDE PERSONS WITH
11 DISABILITIES PARKING SPACES AND SIGNS.

12 Failure to provide proper persons with disabilities parking
13 spaces as provided in section 321L.5 or to properly display
14 persons with disabilities parking signs as provided in section
15 321L.6 is a simple misdemeanor ~~for which a fine of one hundred~~
16 ~~dollars shall be imposed for each violation~~ punishable as a
17 scheduled violation under section 805.8A, subsection 1,
18 paragraph "c".

19 Sec. 38. Section 452A.52, unnumbered paragraph 2, Code
20 2001, is amended to read as follows:

21 Any person who is unable to display either of the permits
22 or the license provided in section 452A.53 and brings into the
23 state in the fuel supply tanks of a commercial motor vehicle
24 more than thirty gallons of motor fuel or special fuel in
25 violation of ~~the provisions of the preceding paragraph is~~
26 ~~guilty of~~ subsection 1 commits a simple misdemeanor punishable
27 as a scheduled violation under section 805.8A, subsection 13,
28 paragraph "c".

29 Sec. 39. CONFLICTING LEGISLATION. If both 2001 Iowa Acts,
30 Senate File 499 and 2001 Iowa Acts, House File 561 are enacted
31 by the Seventy-ninth General Assembly and if House File 561
32 maintains the scheduled fine for a violation of section
33 321.234A at one hundred dollars, the scheduled fine of fifty
34 dollars, as enacted in Senate File 499, shall prevail and the
35 scheduled fine of one hundred dollars, as enacted in House

1 File 561, shall be void.

2 Sec. 40. CONTINGENT EFFECTIVENESS. This division of this
3 Act takes effect only if 2001 Iowa Acts, Senate File 499 is
4 enacted.

5 DIVISION VII

6 CORRECTIVE AMENDMENTS

7 Sec. 41. Section 103A.3, subsections 10, 11, 20, and 25,
8 Code 2001, are amended to read as follows:

9 10. "Ground anchoring system" means any device or
10 combination of devices used to securely anchor a manufactured
11 or mobile home to the ground.

12 11. "Ground support system" means any device or
13 combination of devices placed beneath a manufactured or mobile
14 home and used to provide support.

15 20. "Permanent site" means any lot or parcel of land on
16 which a manufactured or mobile home used as a dwelling or
17 place of business, is located for ninety consecutive days
18 except a construction site when the manufactured or mobile
19 home is used by a commercial contractor as a construction
20 office or storage room.

21 25. "Tiedown system" means a ground support system and a
22 ground anchoring system used in concert to provide anchoring
23 and support for a manufactured or mobile home.

24 Sec. 42. Section 103A.26, Code 2001, if enacted by 2001
25 Iowa Acts, Senate File 185, section 4, is amended to read as
26 follows:

27 103A.26 MANUFACTURED OR MOBILE HOME INSTALLERS

28 CERTIFICATION -- VIOLATION -- CIVIL PENALTY.

29 1. a. A person who installs a manufactured or mobile home
30 for another person shall be certified in accordance with rules
31 adopted by the commissioner pursuant to chapter 17A. The
32 commissioner may assess a fee sufficient to recover the costs
33 of administering the certification of manufactured or mobile
34 home installers. The commissioner may suspend or revoke the
35 certification of a manufactured or mobile home installer for

1 failure to perform installation of a manufactured or mobile
2 home, pursuant to certification standards as provided by rules
3 of the commissioner.

4 b. Notwithstanding section 103A.23, all fees collected by
5 the commissioner for the administration of the manufactured or
6 mobile home program shall be credited to the general fund of
7 the state and are appropriated to the commissioner for the
8 purpose of administering this certification program including
9 the employment of personnel for the enforcement and
10 administration of this program.

11 2. If a provision of this chapter or a rule adopted
12 pursuant to this chapter relating to the manufacture or
13 installation of a manufactured or mobile home is violated, the
14 commissioner may assess a civil penalty not to exceed one
15 thousand dollars for each offense. Each violation involving a
16 separate manufactured or mobile home, or a separate failure or
17 refusal to allow an act to be performed or to perform an act
18 as required by this chapter, or a rule adopted pursuant to
19 this chapter constitutes a separate offense. However, the
20 maximum amount of civil penalties which may be assessed for
21 any series of violations occurring within one year from the
22 date of the first violation shall not exceed one million
23 dollars.

24 Sec. 43. Section 165A.5, subsection 1, as enacted by 2001
25 Iowa Acts, Senate File 209, section 5, is amended to read as
26 follows:

27 1. ~~Except-as-provided-in-this-subsection,~~ a A person
28 violating a provision of this chapter or any rule adopted
29 pursuant to this chapter shall be subject to a civil penalty
30 of at least one hundred dollars but not more than one thousand
31 dollars. The proceeding to assess a civil penalty shall be
32 conducted as a contested case proceeding under chapter 17A.

33 Sec. 44. Section 172E.1, subsection 3, as enacted by 2001
34 Iowa Acts, Senate File 209, section 6, is amended to read as
35 follows:

1 3. "Livestock market" means any place where livestock are
2 assembled from two or more sources for public auction, private
3 sale, or sale on a commission basis, which is under state or
4 federal supervision, including a livestock auction market, if
5 such livestock are kept in the place for ten days or less.

6 Sec. 45. Section 331.303, subsection 1, paragraph b, Code
7 2001, as amended by 2001 Iowa Acts, Senate File 453, section
8 1, is amended to read as follows:

9 b. A "warrant book" which records each warrant drawn in
10 the order of issuance by number, date, amount, and name of
11 drawee, and refers to the order in the minute book authorizing
12 its drawing. The board may authorize the auditor to issue
13 checks in lieu of warrants. If the issuance of checks is
14 authorized, the word "check" shall be substituted for the word
15 "warrant" in those sections of this chapter and chapters ~~6B-11~~
16 6B, 11, 35B, 336, 349, 350, 427B, and 468 in which the
17 issuance of a check is authorized in lieu of a warrant.

18 Sec. 46. Section 351.39, Code 2001, as amended by 2001
19 Iowa Acts, House File 179, section 1, is amended to read as
20 follows:

21 351.39 CONFINEMENT.

22 If a local board of health receives information that an
23 animal has bitten a person or that a dog or animal is
24 suspected of having rabies, the board shall order the owner to
25 confine such animal in the manner it directs. If the owner
26 fails to confine such animal in the manner directed, the
27 animal shall be apprehended and impounded by such board, and
28 after ten days the board may humanely destroy the animal. If
29 such animal is returned to its owner, the owner shall pay the
30 cost of impoundment. This section shall not apply to if a
31 police service dog or a horse used by a law enforcement
32 agency, ~~that is~~ and acting in the performance of its duties
33 ~~which~~ has bitten a person.

34 Sec. 47. Section 466.8, unnumbered paragraph 1, as enacted
35 by 2001 Iowa Acts, Senate File 479, section 2, is amended to

1 read as follows:

2 The department of natural resources shall establish an on-
3 site wastewater systems assistance program for the purpose of
4 providing low-interest loans to homeowners residing outside
5 the boundaries of a city for improving on-site wastewater
6 disposal systems.

7 Sec. 48. Section 466.8, subsection 4, as enacted by 2001
8 Iowa Acts, Senate File 479, section 2, is amended to read as
9 follows:

10 4. The department shall report to the general assembly
11 annually on the progress of the on-site wastewater systems
12 assistance program.

13 Sec. 49. Section 507B.4A, subsection 2, paragraph c, as
14 enacted by 2001 Iowa Acts, Senate File 500, section 8, is
15 amended to read as follows:

16 c. The commissioner shall adopt rules establishing
17 processes for timely adjudication and payment of claims by
18 insurers for health care benefits. The rules shall be
19 consistent with the time frames and other procedural standards
20 for claims decisions by group health plans established by the
21 United States department of labor pursuant to 29 C.F.R. pt.
22 2560 in effect ~~at-the-time-of-passage-of-this-Act~~ on January
23 1, 2002.

24 Sec. 50. Section 522B.14, subsection 11, as enacted by
25 2001 Iowa Acts, Senate File 276, section 28, is amended to
26 read as follows:

27 11. An insurer, the authorized representative of the
28 insurer, or an insurance producer that fails to report as
29 required under this section, or that is found to have reported
30 with actual malice by a court of competent jurisdiction, after
31 notice and hearing, may have its license or certificate of
32 authority suspended or revoked and may be fined penalized as
33 provided in section 522B.17.

34 Sec. 51. Section 523A.401, subsection 5, paragraph c, if
35 enacted by 2001 Iowa Acts, Senate File 473, section 28, is

1 amended to read as follows:

2 c. The policy shall have an increasing death benefit or
3 similar feature that provides some means for increasing the
4 funding as the cost of cemetery merchandise, funeral
5 merchandise, and cemetery-goods-and funeral services
6 increases.

7 Sec. 52. Section 523A.405, subsection 1, if enacted by
8 2001 Iowa Acts, Senate File 473, section 32, is amended to
9 read as follows:

10 1. In lieu of trust requirements, a seller may file with
11 the commissioner a surety bond issued by a surety company
12 authorized to do business and doing business within this
13 state. The bond must be conditioned upon the seller's
14 faithful performance of purchase agreements subject to this
15 chapter. The surety's liability extends to each such
16 agreement executed while the bond is in force and until
17 performance or rescision of the purchase agreement. The
18 aggregate liability of the surety for any and all breaches of
19 the conditions of the bond shall not exceed the penal sum of
20 the bond. To the extent expressly agreed to in writing by the
21 surety, the surety's liability extends to each such agreement
22 subject to this chapter executed prior to the time the bond
23 was in force and until performance or rescision of the
24 agreement. A purchaser aggrieved by a breach of a condition
25 of the bond covering the purchaser's agreement may maintain an
26 action against the bond. If, at the time of the breach, the
27 purchaser is aware of the purchaser's rights under the bond
28 and how to file a claim against the bond, the surety shall not
29 be liable for any breach of condition unless the surety
30 receives notice of a claim within sixty days following
31 discovery of the acts, omissions, or conditions constituting
32 the breach of condition, except as otherwise provided in this
33 section. A surety bond shall not be canceled by a surety
34 except upon a written notice of cancellation given by the
35 surety to the commissioner by restricted certified mail, and

1 not prior to the expiration of sixty days after receipt of the
2 notice by the commissioner. The surety's liability shall
3 extend to each purchase agreement subject to this chapter
4 executed prior to cancellation of the surety bond until the
5 seller has complied with section subsection 3.

6 Sec. 53. Section 554.9525, subsections 3 and 4, as enacted
7 by 2000 Iowa Acts, chapter 1149, section 96, are amended to
8 read as follows:

9 ~~3-~~ 2. NUMBER OF NAMES. The number of names required to be
10 indexed does not affect the amount of the fee in subsections
11 subsection 1 and-2.

12 ~~4-~~ 3. RESPONSE TO INFORMATION REQUEST. A rule or
13 ordinance adopted pursuant to subsection 1 must set the fee
14 for responding to a request for information from the filing
15 office, including for communicating whether there is on file
16 any financing statement naming a particular debtor. A fee for
17 responding to a request communicated in writing must be not
18 less than twice the amount of the fee for responding to a
19 request communicated by another medium authorized by the
20 office of secretary of state or the board of supervisors for
21 the filing office where its filing office is located.

22 Sec. 54. Section 558.39, unnumbered paragraph 1, Code
23 2001, as amended by 2001 Iowa Acts, House File 259, is amended
24 to read as follows:

25 The following forms of acknowledgment shall be sufficient
26 in the cases to which they are respectively applicable. In
27 each case where one of these forms is used, the name of the
28 state and county where the acknowledgment is taken shall
29 precede the body of the certificate, and the signature and
30 official title of the officer shall follow it as indicated in
31 the first form and shall constitute a part of the certificate,
32 and the stamp or seal of the officer shall be attached when
33 necessary under the provision of this chapter and as provided
34 in section ~~9E-6~~ 9E.6A. No certificate of acknowledgment shall
35 be held to be defective on account of the failure to show the

1 official title of the officer making the certificate if such
2 title appears either in the body of such certificate or in
3 connection therewith, or with the signature thereto.

4 Sec. 55. Section 633.4213, subsection 5, Code 2001, is
5 amended to read as follows:

6 5. A trustee shall prepare and send to the beneficiaries
7 an account of the trust property, liabilities, receipts, and
8 disbursements at least annually, at the termination of the
9 trust, and upon a change of a trustee. An accounting on
10 behalf of a former trustee shall be prepared by the former
11 trustee, or if the trustee's appointment is terminated by
12 reason of death or incapacity, by the former trustee's
13 personal representative or guardian or conservator.

14 Sec. 56. Section 702.11, subsection 2, paragraph e, as
15 enacted by 2001 Iowa Acts, Senate File 63, section 1, is
16 amended to read as follows:

17 e. Child endangerment resulting in bodily injury to a
18 child or a minor in violation of section 726.6, subsection 2A.

19 Sec. 57. 2001 Iowa Acts, House File 656, section 15, is
20 amended to read as follows:

21 SEC. 15. Sections ~~103A.37~~, 103A.30, 103A.31, 321.1, 321.47,
22 321.123, 321.251, 321.284A, 321.457, 321E.28, 321E.31,
23 331.429, 331.653, 422.43, 422A.1, 425.17, 426A.11, 427.11,
24 435.22, 441.17, 445.1, 445.36A, 445.37, 445.38, 515C.1,
25 534.605, 562B.2, 562B.13, 631.1, 631.4, and 648.3, Code 2001,
26 are amended by inserting before the words "mobile home" the
27 words "manufactured or".

28 Sec. 58. DIRECTION TO CODE EDITOR. In codifying
29 provisions of 2000 Iowa Acts, chapter 1149, in Code Supplement
30 2001, the Code editor may change references from "this Act" to
31 an appropriate reference, including but not limited to "this
32 Article", wherever it appears in the Act, after consultation
33 with the Iowa state bar association. The Iowa state bar
34 association is requested to respond to the Code editor's
35 consultations by no later than July 31, 2001. Nothing in this

1 section limits the authority of the Code editor under section
2 2B.13.

3 Sec. 59. CONTINGENT EFFECTIVENESS. The sections of this
4 division of this Act amending Code section 103A.3 and Code
5 section 103A.26, if enacted, take effect only if 2001 Iowa
6 Acts, House File 656 is enacted.

7 EXPLANATION

8 This bill relates to public expenditure and regulatory
9 matters and makes and reduces appropriations.

10 Division I appropriates for the 2002-2003 fiscal year to
11 the department of human services for distribution to counties
12 the county mental health, mental retardation, and
13 developmental disabilities (MH/MR/DD) allowed growth factor
14 adjustment.

15 Division II reduces standing appropriations to the
16 legislative branch, the executive council for performance of
17 duty, the state appeal board for claims against the state, the
18 secretary of state for publication of public measures, the
19 department of inspections and appeals for poultry show exhibit
20 reimbursement, the area education agencies under the school
21 aid formula, early intervention block grants, school
22 improvement technology grants, the department of education for
23 at-risk children programs, nonpublic school transportation,
24 and educational excellence-phase III, the department of
25 transportation for public transit assistance, the county of
26 Tama for an Indian settlement officer, and for payment of
27 special court costs and attorney fees. These reductions are
28 for the 2001-2002 fiscal year except for the poultry show
29 exhibit reimbursement which is eliminated permanently.

30 Division III amends Code section 400.8 to provide that the
31 physical exam of applicants for law enforcement and fire
32 fighter positions is to be conducted in accordance with the
33 directives of the board of trustees of the fire and police
34 retirement system rather than by the appointed three-member
35 medical board.

1 Division IV makes contingent appropriations for purposes of
2 debt service and for costs relating to the tobacco master
3 settlement agreement. The division includes general fund
4 appropriations made in lieu of appropriations made for the
5 same purposes in other enacted legislation. The division does
6 not take effect unless 2001 Iowa Acts, Senate File 532, is
7 enacted and the tobacco settlement authority securitizes
8 tobacco master settlement agreement payments made to the
9 authority. The effective date of the division is the
10 effective date of the receipt and deposit of bond payments by
11 the authority.

12 Division V provides that interest and earnings on moneys in
13 the Iowa economic emergency fund and cash reserve fund are to
14 be deposited into the state general fund instead of the
15 rebuild Iowa infrastructure fund for the 2001-2002 fiscal
16 year. The division also allows for certified hunter safety
17 and ethics instructors to conduct hunter safety and ethics
18 education courses on public school property. In addition,
19 unencumbered moneys on June 30, 2001, in the groundwater
20 protection fund and its accounts are transferred to the state
21 general fund. The limit on program job credits under the
22 accelerated career education program is maintained at the same
23 level as the 2000-2001 fiscal year instead of increasing as
24 currently provided in Code section 260G.4B.

25 Division VI relates to scheduled violations. 2001 Iowa
26 Acts, Senate File 499, if enacted, reorganizes the Code
27 placement of scheduled fines in Code chapter 805 and changes
28 some of those fines. Currently several Code sections
29 prescribe unspecified or specified simple misdemeanor
30 penalties for violations of those sections but do not refer to
31 the applicable scheduled fine for those simple misdemeanor
32 penalties. The following Code sections are amended to delete
33 the reference to an unspecified or specified simple
34 misdemeanor penalty and to instead refer to the specific
35 scheduled fine provided for the violation in 2001 Iowa Acts,

1 Senate File 499, if enacted: Code sections 321.17, 321.98,
2 321.193, 321.216, 321.216B, 321.216C, 321L.3, 321L.7, and
3 452A.52.

4 Division VII provides corrective amendments to legislation
5 enacted in the 2001 legislative session.

6 Code section 103A.3 is amended to refer to both
7 manufactured and mobile homes in light of the enactment of
8 2001 Iowa Acts, House File 656, if enacted. 2001 Iowa Acts,
9 House File 656, section 15, is correspondingly amended to
10 delete a reference to Code section 103A.3

11 Code section 103A.26, if enacted by 2001 Iowa Acts, Senate
12 File 185, is amended to refer to both manufactured and mobile
13 homes in light of the enactment of 2001 Iowa Acts, House File
14 656, if enacted.

15 Code section 165A.5, as enacted in 2001 Iowa Acts, Senate
16 File 209, relating to penalties for paratuberculosis
17 enforcement, is amended to delete an erroneous reference to an
18 exception.

19 Code section 172E.1, as enacted in 2001 Iowa Acts, Senate
20 File 209, relating to marketing practices for cattle, is
21 amended to insert the word "sale" in a clause involving cattle
22 transactions on a commission basis.

23 Code section 331.303, as amended by 2001 Iowa Acts, Senate
24 File 453, relating to administrative procedures of various
25 county officers, is amended to correct an internal reference
26 in a listing of applicable Code chapters.

27 Code section 351.39, as amended by 2001 Iowa Acts, House
28 File 179, relating to police service dogs and horses, is
29 amended to restructure a sentence.

30 Code section 466.8, as enacted by 2001 Iowa Acts, Senate
31 File 479, relating to wastewater systems, is amended to insert
32 a word omitted from the name of a program established in the
33 legislation.

34 Code section 507B.4A, as enacted by 2001 Iowa Acts, Senate
35 File 500, relating to various insurance provisions, is amended

1 to include a date certain for the effectiveness of federal
2 rules containing requirements to which state rules are to
3 conform.

4 Code section 522B.14, as enacted by 2001 Iowa Acts, Senate
5 File 276, relating to the licensing of persons acting as
6 insurance producers, is amended to correct a term referring to
7 a penalty section.

8 Code section 523A.401, as enacted by 2001 Iowa Acts, Senate
9 File 473, if enacted, is amended to correct terminology
10 related to cemetery and funeral merchandise and services.

11 Code section 523A.405, as enacted by 2001 Iowa Acts, Senate
12 File 473, if enacted, is amended to correct an internal
13 reference within the section to requirements in cases of
14 cancellation of a surety bond. It is also amended to provide
15 that the aggregate liability of the surety for all breaches of
16 the conditions of the bond are not to exceed the penal sum of
17 the bond.

18 Code section 554.9525, as enacted by 2000 Iowa Acts,
19 chapter 1149, relating to a new article of the uniform
20 commercial code that takes effect on July 1, 2001, is amended
21 to correct numbering of subsections, an internal reference,
22 and an incorrect reference to the term "ordinance".

23 Code section 558.39 is amended to correct a reference to a
24 new Code section created in 2001 Iowa Acts, House File 259,
25 relating to notarial stamps and seals.

26 Code section 633.4213, relating to the duties of a trustee
27 under the Iowa trust code, is amended to insert a missing
28 verb.

29 Code section 702.11, subsection 2, paragraph "e", as
30 enacted by 2001 Iowa Acts, Senate File 63, is amended to
31 insert a reference to the term "minor" missing from a
32 reference to another provision of the Code.

33 This division includes a directive to the Code editor to
34 change references from "this Act" to "this Article" in the new
35 article of the uniform commercial code that takes effect on

1 July 1, 2001. The Code editor is to consult with the Iowa
2 state bar association before making the changes.

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HOUSE FILE 755**H-1942**

- 1 Amend House File 755 as follows:
- 2 1. Page 3, by striking lines 14 through 23.
By FOEGE of Linn

H-1942 FILED MAY 3, 2001*Rest 5/4/01 (p. 1867)***HOUSE FILE 755****H-1943**

- 1 Amend House File 755 as follows:
- 2 1. Page 2, by striking lines 13 through 28.
By FOEGE of Linn

H-1943 FILED MAY 3, 2001*Rest 5/4/01 (p. 1865)***HOUSE FILE 755****H-1946**

- 1 Amend House File 755 as follows:
- 2 1. Page 11, by striking lines 2 through 4.
- 3 2. By renumbering as necessary.
By MILLAGE of Scott

H-1946 FILED MAY 3, 2001*Adopted 5/4/01 (p. 1881)***HOUSE FILE 755****H-1955**

- 1 Amend House File 755 as follows:
- 2 1. By striking page 10, line 25 through page 11,
3 line 1.
By HATCH of Polk

H-1955 FILED MAY 3, 2001*w/d 5/4/01 (p. 1879)***HOUSE FILE 755****H-1959**

- 1 Amend House File 755 as follows:
- 2 1. Page 2, by striking lines 29 through 35.
By WISE of Lee

H-1959 FILED MAY 3, 2001*Rest 5/4/01 (p. 1865)*

HOUSE FILE 755**H-1960**

1 Amend House File 755 as follows:
 2 1. Page 10, by inserting after line 24, the
 3 following:
 4 "Sec. 100. Section 427.1, subsection 19, Code
 5 2001, as amended by 2001 Iowa Acts, Senate File 514,
 6 is amended by adding the following new unnumbered
 7 paragraph:
 8 NEW UNNUMBERED PARAGRAPH. For purposes of
 9 establishing the valuation limitation under this
 10 subsection, if more than one person has an ownership
 11 interest in the property, the multiple owners shall be
 12 considered one owner so that the two hundred thousand
 13 dollar limitation cannot be exceeded as a result of
 14 multiple ownership. For purposes of applying the
 15 valuation limitation to multiple properties owned by
 16 the same person, the two hundred thousand dollar
 17 limitation shall apply per owner on a statewide
 18 basis."
 19 2. Page 11, by inserting after line 1, the
 20 following:
 21 "Sec. ____ . CONTINGENT EFFECTIVE DATE. Section 100
 22 of this Act shall take effect only if 2001 Iowa Acts,
 23 Senate File 514 is enacted without adoption of
 24 amendment H-1883 or, in the alternative, Senate File
 25 514 is enacted without adoption of H-1914 to amendment
 26 H-1897 to Senate File 514."

By KREIMAN of Davis
 ARNOLD of Lucas

H-1960 FILED MAY 3, 2001

Adopted 5/4/01 (p. 1879)

HOUSE FILE 755**H-1961**

1 Amend House File 755 as follows:
 2 1. Page 3, by striking lines 24 through 30.
 By SCHERRMAN of Dubuque JOCHUM of Dubuque
 BUKTA of Clinton CHIODO of Polk
 OSTERHAUS of Jackson QUIRK of Chickasaw
 O'BRIEN of Boone ATTEBERRY of Delaware
 MERTZ of Kossuth WARNSTADT of Woodbury
 TREMMEL of Wapello MAY of Worth
 SENG of Scott

H-1961 FILED MAY 3, 2001

Adopted as amended 5/4/01 (p. 1868)

HOUSE FILE 755**H-1962**

- 1 Amend House File 755 as follows:
 2 1. Page 9, line 14, by inserting after the word
 3 "state." the following: "The amount of interest and
 4 earnings transferred to the general fund of the state
 5 under this section shall be retransferred to the
 6 rebuild Iowa infrastructure account from the general
 7 fund of the state before the end of the fiscal year
 8 beginning July 1, 2006."

By WARNSTADT of Woodbury

H-1962 FILED MAY 3, 2001

w/d 5/4/01 (p. 1871)

HOUSE FILE 755**H-1963**

- 1 Amend House File 755 as follows:
 2 1. Page 4, by striking lines 3 through 10.
- | | |
|-----------------------|----------------------|
| By FALLON of Polk | O'BRIEN of Boone |
| T. TAYLOR of Linn | SENG of Scott |
| FREVERT of Palo Alto | FORD of Polk |
| KUHN of Floyd | COHOON of Des Moines |
| MERTZ of Kossuth | LARKIN of Lee |
| HATCH of Polk | BELL of Jasper |
| WINCKLER of Scott | MAY of Worth |
| REYNOLDS of Van Buren | HUSER of Polk |
| DOTZLER of Black Hawk | KREIMAN of Davis |
| GREIMANN of Story | FOEGE of Linn |
| LENSING of Johnson | OSTERHAUS of Jackson |
| SMITH of Marshall | PETERSEN of Polk |
| ATTEBERRY of Delaware | SCHERRMAN of Dubuque |
| MASCHER of Johnson | RICHARDSON of Warren |
| BUKTA of Clinton | SCHRADER of Marion |
| JOCHUM of Dubuque | CONNORS of Polk |
| WARNSTADT of Woodbury | STEVENS of Dickinson |
| CHIODO of Polk | TREMMEL of Wapello |
| D. TAYLOR of Linn | WITT of Black Hawk |

H-1963 FILED MAY 3, 2001

Last 5/4/01 (p. 1870)

HOUSE FILE 755**H-1981**

- 1 Amend House File 755 as follows:
 2 1. Page 5, by inserting after line 33, the
 3 following:
 4 "Sec. 75. 2000 Iowa Acts, chapter 1077, section
 5 111, is amended to read as follows:
 6 SEC. 111. EFFECTIVE DATE. Section 87 of this Act
 7 amending section 411.1, subsection 10, and section 94
 8 of this Act, amendment section 411.5, subsection 8,
 9 take effect July 1, ~~2001~~ 2002.
 10 Sec. ____ . EFFECTIVE DATE. Section 75 of this
 11 division of this Act, being deemed of immediate
 12 importance, takes effect upon enactment."

By GIPP of Winneshiek

H-1981 FILED MAY 3, 2001

Adopted 5/4/01 (p. 1871)

HOUSE FILE 755**H-1983**

- 1 Amend House File 755 as follows:
- 2 1. Page 8, lines 22 and 23, by striking the words
- 3 "department of justice" and inserting the following:
- 4 "treasurer of state".

By BRUNKHORST of Bremer

H-1983 FILED MAY 3, 2001

Adopted 5/4/01 (p. 1871)

HOUSE FILE 755**H-1939**

- 1 Amend House File 755 as follows:
- 2 1. Page 4, line 2, by striking the figure
- 3 "2,000,000" and inserting the following: "580,100".

By MASCHER of Johnson

H-1939 FILED MAY 3, 2001

Lost 5/4/01 (p. 1869)

HOUSE FILE 755**H-1940**

- 1 Amend House File 755 as follows:
- 2 1. Page 9, by striking lines 9 through 14.

By WARNSTADT of Woodbury

H-1940 FILED MAY 3, 2001

Lost 5/4/01 (p. 1871)

HOUSE FILE 755**H-1941**

- 1 Amend House File 755 as follows:
- 2 1. Page 3, by striking lines 1 through 13.

By WINCKLER of Scott

H-1941 FILED MAY 3, 2001

Lost 5/4/01 (p. 1866)

HOUSE FILE 755

H-1985

1 Amend House File 755 as follows:

2 1. Page 16, by inserting after line 5, the
3 following:

4 "Sec. ____ . Section 232.21, subsection 4, Code
5 2001, as amended by 2001 Acts, Senate File 458,
6 section 5, if enacted, is amended to read as follows:

7 4. A child placed in a shelter care facility under
8 this section shall not be held for a period in excess
9 of forty-eight hours without an oral or written court
10 order authorizing the shelter care. When the action
11 is authorized by an oral court order, the court shall
12 enter a written order before the end of the next day
13 confirming the oral order and indicating the reasons
14 for the order. A child placed in shelter care
15 pursuant to section 232.19, subsection 1, paragraph
16 "c", shall not be held in excess of seventy-two hours
17 in any event. If deemed appropriate by the court, an
18 order authorizing shelter care placement may include a
19 determination that continuation of the child in the
20 child's home is contrary to the child's welfare and
21 that reasonable efforts as defined in section 232.57
22 have been made. The inclusion of such a determination
23 shall not under any circumstances be deemed a
24 prerequisite for entering an order pursuant to this
25 section. However, the inclusion of such a ~~finding~~
26 determination, supported by the record, may assist the
27 department in obtaining federal funding for the
28 child's placement.

29 Sec. ____ . Section 321.113, subsection 5, paragraph
30 b, unnumbered paragraph 1, if enacted by 2001 Iowa
31 Acts, Senate File 350, section 4, is amended to read
32 as follows:

33 If the title of a 1993 model year or older motor
34 vehicle is transferred to a new owner or if such a
35 motor vehicle is brought into the state on or after
36 January 1, 2002, the registration fee shall not be
37 based on the weight and list price of the motor
38 vehicle, but shall be as follows:

39 Sec. ____ . Section 322B.2, subsection 4, if enacted
40 by 2001 Iowa Acts, House File 656, section 2, is
41 amended to read as follows:

42 4. "Manufactured or mobile home distributor" means
43 a person who sells or distributes manufactured or
44 mobile homes to manufactured or mobile home
45 retailers."

46 2. Page 20, by inserting after line 3, the
47 following:

48 "Sec. ____ . Section 627.6, subsection 8, paragraph
49 f, subparagraph (3), Code 2001, as amended by 2001
50 Iowa Acts, House File 654, section 3, if enacted, is

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1 amended to read as follows:

2 (3) For simplified employee pension plans, self-
3 employed pension plans (also known as Keogh plans or
4 H.R. 10 plans), individual retirement accounts
5 established under section 408(a) of the Internal
6 Revenue Code, individual retirement annuities
7 established under section 408(b) of the Internal
8 Revenue Code, savings incentive matched plans for
9 employees, salary reduction simplified employee
10 pension plans (also known as SARSEPs), and similar
11 plans for retirement investments authorized in the
12 future under federal law, the exemption for
13 contributions shall not exceed, for each tax year of
14 contributions, the actual amount of the contribution
15 deducted for individual retirement accounts and
16 annuities established under section 408 of the
17 Internal Revenue Code or the maximum amount which
18 could be contributed and deducted in the tax year of
19 the contribution on the debtor's tax return or the
20 maximum amount which could be contributed to an
21 individual retirement account established under
22 section 408(a) of the Internal Revenue Code and
23 deducted in the tax year of the contribution,
24 whichever is less. The exemption for accumulated
25 earnings and market increases in value of plans under
26 this subparagraph shall be limited to an amount
27 determined by multiplying all the accumulated earnings
28 and market increases in value by a fraction, the
29 numerator of which is the total amount of exempt
30 contributions as determined by this subparagraph, and
31 the denominator of which is the total of exempt and
32 nonexempt contributions to the plan."

33 3. Page 21, line 5, by inserting after the word
34 "enacted," the following: "and Code section 322B.2,".

35 4. By renumbering as necessary.

By MILLAGE of Scott

H-1985 FILED MAY 3, 2001

w/d 5/4/01 (p.1882)

HOUSE FILE 755

H-1988

1 Amend House File 755 as follows:

2 1. Page 9, by inserting after line 20, the
3 following:

4 "Sec. _____. Section 257.6, subsection 3, unnumbered
5 paragraph 1, as amended by 2001 Iowa Acts, House File
6 643, section 6, if enacted, is amended to read as
7 follows:

8 A school district shall determine its additional
9 enrollment because of special education, as defined in
10 this section, ~~on~~ by November 1 of each year and shall
11 certify its additional enrollment because of special
12 education to the department of education by November
13 15 of each year, and the department shall promptly
14 forward the information to the department of
15 management.

16 Sec. _____. Section 257.6, subsection 5, unnumbered
17 paragraph 1, as amended by 2001 Iowa Acts, House File
18 643, section 7, if enacted, is amended to read as
19 follows:

20 Weighted enrollment is the budget enrollment plus
21 the district's additional enrollment because of
22 special education calculated ~~on~~ by November 1 of the
23 base year plus additional pupils added due to the
24 application of the supplementary weighting."

25 2. Page 10, by inserting after line 24 the
26 following:

27 "Sec. _____. Section 273.22, subsection 5, as
28 amended by 2001 Iowa Acts, House File 674, section 4,
29 if enacted, is amended to read as follows:

30 5. The board of directors of a school district
31 that is contiguous to a newly reorganized area
32 education agency may petition the board of directors
33 of ~~a contiguous~~ their current area education agency
34 and the newly reorganized area education agency to
35 join that the newly reorganized area education agency.
36 If the contiguous both area education agency board
37 approves boards approve the petition, the
38 reorganization shall take effect on July 1 of the
39 school year following approval of the petition by the
40 state board. A school district may appeal to the
41 state board the decision of an area education agency
42 board to deny the school district's petition.

43 Sec. _____. Section 273.22, as amended by 2001 Iowa
44 Acts, House File 674, section 4, if enacted, is
45 amended by adding the following new subsection:

46 NEW SUBSECTION. 6. The board of directors of a
47 school district that is within a newly reorganized
48 area education agency and whose school district was
49 contiguous to another area education agency prior to
50 the reorganization, may petition the board of

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1 directors of the newly reorganized area education
2 agency and the contiguous area education agency to
3 join that area education agency. If both area
4 education agency boards approve the petition, the
5 reorganization shall take effect on July 1 of the
6 school year following approval of the petition by the
7 state board. A school district may appeal to the
8 state board the decision of an area education agency
9 board to deny the school district's petition.

10 Sec. _____. Section 299.8, as amended by 2001 Iowa
11 Acts, House File 643, section 16, if enacted, is
12 amended to read as follows:

13 299A.8 DUAL ENROLLMENT.

14 If a parent, guardian, or legal custodian of a
15 child who is receiving competent private instruction
16 under this chapter or a child over compulsory age who
17 is receiving private instruction submits a request,
18 the child shall also be registered in a public school
19 for dual enrollment purposes. If the child is
20 enrolled in a public school district for dual
21 enrollment purposes, the child shall be permitted to
22 participate in any academic activities in the district
23 and shall also be permitted to participate on the same
24 basis as public school children in any extracurricular
25 activities available to children in the child's grade
26 or group, and the parent, guardian, or legal custodian
27 shall not be required to pay the costs of any annual
28 evaluation under this chapter. If the child is
29 enrolled for dual enrollment purposes, the child shall
30 be included in the public school's basic enrollment
31 under section 257.6. A pupil who is participating
32 only in extracurricular activities shall be counted
33 under section 257.6, subsection 1, paragraph "f". A
34 pupil enrolled in grades nine through twelve under
35 this section shall be counted in the same manner as a
36 shared-time pupil under section 257.6, subsection 1,
37 paragraph "c".

By GRUNDBERG of Polk

H-1988 FILED MAY 3, 2001

Adopted 5/4/01 (p. 1874)

HOUSE FILE 755

H-1993

1 Amend House File 755 as follows:

2 1. Page 16, by inserting after line 5, the
3 following:

4 "Sec. _____. Section 232.21, subsection 4, Code
5 2001, as amended by 2001 Acts, Senate File 458,
6 section 5, if enacted, is amended to read as follows:
7 4. A child placed in a shelter care facility under
8 this section shall not be held for a period in excess
9 of forty-eight hours without an oral or written court
10 order authorizing the shelter care. When the action
11 is authorized by an oral court order, the court shall
12 enter a written order before the end of the next day
13 confirming the oral order and indicating the reasons
14 for the order. A child placed in shelter care
15 pursuant to section 232.19, subsection 1, paragraph
16 "c", shall not be held in excess of seventy-two hours
17 in any event. If deemed appropriate by the court, an
18 order authorizing shelter care placement may include a
19 determination that continuation of the child in the
20 child's home is contrary to the child's welfare and
21 that reasonable efforts as defined in section 232.57
22 have been made. The inclusion of such a determination
23 shall not under any circumstances be deemed a
24 prerequisite for entering an order pursuant to this
25 section. However, the inclusion of such a ~~finding~~
26 determination, supported by the record, may assist the
27 department in obtaining federal funding for the
28 child's placement.

29 Sec. _____. Section 321.113, subsection 5, paragraph
30 b, unnumbered paragraph 1, if enacted by 2001 Iowa
31 Acts, Senate File 350, section 4, is amended to read
32 as follows:

33 If the title of a 1993 model year or older motor
34 vehicle is transferred to a new owner or if such a
35 motor vehicle is brought into the state on or after
36 January 1, 2002, the registration fee shall not be
37 based on the weight and list price of the motor
38 vehicle, but shall be as follows:

39 Sec. _____. Section 322B.2, subsection 4, if enacted
40 by 2001 Iowa Acts, House File 656, section 2, is
41 amended to read as follows:

42 4. "Manufactured or mobile home distributor" means
43 a person who sells or distributes manufactured or
44 mobile homes to manufactured or mobile home
45 retailers."

46 2. Page 20, by inserting after line 3, the
47 following:

48 "Sec. _____. Section 627.6, subsection 8, paragraph
49 f, subparagraph (3), Code 2001, as amended by 2001
50 Iowa Acts, House File 654, section 3, if enacted, is

H-1993

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1 amended to read as follows:

2 (3) For simplified employee pension plans, self-
3 employed pension plans (also known as Keogh plans or
4 H.R. 10 plans), individual retirement accounts
5 established under section 408(a) of the Internal
6 Revenue Code, individual retirement annuities
7 established under section 408(b) of the Internal
8 Revenue Code, savings incentive matched plans for
9 employees, salary reduction simplified employee
10 pension plans (also known as SARSEPs), and similar
11 plans for retirement investments authorized in the
12 future under federal law, the exemption for
13 contributions shall not exceed, for each tax year of
14 contributions, the actual amount of the contribution
15 ~~deducted for individual retirement accounts and~~
16 ~~annuities established under section 408 of the~~
17 ~~Internal Revenue Code or the maximum amount which~~
18 ~~could be contributed and deducted in the tax year of~~
19 ~~the contribution on the debtor's tax return or the~~
20 maximum amount which could be contributed to an
21 individual retirement account established under
22 section 408(a) of the Internal Revenue Code and
23 deducted in the tax year of the contribution,
24 whichever is less. The exemption for accumulated
25 earnings and market increases in value of plans under
26 this subparagraph shall be limited to an amount
27 determined by multiplying all the accumulated earnings
28 and market increases in value by a fraction, the
29 numerator of which is the total amount of exempt
30 contributions as determined by this subparagraph, and
31 the denominator of which is the total of exempt and
32 nonexempt contributions to the plan."

33 3. Page 21, line 5, by inserting after the word
34 "enacted," the following: "and Code section 322B.2,".

35 4. By renumbering as necessary.

By MILLAGE of Scott

H-1993 FILED MAY 3, 2001

w/d 5/4/01 (p. 1882)

HOUSE FILE 755

H-1990

1 Amend the amendment, H-1961, to House File 755, as
 2 follows:
 3 1. Page 1, line 2, by striking the figure "30."
 4 and inserting the following: "30 and inserting the
 5 following:
 6 "Sec. ____ . NONPUBLIC SCHOOL TRANSPORTATION.
 7 Notwithstanding the standing appropriation in section
 8 285.2, the amount appropriated from the general fund
 9 of the state under section 285.2 to the department of
 10 education for the fiscal year beginning July 1, 2001,
 11 and ending June 30, 2002, shall be the following
 12 amount:
 13 \$ 7,645,000
 14 If total approved claims for reimbursement for
 15 nonpublic school pupil transportation claims exceed
 16 the amount appropriated in this section, the
 17 department of education shall prorate the amount of
 18 each claim."

By MILLAGE of Scott

H-1990 FILED MAY 3, 2001
Adopted 5/4/01 (p. 1868)

HOUSE FILE 755

H-1991

1 Amend House File 755 as follows:
 2 1. Page 1, by striking lines 21 through 25 and
 3 inserting the following:
 4 "Sec. ____ . GENERAL ASSEMBLY. The budgets approved
 5 pursuant to section 2.12 for the expenses of the
 6 general assembly and legislative agencies for the
 7 fiscal year beginning July 1, 2001, and ending June
 8 30, 2002, are reduced by the following amount:"

By MILLAGE of Scott

H-1991 FILED MAY 3, 2001
Adopted 5/4/01 (p. 1864)

HOUSE FILE 755**H-2000**

1 Amend House File 755 as follows:

2 1. Page 9, by inserting before line 21, the
3 following:

4 "Sec. ____ MENTAL ILLNESS SPECIAL SERVICES. For
5 the fiscal year beginning July 1, 2001, and ending
6 June 30, 2002, it is the intent of the general
7 assembly that the Iowa finance authority shall provide
8 \$121,220 from funding available to the authority to be
9 used for mental illness special services.

10 1. The Iowa finance authority shall use the
11 funding to continue the financing for existing
12 community-based facilities and the financing for the
13 development of affordable community-based housing
14 facilities as funded pursuant to 2000 Iowa Acts,
15 chapter 1228, section 22. The department of human
16 services shall assure that clients are referred to the
17 housing as it is developed.

18 2. The purpose of the financing is to provide
19 funds for construction and start-up costs to develop
20 community living arrangements to provide for persons
21 with mental illness who are homeless. These funds may
22 be used to match federal Stewart B. McKinney Homeless
23 Assistance Act grant funds."

24 2. By renumbering as necessary.

By HEATON of Henry
HATCH of Polk

H-2000 FILED MAY 4, 2001

Adopted (p. 1876)

HOUSE FILE 755**H-1998**

1 Amend House File 755 as follows:

2 1. Page 1, line 26, by striking the figure
3 "1,550,324" and inserting the following: "1,575,324".

4 2. Page 4, by striking lines 11 through 17.

5 3. By renumbering as necessary.

By HORBACH of Tama

H-1998 FILED MAY 4, 2001

Lost (p. 1864)

HOUSE FILE 755

H-2001

1 Amend House File 755 as follows:

2 1. Page 16, by inserting after line 5, the
3 following:

4 "Sec. _____. Section 232.21, subsection 4, Code
5 2001, as amended by 2001 Acts, Senate File 458,
6 section 5, if enacted, is amended to read as follows:

7 4. A child placed in a shelter care facility under
8 this section shall not be held for a period in excess
9 of forty-eight hours without an oral or written court
10 order authorizing the shelter care. When the action
11 is authorized by an oral court order, the court shall
12 enter a written order before the end of the next day
13 confirming the oral order and indicating the reasons
14 for the order. A child placed in shelter care
15 pursuant to section 232.19, subsection 1, paragraph
16 "c", shall not be held in excess of seventy-two hours
17 in any event. If deemed appropriate by the court, an
18 order authorizing shelter care placement may include a
19 determination that continuation of the child in the
20 child's home is contrary to the child's welfare and
21 that reasonable efforts as defined in section 232.57
22 have been made. The inclusion of such a determination
23 shall not under any circumstances be deemed a
24 prerequisite for entering an order pursuant to this
25 section. However, the inclusion of such a ~~finding~~
26 determination, supported by the record, may assist the
27 department in obtaining federal funding for the
28 child's placement.

29 Sec. _____. Section 321.113, subsection 5, paragraph
30 b, unnumbered paragraph 1, if enacted by 2001 Iowa
31 Acts, Senate File 350, section 4, is amended to read
32 as follows:

33 If the title of a 1993 model year or older motor
34 vehicle is transferred to a new owner or if such a
35 motor vehicle is brought into the state on or after
36 January 1, 2002, the registration fee shall not be
37 based on the weight and list price of the motor
38 vehicle, but shall be as follows:

39 Sec. _____. Section 322B.2, subsection 4, if enacted
40 by 2001 Iowa Acts, House File 656, section 2, is
41 amended to read as follows:

42 4. "Manufactured or mobile home distributor" means
43 a person who sells or distributes manufactured or
44 mobile homes to manufactured or mobile home
45 retailers."

46 2. Page 20, by inserting after line 3, the
47 following:

48 "Sec. _____. Section 627.6, subsection 8, paragraph
49 f, subparagraph (3), Code 2001, as amended by 2001
50 Iowa Acts, House File 654, section 3, if enacted, is

H-2001

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Page 2

1 amended to read as follows:

2 (3) For simplified employee pension plans, self-
3 employed pension plans (also known as Keogh plans or
4 H.R. 10 plans), individual retirement accounts
5 established under section 408(a) of the Internal
6 Revenue Code, individual retirement annuities
7 established under section 408(b) of the Internal
8 Revenue Code, savings incentive matched plans for
9 employees, salary reduction simplified employee
10 pension plans (also known as SARSEPs), and similar
11 plans for retirement investments authorized in the
12 future under federal law, the exemption for
13 contributions shall not exceed, for each tax year of
14 contributions, the actual amount of the contribution
15 ~~deducted for individual retirement accounts and~~
16 ~~annuities established under section 408 of the~~
17 ~~Internal Revenue Code or the maximum amount which~~
18 ~~could be contributed and deducted in the tax year of~~
19 ~~the contribution~~ on the debtor's tax return or the
20 maximum amount which could be contributed to an
21 individual retirement account established under
22 section 408(a) of the Internal Revenue Code and
23 deducted in the tax year of the contribution,
24 whichever is less. The exemption for accumulated
25 earnings and market increases in value of plans under
26 this subparagraph shall be limited to an amount
27 determined by multiplying all the accumulated earnings
28 and market increases in value by a fraction, the
29 numerator of which is the total amount of exempt
30 contributions as determined by this subparagraph, and
31 the denominator of which is the total of exempt and
32 nonexempt contributions to the plan."

33 3. Page 21, line 5, by inserting after the word
34 "enacted," the following: "and Code section 322B.2,".

35 4. By renumbering as necessary.

By MILLAGE of Scott

H-2001 FILED MAY 4, 2001

Adopted (p. 1883)

HOUSE FILE 755**H-2002**

1 Amend House File 755 as follows:

2 1. Page 9, by striking lines 15 through 20.

3 2. Page 11, by striking lines 2 through 4.

By MERTZ of Kossuth

H-2002 FILED MAY 4, 2001

Lost (p. 1873)

HOUSE FILE 755

H-2003

1 Amend House File 755 as follows:

2 1. Page 14, by inserting before line 5, the
3 following:

4 "DIVISION ____
5 OFFICIAL REGISTER -- RED BOOK
6 Sec. ____ . Section 7A.20, subsection 2, Code 2001,
7 is amended by striking the subsection.
8 Sec. ____ . Section 7D.6, unnumbered paragraph 2,
9 Code 2001, is amended by striking the unnumbered
10 paragraph.

11 Sec. ____ . Section 18.86, Code 2001, is amended to
12 read as follows:
13 18.86 ASSEMBLY MEMBERS.

14 The official reports, the miscellaneous documents
15 and other publications upon request, and the completed
16 journals of the general assembly ~~and ten copies of the~~
17 ~~official register,~~ shall be sent to each member of the
18 general assembly, and, so far as they are available,
19 additional copies upon their request. Requests for
20 publications shall be handled only upon receipt of
21 postage by the superintendent.

22 Sec. ____ . Section 18.87, Code 2001, is amended to
23 read as follows:
24 18.87 LIBRARIES.

25 The completed journals of the general assembly, ~~and~~
26 ~~the official register~~ shall be sent to each free
27 public library in Iowa, the division of libraries and
28 information services of the department of education,
29 the commission of libraries, libraries at state
30 institutions, and college libraries.

31 Sec. ____ . Section 18.88, Code 2001, is amended to
32 read as follows:
33 18.88 NEWSPAPERS.

34 The journals of the general assembly ~~and the~~
35 ~~official register~~ shall be sent to each newspaper of
36 general circulation in Iowa, and editors of newspapers
37 in Iowa shall be entitled to other publications on
38 request when they are available. Requests for
39 publications shall be handled only upon receipt of
40 postage by the superintendent.

41 Sec. ____ . Section 18.90, Code 2001, is amended to
42 read as follows:
43 18.90 COUNTY AUDITORS.

44 The completed journals of the general assembly, ~~and~~
45 ~~the official register~~ shall be sent to each county
46 auditor, who shall be required to keep the same at all
47 times available for the inspection of the public.

48 Sec. ____ . Section 331.502, subsection 3, Code
49 2001, is amended to read as follows:
50 3. Keep the complete journals of the general

H-2003

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- 1 assembly ~~and the official register~~ available for
- 2 public inspection as provided in section 18.90.
- 3 Sec. _____. Sections 9.6, 9F.4, and 18.91, Code
- 4 2001, are repealed."
- 5 2. By renumbering as necessary.

By RAECKER of Polk**H-2003** FILED MAY 4, 2001*w/d (p. 1882)*

HOUSE FILE 755

H-2004

1 Amend House File 755 as follows:

2 1. Page 9, by inserting before line 21, the
3 following:

4 "Sec. _____. Section 8.54, subsection 5, Code 2001,
5 is amended by striking the subsection.

6 Sec. _____. Section 8.55, subsection 2, Code 2001,
7 is amended to read as follows:

8 2. The maximum balance of the fund is the amount
9 equal to five percent of the adjusted revenue estimate
10 for the fiscal year. If the amount of moneys in the
11 Iowa economic emergency fund is equal to the maximum
12 balance, moneys in excess of this amount shall be
13 transferred to the ~~general~~ children first fund as
14 created in section 8.57B.

15 Sec. _____. NEW SECTION. 8.57B CHILDREN FIRST
16 FUND.

17 1. A children first fund is created in the state
18 treasury. The children first fund shall be separate
19 from the general fund of the state and shall not be
20 considered part of the general fund of the state
21 except in determining the cash position of the state
22 for payment of state obligations. The moneys in the
23 children first fund are not subject to section 8.33
24 and shall not be transferred, used, obligated,
25 appropriated, or otherwise encumbered except as
26 provided in this section. Moneys in the children
27 first fund may be used for cash flow purposes provided
28 that any moneys so allocated are returned to the
29 children first fund by the end of each fiscal year.
30 However, the children first fund shall be considered a
31 special account for the purposes of section 8.53.

32 2. Notwithstanding section 12C.7, subsection 2,
33 interest or earnings on moneys deposited in the
34 children first fund shall be credited to the children
35 first fund. Interest or earnings on the moneys
36 deposited in the fund are subject to appropriation for
37 purposes of enhancing preschool and early education
38 programs for young children. The treasurer of state
39 may invest moneys in the children first fund in
40 investments authorized for the Iowa public employees'
41 retirement system in section 97B.7, subsection 2,
42 paragraph "b", except that investment in common stocks
43 is not permitted. An appropriation of any other
44 moneys deposited in or credited to the fund shall not
45 be made unless the bill or joint resolution is passed
46 by a vote of at least three-fifths of the members of
47 each house of the general assembly and is approved by
48 the governor.

49 Sec. _____. Section 8.58, unnumbered paragraph 2,
50 Code 2001, is amended to read as follows:

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1 ~~To the extent that moneys appropriated under~~
2 ~~section 8.57 do not result in moneys being credited to~~
3 ~~the general fund under section 8.55, subsection 2,~~
4 ~~moneys~~ Moneys appropriated under section 8.57 and
5 moneys contained in the cash reserve fund, rebuild
6 Iowa infrastructure fund, environment first fund, ~~and~~
7 Iowa economic emergency fund, and the children first
8 fund shall not be considered by an arbitrator or in
9 negotiations under chapter 20."

By PETERSEN of Polk
GREIMANN of Story
KREIMAN of Davis

H-2004 FILED MAY 4, 2001*w/d (p. 1876)*

HOUSE FILE 755

H-2005

1 Amend House File 755 as follows:

2 1. Page 10, by inserting after line 24, the
3 following:

4 "Sec. 150. Section 403.19, subsection 2, Code
5 2001, is amended to read as follows:

6 2. That portion of the taxes each year in excess
7 of such amount shall be allocated to and when
8 collected be paid into a special fund of the
9 municipality to pay the principal of and interest on
10 loans, moneys advanced to, or indebtedness, whether
11 funded, refunded, assumed, or otherwise, including
12 bonds issued under the authority of section 403.9,
13 subsection 1, incurred by the municipality to finance
14 or refinance, in whole or in part, an urban renewal
15 project within the area, and to provide assistance for
16 low and moderate income family housing as provided in
17 section 403.22, except that taxes for the regular and
18 voter-approved physical plant and equipment levy of a
19 school district imposed pursuant to section 298.2 and
20 taxes for the payment of bonds and interest of each
21 taxing district must be collected against all taxable
22 property within the taxing district without limitation
23 by the provisions of this subsection. However, all or
24 a portion of the taxes for the physical plant and
25 equipment levy shall be paid by the school district to
26 the municipality if the ~~municipality~~ auditor certifies
27 to the school district by July 1 the amount of such
28 levy that is necessary to pay the principal and
29 interest on ~~indebtedness incurred~~ bonds issued by the
30 municipality to finance an urban renewal project,
31 which ~~indebtedness was incurred~~ bonds were issued
32 before July 1, 2000. Indebtedness incurred to refund
33 bonds issued prior to July 1, 2000, shall not be
34 included in the certification. Such school district
35 shall pay over the amount certified by November 1 and
36 May 1 of the fiscal year following certification to
37 the school district. Unless and until the total
38 assessed valuation of the taxable property in an urban
39 renewal area exceeds the total assessed value of the
40 taxable property in such area as shown by the last
41 equalized assessment roll referred to in subsection 1,
42 all of the taxes levied and collected upon the taxable
43 property in the urban renewal area shall be paid into
44 the funds for the respective taxing districts as taxes
45 by or for the taxing districts in the same manner as
46 all other property taxes. When such loans, advances,
47 indebtedness, and bonds, if any, and interest thereon,
48 have been paid, all moneys thereafter received from
49 taxes upon the taxable property in such urban renewal
50 area shall be paid into the funds for the respective

H-2005

-1-

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Page 2

1 taxing districts in the same manner as taxes on all
2 other property.

3 Sec. 151. Section 403.19, Code 2001, is amended by
4 adding the following new subsection:

5 NEW SUBSECTION. 7. For any fiscal year, a
6 municipality may certify to the county auditor for
7 physical plant and equipment revenue necessary for
8 payment of principal and interest on bonds issued
9 prior to July 1, 2000, only if the municipality
10 certified for such revenue for the fiscal year
11 beginning July 1, 2000. A municipality shall not
12 certify to the county auditor for a school district
13 more than the amount the municipality certified for
14 the fiscal year beginning July 1, 2000. If for any
15 fiscal year a municipality fails to certify to the
16 county auditor for a school district by July 1 the
17 amount of physical plant and equipment revenue
18 necessary for payment of principal and interest on
19 such bonds, as provided in subsection 2, the school
20 district is not required to pay over the revenue to
21 the municipality. If a school district and a
22 municipality are unable to agree on the amount of
23 physical plant and equipment revenue certified by the
24 municipality for the fiscal year beginning July 1,
25 2001, either party may request that the state appeal
26 board review and finally pass upon the amount that may
27 be certified. Such appeals must be presented in
28 writing to the state appeal board no later than July
29 31 following certification. The burden shall be on
30 the municipality to prove that the physical plant and
31 equipment levy revenue is necessary to pay principal
32 and interest on bonds issued prior to July 1, 2000. A
33 final decision must be issued by the state appeal
34 board no later than the following October 1."

35 2. Page 11, by inserting after line 1, the
36 following:

37 "Sec. ____ . EFFECTIVE AND APPLICABILITY DATES.
38 Sections 150 and 151 of this division of this Act,
39 being deemed of immediate importance, take effect upon
40 enactment and apply to property taxes due and payable
41 in fiscal years beginning on or after July 1, 2001."

By BOAL of Polk
FINCH of Story
GRUNDBERG of Polk

H-2005 FILED MAY 4, 2001*w/d (p. 1879)*

HOUSE FILE 755

H-2007

1 Amend House File 755 as follows:

2 1. Page 9, by inserting after line 20, the
3 following:

4 "Sec. _____. Section 8.57, Code 2001, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 6. a. A volunteer fire fighters
7 and emergency responders fund is created under the
8 authority of the department of management. The fund
9 shall consist of appropriations made to the fund and
10 transfers of interest, earnings, and moneys from other
11 funds as provided by law. The fund shall be separate
12 from the general fund of the state and the balance in
13 the fund shall not be considered part of the balance
14 of the general fund of the state. However, the fund
15 shall be considered a special account for the purposes
16 of section 8.53, relating to generally accepted
17 accounting principles.

18 b. Moneys in the volunteer fire fighters and
19 emergency responders fund are not subject to section
20 8.33. Notwithstanding section 12C.7,, subsection 2,
21 interest or earnings on moneys in the fund shall be
22 credited to the fund.

23 c. Moneys in the volunteer fire fighters and
24 emergency responders fund in a fiscal year shall be
25 used for all of the following:

26 (1) To provide pensions for qualified volunteer
27 fire fighters and volunteer emergency response
28 personnel.

29 (2) To offset the costs of an income tax credit or
30 deduction for volunteer fire fighters and volunteer
31 emergency response personnel.

32 (3) To provide training and equipment to local
33 volunteer fire departments and volunteer emergency
34 responders.

35 The state fire service and emergency response
36 council shall prepare a plan for expenditure of the
37 moneys deposited in the fund. Moneys in the fund are
38 subject to appropriation by the general assembly.

39 d. For the fiscal year beginning July 1, 2002, and
40 for each fiscal year thereafter, not more than the
41 amount of premium tax receipts collected pursuant to
42 section 432.1, subsection 2, in the fiscal year
43 beginning July 1, 2001, shall be deposited in the
44 general fund of the state. The total premium tax
45 receipt moneys in excess of the moneys deposited in
46 the general fund of the state in a fiscal year shall
47 be deposited in the volunteer fire fighters and
48 emergency responders fund and shall be used as
49 provided in this subsection.

50 Sec. _____. Section 8.58, Code 2001, is amended to

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Page 2

1 read as follows:

2 8.58 EXEMPTION FROM AUTOMATIC APPLICATION.

3 To the extent that moneys appropriated under
4 section 8.57 do not result in moneys being credited to
5 the general fund under section 8.55, subsection 2,
6 moneys appropriated under section 8.57 and moneys
7 contained in the cash reserve fund, rebuild Iowa
8 infrastructure fund, environment first fund, volunteer
9 fire fighters and emergency responders fund, and Iowa
10 economic emergency fund shall not be considered in the
11 application of any formula, index, or other statutory
12 triggering mechanism which would affect
13 appropriations, payments, or taxation rates, contrary
14 provisions of the Code notwithstanding.

15 To the extent that moneys appropriated under
16 section 8.57 do not result in moneys being credited to
17 the general fund under section 8.55, subsection 2,
18 moneys appropriated under section 8.57 and moneys
19 contained in the cash reserve fund, rebuild Iowa
20 infrastructure fund, environment first fund, volunteer
21 fire fighters and emergency responders fund, and Iowa
22 economic emergency fund shall not be considered by an

23 arbitrator or in negotiations under chapter 20.
24 Sec. ____ . Section 100B.2, Code 2001, is amended by
25 adding the following new subsection:

26 NEW SUBSECTION. 9. Prepare a plan for expenditure
27 of moneys from the volunteer fire fighter and
28 emergency responders fund created in section 8.57."

By HUSER of Polk

H-2007 FILED MAY 4, 2001

Ruled not germane (p. 1878)

HOUSE FILE 755

H-2008

1 Amend House File 755 as follows:

2 1. Page 10, by inserting after line 24, the
3 following:

4 "Sec. 150. Section 403.19, subsection 2, Code
5 2001, is amended to read as follows:

6 2. That portion of the taxes each year in excess
7 of such amount shall be allocated to and when
8 collected be paid into a special fund of the
9 municipality to pay the principal of and interest on
10 loans, moneys advanced to, or indebtedness, whether
11 funded, refunded, assumed, or otherwise, including
12 bonds issued under the authority of section 403.9,
13 subsection 1, incurred by the municipality to finance
14 or refinance, in whole or in part, an urban renewal
15 project within the area, and to provide assistance for
16 low and moderate income family housing as provided in
17 section 403.22, except that taxes for the regular and
18 voter-approved physical plant and equipment levy of a
19 school district imposed pursuant to section 298.2 and
20 taxes for the payment of bonds and interest of each
21 taxing district must be collected against all taxable
22 property within the taxing district without limitation
23 by the provisions of this subsection. However, all or
24 a portion of the taxes for the physical plant and
25 equipment levy shall be paid by the school district to
26 the municipality if the ~~municipality~~ auditor certifies
27 to the school district by July 1 the amount of such
28 levy that is necessary to pay the principal and
29 interest on ~~indebtedness incurred~~ bonds issued by the
30 municipality to finance an urban renewal project,
31 which ~~indebtedness was incurred~~ bonds were issued
32 before July 1, ~~2000~~ 2001. Indebtedness incurred to
33 refund bonds issued prior to July 1, 2001, shall not
34 be included in the certification. Such school
35 district shall pay over the amount certified by
36 November 1 and May 1 of the fiscal year following
37 certification to the school district. Unless and
38 until the total assessed valuation of the taxable
39 property in an urban renewal area exceeds the total
40 assessed value of the taxable property in such area as
41 shown by the last equalized assessment roll referred
42 to in subsection 1, all of the taxes levied and
43 collected upon the taxable property in the urban
44 renewal area shall be paid into the funds for the
45 respective taxing districts as taxes by or for the
46 taxing districts in the same manner as all other
47 property taxes. When such loans, advances,
48 indebtedness, and bonds, if any, and interest thereon,
49 have been paid, all moneys thereafter received from
50 taxes upon the taxable property in such urban renewal

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Page 2

1 area shall be paid into the funds for the respective
2 taxing districts in the same manner as taxes on all
3 other property.

4 Sec. 151. Section 403.19, Code 2001, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 7. For any fiscal year, a
7 municipality may certify to the county auditor for
8 physical plant and equipment revenue necessary for
9 payment of principal and interest on bonds issued
10 prior to July 1, 2001, only if the municipality
11 certified for such revenue for the fiscal year
12 beginning July 1, 2001. A municipality shall not
13 certify to the county auditor for a school district
14 more than the amount the municipality certified for
15 the fiscal year beginning July 1, 2001. If for any
16 fiscal year a municipality fails to certify to the
17 county auditor for a school district by July 1 the
18 amount of physical plant and equipment revenue
19 necessary for payment of principal and interest on
20 such bonds, as provided in subsection 2, the school
21 district is not required to pay over the revenue to
22 the municipality. If a school district and a
23 municipality are unable to agree on the amount of
24 physical plant and equipment revenue certified by the
25 municipality for the fiscal year beginning July 1,
26 2002, either party may request that the state appeal
27 board review and finally pass upon the amount that may
28 be certified. Such appeals must be presented in
29 writing to the state appeal board no later than July
30 31 following certification. The burden shall be on
31 the municipality to prove that the physical plant and
32 equipment levy revenue is necessary to pay principal
33 and interest on bonds issued prior to July 1, 2001. A
34 final decision must be issued by the state appeal
35 board no later than the following October 1."

36 2. Page 11, by inserting after line 1, the
37 following:

38 "Sec. ____ . EFFECTIVE AND APPLICABILITY DATES.
39 Sections 150 and 151 of this division of this Act,
40 being deemed of immediate importance, take effect upon
41 enactment and apply to property taxes due and payable
42 in fiscal years beginning on or after July 1, 2002."

By BOAL of Polk
FINCH of Story
GRUNDBERG of Polk

H-2008 FILED MAY 4, 2001

*Rule not germane)
Motion to suspend the Rules
Motion prevailed
Adapted (p. 1881)*

Substituted for S.F. 542

HOUSE FILE 755
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 262)

(As Amended and Passed by the House May 4, 2001)

Passed House, Date ^{P. 1963} 5/8/01 Passed Senate, Date 5/7/01 (p.1551)
Vote: Ayes 52 Nays 45 Vote: Ayes 28 Nays 19
Approved May 22, 2001
per

A BILL FOR

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

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

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House Amendments _____

Deleted Language *

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, 2002, and ending June 30, 2003,
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, as provided in this section in lieu
13 of the provisions of section 331.438, subsection 2, and
14 section 331.439, subsection 3, and chapter 426B:

15 \$ 14,874,702

16 The funding appropriated in this section is the allowed
17 growth factor adjustment for fiscal year 2002-2003, and is
18 allocated for distribution as provided by law.

DIVISION II

STANDING APPROPRIATIONS -- REDUCTIONS

21 Sec. 2. GENERAL ASSEMBLY. The budgets approved pursuant
22 to section 2.12 for the expenses of the general assembly and
23 legislative agencies for the fiscal year beginning July 1,
24 2001, and ending June 30, 2002, are reduced by the following
25 amount:

26 \$ 1,550,324

27 Sec. 3. PERFORMANCE OF DUTY. The appropriation made from
28 the general fund of the state in section 7D.29, for the fiscal
29 year beginning July 1, 2001, and ending June 30, 2002, for
30 performance of duty by the executive council, is reduced by
31 the following amount:

32 \$ 1,000,000

33 Sec. 4. STATE APPEAL BOARD CLAIMS. Notwithstanding the
34 standing appropriations in section 25.2, subsection 3, the
35 amount appropriated from the general fund of the state under

1 section 25.2, subsection 3, to the state appeal board to pay
2 claims against the state for the fiscal year beginning July 1,
3 2001, and ending June 30, 2002, is reduced by the following
4 amount:

5 \$ 2,000,000

6 Sec. 5. CONSTITUTIONAL AMENDMENTS AND PUBLIC MEASURES.

7 Notwithstanding the standing appropriation in section 49A.9,
8 the amount appropriated from the general fund of the state
9 under section 49A.9, to the office of the secretary of state
10 for the fiscal year beginning July 1, 2001, and ending June
11 30, 2002, is reduced by the following amount:

12 \$ 2,565

13 Sec. 6. AREA EDUCATION AGENCIES. Notwithstanding the
14 provisions of chapter 257 that determine the funding for area
15 education agencies, the state school foundation aid for these
16 agencies and the portion of the combined district cost
17 calculated for these agencies for the fiscal year beginning
18 July 1, 2001, and ending June 30, 2002, are reduced by the
19 department of management by \$7,500,000. The department shall
20 calculate a reduction such that each area education agency
21 shall receive a reduction proportionate to the amount that it
22 would have received under section 257.35 if the reduction
23 imposed pursuant to this section did not apply.

24 Notwithstanding the provisions of section 257.37, an area
25 education agency may use the funds determined to be available
26 under section 257.35 in a manner which it believes is
27 appropriate to best maintain the level of required area
28 education agency special education services.

29 Sec. 7. EARLY INTERVENTION BLOCK GRANT. Notwithstanding
30 the standing appropriation in section 256D.5, subsection 1,
31 the amount appropriated from the general fund of the state
32 under section 256D.5, subsection 1, to the department of
33 education for the fiscal year beginning July 1, 2001, and
34 ending June 30, 2002, is reduced by the following amount:

35 \$ 10,000,000

1 Sec. 8. SCHOOL IMPROVEMENT TECHNOLOGY. Notwithstanding
2 the standing appropriation in section 256D.5, subsection 2,
3 the amount appropriated from the general fund of the state
4 under section 256D.5, subsection 2, to the department of
5 education for the fiscal year beginning July 1, 2001, and
6 ending June 30, 2002, is reduced by the following amount:

7 \$ 20,000,000

8 In implementing the reduction in this section, the
9 department of education shall compute under section 256D.6 the
10 amount each school district, as defined in section 256D.6, and
11 area education agency would have received but for the
12 reduction in this section and shall reduce by two-thirds such
13 amount.

14 Sec. 9. AT-RISK CHILDREN PROGRAMS. Notwithstanding the
15 standing appropriation in section 279.51, subsection 1, the
16 amount appropriated from the general fund of the state under
17 section 279.51, subsection 1, to the department of education
18 for the fiscal year beginning July 1, 2001, and ending June
19 30, 2002, is reduced by the following amount:

20 \$ 1,000,000

21 The amount of the reduction in this section shall be
22 prorated among the programs specified in section 279.51,
23 subsection 1, paragraphs "a", "b", and "c".

24 Sec. 10. NONPUBLIC SCHOOL TRANSPORTATION. Notwithstanding
25 the standing appropriation in section 285.2, the amount
26 appropriated from the general fund of the state under section
27 285.2 to the department of education for the fiscal year
28 beginning July 1, 2001, and ending June 30, 2002, shall be the
29 following amount:

30 \$ 7,645,000

31 If total approved claims for reimbursement for nonpublic
32 school pupil transportation claims exceed the amount
33 appropriated in this section, the department of education
34 shall prorate the amount of each claim.

35 Sec. 11. EDUCATIONAL EXCELLENCE. Notwithstanding section

1 294A.25, subsection 1, the amount appropriated from the
2 general fund of the state under section 294A.25, subsection 1,
3 to the department of education for phase III moneys for the
4 fiscal year beginning July 1, 2001, and ending June 30, 2002,
5 is reduced by the following amount:

6 \$ 2,000,000

7 Sec. 12. PUBLIC TRANSIT ASSISTANCE APPROPRIATION.

8 Notwithstanding section 312.2, subsection 14, the amount
9 appropriated from the general fund of the state under section
10 312.2, subsection 14, to the state department of
11 transportation for public transit assistance under chapter
12 324A for the fiscal year beginning July 1, 2001, and ending
13 June 30, 2002, is reduced by the following amount:

14 \$ 659,820

15 Sec. 13. INDIAN SETTLEMENT OFFICER. Notwithstanding the
16 standing appropriation in section 331.660, the amount
17 appropriated from the general fund of the state under section
18 331.660, to the county of Tama for the fiscal year beginning
19 July 1, 2001, and ending June 30, 2002, is reduced by the
20 following amount:

21 \$ 25,000

22 Sec. 14. COURT COSTS FOR SPECIAL STATE CASES.

23 Notwithstanding the standing appropriation in section 815.1,
24 the amount appropriated from the general fund of the state
25 under section 815.1, to pay special court costs and attorney
26 fees for the fiscal year beginning July 1, 2001, and ending
27 June 30, 2002, is reduced by the following amount:

28 \$ 66,370

29 Sec. 15. Section 196.8, subsection 2, Code 2001, is
30 amended to read as follows:

31 2. Notwithstanding subsection 1, eggs gathered for sale at
32 a poultry show from fowl exhibited at the show, which show has
33 received financial assistance from the state in prior fiscal
34 years, shall be exempt from the storage temperature and
35 consumer grade quality requirements contained in subsection 1.

1 ~~if eggs are offered for sale at such an exhibit, five hundred~~
2 ~~dollars is appropriated to the department to reimburse the~~
3 ~~sponsoring agency of the exhibit for the expenses associated~~
4 ~~with the exhibit.~~

5 DIVISION III

6 LAW ENFORCEMENT PHYSICAL EXAMS

7 Sec. 16. Section 400.8, subsection 1, Code 2001, is
8 amended to read as follows:

9 1. The commission, when necessary under the rules,
10 including minimum and maximum age limits, which shall be
11 prescribed and published in advance by the commission and
12 posted in the city hall, shall hold examinations for the
13 purpose of determining the qualifications of applicants for
14 positions under civil service, other than promotions, which
15 examinations shall be practical in character and shall relate
16 to matters which will fairly test the mental and physical
17 ability of the applicant to discharge the duties of the
18 position to which the applicant seeks appointment. The
19 physical examination of applicants for appointment to the
20 positions of police officer, police matron, or fire fighter
21 shall be held in accordance with medical protocols established
22 by the board of trustees of the fire and police retirement
23 system established by section 411.5 and shall be conducted by
24 ~~the medical board as established in section 411.5 in~~
25 accordance with the directives of the board of trustees. The
26 board of trustees may change the medical protocols at any time
27 the board so determines. The physical examination of an
28 applicant for the position of police officer, police matron,
29 or fire fighter shall be conducted after a conditional offer
30 of employment has been made to the applicant. An applicant
31 shall not be discriminated against on the basis of height,
32 weight, sex, or race in determining physical or mental ability
33 of the applicant. Reasonable rules relating to strength,
34 agility, and general health of applicants shall be prescribed.
35 The costs of the physical examination required under this

1 subsection shall be paid from the trust and agency fund of the
2 city.

3 Sec. 17. 2000 Iowa Acts, chapter 1077, section 111, is
4 amended to read as follows:

5 SEC. 111. EFFECTIVE DATE. Section 87 of this Act amending
6 section 411.1, subsection 10, and section 94 of this Act,
7 amendment section 411.5, subsection 8, take effect July 1,
8 2001 2002.

9 Sec. 18. EFFECTIVE DATE. Section 17 of this division of
10 this Act, being deemed of immediate importance, takes effect
11 upon enactment.

12 DIVISION IV

13 DEBT SERVICE AND TOBACCO FUND APPROPRIATIONS

14 TUITION REPLACEMENT

15 Sec. 19. TUITION REPLACEMENT -- GENERAL FUND. In lieu of
16 the appropriation made to the state board of regents for
17 tuition replacement in 2001 Iowa Acts, Senate File 535,
18 section 8, subsection 1, paragraph "b", if enacted, there is
19 appropriated from the general fund of the state to the state
20 board of regents for the fiscal year beginning July 1, 2001,
21 and ending June 30, 2002, the following amount, or so much
22 thereof as is necessary, to be used for the purpose
23 designated:

24 For allocation by the state board of regents to the state
25 university of Iowa, the Iowa state university of science and
26 technology, and the university of northern Iowa to reimburse
27 the institutions for deficiencies in their operating funds
28 resulting from the pledging of tuitions, student fees and
29 charges, and institutional income to finance the cost of
30 providing academic and administrative buildings and facilities
31 and utility services at the institutions:

32 \$ 26,081,384

33 Sec. 20. TUITION REPLACEMENT -- TOBACCO SETTLEMENT FUND.

34 In addition to the appropriation made in this division of this
35 Act from the general fund of the state to the state board of

1 regents for purposes of tuition replacement, there is
2 appropriated from the tax-exempt bond proceeds restricted
3 capital funds account of the tobacco settlement trust fund
4 created in section 12E.12, pursuant to 2001 Iowa Acts, Senate
5 File 532, if enacted, to the state board of regents for the
6 fiscal year beginning July 1, 2001, and ending June 30, 2002,
7 the following amount, or so much thereof as is necessary, to
8 be used for the purpose designated:

9 For allocation by the state board of regents to the state
10 university of Iowa, the Iowa state university of science and
11 technology, and the university of northern Iowa to reimburse
12 the institutions for deficiencies in their operating funds
13 resulting from the pledging of tuitions, student fees and
14 charges, and institutional income to finance the cost of
15 providing academic and administrative buildings and facilities
16 and utility services at the institutions:

17 \$ 600,330

18 IOWA COMMUNICATIONS NETWORK

19 Sec. 21. IOWA COMMUNICATIONS NETWORK DEBT SERVICE --
20 GENERAL FUND. In lieu of the appropriation made to the
21 treasurer of state for Iowa communications network debt
22 service in 2001 Iowa Acts, House File 719, section 1, if
23 enacted, there is appropriated from the general fund of the
24 state to the treasurer of state for the fiscal year beginning
25 July 1, 2001, and ending June 30, 2002, the following amount,
26 or so much thereof as is necessary, to be used for the purpose
27 designated:

28 For debt service for the Iowa communications network:
29 \$ 9,939,165

30 Sec. 22. IOWA COMMUNICATIONS NETWORK DEBT SERVICE --
31 TOBACCO SETTLEMENT FUND. In addition to the appropriation
32 made in this division of this Act from the general fund of the
33 state to the treasurer of state for purposes of Iowa
34 communications network debt service, there is appropriated
35 from the tax-exempt bond proceeds restricted capital funds

1 account of the tobacco settlement trust fund created in
2 section 12E.12, pursuant to 2001 Iowa Acts, Senate File 532,
3 if enacted, to the treasurer of state for the fiscal year
4 beginning July 1, 2001, and ending June 30, 2002, the
5 following amount, or so much thereof as is necessary, to be
6 used for the purpose designated:

7 For debt service for the Iowa communications network:
8 \$ 1,465,835

9 Sec. 23. DEBT SERVICE FUND. Funds appropriated in this
10 division of this Act for Iowa communications network debt
11 service shall be deposited in a separate fund established in
12 the office of the treasurer of state to be used solely for
13 debt service for the Iowa communications network. The Iowa
14 telecommunications and technology commission shall certify to
15 the treasurer of state when a debt service payment is due, and
16 upon receipt of the certification, the treasurer shall make
17 the payment. The commission shall pay any additional amount
18 due from funds deposited in the Iowa communications network
19 fund.

20 PRISON DEBT SERVICE

21 Sec. 24. There is appropriated from the tax-exempt bond
22 proceeds restricted capital funds account of the tobacco
23 settlement trust fund created in section 12E.12, pursuant to
24 2001 Iowa Acts, Senate File 532, if enacted, to the treasurer
25 of state for the fiscal year beginning July 1, 2001, and
26 ending June 30, 2002, the following amount, or so much thereof
27 as is necessary, to be used for the purpose designated:

28 For repayment of prison infrastructure bonds under section
29 16.177:
30 \$ 5,182,272

31 TOBACCO MASTER SETTLEMENT AGREEMENT LITIGATION

32 Sec. 25. There is appropriated from the tax-exempt bond
33 proceeds restricted capital funds account of the tobacco
34 settlement trust fund created in section 12E.12, pursuant to
35 2001 Iowa Acts, Senate File 532, if enacted, to the treasurer

1 of state for the fiscal year beginning July 1, 2001, and
2 ending June 30, 2002, the following amount, or so much thereof
3 as is necessary, to be used for the purpose designated:

4 For payment of litigation fees incurred pursuant to the
5 tobacco master settlement agreement:

6 \$ 10,617,000

7 Sec. 26. CONTINGENT EFFECTIVE DATE. This division of this
8 Act shall take effect only if 2001 Iowa Acts, Senate File 532
9 is enacted and only if the tobacco settlement authority
10 established in chapter 12E securitizes tobacco master
11 settlement agreement payments sold to the authority pursuant
12 to 2001 Iowa Acts, Senate File 532. If the contingencies of
13 this section are met, the effective date of this division of
14 this Act shall be the effective date of the receipt of the
15 bond proceeds by the tobacco settlement authority and the
16 deposit of the proceeds of the tax-exempt bonds and the
17 taxable bonds in the respective accounts of the tobacco
18 settlement trust fund pursuant to chapter 12E, and
19 specifically pursuant to section 12E.9.

20 DIVISION V
21 MISCELLANEOUS

22 Sec. 27. Notwithstanding section 8.55, subsection 4, and
23 section 8.56, subsection 1, for the fiscal year beginning July
24 1, 2001, and ending June 30, 2002, the interest and earnings
25 on moneys deposited in the Iowa economic emergency fund and
26 the cash reserve fund shall be credited to the general fund of
27 the state.

28 Sec. 28. Notwithstanding any contrary provision in section
29 455E.11, subsection 1, Code 2001, any unencumbered or
30 unobligated balance in the groundwater protection fund and in
31 any of the accounts within the groundwater protection fund on
32 June 30, 2001, shall be transferred to the general fund of the
33 state.

34 Sec. 29. Section 257.6, subsection 3, unnumbered paragraph
35 1, as amended by 2001 Iowa Acts, House File 643, section 6, if

1 enacted, is amended to read as follows:

2 A school district shall determine its additional enrollment
3 because of special education, as defined in this section, on
4 by November 1 of each year and shall certify its additional
5 enrollment because of special education to the department of
6 education by November 15 of each year, and the department
7 shall promptly forward the information to the department of
8 management.

9 Sec. 30. Section 257.6, subsection 5, unnumbered paragraph
10 1, as amended by 2001 Iowa Acts, House File 643, section 7, if
11 enacted, is amended to read as follows:

12 Weighted enrollment is the budget enrollment plus the
13 district's additional enrollment because of special education
14 calculated on by November 1 of the base year plus additional
15 pupils added due to the application of the supplementary
16 weighting.

17 Sec. 31. MENTAL ILLNESS SPECIAL SERVICES. For the fiscal
18 year beginning July 1, 2001, and ending June 30, 2002, it is
19 the intent of the general assembly that the Iowa finance
20 authority shall provide \$121,220 from funding available to the
21 authority to be used for mental illness special services.

22 1. The Iowa finance authority shall use the funding to
23 continue the financing for existing community-based facilities
24 and the financing for the development of affordable community-
25 based housing facilities as funded pursuant to 2000 Iowa Acts,
26 chapter 1228, section 22. The department of human services
27 shall assure that clients are referred to the housing as it is
28 developed.

29 2. The purpose of the financing is to provide funds for
30 construction and start-up costs to develop community living
31 arrangements to provide for persons with mental illness who
32 are homeless. These funds may be used to match federal
33 Stewart B. McKinney Homeless Assistance Act grant funds.

34 Sec. 32. Section 260G.4B, subsection 1, Code 2001, is
35 amended to read as follows:

1 1. The total amount of program job credits from all
2 employers which shall be allocated for all accelerated career
3 education programs in the state in any one fiscal year shall
4 not exceed the sum of three million dollars in the fiscal year
5 beginning July 1, 2000, ~~six~~ three million dollars in the
6 fiscal year beginning July 1, 2001, and six million dollars in
7 the fiscal year beginning July 1, 2002, and every fiscal year
8 thereafter. Any increase in program job credits above the
9 six-million-dollar limitation per fiscal year shall be
10 developed, based on recommendations in a study which shall be
11 conducted by the department of economic development of the
12 needs and performance of approved programs in the fiscal years
13 beginning July 1, 2000, and July 1, 2001. The study's
14 findings and recommendations shall be submitted to the general
15 assembly by the department by December 31, 2002. The study
16 shall include but not be limited to an examination of the
17 quality of the programs, the number of program participant
18 placements, the wages and benefits in program jobs, the level
19 of employer contributions, the size of participating
20 employers, and employer locations. A community college shall
21 file a copy of each agreement with the department of economic
22 development. The department shall maintain an annual record
23 of the proposed program job credits under each agreement for
24 each fiscal year. Upon receiving a copy of an agreement, the
25 department shall allocate any available amount of program job
26 credits to the community college according to the agreement
27 sufficient for the fiscal year and for the term of the
28 agreement. When the total available program job credits are
29 allocated for a fiscal year, the department shall notify all
30 community colleges that the maximum amount has been allocated
31 and that further program job credits will not be available for
32 the remainder of the fiscal year. Once program job credits
33 have been allocated to a community college, the full
34 allocation shall be received by the community college
35 throughout the fiscal year and for the term of the agreement

1 even if the statewide program job credit maximum amount is
2 subsequently allocated and used.

3 Sec. 33. Section 273.22, subsection 5, as amended by 2001
4 Iowa Acts, House File 674, section 4, if enacted, is amended
5 to read as follows:

6 5. The board of directors of a school district that is
7 contiguous to a newly reorganized area education agency may
8 petition the board of directors of a-contiguous their current
9 area education agency and the newly reorganized area education
10 agency to join that the newly reorganized area education
11 agency. If the-contiguous both area education agency board
12 approves boards approve the petition, the reorganization shall
13 take effect on July 1 of the school year following approval of
14 the petition by the state board. A school district may appeal
15 to the state board the decision of an area education agency
16 board to deny the school district's petition.

17 Sec. 34. Section 273.22, as amended by 2001 Iowa Acts,
18 House File 674, section 4, if enacted, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 6. The board of directors of a school
21 district that is within a newly reorganized area education
22 agency and whose school district was contiguous to another
23 area education agency prior to the reorganization, may
24 petition the board of directors of the newly reorganized area
25 education agency and the contiguous area education agency to
26 join that area education agency. If both area education
27 agency boards approve the petition, the reorganization shall
28 take effect on July 1 of the school year following approval of
29 the petition by the state board. A school district may appeal
30 to the state board the decision of an area education agency
31 board to deny the school district's petition.

32 Sec. 35. Section 299.8, as amended by 2001 Iowa Acts,
33 House File 643, section 16, if enacted, is amended to read as
34 follows:

35 299A.8 DUAL ENROLLMENT.

1 If a parent, guardian, or legal custodian of a child who is
2 receiving competent private instruction under this chapter or
3 a child over compulsory age who is receiving private
4 instruction submits a request, the child shall also be
5 registered in a public school for dual enrollment purposes.
6 If the child is enrolled in a public school district for dual
7 enrollment purposes, the child shall be permitted to
8 participate in any academic activities in the district and
9 shall also be permitted to participate on the same basis as
10 public school children in any extracurricular activities
11 available to children in the child's grade or group, and the
12 parent, guardian, or legal custodian shall not be required to
13 pay the costs of any annual evaluation under this chapter. If
14 the child is enrolled for dual enrollment purposes, the child
15 shall be included in the public school's basic enrollment
16 under section 257.6. A pupil who is participating only in
17 extracurricular activities shall be counted under section
18 257.6, subsection 1, paragraph "f". A pupil enrolled in
19 grades nine through twelve under this section shall be counted
20 in the same manner as a shared-time pupil under section 257.6,
21 subsection 1, paragraph "c".

22 Sec. 36. Section 403.19, subsection 2, Code 2001, is
23 amended to read as follows:

24 2. That portion of the taxes each year in excess of such
25 amount shall be allocated to and when collected be paid into a
26 special fund of the municipality to pay the principal of and
27 interest on loans, moneys advanced to, or indebtedness,
28 whether funded, refunded, assumed, or otherwise, including
29 bonds issued under the authority of section 403.9, subsection
30 1, incurred by the municipality to finance or refinance, in
31 whole or in part, an urban renewal project within the area,
32 and to provide assistance for low and moderate income family
33 housing as provided in section 403.22, except that taxes for
34 the regular and voter-approved physical plant and equipment
35 levy of a school district imposed pursuant to section 298.2

1 and taxes for the payment of bonds and interest of each taxing
2 district must be collected against all taxable property within
3 the taxing district without limitation by the provisions of
4 this subsection. However, all or a portion of the taxes for
5 the physical plant and equipment levy shall be paid by the
6 school district to the municipality if the municipality
7 auditor certifies to the school district by July 1 the amount
8 of such levy that is necessary to pay the principal and
9 interest on indebtedness-incurred bonds issued by the
10 municipality to finance an urban renewal project, which
11 indebtedness-was-incurred bonds were issued before July 1,
12 2000 2001. Indebtedness incurred to refund bonds issued prior
13 to July 1, 2001, shall not be included in the certification.
14 Such school district shall pay over the amount certified by
15 November 1 and May 1 of the fiscal year following
16 certification to the school district. Unless and until the
17 total assessed valuation of the taxable property in an urban
18 renewal area exceeds the total assessed value of the taxable
19 property in such area as shown by the last equalized
20 assessment roll referred to in subsection 1, all of the taxes
21 levied and collected upon the taxable property in the urban
22 renewal area shall be paid into the funds for the respective
23 taxing districts as taxes by or for the taxing districts in
24 the same manner as all other property taxes. When such loans,
25 advances, indebtedness, and bonds, if any, and interest
26 thereon, have been paid, all moneys thereafter received from
27 taxes upon the taxable property in such urban renewal area
28 shall be paid into the funds for the respective taxing
29 districts in the same manner as taxes on all other property.
30 Sec. 37. Section 403.19, Code 2001, is amended by adding
31 the following new subsection:
32 NEW SUBSECTION. 7. For any fiscal year, a municipality
33 may certify to the county auditor for physical plant and
34 equipment revenue necessary for payment of principal and
35 interest on bonds issued prior to July 1, 2001, only if the

1 municipality certified for such revenue for the fiscal year
2 beginning July 1, 2001. A municipality shall not certify to
3 the county auditor for a school district more than the amount
4 the municipality certified for the fiscal year beginning July
5 1, 2001. If for any fiscal year a municipality fails to
6 certify to the county auditor for a school district by July 1
7 the amount of physical plant and equipment revenue necessary
8 for payment of principal and interest on such bonds, as
9 provided in subsection 2, the school district is not required
10 to pay over the revenue to the municipality. If a school
11 district and a municipality are unable to agree on the amount
12 of physical plant and equipment revenue certified by the
13 municipality for the fiscal year beginning July 1, 2002,
14 either party may request that the state appeal board review
15 and finally pass upon the amount that may be certified. Such
16 appeals must be presented in writing to the state appeal board
17 no later than July 31 following certification. The burden
18 shall be on the municipality to prove that the physical plant
19 and equipment levy revenue is necessary to pay principal and
20 interest on bonds issued prior to July 1, 2001. A final
21 decision must be issued by the state appeal board no later
22 than the following October 1.

23 Sec. 38. Section 427.1, subsection 19, Code 2001, as
24 amended by 2001 Iowa Acts, Senate File 514, is amended by
25 adding the following new unnumbered paragraph:

26 NEW UNNUMBERED PARAGRAPH. For purposes of establishing the
27 valuation limitation under this subsection, if more than one
28 person has an ownership interest in the property, the multiple
29 owners shall be considered one owner so that the two hundred
30 thousand dollar limitation cannot be exceeded as a result of
31 multiple ownership. For purposes of applying the valuation
32 limitation to multiple properties owned by the same person,
33 the two hundred thousand dollar limitation shall apply per
34 owner on a statewide basis.

35 Sec. 39. Section 483A.27, Code 2001, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 11. A hunter safety and ethics instructor
3 certified by the department shall be allowed to conduct an
4 approved hunter safety and ethics education course on public
5 school property with the approval of a majority of the board
6 of directors of the school district. The conduct of an
7 approved hunter safety and ethics education course is not a
8 violation of any public policy, rule, regulation, resolution,
9 or ordinance which prohibits the possession, display, or use
10 of a firearm, bow and arrow, or other hunting weapon on public
11 school property or other public property in this state.

12 Sec. 40. EFFECTIVE AND APPLICABILITY DATES. Sections 36
13 and 37 of this division of this Act, being deemed of immediate
14 importance, take effect upon enactment and apply to property
15 taxes due and payable in fiscal years beginning on or after
16 July 1, 2002.

17 Sec. 41. CONTINGENT EFFECTIVE DATE. Section 38 of this
18 Act shall take effect only if 2001 Iowa Acts, Senate File 514
19 is enacted without adoption of amendment H-1883 or, in the
20 alternative, Senate File 514 is enacted without adoption of H-
21 1914 to amendment H-1897 to Senate File 514.

22 DIVISION VI

23 SCHEDULED VIOLATIONS

24 Sec. 42. Section 321.17, Code 2001, is amended to read as
25 follows:

26 321.17 MISDEMEANOR TO VIOLATE REGISTRATION PROVISIONS.

27 It is a simple misdemeanor punishable as a scheduled
28 violation under section 805.8A, subsection 2, paragraph "b",
29 for any person to drive or move or for an owner knowingly to
30 permit to be driven or moved upon the highway a vehicle of a
31 type required to be registered under this chapter which is not
32 registered, or for which the appropriate fee has not been
33 paid, except as provided in section 321.109, subsection 3.

34 Sec. 43. Section 321.98, Code 2001, is amended to read as
35 follows:

1 321.98 OPERATION WITHOUT REGISTRATION.

2 No A person shall not operate, ~~nor shall~~ and an owner shall
3 not knowingly permit to be operated upon any highway any
4 vehicle required to be registered and titled hereunder unless
5 there shall be attached thereto and displayed thereon when and
6 as required by this chapter a valid registration card and
7 registration plate or plates issued therefor for the current
8 registration year and unless a certificate of title has been
9 issued for such vehicle except as otherwise expressly
10 permitted in this chapter. Any violation of this section is a
11 simple misdemeanor punishable as a scheduled violation under
12 section 805.8A, subsection 2, paragraph "b".

13 Sec. 44. Section 321.193, unnumbered paragraph 4, Code
14 2001, is amended to read as follows:

15 It is a simple misdemeanor punishable as a scheduled
16 violation under section 805.8A, subsection 4, paragraph "a",
17 for a person to operate a motor vehicle in any manner in
18 violation of the restrictions imposed on a restricted license
19 issued to that person under this section.

20 Sec. 45. Section 321.216, unnumbered paragraph 1, Code
21 2001, is amended to read as follows:

22 It is a simple misdemeanor punishable as a scheduled
23 violation under section 805.8A, subsection 4, paragraph "b",
24 for any person:

25 Sec. 46. Section 321.216B, Code 2001, is amended to read
26 as follows:

27 321.216B USE OF DRIVER'S LICENSE OR NONOPERATOR'S
28 IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN ALCOHOL.

29 A person who is under the age of twenty-one, who alters or
30 displays or has in the person's possession a fictitious or
31 fraudulently altered driver's license or nonoperator's
32 identification card and who uses the license to violate or
33 attempt to violate section 123.47, commits a simple
34 misdemeanor punishable by-a-fine-of-one-hundred-dollars as a
35 scheduled violation under section 805.8A, subsection 4,

1 paragraph "c". The court shall forward a copy of the
2 conviction to the department.

3 Sec. 47. Section 321.216C, Code 2001, is amended to read
4 as follows:

5 321.216C USE OF DRIVER'S LICENSE OR NONOPERATOR'S
6 IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN CIGARETTES OR
7 TOBACCO PRODUCTS.

8 A person who is under the age of eighteen, who alters or
9 displays or has in the person's possession a fictitious or
10 fraudulently altered driver's license or nonoperator's
11 identification card and who uses the license or card to
12 violate or attempt to violate section 453A.2, subsection 2,
13 commits a simple misdemeanor punishable ~~by a fine of one~~
14 ~~hundred dollars~~ as a scheduled violation under section 805.8A,
15 subsection 4, paragraph "c". The court shall forward a copy
16 of the conviction to the department.

17 Sec. 48. Section 321L.3, unnumbered paragraph 2, Code
18 2001, is amended to read as follows:

19 A person who fails to return the persons with disabilities
20 parking permit and subsequently misuses the permit by
21 illegally parking in a persons with disabilities parking space
22 is guilty of a simple misdemeanor ~~and subject to a fine of up~~
23 ~~to one hundred dollars~~ punishable as a scheduled violation
24 under section 805.8A, subsection 1, paragraph "c".

25 Sec. 49. Section 321L.7, Code 2001, is amended to read as
26 follows:

27 321L.7 PENALTY FOR FAILING TO PROVIDE PERSONS WITH
28 DISABILITIES PARKING SPACES AND SIGNS.

29 Failure to provide proper persons with disabilities parking
30 spaces as provided in section 321L.5 or to properly display
31 persons with disabilities parking signs as provided in section
32 321L.6 is a simple misdemeanor ~~for which a fine of one hundred~~
33 ~~dollars shall be imposed for each violation~~ punishable as a
34 scheduled violation under section 805.8A, subsection 1,
35 paragraph "c".

1 Sec. 50. Section 452A.52, unnumbered paragraph 2, Code
2 2001, is amended to read as follows:

3 Any person who is unable to display either of the permits
4 or the license provided in section 452A.53 and brings into the
5 state in the fuel supply tanks of a commercial motor vehicle
6 more than thirty gallons of motor fuel or special fuel in
7 violation of ~~the provisions of the preceding paragraph is~~
8 guilty of subsection 1 commits a simple misdemeanor punishable
9 as a scheduled violation under section 805.8A, subsection 13,
10 paragraph "c".

11 Sec. 51. CONFLICTING LEGISLATION. If both 2001 Iowa Acts,
12 Senate File 499 and 2001 Iowa Acts, House File 561 are enacted
13 by the Seventy-ninth General Assembly and if House File 561
14 maintains the scheduled fine for a violation of section
15 321.234A at one hundred dollars, the scheduled fine of fifty
16 dollars, as enacted in Senate File 499, shall prevail and the
17 scheduled fine of one hundred dollars, as enacted in House
18 File 561, shall be void.

19 Sec. 52. CONTINGENT EFFECTIVENESS. This division of this
20 Act takes effect only if 2001 Iowa Acts, Senate File 499 is
21 enacted.

22 DIVISION VII

23 CORRECTIVE AMENDMENTS

24 Sec. 53. Section 103A.3, subsections 10, 11, 20, and 25,
25 Code 2001, are amended to read as follows:

26 10. "Ground anchoring system" means any device or
27 combination of devices used to securely anchor a manufactured
28 or mobile home to the ground.

29 11. "Ground support system" means any device or
30 combination of devices placed beneath a manufactured or mobile
31 home and used to provide support.

32 20. "Permanent site" means any lot or parcel of land on
33 which a manufactured or mobile home used as a dwelling or
34 place of business, is located for ninety consecutive days
35 except a construction site when the manufactured or mobile

1 home is used by a commercial contractor as a construction
2 office or storage room.

3 25. "Tiedown system" means a ground support system and a
4 ground anchoring system used in concert to provide anchoring
5 and support for a manufactured or mobile home.

6 Sec. 54. Section 103A.26, Code 2001, if enacted by 2001
7 Iowa Acts, Senate File 185, section 4, is amended to read as
8 follows:

9 103A.26 MANUFACTURED OR MOBILE HOME INSTALLERS

10 CERTIFICATION -- VIOLATION -- CIVIL PENALTY.

11 1. a. A person who installs a manufactured or mobile home
12 for another person shall be certified in accordance with rules
13 adopted by the commissioner pursuant to chapter 17A. The
14 commissioner may assess a fee sufficient to recover the costs
15 of administering the certification of manufactured or mobile
16 home installers. The commissioner may suspend or revoke the
17 certification of a manufactured or mobile home installer for
18 failure to perform installation of a manufactured or mobile
19 home, pursuant to certification standards as provided by rules
20 of the commissioner.

21 b. Notwithstanding section 103A.23, all fees collected by
22 the commissioner for the administration of the manufactured or
23 mobile home program shall be credited to the general fund of
24 the state and are appropriated to the commissioner for the
25 purpose of administering this certification program including
26 the employment of personnel for the enforcement and
27 administration of this program.

28 2. If a provision of this chapter or a rule adopted
29 pursuant to this chapter relating to the manufacture or
30 installation of a manufactured or mobile home is violated, the
31 commissioner may assess a civil penalty not to exceed one
32 thousand dollars for each offense. Each violation involving a
33 separate manufactured or mobile home, or a separate failure or
34 refusal to allow an act to be performed or to perform an act
35 as required by this chapter, or a rule adopted pursuant to

1 this chapter constitutes a separate offense. However, the
2 maximum amount of civil penalties which may be assessed for
3 any series of violations occurring within one year from the
4 date of the first violation shall not exceed one million
5 dollars.

6 Sec. 55. Section 165A.5, subsection 1, as enacted by 2001
7 Iowa Acts, Senate File 209, section 5, is amended to read as
8 follows:

9 ~~1. Except as provided in this subsection, a~~ A person
10 violating a provision of this chapter or any rule adopted
11 pursuant to this chapter shall be subject to a civil penalty
12 of at least one hundred dollars but not more than one thousand
13 dollars. The proceeding to assess a civil penalty shall be
14 conducted as a contested case proceeding under chapter 17A.

15 Sec. 56. Section 172E.1, subsection 3, as enacted by 2001
16 Iowa Acts, Senate File 209, section 6, is amended to read as
17 follows:

18 3. "Livestock market" means any place where livestock are
19 assembled from two or more sources for public auction, private
20 sale, or sale on a commission basis, which is under state or
21 federal supervision, including a livestock auction market, if
22 such livestock are kept in the place for ten days or less.

23 Sec. 57. Section 232.21, subsection 4, Code 2001, as
24 amended by 2001 Acts, Senate File 458, section 5, if enacted,
25 is amended to read as follows:

26 4. A child placed in a shelter care facility under this
27 section shall not be held for a period in excess of forty-
28 eight hours without an oral or written court order authorizing
29 the shelter care. When the action is authorized by an oral
30 court order, the court shall enter a written order before the
31 end of the next day confirming the oral order and indicating
32 the reasons for the order. A child placed in shelter care
33 pursuant to section 232.19, subsection 1, paragraph "c", shall
34 not be held in excess of seventy-two hours in any event. If
35 deemed appropriate by the court, an order authorizing shelter

1 care placement may include a determination that continuation
2 of the child in the child's home is contrary to the child's
3 welfare and that reasonable efforts as defined in section
4 232.57 have been made. The inclusion of such a determination
5 shall not under any circumstances be deemed a prerequisite for
6 entering an order pursuant to this section. However, the
7 inclusion of such a finding determination, supported by the
8 record, may assist the department in obtaining federal funding
9 for the child's placement.

10 Sec. 58. Section 321.113, subsection 5, paragraph b,
11 unnumbered paragraph 1, if enacted by 2001 Iowa Acts, Senate
12 File 350, section 4, is amended to read as follows:

13 If the title of a 1993 model year or older motor vehicle is
14 transferred to a new owner or if such a motor vehicle is
15 brought into the state on or after January 1, 2002, the
16 registration fee shall not be based on the weight and list
17 price of the motor vehicle, but shall be as follows:

18 Sec. 59. Section 322B.2, subsection 4, if enacted by 2001
19 Iowa Acts, House File 656, section 2, is amended to read as
20 follows:

21 4. "Manufactured or mobile home distributor" means a
22 person who sells or distributes manufactured or mobile homes
23 to manufactured or mobile home retailers.

24 Sec. 60. Section 331.303, subsection 1, paragraph b, Code
25 2001, as amended by 2001 Iowa Acts, Senate File 453, section
26 1, is amended to read as follows:

27 b. A "warrant book" which records each warrant drawn in
28 the order of issuance by number, date, amount, and name of
29 drawee, and refers to the order in the minute book authorizing
30 its drawing. The board may authorize the auditor to issue
31 checks in lieu of warrants. If the issuance of checks is
32 authorized, the word "check" shall be substituted for the word
33 "warrant" in those sections of this chapter and chapters 6B-~~11~~
34 6B, 11, 35B, 336, 349, 350, 427B, and 468 in which the
35 issuance of a check is authorized in lieu of a warrant.

1 Sec. 61. Section 351.39, Code 2001, as amended by 2001
2 Iowa Acts, House File 179, section 1, is amended to read as
3 follows:

4 351.39 CONFINEMENT.

5 If a local board of health receives information that an
6 animal has bitten a person or that a dog or animal is
7 suspected of having rabies, the board shall order the owner to
8 confine such animal in the manner it directs. If the owner
9 fails to confine such animal in the manner directed, the
10 animal shall be apprehended and impounded by such board, and
11 after ten days the board may humanely destroy the animal. If
12 such animal is returned to its owner, the owner shall pay the
13 cost of impoundment. This section shall not apply ~~to~~ if a
14 police service dog or a horse used by a law enforcement
15 agency, ~~that is~~ and acting in the performance of its duties
16 ~~which~~ has bitten a person.

17 Sec. 62. Section 466.8, unnumbered paragraph 1, as enacted
18 by 2001 Iowa Acts, Senate File 479, section 2, is amended to
19 read as follows:

20 The department of natural resources shall establish an on-
21 site wastewater systems assistance program for the purpose of
22 providing low-interest loans to homeowners residing outside
23 the boundaries of a city for improving on-site wastewater
24 disposal systems.

25 Sec. 63. Section 466.8, subsection 4, as enacted by 2001
26 Iowa Acts, Senate File 479, section 2, is amended to read as
27 follows:

28 4. The department shall report to the general assembly
29 annually on the progress of the on-site wastewater systems
30 assistance program.

31 Sec. 64. Section 507B.4A, subsection 2, paragraph c, as
32 enacted by 2001 Iowa Acts, Senate File 500, section 3, is
33 amended to read as follows:

34 c. The commissioner shall adopt rules establishing
35 processes for timely adjudication and payment of claims by

1 insurers for health care benefits. The rules shall be
2 consistent with the time frames and other procedural standards
3 for claims decisions by group health plans established by the
4 United States department of labor pursuant to 29 C.F.R. pt.
5 2560 in effect ~~at-the-time-of-passage-of-this-Act~~ on January
6 1, 2002.

7 Sec. 65. Section 522B.14, subsection 11, as enacted by
8 2001 Iowa Acts, Senate File 276, section 28, is amended to
9 read as follows:

10 11. An insurer, the authorized representative of the
11 insurer, or an insurance producer that fails to report as
12 required under this section, or that is found to have reported
13 with actual malice by a court of competent jurisdiction, after
14 notice and hearing, may have its license or certificate of
15 authority suspended or revoked and may be ~~fin~~ penalized as
16 provided in section 522B.17.

17 Sec. 66. Section 523A.401, subsection 5, paragraph c, if
18 enacted by 2001 Iowa Acts, Senate File 473, section 28, is
19 amended to read as follows:

20 c. The policy shall have an increasing death benefit or
21 similar feature that provides some means for increasing the
22 funding as the cost of cemetery merchandise, funeral
23 merchandise, and ~~cemetery-goods-and~~ funeral services
24 increases.

25 Sec. 67. Section 523A.405, subsection 1, if enacted by
26 2001 Iowa Acts, Senate File 473, section 32, is amended to
27 read as follows:

28 1. In lieu of trust requirements, a seller may file with
29 the commissioner a surety bond issued by a surety company
30 authorized to do business and doing business within this
31 state. The bond must be conditioned upon the seller's
32 faithful performance of purchase agreements subject to this
33 chapter. The surety's liability extends to each such
34 agreement executed while the bond is in force and until
35 performance or rescision of the purchase agreement. The

1 aggregate liability of the surety for any and all breaches of
2 the conditions of the bond shall not exceed the penal sum of
3 the bond. To the extent expressly agreed to in writing by the
4 surety, the surety's liability extends to each such agreement
5 subject to this chapter executed prior to the time the bond
6 was in force and until performance or rescision of the
7 agreement. A purchaser aggrieved by a breach of a condition
8 of the bond covering the purchaser's agreement may maintain an
9 action against the bond. If, at the time of the breach, the
10 purchaser is aware of the purchaser's rights under the bond
11 and how to file a claim against the bond, the surety shall not
12 be liable for any breach of condition unless the surety
13 receives notice of a claim within sixty days following
14 discovery of the acts, omissions, or conditions constituting
15 the breach of condition, except as otherwise provided in this
16 section. A surety bond shall not be canceled by a surety
17 except upon a written notice of cancellation given by the
18 surety to the commissioner by restricted certified mail, and
19 not prior to the expiration of sixty days after receipt of the
20 notice by the commissioner. The surety's liability shall
21 extend to each purchase agreement subject to this chapter
22 executed prior to cancellation of the surety bond until the
23 seller has complied with section subsection 3.

24 Sec. 68. Section 554.9525, subsections 3 and 4, as enacted
25 by 2000 Iowa Acts, chapter 1149, section 96, are amended to
26 read as follows:

27 ~~3-~~ 2. NUMBER OF NAMES. The number of names required to be
28 indexed does not affect the amount of the fee in subsections
29 subsection 1 and-2.

30 ~~4-~~ 3. RESPONSE TO INFORMATION REQUEST. A rule or
31 ordinance adopted pursuant to subsection 1 must set the fee
32 for responding to a request for information from the filing
33 office, including for communicating whether there is on file
34 any financing statement naming a particular debtor. A fee for
35 responding to a request communicated in writing must be not

1 less than twice the amount of the fee for responding to a
2 request communicated by another medium authorized by the
3 office of secretary of state or the board of supervisors for
4 the filing office where its filing office is located.

5 Sec. 69. Section 558.39, unnumbered paragraph 1, Code
6 2001, as amended by 2001 Iowa Acts, House File 259, is amended
7 to read as follows:

8 The following forms of acknowledgment shall be sufficient
9 in the cases to which they are respectively applicable. In
10 each case where one of these forms is used, the name of the
11 state and county where the acknowledgment is taken shall
12 precede the body of the certificate, and the signature and
13 official title of the officer shall follow it as indicated in
14 the first form and shall constitute a part of the certificate,
15 and the stamp or seal of the officer shall be attached when
16 necessary under the provision of this chapter and as provided
17 in section 9E-6 9E.6A. No certificate of acknowledgment shall
18 be held to be defective on account of the failure to show the
19 official title of the officer making the certificate if such
20 title appears either in the body of such certificate or in
21 connection therewith, or with the signature thereto.

22 Sec. 70. Section 627.6, subsection 8, paragraph f,
23 subparagraph (3), Code 2001, as amended by 2001 Iowa Acts,
24 House File 654, section 3, if enacted, is amended to read as
25 follows:

26 (3) For simplified employee pension plans, self-employed
27 pension plans (also known as Keogh plans or H.R. 10 plans),
28 individual retirement accounts established under section
29 408(a) of the Internal Revenue Code, individual retirement
30 annuities established under section 408(b) of the Internal
31 Revenue Code, savings incentive matched plans for employees,
32 salary reduction simplified employee pension plans (also known
33 as SARSEPs), and similar plans for retirement investments
34 authorized in the future under federal law, the exemption for
35 contributions shall not exceed, for each tax year of

1 contributions, the actual amount of the contribution deducted
2 for individual retirement accounts and annuities established
3 under section 408 of the Internal Revenue Code or the maximum
4 amount which could be contributed and deducted in the tax year
5 of the contribution on the debtor's tax return or the maximum
6 amount which could be contributed to an individual retirement
7 account established under section 408(a) of the Internal
8 Revenue Code and deducted in the tax year of the contribution,
9 whichever is less. The exemption for accumulated earnings and
10 market increases in value of plans under this subparagraph
11 shall be limited to an amount determined by multiplying all
12 the accumulated earnings and market increases in value by a
13 fraction, the numerator of which is the total amount of exempt
14 contributions as determined by this subparagraph, and the
15 denominator of which is the total of exempt and nonexempt
16 contributions to the plan.

17 Sec. 71. Section 633.4213, subsection 5, Code 2001, is
18 amended to read as follows:

19 5. A trustee shall prepare and send to the beneficiaries
20 an account of the trust property, liabilities, receipts, and
21 disbursements at least annually, at the termination of the
22 trust, and upon a change of a trustee. An accounting on
23 behalf of a former trustee shall be prepared by the former
24 trustee, or if the trustee's appointment is terminated by
25 reason of death or incapacity, by the former trustee's
26 personal representative or guardian or conservator.

27 Sec. 72. Section 702.11, subsection 2, paragraph e, as
28 enacted by 2001 Iowa Acts, Senate File 63, section 1, is
29 amended to read as follows:

30 e. Child endangerment resulting in bodily injury to a
31 child or a minor in violation of section 726.6, subsection 2A.

32 Sec. 73. 2001 Iowa Acts, House File 656, section 15, is
33 amended to read as follows:

34 SEC. 15. Sections ~~103A.37~~ 103A.30, 103A.31, 321.1, 321.47,
35 321.123, 321.251, 321.284A, 321.457, 321E.28, 321E.31,

1 331.429, 331.653, 422.43, 422A.1, 425.17, 426A.11, 427.11,
2 435.22, 441.17, 445.1, 445.36A, 445.37, 445.38, 515C.1,
3 534.605, 562B.2, 562B.13, 631.1, 631.4, and 648.3, Code 2001,
4 are amended by inserting before the words "mobile home" the
5 words "manufactured or".

6 Sec. 74. DIRECTION TO CODE EDITOR. In codifying
7 provisions of 2000 Iowa Acts, chapter 1149, in Code Supplement
8 2001, the Code editor may change references from "this Act" to
9 an appropriate reference, including but not limited to "this
10 Article", wherever it appears in the Act, after consultation
11 with the Iowa state bar association. The Iowa state bar
12 association is requested to respond to the Code editor's
13 consultations by no later than July 31, 2001. Nothing in this
14 section limits the authority of the Code editor under section
15 2B.13.

16 Sec. 75. CONTINGENT EFFECTIVENESS. The sections of this
17 division of this Act amending Code section 103A.3 and Code
18 section 103A.26, if enacted, and Code section 322B.2, take
19 effect only if 2001 Iowa Acts, House File 656 is enacted.
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HOUSE FILE 755

S-3656

- 1 Amend House File 755, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 15, line 35, through page 16,
- 4 line 11.

By JOHNIE HAMMOND

S-3656 FILED MAY 7, 2001

LOST (p. 1549)

HOUSE FILE 755

S-3657

1 Amend House File 755, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 9, by inserting after line 33, the
 4 following:
 5 "Sec. ____ . Section 135.24, subsection 2, paragraph
 6 c, Code 2001, is amended to read as follows:
 7 c. Identification of the medical services to be
 8 provided under the program. The medical services
 9 provided ~~shall~~ may include, but shall not be limited
 10 to, obstetrical and gynecological medical services,
 11 and psychiatric services provided by a physician
 12 licensed under chapter 148, 150, or 150A".

By JOHN REDWINE

S-3657 FILED MAY 7, 2001

ADOPTED (p. 1548)

HOUSE FILE 755

S-3663

1 Amend House File 755, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, by striking lines 24 through 34.

By TOM FLYNN	ROBERT E. DVORSKY
PATRICK J. DELUHERY	MATT McCOY
MIKE CONNOLLY	BILL FINK
THOMAS FIEGEN	JOHN P. KIBBIE
MARK SHEARER	JOE BOLKCOM
STEVEN D. HANSEN	BETTY A. SOUKUP
MICHAEL E. GRONSTAL	WALLY E. HORN
DENNIS H. BLACK	EUGENE S. FRAISE

S-3663 FILED MAY 7, 2001

LOST (p. 1545)

HOUSE FILE 755

S-3664

1 Amend House File 755, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 9, by inserting after line 33 the
 4 following:
 5 "Sec. ____ . Notwithstanding the requirement in
 6 section 9.6, that the secretary of state publish in
 7 odd-numbered years the Iowa official register, the
 8 secretary of state shall not publish the Iowa official
 9 register in the 2001 calendar year. Any references in
 10 the Code to the distribution and contents of the Iowa
 11 official register shall not apply to the 2001 and 2002
 12 calendar years. The next publication of the Iowa
 13 official register shall be in the 2003 calendar year."

By STEVEN D. HANSEN

S-3664 FILED MAY 7, 2001

WITHDRAWN (p. 1548)

HOUSE FILE 755**S-3665**

- 1 Amend House File 755, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 13 through 28.

By MIKE CONNOLLY

THOMAS FIEGEN

MARK SHEARER

JACK HOLVECK

MICHAEL E. GRONSTAL

STEVEN D. HANSEN

ROBERT E. DVORSKY

MATT McCOY

PATRICIA HARPER

JOHN P. KIBBIE

JOHNIE HAMMOND

WALLY E. HORN

EUGENE S. FRAISE

S-3665 FILED MAY 7, 2001

LOST (p. 1542)

HOUSE FILE 755**S-3666**

- 1 Amend House File 755, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 3, line 35 through page 4,
- 4 line 6.

By BILL FINK

JOE BOLKCOM

PATRICK J. DELUHERY

MIKE CONNOLLY

TOM FLYNN

THOMAS FIEGEN

MARK SHEARER

JACK HOLVECK

DENNIS H. BLACK

JOHN P. KIBBIE

BETTY A. SOUKUP

MICHAEL E. GRONSTAL

ROBERT E. DVORSKY

MATT McCOY

PATRICIA HARPER

JOHNIE HAMMOND

WALLY E. HORN

EUGENE S. FRAISE

S-3666 FILED MAY 7, 2001

LOST (p. 1546)

HOUSE FILE 755**S-3667**

- 1 Amend House File 755, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 29 through 35.

By MATT McCOY

JACK HOLVECK

PATRICIA HARPER

JOHNIE HAMMOND

BILL FINK

JOE BOLKCOM

MIKE CONNOLLY

PATRICK J. DELUHERY

TOM FLYNN

THOMAS FIEGEN

MARK SHEARER

JOHN P. KIBBIE

DENNIS H. BLACK

BETTY A. SOUKUP

MICHAEL E. GRONSTAL

ROBERT E. DVORSKY

EUGENE S. FRAISE

WALLY E. HORN

STEVEN D. HANSEN

S-3667 FILED MAY 7, 2001

LOST (p. 1543)

HOUSE FILE 755**S-3668**

- 1 Amend House File 755, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, by striking lines 14 through 23.

By PATRICIA HARPER
 JOHNIE HAMMOND
 MATT McCOY
 JACK HOLVECK
 MARK SHEARER
 THOMAS FIEGEN
 PATRICK J. DELUHERY

MIKE CONNOLLY
 JOE BOLKCOM
 BILL FINK
 JOHN P. KIBBIE
 BETTY A. SOUKUP
 WALLY E. HORN
 EUGENE S. FRAISE

S-3668 FILED MAY 7, 2001

LOST (p.1544)

HOUSE FILE 755**S-3669**

- 1 Amend House File 755, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 4, by striking lines 7 through 14.

By JOE BOLKCOM
 MIKE CONNOLLY
 PATRICK J. DELUHERY
 THOMAS FIEGEN
 MARK SHEARER
 JACK HOLVECK
 BETTY A. SOUKUP
 ROBERT E. DVORSKY

MATT McCOY
 PATRICIA HARPER
 MICHAEL E. GRONSTAL
 STEVEN D. HANSEN
 JOHN P. KIBBIE
 JOHNIE HAMMOND
 WALLY E. HORN
 EUGENE S. FRAISE

S-3669 FILED MAY 7, 2001

LOST (p.1547)

HOUSE FILE 755**S-3670**

- 1 Amend House File 755, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, by striking lines 1 through 13.

By MARK SHEARER
 JACK HOLVECK
 PATRICIA HARPER
 BILL FINK
 JOE BOLKCOM
 MIKE CONNOLLY
 PATRICK J. DELUHERY

JOHN P. KIBBIE
 THOMAS FIEGEN
 JOHNIE HAMMOND
 BETTY A. SOUKUP
 MICHAEL E. GRONSTAL
 WALLY E. HORN
 EUGENE S. FRAISE

S-3670 FILED MAY 7, 2001

LOST (p.1544)

HOUSE FILE 755

S-3671

1 Amend House File 755, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 28, by inserting after line 19, the
4 following:

5 "DIVISION _____
6 Sec. ____ . NEW SECTION. 231.61 SENIOR
7 PHARMACEUTICAL ASSISTANCE PROGRAM ESTABLISHED.

8 1. For the purposes of this section, unless the
9 context otherwise requires:

10 a. "Eligible person" means a person, sixty-five
11 years of age or older, with an annual net income of
12 not more than two hundred fifty percent of the federal
13 poverty level, as defined by the most recent poverty
14 income guidelines published by the United States
15 department of health and human services; or a person,
16 sixty-five years of age or older, who with the
17 person's spouse has an annual net income of not more
18 than two hundred fifty percent of the federal poverty
19 level, as defined by the most recent poverty income
20 guidelines published by the United States department
21 of health and human services. "Eligible person" does
22 not include a person who is eligible for financial
23 assistance for the purchase of prescription drugs
24 under another local, state, or federal program to the
25 extent that the other program provides financial
26 assistance for the purchase of prescription drugs.

27 b. "Prescription drug" means a prescription drug
28 as defined in section 155A.3.

29 c. "Program" means the senior pharmaceutical
30 assistance program established in this section.

31 2. A senior pharmaceutical assistance program is
32 established within the department to provide for
33 subsidization of the prescription drug costs of
34 eligible persons. The program shall be administered
35 through the area agencies on aging.

36 3. The commission shall adopt rules to implement
37 this section. The rules shall provide for all of the
38 following:

39 a. A means to determine the eligibility of a
40 person, including proof of the person's actual and
41 anticipated annual net income, evidence of complete or
42 partial payment for the costs of prescription drugs
43 from a provider other than the program, and other
44 provisions consistent with this section.

45 b. The program application form. An initial
46 application shall be accompanied by proof of the date
47 of birth of the person.

48 c. Issuance by the department of a participation
49 card, upon approval of an application. The card shall
50 act as a form of identification for a person to use in

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1 proving eligibility.

2 d. Prescription copayment and deductible amount.

3 e. Pharmacist case management.

4 4. In establishing copayment and deductible

5 amounts, the goal of the commission shall be to

6 provide a benefit to the greatest number of eligible

7 persons. The department may negotiate group discounts

8 or utilize other methods to reduce the cost of

9 prescription drugs provided under the program.

10 5. The department shall establish a pharmaceutical

11 assistance education program to provide information

12 regarding options for pharmaceutical assistance. The

13 pharmaceutical assistance education program shall be

14 provided through the area agencies on aging.

15 Sec. ____ . APPROPRIATION. There is appropriated

16 from the general fund of the state to the department

17 of elder affairs for the fiscal year beginning July 1,

18 2001, and ending June 30, 2002, the following amount,

19 or so much thereof as is necessary, for the purpose

20 designated:

21 For the senior pharmaceutical assistance program

22 and the pharmaceutical assistance education program

23 established pursuant to section 231.61:

24 \$ 5,000,000"

25 2. By renumbering as necessary.

By JACK HOLVECK

JOHN P. KIBBIE

PATRICIA HARPER

JOHNIE HAMMOND

MARK SHEARER

BILL FINK

BETTY A. SOUKUP

MICHAEL E. GRONSTAL

WALLY E. HORN

EUGENE S. FRAISE

S-3671 FILED MAY 7, 2001

LOST (p. 1550)

HOUSE FILE 755

S-3672

1 Amend House File 755, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 28, by inserting after line 19, the
4 following:

5 "DIVISION
6 HEALTH COVERAGE COSTS -- MENTAL HEALTH AND
7 SUBSTANCE ABUSE TREATMENT
8 Sec. ____ . NEW SECTION. 514C.21 MENTAL HEALTH AND
9 SUBSTANCE ABUSE TREATMENT COVERAGE.

10 1. Notwithstanding the uniformity of treatment
11 requirements of section 514C.6, a group policy or
12 contract providing for third-party payment or
13 prepayment of health or medical expenses shall provide
14 mental health and substance abuse treatment coverage
15 benefits and shall not impose limitations on financial
16 terms for coverage of services for serious mental
17 illnesses or substance abuse if similar limitations
18 are not imposed on the coverage benefits for services
19 for medical or surgical conditions.

20 2. For purposes of this section, unless the
21 context otherwise requires:

22 a. "Serious mental illness" means the following
23 disorders, as defined by the American psychiatric
24 association's diagnostic and statistical manual of
25 mental disorders:

- 26 (1) Schizophrenia.
- 27 (2) Schizo-affective disorder.
- 28 (3) Bipolar disorder.
- 29 (4) Major depressive disorder.
- 30 (5) Obsessive-compulsive disorder.
- 31 (6) Autism.
- 32 (7) Pervasive developmental disorders.
- 33 (8) Anxiety disorders.
- 34 (9) Paranoia and other psychotic disorders.
- 35 (10) Eating disorders, including but not limited
36 to bulimia nervosa and anorexia nervosa.

37 b. "Substance abuse" means a pattern of
38 pathological use of alcohol or a drug that causes
39 impairment in social or occupational functioning, or
40 that produces physiological dependency evidenced by
41 physical tolerance or by physical symptoms when the
42 alcohol or drug is withdrawn.

43 3. This section shall not apply to accident-only,
44 specific disease, short-term hospital or medical,
45 hospital confinement indemnity, credit, dental,
46 vision, Medicare supplement, long-term care, basic
47 hospital and medical-surgical expense coverage as
48 defined by the commissioner, disability income
49 insurance coverage, coverage issued as a supplement to
50 liability insurance, workers' compensation or similar

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1 insurance, automobile medical payment insurance, or
2 individual accident or sickness policies issued
3 pursuant to chapter 513C.

4 4. A third-party payor may manage the benefits
5 provided through common methods including, but not
6 limited to, providing payment of benefits or providing
7 care and treatment under a capitated payment system,
8 prospective reimbursement rate system, utilization
9 control system, incentive system for the use of least
10 restrictive and least costly levels of care, a
11 preferred provider contract limiting choice of
12 specific provider, or any other system, method, or
13 organization designed to ensure services are medically
14 necessary and clinically appropriate.

15 5. A group policy or contract covered under this
16 section, at a minimum, shall provide for thirty
17 inpatient and sixty outpatient days annually. The
18 policy or contract may also include deductibles,
19 coinsurance, or copayments if such deductibles,
20 coinsurance, or copayments are applicable to other
21 medical or surgical services coverage under the policy
22 or contract. It is not a violation of this section if
23 the policy or contract excludes entirely from coverage
24 benefits the cost of providing the following:

25 a. Marital, family, educational, developmental, or
26 training services.

27 b. Care that is substantially custodial in nature.

28 c. Services and supplies that are not medically
29 necessary or clinically appropriate.

30 d. Experimental treatments.

31 6. The commissioner, by rule, shall increase the
32 mental health and substance abuse treatment lifetime
33 limit in the individual market guaranteed standard
34 product to one hundred thousand dollars.

35 7. A group policy is exempt from this section upon
36 submitting to the commissioner evidence demonstrating
37 a premium increase for the policy term in excess of
38 three percent as a result of the requirements of this
39 section.

40 8. This section applies to third-party payment
41 provider contracts or policies delivered, issued for
42 delivery, continued, or renewed in this state on or
43 after January 1, 2002.

44 9. This section is repealed effective July 1,
45 2004."

46 2. By renumbering as necessary.

By PATRICK J. DELUHERY
JOHN P. KIBBIE
MIKE CONNOLLY
JOE BOLKCOM
BILL FINK
JOHNIE HAMMOND
PATRICIA HARPER
MATT McCOY
ROBERT E. DVORSKY

MICHAEL E. GRONSTAL
BETTY A. SOUKUP
DENNIS H. BLACK
JACK HOLVECK
MARK SHEARER
THOMAS FIEGEN
STEVEN D. HANSEN
WALLY E. HORN
EUGENE S. FRAISE

S-3672 FILED MAY 7, 2001
RULED OUT OF ORDER (*not germane*)

HOUSE FILE 755

S-3674

- 1 Amend House File 755, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 15, line 2, by striking the figure "2001"
- 4 and inserting the following: "2000".
- 5 2. Page 15, line 5, by striking the figure "2001"
- 6 and inserting the following: "2000".
- 7 3. Page 15, line 13, by striking the figure
- 8 "2002" and inserting the following: "2001".

By JoANN JOHNSON

S-3674 FILED MAY 7, 2001
ADOPTED (*p. 1549*)

HOUSE FILE 755

S-3679

1 Amend House File 755, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 9, by inserting after line 21 the
4 following:

5 "Sec. ____ DEPARTMENT OF EDUCATION. There is
6 appropriated from the general fund of the state to the
7 department of education for the fiscal year beginning
8 July 1, 2001, and ending June 30, 2002, the following
9 amounts, or so much thereof as is necessary, to be
10 used for the purposes designated:

11 1. AMERICORPS AFTER-SCHOOL INITIATIVE

12 For purposes of the americorps after-school
13 initiative:

14 \$ 150,000

15 2. JOBS FOR AMERICA'S GRADUATES

16 For school districts to provide direct services to
17 the most at-risk senior high school students enrolled
18 in school districts through direct intervention for a
19 "jobs for America's graduates" specialist:

20 \$ 150,000

21 Sec. ____ DEPARTMENT OF HUMAN SERVICES. There is
22 appropriated from the general fund of the state to the
23 department of human services for the fiscal year
24 beginning July 1, 2001, and ending June 30, 2002, the
25 following amount, or so much thereof as is necessary,
26 to be used for the purpose designated:

27 To supplement the appropriation made in 2001 Iowa
28 Acts, House File 732, if enacted, for general
29 administration, including salaries, support,
30 maintenance, and miscellaneous purposes:

31 \$ 2,000,000"

By JEFF LAMBERTI

S-3679 FILED MAY 7, 2001
ADOPTED (p. 1547)

HOUSE FILE 755

S-3680

1 Amend House File 755, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 16, by inserting before line 12, the
4 following:

5 "Sec. 200. 2001 Iowa Acts, House File 259, shall
6 not take effect July 1, 2001, but shall take effect
7 January 1, 2002.

8 Sec. ____ EFFECTIVE DATE. Section 200 of this
9 division of this Act, being deemed of immediate
10 importance, takes effect upon enactment."

By JEFF LAMBERTI

S-3680 FILED MAY 7, 2001
ADOPTED (p. 1550)

HOUSE FILE 755**S-3681**

1 Amend House File 755, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 6, line 14, by striking the words
4 "TUITION REPLACEMENT" and inserting the following:
5 "PAYMENTS IN LIEU OF TUITION".
6 2. Page 6, line 15, by striking the words
7 "TUITION REPLACEMENT" and inserting the following:
8 "PAYMENTS IN LIEU OF TUITION".
9 3. Page 6, line 33, by striking the words
10 "TUITION REPLACEMENT" and inserting the following:
11 "PAYMENTS IN LIEU OF TUITION".
12 4. Page 7, by striking lines 11 through 14 and
13 inserting the following: "technology, and the
14 university of northern Iowa to finance or pay debt
15 service to pay debt to finance the cost of".
16 5. Page 7, line 16, by striking the words "and
17 utility services".
18 6. Page 9, line 19, by inserting after the figure
19 "12E.9." the following: "Payment of moneys from the
20 appropriations in this division of this Act shall be
21 made in a manner that does not adversely affect the
22 tax-exempt status of any outstanding bonds issued by
23 the tobacco settlement authority."

By JEFF LAMBERTI

S-3681 FILED MAY 7, 2001
ADOPTED (p. 1547)

HOUSE FILE 755**S-3690**

1 Amend House File 755, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 4, line 29, through page 5,
4 line 4.

By MERLIN E. BARTZ

S-3690 FILED MAY 7, 2001
LOST (p. 1551)

HOUSE FILE 755

S-3682

1 Amend House File 755, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 13, by inserting after line 21, the
4 following:

5 "Sec. ____ . Section 301.1, unnumbered paragraph 2,
6 Code 2001, is amended by striking the unnumbered
7 paragraph and inserting in lieu thereof the following:

8 Textbooks adopted and purchased by a school
9 district shall, to the extent funds are appropriated
10 by the general assembly, be made available to pupils
11 attending accredited nonpublic schools. The
12 department of education shall ascertain a maximum
13 annual amount a school district shall be required to
14 use for the purchase of textbooks for accredited
15 nonpublic schools. The amount shall be in the
16 proportion that the basic enrollment of an accredited
17 nonpublic school bears to the sum of the basic
18 enrollments of all participating accredited nonpublic
19 schools in the state for the budget year. An
20 accredited nonpublic school shall certify its actual
21 enrollment to the department of education by October
22 1, annually. By October 15, annually, the department
23 of education shall notify the board of directors of
24 each school district of the maximum amount of its
25 allocation that shall be made available for purchasing
26 nonsectarian, nonreligious textbooks for each of the
27 accredited nonpublic schools located within the school
28 district in accordance with this paragraph. For
29 purposes of this paragraph, an accredited nonpublic
30 school's enrollment count shall include only students
31 who are residents of Iowa. The costs of providing
32 textbooks to accredited nonpublic schools as provided
33 in this paragraph shall not be included in the
34 computation of district cost under chapter 257, but
35 shall be shown in the budget as an expense from
36 miscellaneous income. Textbook expenditures made in
37 accordance with this paragraph shall be kept on file
38 in the school district. As used in this paragraph,
39 "textbooks" means books and loose-leaf or bound
40 manuals, systems of reusable instructional materials
41 or combinations of books and supplementary
42 instructional materials which convey information to
43 the student or otherwise contribute to the learning
44 process, or electronic textbooks, including but not
45 limited to computer software, applications using
46 computer-assisted instruction, interactive videodisc,
47 and other computer courseware and magnetic media."

48 2. Page 16, by inserting after line 11, the
49 following:

50 "Sec. ____ . Section 301.30, Code 2001, is

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S-3682

Page 2

1 repealed."

By TOM FLYNN
KITTY REHBERG
JERRY BEHN

KEN VEENSTRA
JEFF LAMBERTI

S-3682 FILED MAY 7, 2001

ADOPTED (p. 1548)

HOUSE FILE 755**S-3683**

1 Amend House File 755, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 9, by inserting after line 21 the
4 following:
5 "Sec. _____. Notwithstanding the requirement in
6 section 9.6, that the secretary of state publish in
7 odd-numbered years the Iowa official register, the
8 secretary of state shall not publish the Iowa official
9 register in the 2001 calendar year. Any references in
10 the Code to the distribution and contents of the Iowa
11 official register shall not apply to the 2001 and 2002
12 calendar years."

By STEVEN D. HANSEN

S-3683 FILED MAY 7, 2001

LOST (p. 1548)

HOUSE FILE 755**S-3684**

1 Amend House File 755, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 13, by inserting after line 21 the
4 following:
5 "Sec. _____. NEW SECTION. 321.116A FUEL-EFFICIENT
6 VEHICLES.
7 For a motor vehicle that has a fuel economy rating
8 of at least thirty-three miles per gallon on the
9 highway, as determined by the United States
10 environmental protection agency, the annual
11 registration fee is sixty-five dollars. However, if a
12 motor vehicle with such a fuel economy rating is more
13 than five model years old, the annual registration fee
14 shall be reduced by five dollars for each year the
15 motor vehicle exceeds the five-year mark until the
16 annual fee reaches ten dollars."

By STEVEN D. HANSEN

S-3684 FILED MAY 7, 2001

WITHDRAWN (p. 1549)

SENATE AMENDMENT TO HOUSE FILE 755

H-2039

1 Amend House File 755, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 6, line 14, by striking the words
4 "TUITION REPLACEMENT" and inserting the following:
5 "PAYMENTS IN LIEU OF TUITION".

6 2. Page 6, line 15, by striking the words
7 "TUITION REPLACEMENT" and inserting the following:
8 "PAYMENTS IN LIEU OF TUITION".

9 3. Page 6, line 33, by striking the words
10 "TUITION REPLACEMENT" and inserting the following:
11 "PAYMENTS IN LIEU OF TUITION".

12 4. Page 7, by striking lines 11 through 14 and
13 inserting the following: "technology, and the
14 university of northern Iowa to finance or pay debt
15 service to pay debt to finance the cost of".

16 5. Page 7, line 16, by striking the words "and
17 utility services".

18 6. Page 9, line 19, by inserting after the figure
19 "12E.9." the following: "Payment of moneys from the
20 appropriations in this division of this Act shall be
21 made in a manner that does not adversely affect the
22 tax-exempt status of any outstanding bonds issued by
23 the tobacco settlement authority."

24 7. Page 9, by inserting after line 21 the
25 following:

26 "Sec. ____ . DEPARTMENT OF EDUCATION. There is
27 appropriated from the general fund of the state to the
28 department of education for the fiscal year beginning
29 July 1, 2001, and ending June 30, 2002, the following
30 amounts, or so much thereof as is necessary, to be
31 used for the purposes designated:

- 32 1. AMERICORPS AFTER-SCHOOL INITIATIVE
- 33 For purposes of the americorps after-school
- 34 initiative:
- 35 \$ 150,000
- 36 2. JOBS FOR AMERICA'S GRADUATES
- 37 For school districts to provide direct services to
- 38 the most at-risk senior high school students enrolled
- 39 in school districts through direct intervention for a
- 40 "jobs for America's graduates" specialist:
- 41 \$ 150,000

42 Sec. ____ . DEPARTMENT OF HUMAN SERVICES. There is
43 appropriated from the general fund of the state to the
44 department of human services for the fiscal year
45 beginning July 1, 2001, and ending June 30, 2002, the
46 following amount, or so much thereof as is necessary,
47 to be used for the purpose designated:

48 To supplement the appropriation made in 2001 Iowa
49 Acts, House File 732, if enacted, for general
50 administration, including salaries, support,

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Page 2

1 maintenance, and miscellaneous purposes:
2 \$ 2,000,000"

3 8. Page 9, by inserting after line 33, the
4 following:

5 "Sec. _____. Section 135.24, subsection 2, paragraph
6 c, Code 2001, is amended to read as follows:

7 c. Identification of the medical services to be
8 provided under the program. The medical services
9 provided ~~shall~~ may include, but shall not be limited
10 to, obstetrical and gynecological medical services,
11 and psychiatric services provided by a physician
12 licensed under chapter 148, 150, or 150A".

13 9. Page 13, by inserting after line 21, the
14 following:

15 "Sec. _____. Section 301.1, unnumbered paragraph 2,
16 Code 2001, is amended by striking the unnumbered
17 paragraph and inserting in lieu thereof the following:

18 Textbooks adopted and purchased by a school
19 district shall, to the extent funds are appropriated
20 by the general assembly, be made available to pupils
21 attending accredited nonpublic schools. The
22 department of education shall ascertain a maximum
23 annual amount a school district shall be required to
24 use for the purchase of textbooks for accredited
25 nonpublic schools. The amount shall be in the
26 proportion that the basic enrollment of an accredited
27 nonpublic school bears to the sum of the basic
28 enrollments of all participating accredited nonpublic
29 schools in the state for the budget year. An
30 accredited nonpublic school shall certify its actual
31 enrollment to the department of education by October
32 1, annually. By October 15, annually, the department
33 of education shall notify the board of directors of
34 each school district of the maximum amount of its
35 allocation that shall be made available for purchasing
36 nonsectarian, nonreligious textbooks for each of the
37 accredited nonpublic schools located within the school
38 district in accordance with this paragraph. For
39 purposes of this paragraph, an accredited nonpublic
40 school's enrollment count shall include only students
41 who are residents of Iowa. The costs of providing
42 textbooks to accredited nonpublic schools as provided
43 in this paragraph shall not be included in the
44 computation of district cost under chapter 257, but
45 shall be shown in the budget as an expense from
46 miscellaneous income. Textbook expenditures made in
47 accordance with this paragraph shall be kept on file
48 in the school district. As used in this paragraph,
49 "textbooks" means books and loose-leaf or bound
50 manuals, systems of reusable instructional materials

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Page 3

1 or combinations of books and supplementary
2 instructional materials which convey information to
3 the student or otherwise contribute to the learning
4 process, or electronic textbooks, including but not
5 limited to computer software, applications using
6 computer-assisted instruction, interactive videodisc,
7 and other computer courseware and magnetic media."
8 10. Page 15, line 2, by striking the figure "2001"
9 and inserting the following: "2000".
10 11. Page 15, line 5, by striking the figure "2001"
11 and inserting the following: "2000".
12 12. Page 15, line 13, by striking the figure
13 "2002" and inserting the following: "2001".
14 13. Page 16, by inserting after line 11, the
15 following:
16 "Sec. _____. Section 301.30, Code 2001, is
17 repealed."
18 14. Page 16, by inserting before line 12, the
19 following:
20 "Sec. 200. 2001 Iowa Acts, House File 259, shall
21 not take effect July 1, 2001, but shall take effect
22 January 1, 2002.
23 Sec. _____. EFFECTIVE DATE. Section 200 of this
24 division of this Act, being deemed of immediate
25 importance, takes effect upon enactment."
26 15. By renumbering, relettering, or redesignating
27 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-2039 FILED MAY 7, 2001

*House Concurred**5/8/01**(P. 1963)*



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

May 22, 2001

The Honorable Chester Culver
Secretary of State
State Capitol
LOCAL

Dear Secretary Culver:

I hereby transmit House File 755, an Act relating to public expenditure and regulatory matters, making and reducing appropriations, and including effective date and retroactive applicability provisions.

I will, reluctantly, approve this legislation with the exceptions noted. I do so for two reasons. First, I have come to the conclusion that a significantly better bill is unlikely to be approved by the legislature in the time remaining before fiscal year 2002 begins. Secondly, I believe that by careful use of the item veto, this bill can be somewhat improved through executive action.

House File 755 contains 82 distinct operations making numerous last-minute changes in laws and appropriations considered by the legislature in the closing hours of the 2001 regular session. The most important of these are sections making reductions to ongoing statutory appropriations, generally known as "standing appropriations." While much attention is focused on the legislative appropriations subcommittee process for state agency budgets, the fact remains that standing appropriations comprise nearly half of the state general fund budget.

The most critical standing appropriations - both for their financial size and their importance for state policy - are those that support local K-12 schools in our state. This includes the basic funding for local schools provided by the school aid formula, as well as other assistance, such as the class size reduction initiative for Iowa elementary schools, and educational excellence programs supporting local educators. These are critical to efforts to improve our local schools and re-shape our education system.

When declining revenues made it necessary for me to revise my fiscal year 2002 general fund budget, I made a conscious decision not to try to balance the budget on the backs of our local school children. Because the education standing appropriations make up forty percent of the state general fund budget, I determined that it was necessary to use a portion of the state's reserve funds to ensure that K-12 education had the funding necessary to maintain and build upon vital initiatives that help students learn.



Unfortunately, the legislature chose instead to make deeper cuts to balance the budget, and made significant reductions to support for public schools. At a time when we are embarking on an historic effort to re-shape our teacher compensation system to ensure student achievement and teacher quality enhancements, I believe it would be counterproductive to reduce other targeted resources for our local schools to the extent this legislation suggests. There are significant reductions in this bill, for example, in the standing appropriations made to Area Education Agencies, the School Technology program, Child Development grants, Accelerated Career Education credits, Educational Excellence programs, the Class Size reduction program, and Transportation for non-public students.

The fact remains that this legislature chose not to act on several of my recommendations that would have provided greater resources for our local schools. As a consequence, it is not possible to restore all of the unwise education cuts that the legislature approved. Consistent with my responsibility to balance the budget within the expenditure limit in state law, I will be able, at this time, to restore only some of the items that I would under other circumstances. In the future, I will continue to press the legislature to restore these education budgets to appropriate levels. In the meantime, I will exercise my item veto authority on House File 755 in the following areas.

I disapprove the item designated as section 7 in its entirety. This would reduce the standing appropriation for the early intervention block grant, popularly known as the class size reduction initiative, by \$10,000,000. This initiative to reduce class sizes and improve reading scores for students in grades K-3 has already demonstrated success across Iowa. It makes no sense to embark on a new, promising initiative focused on student achievement while cutting an existing, promising initiative that helps students achieve and puts more skilled teachers in the classroom. This initiative deserves to be funded at the planned level in the coming year, and will be as a result of this action today.

I disapprove the item designated as section 10 in its entirety. This would reduce the standing appropriation for nonpublic school transportation by an estimated \$505,000. Besides providing necessary services for the efficient operation of schools in our state, this would require the department of education to prorate the amount of claims and would be a costly and time consuming exercise. This action is not necessary at this time.

I disapprove the item designated as Section 11 in its entirety. This would reduce by \$2,000,000 the amount appropriated for Phase III moneys under the Educational Excellence program. This initiative provides additional resources for teachers who add value to the regular school program and upgrade their skills. While a review of this program and how it may, over time, be refocused to better coordinate with other teacher quality initiatives may be of value, an arbitrary reduction at this time is not wise.

As I noted previously, it is not possible to restore all of the unwise cuts made by the legislature in the area of K-12 education. I have carefully considered the reductions in this bill for school technology, at-risk early childhood grants, and the AEAs, and found a good case could be made to restore each of them as well. In the final analysis, however, the legislature has chosen not to provide the resources necessary to support all of these initiatives.

I am unable to approve section 34 in its entirety. This section would require the Iowa Finance Authority to use its reserve funds to support mental illness special services. Moody's Rating Service has indicated that the use of reserve funds will adversely impact the Authority's bond rating. A reduced bond rating will result in increased borrowing costs which will increase costs to first time home buyers. It is more appropriate for the Authority to leverage these assets and address Iowa's housing needs through established housing assistance programs.

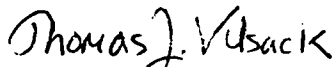
I am also unable to approve section 39 and section 44 of this bill. The effect of these two sections is to totally re-write state law regarding the allocation of resources for textbooks for students at Iowa's nonpublic schools. These changes were added to this bill late in the legislative session, and did not receive adequate discussion or analysis. I am concerned about the unintended consequences of these provisions. I do not believe legislators intended to reduce funding to large public, private, and parochial schools. I do not support that result. I am not persuaded that a compelling case has been made to totally change the law in this way.

Additionally, I am unable to approve section 42 and section 48 of this bill. The effect of these two sections is to amend the Code presuming passage of Senate File 514, the property tax limitation bill related to counties. This bill was not passed in the 2001 legislative session, therefore these provisions are not necessary.

I am also unable to approve section 58 of this bill. This section was designed to resolve a potential conflict between two other bills passed by the legislature. One of those will not receive my approval, so no conflict will exist and this section of HF 755 is therefore unnecessary.

I hereby approve House File 755, with the exceptions noted.

Sincerely,


Thomas J. Vilsack
Governor

TJV:jmc

CC: Secretary of the Senate
Chief Clerk of the House

HOUSE FILE 755

AN ACT

RELATING TO PUBLIC EXPENDITURE AND REGULATORY MATTERS, MAKING AND REDUCING 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, 2002, and ending June 30, 2003, 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, as provided in this section in lieu of the provisions of section 331.438, subsection 2, and section 331.439, subsection 3, and chapter 426B:

..... \$ 14,874,702

The funding appropriated in this section is the allowed growth factor adjustment for fiscal year 2002-2003, and is allocated for distribution as provided by law.

DIVISION II

STANDING APPROPRIATIONS -- REDUCTIONS

Sec. 2. GENERAL ASSEMBLY. The budgets approved pursuant to section 2.12 for the expenses of the general assembly and legislative agencies for the fiscal year beginning July 1, 2001, and ending June 30, 2002, are reduced by the following amount:

..... \$ 1,550,324

Sec. 3. PERFORMANCE OF DUTY. The appropriation made from the general fund of the state in section 7D.29, for the fiscal year beginning July 1, 2001, and ending June 30, 2002, for performance of duty by the executive council, is reduced by the following amount:

..... \$ 1,000,000

Sec. 4. STATE APPEAL BOARD CLAIMS. Notwithstanding the standing appropriations in section 25.2, subsection 3, the amount appropriated from the general fund of the state under section 25.2, subsection 3, to the state appeal board to pay claims against the state for the fiscal year beginning July 1, 2001, and ending June 30, 2002, is reduced by the following amount:

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

Sec. 5. CONSTITUTIONAL AMENDMENTS AND PUBLIC MEASURES. Notwithstanding the standing appropriation in section 49A.9, the amount appropriated from the general fund of the state under section 49A.9, to the office of the secretary of state for the fiscal year beginning July 1, 2001, and ending June 30, 2002, is reduced by the following amount:

..... \$ 2,565

Sec. 6. AREA EDUCATION AGENCIES. Notwithstanding the provisions of chapter 257 that determine the funding for area education agencies, the state school foundation aid for these agencies and the portion of the combined district cost calculated for these agencies for the fiscal year beginning July 1, 2001, and ending June 30, 2002, are reduced by the department of management by \$7,500,000. The department shall calculate a reduction such that each area education agency shall receive a reduction proportionate to the amount that it would have received under section 257.35 if the reduction imposed pursuant to this section did not apply. Notwithstanding the provisions of section 257.37, an area education agency may use the funds determined to be available under section 257.35 in a manner which it believes is

appropriate to best maintain the level of required area education agency special education services.

Sec. 7. EARLY INTERVENTION BLOCK GRANT. Notwithstanding the standing appropriation in section 256D.5, subsection 1, the amount appropriated from the general fund of the state under section 256D.5, subsection 1, to the department of education for the fiscal year beginning July 1, 2001, and ending June 30, 2002, is reduced by the following amount:

..... \$ 10,000,000

Sec. 8. SCHOOL IMPROVEMENT TECHNOLOGY. Notwithstanding the standing appropriation in section 256D.5, subsection 2, the amount appropriated from the general fund of the state under section 256D.5, subsection 2, to the department of education for the fiscal year beginning July 1, 2001, and ending June 30, 2002, is reduced by the following amount:

..... \$ 20,000,000

In implementing the reduction in this section, the department of education shall compute under section 256D.6 the amount each school district, as defined in section 256D.6, and area education agency would have received but for the reduction in this section and shall reduce by two-thirds such amount.

Sec. 9. AT-RISK CHILDREN PROGRAMS. Notwithstanding the standing appropriation in section 279.51, subsection 1, the amount appropriated from the general fund of the state under section 279.51, subsection 1, to the department of education for the fiscal year beginning July 1, 2001, and ending June 30, 2002, is reduced by the following amount:

..... \$ 1,000,000

The amount of the reduction in this section shall be prorated among the programs specified in section 279.51, subsection 1, paragraphs "a", "b", and "c".

Sec. 10. NONPUBLIC SCHOOL TRANSPORTATION. Notwithstanding the standing appropriation in section 285.2, the amount appropriated from the general fund of the state under section

Veto

Veto

285.2 to the department of education for the fiscal year beginning July 1, 2001, and ending June 30, 2002, shall be the following amount:

..... \$ 7,645,000

If total approved claims for reimbursement for nonpublic school pupil transportation claims exceed the amount appropriated in this section, the department of education shall prorate the amount of each claim.

Sec. 11. EDUCATIONAL EXCELLENCE. Notwithstanding section 294A.25, subsection 1, the amount appropriated from the general fund of the state under section 294A.25, subsection 1, to the department of education for phase III moneys for the fiscal year beginning July 1, 2001, and ending June 30, 2002, is reduced by the following amount:

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

Sec. 12. PUBLIC TRANSIT ASSISTANCE APPROPRIATION. Notwithstanding section 312.2, subsection 14, the amount appropriated from the general fund of the state under section 312.2, subsection 14, to the state department of transportation for public transit assistance under chapter 324A for the fiscal year beginning July 1, 2001, and ending June 30, 2002, is reduced by the following amount:

..... \$ 659,820

Sec. 13. INDIAN SETTLEMENT OFFICER. Notwithstanding the standing appropriation in section 331.660, the amount appropriated from the general fund of the state under section 331.660, to the county of Tama for the fiscal year beginning July 1, 2001, and ending June 30, 2002, is reduced by the following amount:

..... \$ 25,000

Sec. 14. COURT COSTS FOR SPECIAL STATE CASES. Notwithstanding the standing appropriation in section 815.1, the amount appropriated from the general fund of the state under section 815.1, to pay special court costs and attorney fees for the fiscal year beginning July 1, 2001, and ending June 30, 2002, is reduced by the following amount:

..... \$ 66,370

Sec. 15. Section 196.8, subsection 2, Code 2001, is amended to read as follows:

2. Notwithstanding subsection 1, eggs gathered for sale at a poultry show from fowl exhibited at the show, which show has received financial assistance from the state in prior fiscal years, shall be exempt from the storage temperature and consumer grade quality requirements contained in subsection 1. ~~If eggs are offered for sale at such an exhibit, five hundred dollars is appropriated to the department to reimburse the sponsoring agency of the exhibit for the expenses associated with the exhibit.~~

DIVISION III

LAW ENFORCEMENT PHYSICAL EXAMS

Sec. 16. Section 400.8, subsection 1, Code 2001, is amended to read as follows:

1. The commission, when necessary under the rules, including minimum and maximum age limits, which shall be prescribed and published in advance by the commission and posted in the city hall, shall hold examinations for the purpose of determining the qualifications of applicants for positions under civil service, other than promotions, which examinations shall be practical in character and shall relate to matters which will fairly test the mental and physical ability of the applicant to discharge the duties of the position to which the applicant seeks appointment. The physical examination of applicants for appointment to the positions of police officer, police matron, or fire fighter shall be held in accordance with medical protocols established by the board of trustees of the fire and police retirement system established by section 411.5 and shall be conducted by ~~the medical board as established in section 411.5~~ in accordance with the directives of the board of trustees. The board of trustees may change the medical protocols at any time the board so determines. The physical examination of an

applicant for the position of police officer, police matron, or fire fighter shall be conducted after a conditional offer of employment has been made to the applicant. An applicant shall not be discriminated against on the basis of height, weight, sex, or race in determining physical or mental ability of the applicant. Reasonable rules relating to strength, agility, and general health of applicants shall be prescribed. The costs of the physical examination required under this subsection shall be paid from the trust and agency fund of the city.

Sec. 17. 2000 Iowa Acts, chapter 1077, section 111, is amended to read as follows:

SEC. 111. EFFECTIVE DATE. Section 87 of this Act amending section 411.1, subsection 10, and section 94 of this Act, amendment section 411.5, subsection 8, take effect July 1, ~~2001~~ 2002.

Sec. 18. EFFECTIVE DATE. Section 17 of this division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IV

DEBT SERVICE AND TOBACCO FUND APPROPRIATIONS

PAYMENTS IN LIEU OF TUITION

Sec. 19. PAYMENTS IN LIEU OF TUITION -- GENERAL FUND. In lieu of the appropriation made to the state board of regents for tuition replacement in 2001 Iowa Acts, Senate File 535, section 8, subsection 1, paragraph "b", if enacted, there is appropriated from the general fund of the state to the state board of regents 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 allocation by the state board of regents to the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa to reimburse the institutions for deficiencies in their operating funds

resulting from the pledging of tuitions, student fees and charges, and institutional income to finance the cost of providing academic and administrative buildings and facilities and utility services at the institutions:

..... \$ 26,081,384

Sec. 20. PAYMENTS IN LIEU OF TUITION -- TOBACCO SETTLEMENT FUND. In addition to the appropriation made in this division of this Act from the general fund of the state to the state board of regents for purposes of tuition replacement, there is appropriated from the tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund created in section 12E.12, pursuant to 2001 Iowa Acts, Senate File 532, if enacted, to the state board of regents 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 allocation by the state board of regents to the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa to finance or pay debt service to pay debt to finance the cost of providing academic and administrative buildings and facilities at the institutions:

..... \$ 600,330

IOWA COMMUNICATIONS NETWORK

Sec. 21. IOWA COMMUNICATIONS NETWORK DEBT SERVICE -- GENERAL FUND. In lieu of the appropriation made to the treasurer of state for Iowa communications network debt service in 2001 Iowa Acts, House File 719, section 1, if enacted, there is appropriated from the general fund of the state to the treasurer of state 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 debt service for the Iowa communications network:
..... \$ 9,939,165

Sec. 22. IOWA COMMUNICATIONS NETWORK DEBT SERVICE -- TOBACCO SETTLEMENT FUND. In addition to the appropriation made in this division of this Act from the general fund of the state to the treasurer of state for purposes of Iowa communications network debt service, there is appropriated from the tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund created in section 12E.12, pursuant to 2001 Iowa Acts, Senate File 532, if enacted, to the treasurer of state 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 debt service for the Iowa communications network:

..... \$ 1,465,835

Sec. 23. DEBT SERVICE FUND. Funds appropriated in this division of this Act for Iowa communications network debt service shall be deposited in a separate fund established in the office of the treasurer of state to be used solely for debt service for the Iowa communications network. The Iowa telecommunications and technology commission shall certify to the treasurer of state when a debt service payment is due, and upon receipt of the certification, the treasurer shall make the payment. The commission shall pay any additional amount due from funds deposited in the Iowa communications network fund.

PRISON DEBT SERVICE

Sec. 24. There is appropriated from the tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund created in section 12E.12, pursuant to 2001 Iowa Acts, Senate File 532, if enacted, to the treasurer of state 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 repayment of prison infrastructure bonds under section 16.177:

..... \$ 5,182,272

TOBACCO MASTER SETTLEMENT AGREEMENT LITIGATION

Sec. 25. There is appropriated from the tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund created in section 12E.12, pursuant to 2001 Iowa Acts, Senate File 532, if enacted, to the treasurer of state 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 payment of litigation fees incurred pursuant to the tobacco master settlement agreement:

..... \$ 10,617,000

Sec. 26. CONTINGENT EFFECTIVE DATE. This division of this Act shall take effect only if 2001 Iowa Acts, Senate File 532 is enacted and only if the tobacco settlement authority established in chapter 12E securitizes tobacco master settlement agreement payments sold to the authority pursuant to 2001 Iowa Acts, Senate File 532. If the contingencies of this section are met, the effective date of this division of this Act shall be the effective date of the receipt of the bond proceeds by the tobacco settlement authority and the deposit of the proceeds of the tax-exempt bonds and the taxable bonds in the respective accounts of the tobacco settlement trust fund pursuant to chapter 12E, and specifically pursuant to section 12E.9. Payment of moneys from the appropriations in this division of this Act shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the tobacco settlement authority.

DIVISION V MISCELLANEOUS

Sec. 27. DEPARTMENT OF EDUCATION. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amounts, or so much

thereof as is necessary, to be used for the purposes designated:

1. AMERICORPS AFTER-SCHOOL INITIATIVE

For purposes of the americorps after-school initiative:

..... \$ 150,000

2. JOBS FOR AMERICA'S GRADUATES

For school districts to provide direct services to the most at-risk senior high school students enrolled in school districts through direct intervention for a "jobs for America's graduates" specialist:

..... \$ 150,000

Sec. 28. DEPARTMENT OF HUMAN SERVICES. 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:

To supplement the appropriation made in 2001 Iowa Acts, House File 732, if enacted, for general administration, including salaries, support, maintenance, and miscellaneous purposes:

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

Sec. 29. Notwithstanding section 8.55, subsection 4, and section 8.56, subsection 1, for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the interest and earnings on moneys deposited in the Iowa economic emergency fund and the cash reserve fund shall be credited to the general fund of the state.

Sec. 30. Notwithstanding any contrary provision in section 455E.11, subsection 1, Code 2001, any unencumbered or unobligated balance in the groundwater protection fund and in any of the accounts within the groundwater protection fund on June 30, 2001, shall be transferred to the general fund of the state.

Sec. 31. Section 135.24, subsection 2, paragraph c, Code 2001, is amended to read as follows:

c. Identification of the medical services to be provided under the program. The medical services provided shall may include, but shall not be limited to, obstetrical and gynecological medical services, and psychiatric services provided by a physician licensed under chapter 148, 150, or 150A.

Sec. 32. Section 257.6, subsection 3, unnumbered paragraph 1, as amended by 2001 Iowa Acts, House File 643, section 6, if enacted, is amended to read as follows:

A school district shall determine its additional enrollment because of special education, as defined in this section, on by November 1 of each year and shall certify its additional enrollment because of special education to the department of education by November 15 of each year, and the department shall promptly forward the information to the department of management.

Sec. 33. Section 257.6, subsection 5, unnumbered paragraph 1, as amended by 2001 Iowa Acts, House File 643, section 7, if enacted, is amended to read as follows:

Weighted enrollment is the budget enrollment plus the district's additional enrollment because of special education calculated on by November 1 of the base year plus additional pupils added due to the application of the supplementary weighting.

Sec. 34. MENTAL ILLNESS SPECIAL SERVICES. For the fiscal year beginning July 1, 2001, and ending June 30, 2002, it is the intent of the general assembly that the Iowa finance authority shall provide \$121,220 from funding available to the authority to be used for mental illness special services.

1. The Iowa finance authority shall use the funding to continue the financing for existing community-based facilities and the financing for the development of affordable community-based housing facilities as funded pursuant to 2000 Iowa Acts,

Veto

chapter 1228, section 22. The department of human services shall assure that clients are referred to the housing as it is developed.

Veto

2. The purpose of the financing is to provide funds for construction and start-up costs to develop community living arrangements to provide for persons with mental illness who are homeless. These funds may be used to match federal Stewart B. McKinney Homeless Assistance Act grant funds.

Sec. 35. Section 260G.4B, subsection 1, Code 2001, is amended to read as follows:

1. The total amount of program job credits from all employers which shall be allocated for all accelerated career education programs in the state in any one fiscal year shall not exceed the sum of three million dollars in the fiscal year beginning July 1, 2000, ~~six~~ three million dollars in the fiscal year beginning July 1, 2001, and six million dollars in the fiscal year beginning July 1, 2002, and every fiscal year thereafter. Any increase in program job credits above the six-million-dollar limitation per fiscal year shall be developed, based on recommendations in a study which shall be conducted by the department of economic development of the needs and performance of approved programs in the fiscal years beginning July 1, 2000, and July 1, 2001. The study's findings and recommendations shall be submitted to the general assembly by the department by December 31, 2002. The study shall include but not be limited to an examination of the quality of the programs, the number of program participant placements, the wages and benefits in program jobs, the level of employer contributions, the size of participating employers, and employer locations. A community college shall file a copy of each agreement with the department of economic development. The department shall maintain an annual record of the proposed program job credits under each agreement for each fiscal year. Upon receiving a copy of an agreement, the department shall allocate any available amount of program job

credits to the community college according to the agreement sufficient for the fiscal year and for the term of the agreement. When the total available program job credits are allocated for a fiscal year, the department shall notify all community colleges that the maximum amount has been allocated and that further program job credits will not be available for the remainder of the fiscal year. Once program job credits have been allocated to a community college, the full allocation shall be received by the community college throughout the fiscal year and for the term of the agreement even if the statewide program job credit maximum amount is subsequently allocated and used.

Sec. 36. Section 273.22, subsection 5, as amended by 2001 Iowa Acts, House File 674, section 4, if enacted, is amended to read as follows:

5. The board of directors of a school district that is contiguous to a newly reorganized area education agency may petition the board of directors of a-contiguous their current area education agency and the newly reorganized area education agency to join that the newly reorganized area education agency. If the-contiguous both area education agency board approves boards approve the petition, the reorganization shall take effect on July 1 of the school year following approval of the petition by the state board. A school district may appeal to the state board the decision of an area education agency board to deny the school district's petition.

Sec. 37. Section 273.22, as amended by 2001 Iowa Acts, House File 674, section 4, if enacted, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The board of directors of a school district that is within a newly reorganized area education agency and whose school district was contiguous to another area education agency prior to the reorganization, may petition the board of directors of the newly reorganized area education agency and the contiguous area education agency to

join that area education agency. If both area education agency boards approve the petition, the reorganization shall take effect on July 1 of the school year following approval of the petition by the state board. A school district may appeal to the state board the decision of an area education agency board to deny the school district's petition.

Sec. 38. Section 299A.8, as amended by 2001 Iowa Acts, House File 643, section 16, if enacted, is amended to read as follows:

299A.8 DUAL ENROLLMENT.

If a parent, guardian, or legal custodian of a child who is receiving competent private instruction under this chapter or a child over compulsory age who is receiving private instruction submits a request, the child shall also be registered in a public school for dual enrollment purposes. If the child is enrolled in a public school district for dual enrollment purposes, the child shall be permitted to participate in any academic activities in the district and shall also be permitted to participate on the same basis as public school children in any extracurricular activities available to children in the child's grade or group, and the parent, guardian, or legal custodian shall not be required to pay the costs of any annual evaluation under this chapter. If the child is enrolled for dual enrollment purposes, the child shall be included in the public school's basic enrollment under section 257.6. A pupil who is participating only in extracurricular activities shall be counted under section 257.6, subsection 1, paragraph "f". A pupil enrolled in grades nine through twelve under this section shall be counted in the same manner as a shared-time pupil under section 257.6, subsection 1, paragraph "c".

Veto Sec. 39. Section 301.1, unnumbered paragraph 2, Code 2001, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

Textbooks adopted and purchased by a school district shall, to the extent funds are appropriated by the general assembly, be made available to pupils attending accredited nonpublic schools. The department of education shall ascertain a maximum annual amount a school district shall be required to use for the purchase of textbooks for accredited nonpublic schools. The amount shall be in the proportion that the basic enrollment of an accredited nonpublic school bears to the sum of the basic enrollments of all participating accredited nonpublic schools in the state for the budget year. An accredited nonpublic school shall certify its actual enrollment to the department of education by October 1, annually. By October 15, annually, the department of education shall notify the board of directors of each school district of the maximum amount of its allocation that shall be made available for purchasing nonsectarian, nonreligious textbooks for each of the accredited nonpublic schools located within the school district in accordance with this paragraph. For purposes of this paragraph, an accredited nonpublic school's enrollment count shall include only students who are residents of Iowa. The costs of providing textbooks to accredited nonpublic schools as provided in this paragraph shall not be included in the computation of district cost under chapter 257, but shall be shown in the budget as an expense from miscellaneous income. Textbook expenditures made in accordance with this paragraph shall be kept on file in the school district. As used in this paragraph, "textbooks" means books and loose-leaf or bound manuals, systems of reusable instructional materials or combinations of books and supplementary instructional materials which convey information to the student or otherwise contribute to the learning process, or electronic textbooks, including but not limited to computer software, applications using computer-assisted instruction, interactive videodisc, and other computer courseware and magnetic media.

Sec. 40. Section 403.19, subsection 2, Code 2001, is amended to read as follows:

2. That portion of the taxes each year in excess of such amount shall be allocated to and when collected be paid into a special fund of the municipality to pay the principal of and interest on loans, moneys advanced to, or indebtedness, whether funded, refunded, assumed, or otherwise, including bonds issued under the authority of section 403.9, subsection 1, incurred by the municipality to finance or refinance, in whole or in part, an urban renewal project within the area, and to provide assistance for low and moderate income family housing as provided in section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to section 298.2 and taxes for the payment of bonds and interest of each taxing district must be collected against all taxable property within the taxing district without limitation by the provisions of this subsection. However, all or a portion of the taxes for the physical plant and equipment levy shall be paid by the school district to the municipality if the municipality auditor certifies to the school district by July 1 the amount of such levy that is necessary to pay the principal and interest on ~~indebtedness-incurred~~ bonds issued by the municipality to finance an urban renewal project, which ~~indebtedness-was-incurred~~ bonds were issued before July 1, ~~2000~~ 2001. Indebtedness incurred to refund bonds issued prior to July 1, 2001, shall not be included in the certification. Such school district shall pay over the amount certified by November 1 and May 1 of the fiscal year following certification to the school district. Unless and until the total assessed valuation of the taxable property in an urban renewal area exceeds the total assessed value of the taxable property in such area as shown by the last equalized assessment roll referred to in subsection 1, all of the taxes levied and collected upon the taxable property in the urban

renewal area shall be paid into the funds for the respective taxing districts as taxes by or for the taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in such urban renewal area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

Sec. 41. Section 403.19, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 7. For any fiscal year, a municipality may certify to the county auditor for physical plant and equipment revenue necessary for payment of principal and interest on bonds issued prior to July 1, 2001, only if the municipality certified for such revenue for the fiscal year beginning July 1, 2000. A municipality shall not certify to the county auditor for a school district more than the amount the municipality certified for the fiscal year beginning July 1, 2000. If for any fiscal year a municipality fails to certify to the county auditor for a school district by July 1 the amount of physical plant and equipment revenue necessary for payment of principal and interest on such bonds, as provided in subsection 2, the school district is not required to pay over the revenue to the municipality. If a school district and a municipality are unable to agree on the amount of physical plant and equipment revenue certified by the municipality for the fiscal year beginning July 1, 2001, either party may request that the state appeal board review and finally pass upon the amount that may be certified. Such appeals must be presented in writing to the state appeal board no later than July 31 following certification. The burden shall be on the municipality to prove that the physical plant and equipment levy revenue is necessary to pay principal and interest on bonds issued prior to July 1, 2001. A final decision must be issued by the state appeal board no later than the following October 1.

Sec. 42. Section 427.1, subsection 19, Code 2001, as amended by 2001 Iowa Acts, Senate File 514, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of establishing the valuation limitation under this subsection, if more than one person has an ownership interest in the property, the multiple owners shall be considered one owner so that the two hundred thousand dollar limitation cannot be exceeded as a result of multiple ownership. For purposes of applying the valuation limitation to multiple properties owned by the same person, the two hundred thousand dollar limitation shall apply per owner on a statewide basis.

Sec. 43. Section 483A.27, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 11. A hunter safety and ethics instructor certified by the department shall be allowed to conduct an approved hunter safety and ethics education course on public school property with the approval of a majority of the board of directors of the school district. The conduct of an approved hunter safety and ethics education course is not a violation of any public policy, rule, regulation, resolution, or ordinance which prohibits the possession, display, or use of a firearm, bow and arrow, or other hunting weapon on public school property or other public property in this state.

Sec. 44. Section 301.30, Code 2001, is repealed.

Sec. 45. 2001 Iowa Acts, House File 259, shall not take effect July 1, 2001, but shall take effect January 1, 2002.

Sec. 46. EFFECTIVE DATE. Section 45 of this division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 47. EFFECTIVE AND APPLICABILITY DATES. Sections 40 and 41 of this division of this Act, being deemed of immediate importance, take effect upon enactment and apply to property taxes due and payable in fiscal years beginning on or after July 1, 2002.

Sec. 48. CONTINGENT EFFECTIVE DATE. Section 42 of this Act shall take effect only if 2001 Iowa Acts, Senate File 514 is enacted without adoption of amendment H-1883 or, in the alternative, Senate File 514 is enacted without adoption of H-1914 to amendment H-1897 to Senate File 514.

Veto

DIVISION VI

SCHEDULED VIOLATIONS

Sec. 49. Section 321.17, Code 2001, is amended to read as follows:

321.17 MISDEMEANOR TO VIOLATE REGISTRATION PROVISIONS.

It is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2, paragraph "b", for any person to drive or move or for an owner knowingly to permit to be driven or moved upon the highway a vehicle of a type required to be registered under this chapter which is not registered, or for which the appropriate fee has not been paid, except as provided in section 321.109, subsection 3.

Sec. 50. Section 321.98, Code 2001, is amended to read as follows:

321.98 OPERATION WITHOUT REGISTRATION.

No A person shall not operate, ~~nor shall~~ and an owner shall not knowingly permit to be operated upon any highway any vehicle required to be registered and titled hereunder unless there shall be attached thereto and displayed thereon when and as required by this chapter a valid registration card and registration plate or plates issued therefor for the current registration year and unless a certificate of title has been issued for such vehicle except as otherwise expressly permitted in this chapter. Any violation of this section is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2, paragraph "b".

Sec. 51. Section 321.193, unnumbered paragraph 4, Code 2001, is amended to read as follows:

It is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4, paragraph "a",

for a person to operate a motor vehicle in any manner in violation of the restrictions imposed on a restricted license issued to that person under this section.

Sec. 52. Section 321.216, unnumbered paragraph 1, Code 2001, is amended to read as follows:

It is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4, paragraph "b", for any person:

Sec. 53. Section 321.216B, Code 2001, is amended to read as follows:

321.216B USE OF DRIVER'S LICENSE OR NONOPERATOR'S IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN ALCOHOL.

A person who is under the age of twenty-one, who alters or displays or has in the person's possession a fictitious or fraudulently altered driver's license or nonoperator's identification card and who uses the license to violate or attempt to violate section 123.47, commits a simple misdemeanor punishable by a fine of one hundred dollars as a scheduled violation under section 805.8A, subsection 4, paragraph "c". The court shall forward a copy of the conviction to the department.

Sec. 54. Section 321.216C, Code 2001, is amended to read as follows:

321.216C USE OF DRIVER'S LICENSE OR NONOPERATOR'S IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN CIGARETTES OR TOBACCO PRODUCTS.

A person who is under the age of eighteen, who alters or displays or has in the person's possession a fictitious or fraudulently altered driver's license or nonoperator's identification card and who uses the license or card to violate or attempt to violate section 453A.2, subsection 2, commits a simple misdemeanor punishable by a fine of one hundred dollars as a scheduled violation under section 805.8A, subsection 4, paragraph "c". The court shall forward a copy of the conviction to the department.

Sec. 55. Section 321L.3, unnumbered paragraph 2, Code 2001, is amended to read as follows:

A person who fails to return the persons with disabilities parking permit and subsequently misuses the permit by illegally parking in a persons with disabilities parking space is guilty of a simple misdemeanor ~~and subject to a fine of up to one hundred dollars~~ punishable as a scheduled violation under section 805.8A, subsection 1, paragraph "c".

Sec. 56. Section 321L.7, Code 2001, is amended to read as follows:

321L.7 PENALTY FOR FAILING TO PROVIDE PERSONS WITH DISABILITIES PARKING SPACES AND SIGNS.

Failure to provide proper persons with disabilities parking spaces as provided in section 321L.5 or to properly display persons with disabilities parking signs as provided in section 321L.6 is a simple misdemeanor for which a fine of one hundred dollars shall be imposed for each violation punishable as a scheduled violation under section 805.8A, subsection 1, paragraph "c".

Sec. 57. Section 452A.52, unnumbered paragraph 2, Code 2001, is amended to read as follows:

Any person who is unable to display either of the permits or the license provided in section 452A.53 and brings into the state in the fuel supply tanks of a commercial motor vehicle more than thirty gallons of motor fuel or special fuel in violation of ~~the provisions of the preceding paragraph is guilty of subsection 1~~ commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 13, paragraph "c".

Sec. 58. CONFLICTING LEGISLATION. If both 2001 Iowa Acts, Senate File 499 and 2001 Iowa Acts, House File 561 are enacted by the Seventy-ninth General Assembly and if House File 561 maintains the scheduled fine for a violation of section 321.234A at one hundred dollars, the scheduled fine of fifty dollars, as enacted in Senate File 499, shall prevail and the

Weto

Weto | scheduled fine of one hundred dollars, as enacted in House File 561, shall be void.

Sec. 59. CONTINGENT EFFECTIVENESS. This division of this Act takes effect only if 2001 Iowa Acts, Senate File 499 is enacted.

DIVISION VII
CORRECTIVE AMENDMENTS

Sec. 60. Section 103A.3, subsections 10, 11, 20, and 25, Code 2001, are amended to read as follows:

10. "Ground anchoring system" means any device or combination of devices used to securely anchor a manufactured or mobile home to the ground.

11. "Ground support system" means any device or combination of devices placed beneath a manufactured or mobile home and used to provide support.

20. "Permanent site" means any lot or parcel of land on which a manufactured or mobile home used as a dwelling or place of business, is located for ninety consecutive days except a construction site when the manufactured or mobile home is used by a commercial contractor as a construction office or storage room.

25. "Tiedown system" means a ground support system and a ground anchoring system used in concert to provide anchoring and support for a manufactured or mobile home.

Sec. 61. Section 103A.26, Code 2001, if enacted by 2001 Iowa Acts, Senate File 185, section 4, is amended to read as follows:

103A.26 MANUFACTURED OR MOBILE HOME INSTALLERS
CERTIFICATION -- VIOLATION -- CIVIL PENALTY.

1. a. A person who installs a manufactured or mobile home for another person shall be certified in accordance with rules adopted by the commissioner pursuant to chapter 17A. The commissioner may assess a fee sufficient to recover the costs of administering the certification of manufactured or mobile home installers. The commissioner may suspend or revoke the

certification of a manufactured or mobile home installer for failure to perform installation of a manufactured or mobile home, pursuant to certification standards as provided by rules of the commissioner.

b. Notwithstanding section 103A.23, all fees collected by the commissioner for the administration of the manufactured or mobile home program shall be credited to the general fund of the state and are appropriated to the commissioner for the purpose of administering this certification program including the employment of personnel for the enforcement and administration of this program.

2. If a provision of this chapter or a rule adopted pursuant to this chapter relating to the manufacture or installation of a manufactured or mobile home is violated, the commissioner may assess a civil penalty not to exceed one thousand dollars for each offense. Each violation involving a separate manufactured or mobile home, or a separate failure or refusal to allow an act to be performed or to perform an act as required by this chapter, or a rule adopted pursuant to this chapter constitutes a separate offense. However, the maximum amount of civil penalties which may be assessed for any series of violations occurring within one year from the date of the first violation shall not exceed one million dollars.

Sec. 62. Section 165A.5, subsection 1, as enacted by 2001 Iowa Acts, Senate File 209, section 5, is amended to read as follows:

1. ~~Except-as-provided-in-this-subsection7-a~~ A person violating a provision of this chapter or any rule adopted pursuant to this chapter shall be subject to a civil penalty of at least one hundred dollars but not more than one thousand dollars. The proceeding to assess a civil penalty shall be conducted as a contested case proceeding under chapter 17A.

Sec. 63. Section 172E.1, subsection 3, as enacted by 2001 Iowa Acts, Senate File 209, section 6, is amended to read as follows:

3. "Livestock market" means any place where livestock are assembled from two or more sources for public auction, private sale, or sale on a commission basis, which is under state or federal supervision, including a livestock auction market, if such livestock are kept in the place for ten days or less.

Sec. 64. Section 232.21, subsection 4, Code 2001, as amended by 2001 Acts, Senate File 458, section 5, if enacted, is amended to read as follows:

4. A child placed in a shelter care facility under this section shall not be held for a period in excess of forty-eight hours without an oral or written court order authorizing the shelter care. When the action is authorized by an oral court order, the court shall enter a written order before the end of the next day confirming the oral order and indicating the reasons for the order. A child placed in shelter care pursuant to section 232.19, subsection 1, paragraph "c", shall not be held in excess of seventy-two hours in any event. If deemed appropriate by the court, an order authorizing shelter care placement may include a determination that continuation of the child in the child's home is contrary to the child's welfare and that reasonable efforts as defined in section 232.57 have been made. The inclusion of such a determination shall not under any circumstances be deemed a prerequisite for entering an order pursuant to this section. However, the inclusion of such a finding determination, supported by the record, may assist the department in obtaining federal funding for the child's placement.

Sec. 65. Section 321.113, subsection 5, paragraph b, unnumbered paragraph 1, if enacted by 2001 Iowa Acts, Senate File 350, section 4, is amended to read as follows:

If the title of a 1993 model year or older motor vehicle is transferred to a new owner or if such a motor vehicle is brought into the state on or after January 1, 2002, the registration fee shall not be based on the weight and list price of the motor vehicle, but shall be as follows:

Sec. 66. Section 322B.2, subsection 4, if enacted by 2001 Iowa Acts, House File 656, section 2, is amended to read as follows:

4. "Manufactured or mobile home distributor" means a person who sells or distributes manufactured or mobile homes to manufactured or mobile home retailers.

Sec. 67. Section 331.303, subsection 1, paragraph b, Code 2001, as amended by 2001 Iowa Acts, Senate File 453, section 1, is amended to read as follows:

b. A "warrant book" which records each warrant drawn in the order of issuance by number, date, amount, and name of drawee, and refers to the order in the minute book authorizing its drawing. The board may authorize the auditor to issue checks in lieu of warrants. If the issuance of checks is authorized, the word "check" shall be substituted for the word "warrant" in those sections of this chapter and chapters ~~68-11~~ 6B, 11, 35B, 336, 349, 350, 427B, and 468 in which the issuance of a check is authorized in lieu of a warrant.

Sec. 68. Section 351.39, Code 2001, as amended by 2001 Iowa Acts, House File 179, section 1, is amended to read as follows:

351.39 CONFINEMENT.

If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after ten days the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. This section shall not apply to if a police service dog or a horse used by a law enforcement agency, that is and acting in the performance of its duties which has bitten a person.

Sec. 69. Section 466.8, unnumbered paragraph 1, as enacted by 2001 Iowa Acts, Senate File 479, section 2, is amended to read as follows:

The department of natural resources shall establish an on-site wastewater systems assistance program for the purpose of providing low-interest loans to homeowners residing outside the boundaries of a city for improving on-site wastewater disposal systems.

Sec. 70. Section 466.8, subsection 4, as enacted by 2001 Iowa Acts, Senate File 479, section 2, is amended to read as follows:

4. The department shall report to the general assembly annually on the progress of the on-site wastewater systems assistance program.

Sec. 71. Section 507B.4A, subsection 2, paragraph c, as enacted by 2001 Iowa Acts, Senate File 500, section 8, is amended to read as follows:

c. The commissioner shall adopt rules establishing processes for timely adjudication and payment of claims by insurers for health care benefits. The rules shall be consistent with the time frames and other procedural standards for claims decisions by group health plans established by the United States department of labor pursuant to 29 C.F.R. pt. 2560 in effect ~~at-the-time-of-passage-of-this-Act~~ on January 1, 2002.

Sec. 72. Section 522B.14, subsection 11, as enacted by 2001 Iowa Acts, Senate File 276, section 28, is amended to read as follows:

11. An insurer, the authorized representative of the insurer, or an insurance producer that fails to report as required under this section, or that is found to have reported with actual malice by a court of competent jurisdiction, after notice and hearing, may have its license or certificate of authority suspended or revoked and may be fined penalized as provided in section 522B.17.

Sec. 73. Section 523A.401, subsection 5, paragraph c, if enacted by 2001 Iowa Acts, Senate File 473, section 28, is amended to read as follows:

c. The policy shall have an increasing death benefit or similar feature that provides some means for increasing the funding as the cost of cemetery merchandise, funeral merchandise, and cemetery-goods-and funeral services increases.

Sec. 74. Section 523A.405, subsection 1, if enacted by 2001 Iowa Acts, Senate File 473, section 32, is amended to read as follows:

1. In lieu of trust requirements, a seller may file with the commissioner a surety bond issued by a surety company authorized to do business and doing business within this state. The bond must be conditioned upon the seller's faithful performance of purchase agreements subject to this chapter. The surety's liability extends to each such agreement executed while the bond is in force and until performance or rescision of the purchase agreement. The aggregate liability of the surety for any and all breaches of the conditions of the bond shall not exceed the penal sum of the bond. To the extent expressly agreed to in writing by the surety, the surety's liability extends to each such agreement subject to this chapter executed prior to the time the bond was in force and until performance or rescision of the agreement. A purchaser aggrieved by a breach of a condition of the bond covering the purchaser's agreement may maintain an action against the bond. If, at the time of the breach, the purchaser is aware of the purchaser's rights under the bond and how to file a claim against the bond, the surety shall not be liable for any breach of condition unless the surety receives notice of a claim within sixty days following discovery of the acts, omissions, or conditions constituting the breach of condition, except as otherwise provided in this section. A surety bond shall not be canceled by a surety

except upon a written notice of cancellation given by the surety to the commissioner by restricted certified mail, and not prior to the expiration of sixty days after receipt of the notice by the commissioner. The surety's liability shall extend to each purchase agreement subject to this chapter executed prior to cancellation of the surety bond until the seller has complied with section subsection 3.

Sec. 75. Section 554.9525, subsections 3 and 4, as enacted by 2000 Iowa Acts, chapter 1149, section 96, are amended to read as follows:

3+ 2. NUMBER OF NAMES. The number of names required to be indexed does not affect the amount of the fee in subsections subsection 1 and-2.

4+ 3. RESPONSE TO INFORMATION REQUEST. A rule or ordinance adopted pursuant to subsection 1 must set the fee for responding to a request for information from the filing office, including for communicating whether there is on file any financing statement naming a particular debtor. A fee for responding to a request communicated in writing must be not less than twice the amount of the fee for responding to a request communicated by another medium authorized by the office of secretary of state or the board of supervisors for the filing office where its filing office is located.

Sec. 76. Section 558.39, unnumbered paragraph 1, Code 2001, as amended by 2001 Iowa Acts, House File 259, is amended to read as follows:

The following forms of acknowledgment shall be sufficient in the cases to which they are respectively applicable. In each case where one of these forms is used, the name of the state and county where the acknowledgment is taken shall precede the body of the certificate, and the signature and official title of the officer shall follow it as indicated in the first form and shall constitute a part of the certificate, and the stamp or seal of the officer shall be attached when necessary under the provision of this chapter and as provided

in section 9B-6 9E.6A. No certificate of acknowledgment shall be held to be defective on account of the failure to show the official title of the officer making the certificate if such title appears either in the body of such certificate or in connection therewith, or with the signature thereto.

Sec. 77. Section 627.6, subsection 8, paragraph f, subparagraph (3), Code 2001, as amended by 2001 Iowa Acts, House File 654, section 3, if enacted, is amended to read as follows:

(3) For simplified employee pension plans, self-employed pension plans (also known as Keogh plans or H.R. 10 plans), individual retirement accounts established under section 408(a) of the Internal Revenue Code, individual retirement annuities established under section 408(b) of the Internal Revenue Code, savings incentive matched plans for employees, salary reduction simplified employee pension plans (also known as SARSEPs), and similar plans for retirement investments authorized in the future under federal law, the exemption for contributions shall not exceed, for each tax year of contributions, the actual amount of the contribution deducted ~~for individual retirement accounts and annuities established under section 408 of the Internal Revenue Code or the maximum amount which could be contributed and deducted in the tax year of the contribution on the debtor's tax return or the maximum amount which could be contributed to an individual retirement account established under section 408(a) of the Internal Revenue Code and deducted in the tax year of the contribution,~~ whichever is less. The exemption for accumulated earnings and market increases in value of plans under this subparagraph shall be limited to an amount determined by multiplying all the accumulated earnings and market increases in value by a fraction, the numerator of which is the total amount of exempt contributions as determined by this subparagraph, and the denominator of which is the total of exempt and nonexempt contributions to the plan.

Sec. 78. Section 633.4213, subsection 5, Code 2001, is amended to read as follows:

5. A trustee shall prepare and send to the beneficiaries an account of the trust property, liabilities, receipts, and disbursements at least annually, at the termination of the trust, and upon a change of a trustee. An accounting on behalf of a former trustee shall be prepared by the former trustee, or if the trustee's appointment is terminated by reason of death or incapacity, by the former trustee's personal representative or guardian or conservator.

Sec. 79. Section 702.11, subsection 2, paragraph e, as enacted by 2001 Iowa Acts, Senate File 63, section 1, is amended to read as follows:

e. Child endangerment resulting in bodily injury to a child or a minor in violation of section 726.6, subsection 2A.

Sec. 80. 2001 Iowa Acts, House File 656, section 15, is amended to read as follows:

SEC. 15. Sections ~~103A-37~~ 103A.30, 103A.31, 321.1, 321.47, 321.123, 321.251, 321.284A, 321.457, 321E.28, 321E.31, 331.429, 331.653, 422.43, 422A.1, 425.17, 426A.11, 427.11, 435.22, 441.17, 445.1, 445.36A, 445.37, 445.38, 515C.1, 534.605, 562B.2, 562B.13, 631.1, 631.4, and 648.3, Code 2001, are amended by inserting before the words "mobile home" the words "manufactured or".

Sec. 81. DIRECTION TO CODE EDITOR. In codifying provisions of 2000 Iowa Acts, chapter 1149, in Code Supplement 2001, the Code editor may change references from "this Act" to an appropriate reference, including but not limited to "this Article", wherever it appears in the Act, after consultation with the Iowa state bar association. The Iowa state bar association is requested to respond to the Code editor's consultations by no later than July 31, 2001. Nothing in this section limits the authority of the Code editor under section 2B.13.

Sec. 82. CONTINGENT EFFECTIVENESS. The sections of this division of this Act amending Code section 103A.3 and Code section 103A.26, if enacted, and Code section 322B.2, take effect only if 2001 Iowa Acts, House File 656 is enacted.

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 755, Seventy-ninth General Assembly.

Kim Veto
May 22
Approved 2001

MARGARET THOMSON
Chief Clerk of the House

THOMAS J. VILSACK
Governor