

Senate Study Bill 1274

Bill Text

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1 1 DIVISION I
1 2 MH/MR/DD ALLOWED GROWTH
1 3 Section 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND
1 4 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH FACTOR ADJUSTMENT
1 5 AND ALLOCATIONS. There is appropriated from the general fund
1 6 of the state to the department of human services for the
1 7 fiscal year beginning July 1, 2002, and ending June 30, 2003,
1 8 the following amount, or so much thereof as is necessary, to
1 9 be used for the purpose designated:
1 10 For distribution to counties of the county mental health,
1 11 mental retardation, and developmental disabilities allowed
1 12 growth factor adjustment, as provided in this section in lieu
1 13 of the provisions of section 331.438, subsection 2, and
1 14 section 331.439, subsection 3, and chapter 426B:
1 15 \$ 14,874,702
1 16 The funding appropriated in this section is the allowed
1 17 growth factor adjustment for fiscal year 2002-2003, and is
1 18 allocated for distribution as provided by law.
1 19 DIVISION II
1 20 STANDING APPROPRIATIONS REDUCTIONS
1 21 Sec. 2. GENERAL ASSEMBLY. The appropriations made from
1 22 the general fund of the state in section 2.12, for the fiscal
1 23 year beginning July 1, 2001, and ending June 30, 2002, for the
1 24 expenses of the general assembly and for legislative agencies,
1 25 are reduced by the following amount:
1 26 \$ 1,550,324
1 27 Sec. 3. PERFORMANCE OF DUTY. The appropriation made from
1 28 the general fund of the state in section 7D.29, for the fiscal
1 29 year beginning July 1, 2001, and ending June 30, 2002, for
1 30 performance of duty by the executive council, is reduced by
1 31 the following amount:
1 32 \$ 1,000,000
1 33 Sec. 4. STATE APPEAL BOARD CLAIMS. Notwithstanding the
1 34 standing appropriations in section 25.2, subsection 3, the
1 35 amount appropriated from the general fund of the state under
2 1 section 25.2, subsection 3, to the state appeal board to pay
2 2 claims against the state for the fiscal year beginning July 1,
2 3 2001, and ending June 30, 2002, is reduced by the following
2 4 amount:
2 5 \$ 2,000,000
2 6 Sec. 5. CONSTITUTIONAL AMENDMENTS AND PUBLIC MEASURES.
2 7 Notwithstanding the standing appropriation in section 49A.9,
2 8 the amount appropriated from the general fund of the state
2 9 under section 49A.9, to the office of the secretary of state
2 10 for the fiscal year beginning July 1, 2001, and ending June
2 11 30, 2002, is reduced by the following amount:
2 12 \$ 2,565
2 13 Sec. 6. AREA EDUCATION AGENCIES. Notwithstanding the
2 14 provisions of chapter 257 that determine the funding for area
2 15 education agencies, the state school foundation aid for these
2 16 agencies and the portion of the combined district cost
2 17 calculated for these agencies for the fiscal year beginning
2 18 July 1, 2001, and ending June 30, 2002, are reduced by the
2 19 department of management by \$6,500,000. The department shall
2 20 calculate a reduction such that each area education agency
2 21 shall receive a reduction proportionate to the amount that it

2 22 would have received under section 257.35 if the reduction
2 23 imposed pursuant to this section did not apply.
2 24 Notwithstanding the provisions of section 257.37, an area
2 25 education agency may use the funds determined to be available
2 26 under section 257.35 in a manner which it believes is
2 27 appropriate to best maintain the level of required area
2 28 education agency special education services.

2 29 Sec. 7. SCHOOL IMPROVEMENT TECHNOLOGY. Notwithstanding
2 30 the standing appropriation in section 256D.5, subsection 2,
2 31 the amount appropriated from the general fund of the state
2 32 under section 256D.5, subsection 2, to the department of
2 33 education for the fiscal year beginning July 1, 2001, and
2 34 ending June 30, 2002, is reduced by the following amount:
2 35 \$ 20,000,000

3 1 Sec. 8. AT-RISK CHILDREN PROGRAMS. Notwithstanding the
3 2 standing appropriation in section 279.51, subsection 1, the
3 3 amount appropriated from the general fund of the state under
3 4 section 279.51, subsection 1, to the department of education
3 5 for the fiscal year beginning July 1, 2001, and ending June
3 6 30, 2002, is reduced by the following amount:
3 7 \$ 1,000,000

3 8 The amount of the reduction in this section shall be
3 9 prorated among the programs specified in section 279.51,
3 10 subsection 1, paragraphs "a", "b", and "c".

3 11 Sec. 9. NONPUBLIC SCHOOL TRANSPORTATION. Notwithstanding
3 12 the standing appropriation in section 285.2, the amount
3 13 appropriated from the general fund of the state under section
3 14 285.2 to the department of education for the fiscal year
3 15 beginning July 1, 2001, and ending June 30, 2002, is reduced
3 16 by the following amount:
3 17 \$ 505,000

3 18 Sec. 10. EDUCATIONAL EXCELLENCE. Notwithstanding section
3 19 294A.25, subsection 1, the amount appropriated from the
3 20 general fund of the state under section 294A.25, subsection 1,
3 21 to the department of education for phase III moneys for the
3 22 fiscal year beginning July 1, 2001, and ending June 30, 2002,
3 23 is reduced by the following amount:
3 24 \$ 2,000,000

3 25 Sec. 11. PUBLIC TRANSIT ASSISTANCE APPROPRIATION.
3 26 Notwithstanding section 312.2, subsection 14, the amount
3 27 appropriated from the general fund of the state under section
3 28 312.2, subsection 14, to the state department of
3 29 transportation for public transit assistance under chapter
3 30 324A for the fiscal year beginning July 1, 2001, and ending
3 31 June 30, 2002, is reduced by the following amount:
3 32 \$ 659,820

3 33 Sec. 12. INDIAN SETTLEMENT OFFICER. Notwithstanding the
3 34 standing appropriation in section 331.660, the amount
3 35 appropriated from the general fund of the state under section
4 1 331.660, to the county of Tama for the fiscal year beginning
4 2 July 1, 2001, and ending June 30, 2002, is reduced by the
4 3 following amount:
4 4 \$ 25,000

4 5 Sec. 13. COURT COSTS FOR SPECIAL STATE CASES.
4 6 Notwithstanding the standing appropriation in section 815.1,
4 7 the amount appropriated from the general fund of the state
4 8 under section 815.1, to pay special court costs and attorney
4 9 fees for the fiscal year beginning July 1, 2001, and ending
4 10 June 30, 2002, is reduced by the following amount:
4 11 \$ 66,370

4 12 Sec. 14. Section [196.8](#), subsection 2, Code 2001, is
4 13 amended to read as follows:
4 14 2. Notwithstanding subsection 1, eggs gathered for sale at
4 15 a poultry show from fowl exhibited at the show, which show has
4 16 received financial assistance from the state in prior fiscal
4 17 years, shall be exempt from the storage temperature and
4 18 consumer grade quality requirements contained in subsection 1.

4 19

~~If eggs are offered for sale at such an exhibit, five hundred~~

4 20

~~dollars is appropriated to the department to reimburse the~~

4 21

~~sponsoring agency of the exhibit for the expenses associated~~

4 22

~~with the exhibit.~~

4 23

DIVISION III

4 24

LAW ENFORCEMENT PHYSICAL EXAMS

4 25

Sec. 15. Section [400.8](#), subsection 1, Code 2001, is

4 26

amended to read as follows:

4 27

1. The commission, when necessary under the rules,

4 28

including minimum and maximum age limits, which shall be

4 29

prescribed and published in advance by the commission and

4 30

posted in the city hall, shall hold examinations for the

4 31

purpose of determining the qualifications of applicants for

4 32

positions under civil service, other than promotions, which

4 33

examinations shall be practical in character and shall relate

4 34

to matters which will fairly test the mental and physical

4 35

ability of the applicant to discharge the duties of the

5 1

position to which the applicant seeks appointment. The

5 2

physical examination of applicants for appointment to the

5 3

positions of police officer, police matron, or fire fighter

5 4

shall be held in accordance with medical protocols established

5 5

by the board of trustees of the fire and police retirement

5 6

system established by section 411.5 and shall be conducted

~~by~~

5 7

~~the medical board as established in section 411.5~~

~~in~~

5 8

accordance with the directives of the board of trustees. The

5 9

board of trustees may change the medical protocols at any time

5 10

the board so determines. The physical examination of an

5 11

applicant for the position of police officer, police matron,

5 12

or fire fighter shall be conducted after a conditional offer

5 13

of employment has been made to the applicant. An applicant

5 14

shall not be discriminated against on the basis of height,

5 15

weight, sex, or race in determining physical or mental ability

5 16

of the applicant. Reasonable rules relating to strength,

5 17

agility, and general health of applicants shall be prescribed.

5 18

The costs of the physical examination required under this

5 19

subsection shall be paid from the trust and agency fund of the

5 20

city.

5 21

DIVISION IV

5 22

DEBT SERVICE AND TOBACCO FUND APPROPRIATIONS

5 23

TUITION REPLACEMENT

5 24

Sec. 16. TUITION REPLACEMENT GENERAL FUND. In lieu of

5 25

the appropriation made to the state board of regents for

5 26

tuition replacement in 2001 Iowa Acts, Senate File 535,

5 27

section 8, subsection 1, paragraph "b", if enacted, there is

5 28

appropriated from the general fund of the state to the state

5 29

board of regents for the fiscal year beginning July 1, 2001,

5 30

and ending June 30, 2002, the following amount, or so much

5 31

thereof as is necessary, to be used for the purpose

5 32

designated:

5 33 For allocation by the state board of regents to the state
5 34 university of Iowa, the Iowa state university of science and
5 35 technology, and the university of northern Iowa to reimburse
6 1 the institutions for deficiencies in their operating funds
6 2 resulting from the pledging of tuitions, student fees and
6 3 charges, and institutional income to finance the cost of
6 4 providing academic and administrative buildings and facilities
6 5 and utility services at the institutions:

6 6 \$ 26,081,384

6 7 Sec. 17. TUITION REPLACEMENT TOBACCO SETTLEMENT FUND.
6 8 In addition to the appropriation made in this division of this
6 9 Act from the general fund of the state to the state board of
6 10 regents for purposes of tuition replacement, there is
6 11 appropriated from the tax-exempt bonds proceeds restricted
6 12 capital funds account of the tobacco settlement trust fund
6 13 created in section 12E.12, pursuant to 2001 Iowa Acts, Senate
6 14 File 532, if enacted, to the state board of regents for the
6 15 fiscal year beginning July 1, 2001, and ending June 30, 2002,
6 16 the following amount, or so much thereof as is necessary, to
6 17 be used for the purpose designated:

6 18 For allocation by the state board of regents to the state
6 19 university of Iowa, the Iowa state university of science and
6 20 technology, and the university of northern Iowa to reimburse
6 21 the institutions for deficiencies in their operating funds
6 22 resulting from the pledging of tuitions, student fees and
6 23 charges, and institutional income to finance the cost of
6 24 providing academic and administrative buildings and facilities
6 25 and utility services at the institutions:

6 26 \$ 600,330

6 27 IOWA COMMUNICATIONS NETWORK

6 28 Sec. 18. IOWA COMMUNICATIONS NETWORK DEBT SERVICE
6 29 GENERAL FUND. In lieu of the appropriation made to the
6 30 treasurer of state for Iowa communications network debt
6 31 service in 2001 Iowa Acts, House File 719, section 1, if
6 32 enacted, there is appropriated from the general fund of the
6 33 state to the treasurer of state for the fiscal year beginning
6 34 July 1, 2001, and ending June 30, 2002, the following amount,
6 35 or so much thereof as is necessary, to be used for the purpose
7 1 designated:

7 2 For debt service for the Iowa communications network:

7 3 \$ 9,939,165

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

7 16 For debt service for the Iowa communications network:

7 17 \$ 1,465,835

7 18 Sec. 20. DEBT SERVICE FUND. Funds appropriated in this
7 19 division of this Act for Iowa communications network debt
7 20 service shall be deposited in a separate fund established in
7 21 the office of the treasurer of state to be used solely for
7 22 debt service for the Iowa communications network. The Iowa
7 23 telecommunications and technology commission shall certify to
7 24 the treasurer of state when a debt service payment is due, and
7 25 upon receipt of the certification, the treasurer shall make
7 26 the payment. The commission shall pay any additional amount
7 27 due from funds deposited in the Iowa communications network
7 28 fund.

7 29 PRISON DEBT SERVICE

7 30 Sec. 21. There is appropriated from the tax-exempt bonds
7 31 proceeds restricted capital funds account of the tobacco
7 32 settlement trust fund created in section 12E.12, pursuant to
7 33 2001 Iowa Acts, Senate File 532, if enacted, to the treasurer
7 34 of state for the fiscal year beginning July 1, 2001, and
7 35 ending June 30, 2002, the following amount, or so much thereof

8 1 as is necessary, to be used for the purpose designated:
8 2 For repayment of prison infrastructure bonds under section
8 3 16.177:

8 4 \$ 5,182,272

8 5 TOBACCO MASTER SETTLEMENT AGREEMENT LITIGATION

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

8 13 For payment of litigation fees incurred pursuant to the
8 14 tobacco master settlement agreement:

8 15 \$ 10,617,000

8 16 Sec. 23. CONTINGENT EFFECTIVE DATE. This division of this
8 17 Act shall take effect only if 2001 Iowa Acts, Senate File 532
8 18 is enacted and only if the tobacco settlement authority
8 19 established in chapter 12E securitizes tobacco master
8 20 settlement agreement payments sold to the authority pursuant
8 21 to 2001 Iowa Acts, Senate File 532. If the contingencies of
8 22 this section are met, the effective date of this division of
8 23 this Act shall be the effective date of the receipt of the
8 24 bond proceeds by the tobacco settlement authority and the
8 25 deposit of the proceeds of the tax-exempt bonds and the
8 26 taxable bonds in the respective accounts of the tobacco
8 27 settlement trust fund pursuant to chapter 12E, and
8 28 specifically pursuant to section 12E.9.

8 29 DIVISION V
8 30 MISCELLANEOUS

8 31 Sec. 24. Notwithstanding section 8.55, subsection 4, and
8 32 section 8.56, subsection 1, for the fiscal year beginning July
8 33 1, 2001, and ending June 30, 2002, the interest and earnings
8 34 on moneys deposited in the Iowa economic emergency fund and
8 35 the cash reserve fund shall be credited to the general fund of
9 1 the state.

9 2 Sec. 25. Section [483A.27](#), Code 2001, is amended by adding
9 3 the following new subsection:

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

9 14 DIVISION VI
9 15 SCHEDULED VIOLATIONS

9 16 Sec. 26. Section [321.17](#), Code 2001, is amended to read as
9 17 follows:

9 18 321.17 MISDEMEANOR TO VIOLATE REGISTRATION PROVISIONS.
9 19 It is a simple misdemeanor punishable as a scheduled
9 20 violation under section 805.8A, subsection 2, paragraph "b",
9 21 for any person to drive or move or for an owner knowingly to
9 22 permit to be driven or moved upon the highway a vehicle of a
9 23 type required to be registered under this chapter which is not
9 24 registered, or for which the appropriate fee has not been
9 25 paid, except as provided in section 321.109, subsection 3.

9 26 Sec. 27. Section [321.98](#), Code 2001, is amended to read as

9 27 follows:
9 28 321.98 OPERATION WITHOUT REGISTRATION.
9 29

~~No~~

- A person shall not operate,

~~nor shall~~

- and an owner shall

9 30 not knowingly permit to be operated upon any highway any
9 31 vehicle required to be registered and titled hereunder unless
9 32 there shall be attached thereto and displayed thereon when and
9 33 as required by this chapter a valid registration card and
9 34 registration plate or plates issued therefor for the current
9 35 registration year and unless a certificate of title has been
10 1 issued for such vehicle except as otherwise expressly
10 2 permitted in this chapter. Any violation of this section is a
10 3 simple misdemeanor punishable as a scheduled violation under
10 4 section 805.8A, subsection 2, paragraph "b".

10 5 Sec. 28. Section 321.193, unnumbered paragraph 4, Code
10 6 2001, is amended to read as follows:

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

10 12 Sec. 29. Section 321.216, unnumbered paragraph 1, Code
10 13 2001, is amended to read as follows:

10 14 It is a simple misdemeanor punishable as a scheduled
10 15 violation under section 805.8A, subsection 4, paragraph "b".
10 16 for any person:

10 17 Sec. 30. Section 321.216B, Code 2001, is amended to read
10 18 as follows:

10 19 321.216B USE OF DRIVER'S LICENSE OR NONOPERATOR'S
10 20 IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN ALCOHOL.

10 21 A person who is under the age of twenty-one, who alters or
10 22 displays or has in the person's possession a fictitious or
10 23 fraudulently altered driver's license or nonoperator's
10 24 identification card and who uses the license to violate or
10 25 attempt to violate section 123.47, commits a simple
10 26 misdemeanor punishable

~~by a fine of one hundred dollars~~

- as a

10 27 scheduled violation under section 805.8A, subsection 4,
10 28 paragraph "c". The court shall forward a copy of the
10 29 conviction to the department.

10 30 Sec. 31. Section 321.216C, Code 2001, is amended to read
10 31 as follows:

10 32 321.216C USE OF DRIVER'S LICENSE OR NONOPERATOR'S
10 33 IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN CIGARETTES OR
10 34 TOBACCO PRODUCTS.

10 35 A person who is under the age of eighteen, who alters or
11 1 displays or has in the person's possession a fictitious or
11 2 fraudulently altered driver's license or nonoperator's
11 3 identification card and who uses the license or card to
11 4 violate or attempt to violate section 453A.2, subsection 2,
11 5 commits a simple misdemeanor punishable

~~by a fine of one~~

-
11 6

~~hundred dollars~~

- as a scheduled violation under section 805.8A,

11 7 subsection 4, paragraph "c". The court shall forward a copy
11 8 of the conviction to the department.

11 9 Sec. 32. Section 321L.3, unnumbered paragraph 2, Code
11 10 2001, is amended to read as follows:
11 11 A person who fails to return the persons with disabilities
11 12 parking permit and subsequently misuses the permit by
11 13 illegally parking in a persons with disabilities parking space
11 14 is guilty of a simple misdemeanor

~~and subject to a fine of up~~

11 15

~~to one hundred dollars~~
~~punishable as a scheduled violation~~
11 16 under section 805.8A, subsection 1, paragraph "c".

11 17 Sec. 33. Section 321L.7, Code 2001, is amended to read as
11 18 follows:
11 19 321L.7 PENALTY FOR FAILING TO PROVIDE PERSONS WITH
11 20 DISABILITIES PARKING SPACES AND SIGNS.
11 21 Failure to provide proper persons with disabilities parking
11 22 spaces as provided in section 321L.5 or to properly display
11 23 persons with disabilities parking signs as provided in section
11 24 321L.6 is a simple misdemeanor

~~for which a fine of one hundred~~

11 25

~~dollars shall be imposed for each violation~~
~~punishable as a~~
11 26 scheduled violation under section 805.8A, subsection 1,
11 27 paragraph "c".

11 28 Sec. 34. Section 452A.52, unnumbered paragraph 2, Code
11 29 2001, is amended to read as follows:
11 30 Any person who is unable to display either of the permits
11 31 or the license provided in section 452A.53 and brings into the
11 32 state in the fuel supply tanks of a commercial motor vehicle
11 33 more than thirty gallons of motor fuel or special fuel in
11 34 violation of

~~the provisions of the preceding paragraph is~~

11 35

~~guilty of~~
~~subsection 1 commits a simple misdemeanor punishable~~
12 1 as a scheduled violation under section 805.8A, subsection 13,
12 2 paragraph "c".

12 3 Sec. 35. CONFLICTING LEGISLATION. If both 2001 Iowa Acts,
12 4 Senate File 499 and 2001 Iowa Acts, House File 561 are enacted
12 5 by the Seventy-ninth General Assembly and if House File 561
12 6 maintains the scheduled fine for a violation of section
12 7 321.234A at one hundred dollars, the scheduled fine of fifty
12 8 dollars, as enacted in Senate File 499, shall prevail and the
12 9 schedule fine of one hundred dollars, as enacted in House File
12 10 561, shall be void.

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

12 14 DIVISION VII
12 15 CORRECTIVE AMENDMENTS

12 16 Sec. 37. Section 103A.3, subsections 10, 11, 20, and 25,
12 17 Code 2001, are amended to read as follows:

12 18 10. "Ground anchoring system" means any device or
12 19 combination of devices used to securely anchor a manufactured
12 20 or mobile home to the ground.

12 21 11. "Ground support system" means any device or
12 22 combination of devices placed beneath a manufactured or mobile

12 23 home and used to provide support.

12 24 20. "Permanent site" means any lot or parcel of land on
12 25 which a manufactured or mobile home used as a dwelling or
12 26 place of business, is located for ninety consecutive days
12 27 except a construction site when the manufactured or mobile
12 28 home is used by a commercial contractor as a construction
12 29 office or storage room.

12 30 25. "Tiedown system" means a ground support system and a
12 31 ground anchoring system used in concert to provide anchoring
12 32 and support for a manufactured or mobile home.

12 33 Sec. 38. Section [103A.26](#), Code 2001, if enacted by 2001
12 34 Iowa Acts, Senate File 185, section 4, is amended to read as
12 35 follows:

13 1 103A.26 MANUFACTURED OR MOBILE HOME INSTALLERS

13 2 CERTIFICATION VIOLATION CIVIL PENALTY.

13 3 1. a. A person who installs a manufactured or mobile home
13 4 for another person shall be certified in accordance with rules
13 5 adopted by the commissioner pursuant to chapter 17A. The
13 6 commissioner may assess a fee sufficient to recover the costs
13 7 of administering the certification of manufactured or mobile
13 8 home installers. The commissioner may suspend or revoke the
13 9 certification of a manufactured or mobile home installer for
13 10 failure to perform installation of a manufactured or mobile
13 11 home, pursuant to certification standards as provided by rules
13 12 of the commissioner.

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

13 20 2. If a provision of this chapter or a rule adopted
13 21 pursuant to this chapter relating to the manufacture or
13 22 installation of a manufactured or mobile home is violated, the
13 23 commissioner may assess a civil penalty not to exceed one
13 24 thousand dollars for each offense. Each violation involving a
13 25 separate manufactured or mobile home, or a separate failure or
13 26 refusal to allow an act to be performed or to perform an act
13 27 as required by this chapter, or a rule adopted pursuant to
13 28 this chapter constitutes a separate offense. However, the
13 29 maximum amount of civil penalties which may be assessed for
13 30 any series of violations occurring within one year from the
13 31 date of the first violation shall not exceed one million
13 32 dollars.

13 33 Sec. 39. Section 165A.5, subsection 1, as enacted by 2001
13 34 Iowa Acts, Senate File 209, section 5, is amended to read as
13 35 follows:

14 1 1.

~~Except as provided in this subsection, a~~

~~A person~~

14 2 violating a provision of this chapter or any rule adopted
14 3 pursuant to this chapter shall be subject to a civil penalty
14 4 of at least one hundred dollars but not more than one thousand
14 5 dollars. The proceeding to assess a civil penalty shall be
14 6 conducted as a contested case proceeding under chapter 17A.

14 7 Sec. 40. Section 172E.1, subsection 3, as enacted by 2001
14 8 Iowa Acts, Senate File 209, section 6, is amended to read as
14 9 follows:

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

14 15 Sec. 41. Section [331.303](#), subsection 1, paragraph b, Code
14 16 2001, as amended by 2001 Iowa Acts, Senate File 453, section

14 17 1, is amended to read as follows:

14 18 b. A "warrant book" which records each warrant drawn in
14 19 the order of issuance by number, date, amount, and name of
14 20 drawee, and refers to the order in the minute book authorizing
14 21 its drawing. The board may authorize the auditor to issue
14 22 checks in lieu of warrants. If the issuance of checks is
14 23 authorized, the word "check" shall be substituted for the word
14 24 "warrant" in those sections of this chapter and chapters

~~6B.11~~

14 25 6B.11, 35B, 336, 349, 350, 427B, and 468 in which the
14 26 issuance of a check is authorized in lieu of a warrant.
14 27 Sec. 42. Section 351.39, Code 2001, as amended by 2001
14 28 Iowa Acts, House File 179, section 1, is amended to read as
14 29 follows:

14 30 351.39 CONFINEMENT.

14 31 If a local board of health receives information that an
14 32 animal has bitten a person or that a dog or animal is
14 33 suspected of having rabies, the board shall order the owner to
14 34 confine such animal in the manner it directs. If the owner
14 35 fails to confine such animal in the manner directed, the
15 1 animal shall be apprehended and impounded by such board, and
15 2 after ten days the board may humanely destroy the animal. If
15 3 such animal is returned to its owner, the owner shall pay the
15 4 cost of impoundment. This section shall not apply

~~to~~

~~if a~~

15 5 police service dog or a horse used by a law enforcement
15 6 agency

~~, that is~~

~~and~~ acting in the performance of its duties

15 7

~~which~~

~~has bitten a person.~~

15 8 Sec. 43. Section 466.8, unnumbered paragraph 1, as enacted
15 9 by 2001 Iowa Acts, Senate File 479, section 2, is amended to
15 10 read as follows:

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

15 16 Sec. 44. Section 466.8, subsection 4, as enacted by 2001
15 17 Iowa Acts, Senate File 479, section 2, is amended to read as
15 18 follows:

15 19 4. The department shall report to the general assembly
15 20 annually on the progress of the on-site wastewater systems
15 21 assistance program.

15 22 Sec. 45. Section 507B.4A, subsection 2, paragraph c, as
15 23 enacted by 2001 Iowa Acts, Senate File 500, section 8, is
15 24 amended to read as follows:

15 25 c. The commissioner shall adopt rules establishing
15 26 processes for timely adjudication and payment of claims by
15 27 insurers for health care benefits. The rules shall be
15 28 consistent with the time frames and other procedural standards
15 29 for claims decisions by group health plans established by the
15 30 United States department of labor pursuant to 29 C.F.R. pt.
15 31 2560 in effect

~~at the time of passage of this Act~~

~~on January~~

15 32 1, 2002.

15 33 Sec. 46. Section 522B.14, subsection 11, as enacted by

15 34 2001 Iowa Acts, Senate File 276, section 28, is amended to
15 35 read as follows:

16 1 11. An insurer, the authorized representative of the
16 2 insurer, or an insurance producer that fails to report as
16 3 required under this section, or that is found to have reported
16 4 with actual malice by a court of competent jurisdiction, after
16 5 notice and hearing, may have its license or certificate of
16 6 authority suspended or revoked and may be

~~— fined~~

~~— penalized as~~

16 7 provided in section 522B.17.

16 8 Sec. 47. Section 523A.401, subsection 5, paragraph c, if
16 9 enacted by 2001 Iowa Acts, Senate File 473, section 28, is
16 10 amended to read as follows:

16 11 c. The policy shall have an increasing death benefit or
16 12 similar feature that provides some means for increasing the
16 13 funding as the cost of cemetery merchandise, funeral
16 14 merchandise, and

~~— cemetery goods and~~

~~— funeral services~~

16 15 increases.

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

16 19 1. In lieu of trust requirements, a seller may file with
16 20 the commissioner a surety bond issued by a surety company
16 21 authorized to do business and doing business within this
16 22 state. The bond must be conditioned upon the seller's
16 23 faithful performance of purchase agreements subject to this
16 24 chapter. The surety's liability extends to each such
16 25 agreement executed while the bond is in force and until
16 26 performance or rescision of the purchase agreement. To the
16 27 extent expressly agreed to in writing by the surety, the
16 28 surety's liability extends to each such agreement subject to
16 29 this chapter executed prior to the time the bond was in force
16 30 and until performance or rescision of the agreement. A
16 31 purchaser aggrieved by a breach of a condition of the bond
16 32 covering the purchaser's agreement may maintain an action
16 33 against the bond. If, at the time of the breach, the
16 34 purchaser is aware of the purchaser's rights under the bond
16 35 and how to file a claim against the bond, the surety shall not
17 1 be liable for any breach of condition unless the surety
17 2 receives notice of a claim within sixty days following
17 3 discovery of the acts, omissions, or conditions constituting
17 4 the breach of condition, except as otherwise provided in this
17 5 section. A surety bond shall not be canceled by a surety
17 6 except upon a written notice of cancellation given by the
17 7 surety to the commissioner by restricted certified mail, and
17 8 not prior to the expiration of sixty days after receipt of the
17 9 notice by the commissioner. The surety's liability shall
17 10 extend to each purchase agreement subject to this chapter
17 11 executed prior to cancellation of the surety bond until the
17 12 seller has complied with

~~— section~~

~~— subsection 3.~~

17 13 Sec. 49. Section 554.9525, subsections 3 and 4, as enacted
17 14 by 2000 Iowa Acts, chapter 1149, section 96, are amended to
17 15 read as follows:
17 16

~~— 3.~~

~~— 2.~~ NUMBER OF NAMES. The number of names required to be
17 17 indexed does not affect the amount of the fee in

~~subsections~~

17 18 subsection 1

~~and 2~~

17 19

~~4.~~

- 3. RESPONSE TO INFORMATION REQUEST. A rule

~~or~~

17 20

~~ordinance~~

- adopted pursuant to subsection 1 must set the fee

17 21 for responding to a request for information from the filing
17 22 office, including for communicating whether there is on file
17 23 any financing statement naming a particular debtor. A fee for
17 24 responding to a request communicated in writing must be not
17 25 less than twice the amount of the fee for responding to a
17 26 request communicated by another medium authorized by the
17 27 office of secretary of state or the board of supervisors for
17 28 the filing office where its filing office is located.

17 29 Sec. 50. Section [558.39](#), unnumbered paragraph 1, Code
17 30 2001, as amended by 2001 Iowa Acts, House File 259, is amended
17 31 to read as follows:

17 32 The following forms of acknowledgment shall be sufficient
17 33 in the cases to which they are respectively applicable. In
17 34 each case where one of these forms is used, the name of the
17 35 state and county where the acknowledgment is taken shall
18 1 precede the body of the certificate, and the signature and
18 2 official title of the officer shall follow it as indicated in
18 3 the first form and shall constitute a part of the certificate,
18 4 and the stamp or seal of the officer shall be attached when
18 5 necessary under the provision of this chapter and as provided
18 6 in section

~~9E.6~~

- 9E.6A. No certificate of acknowledgment shall

18 7 be held to be defective on account of the failure to show the
18 8 official title of the officer making the certificate if such
18 9 title appears either in the body of such certificate or in
18 10 connection therewith, or with the signature thereto.

18 11 Sec. 51. Section [633.4213](#), subsection 5, Code 2001, is
18 12 amended to read as follows:

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

18 21 Sec. 52. Section 702.11, subsection 2, paragraph e, as
18 22 enacted by 2001 Iowa Acts, Senate File 63, section 1, is
18 23 amended to read as follows:

18 24 e. Child endangerment resulting in bodily injury to a
18 25 child or a minor in violation of section 726.6, subsection 2A.

18 26 Sec. 53. 2001 Iowa Acts, House File 656, section 15, is
18 27 amended to read as follows:

18 28 SEC. 15. Sections

~~103A.3,~~

- 103A.30, 103A.31, 321.1, 321.47,

18 29 321.123, 321.251, 321.284A, 321.457, 321E.28, 321E.31,

18 30 331.429, 331.653, 422.43, 422A.1, 425.17, 426A.11, 427.11,
18 31 435.22, 441.17, 445.1, 445.36A, 445.37, 445.38, 515C.1,
18 32 534.605, 562B.2, 562B.13, 631.1, 631.4, and 648.3, Code 2001,
18 33 are amended by inserting before the words "mobile home" the
18 34 words "manufactured or".

18 35 Sec. 54. DIRECTION TO CODE EDITOR. In codifying
19 1 provisions of 2000 Iowa Acts, chapter 1149, in Code Supplement
19 2 2001, the Code editor may change references from "this Act" to
19 3 an appropriate reference, including but not limited to "this
19 4 Article", wherever it appears in the Act, after consultation
19 5 with the Iowa state bar association. The Iowa state bar
19 6 association is requested to respond to the Code editor's
19 7 consultations by no later than July 31, 2001. Nothing in this
19 8 section limits the authority of the Code editor under section
19 9 2B.13.

19 10 Sec. 55. CONTINGENT EFFECTIVENESS. The sections of this
19 11 division of this Act amending Code section 103A.3 and Code
19 12 section 103A.26, if enacted, take effect only if 2001 Iowa
19 13 Acts, House File 656 is enacted.

19 14 EXPLANATION

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

19 20 Division II of this bill reduces standing appropriations to
19 21 the legislative branch, the executive council for performance
19 22 of duty, the state appeal board for claims against the state,
19 23 the secretary of state for publication of public measures, the
19 24 department of inspections and appeals for poultry show exhibit
19 25 reimbursement, the area education agencies under the school
19 26 aid formula, school improvement technology grants, the
19 27 department of education for at-risk children programs,
19 28 nonpublic school transportation, and educational excellence-
19 29 phase III, the department of transportation for public transit
19 30 assistance, the county of Tama for an Indian settlement
19 31 officer, and for payment of special court costs and attorney
19 32 fees. These reductions are for the 2001-2002 fiscal year
19 33 except for the poultry show exhibit reimbursement which is
19 34 eliminated permanently.

19 35 Division III of this bill amends Code section 400.8 to
20 1 provide that the physical exam of applicants for law
20 2 enforcement and fire fighter positions are to be conducted in
20 3 accordance with the directives of the board of trustees of the
20 4 fire and police retirement system rather than by the appointed
20 5 three-member medical board.

20 6 Division IV makes contingent appropriations for purposes of
20 7 debt services and for costs relating to the tobacco master
20 8 settlement agreement. The division includes general fund
20 9 appropriations made in lieu of appropriations made for the
20 10 same purposes in other enacted legislation. The division does
20 11 not take effect unless 2001 Iowa Acts, Senate File 532 is
20 12 enacted and the tobacco settlement authority securitizes
20 13 tobacco master settlement agreement payments made to the
20 14 authority. The effective date of the division is the
20 15 effective date of the receipt and deposit of bond payments by
20 16 the authority.

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

20 24 Division VI relates to scheduled violations. 2001 Iowa
20 25 Acts, Senate File 499, if enacted, reorganizes the Code
20 26 placement of scheduled fines in Code chapter 805 and changes

20 27 some of those fines. Currently several Code sections
20 28 prescribe unspecified or specified simple misdemeanor
20 29 penalties for violations of those sections but do not refer to
20 30 the applicable scheduled fine for those simple misdemeanor
20 31 penalties. The following Code sections are amended to delete
20 32 the reference to an unspecified or specified simple
20 33 misdemeanor penalty and to instead refer to the specific
20 34 scheduled fine provided for the violation in 2001 Iowa Acts,
20 35 Senate File 499, if enacted: Code sections 321.17, 321.98,
21 1 321.193, 321.216, 321.216B, 321.216C, 321L.3, 321L.7, and
21 2 452A.52.

21 3 Division VII provides corrective amendments to legislation
21 4 enacted in the 2001 legislative session.

21 5 Code section 103A.3 is amended to refer to both
21 6 manufactured and mobile homes in light of the enactment of
21 7 2001 Iowa Acts, House File 656, if enacted. 2001 Iowa Acts,
21 8 House File 656, section 15, is correspondingly amended to
21 9 delete a reference to Code section 103A.3

21 10 Code section 103A.26, if enacted by 2001 Iowa Acts, Senate
21 11 File 185, is amended to refer to both manufactured and mobile
21 12 homes in light of the enactment of 2001 Iowa Acts, House File
21 13 656, if enacted.

21 14 Code section 165A.5, as enacted in 2001 Iowa Acts, Senate
21 15 File 209, relating to penalties for paratuberculosis
21 16 enforcement, is amended to delete an erroneous reference to an
21 17 exception.

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

21 22 Code section 331.303, as amended by 2001 Iowa Acts, Senate
21 23 File 453, relating to administrative procedures of various
21 24 county officers, is amended to correct an internal reference
21 25 in a listing of applicable Code chapters.

21 26 Code section 351.39, as amended by 2001 Iowa Acts, House
21 27 File 179, relating to police service dogs and horses, is
21 28 amended to restructure a sentence.

21 29 Code section 466.8, as enacted by 2001 Iowa Acts, Senate
21 30 File 479, relating to wastewater systems, is amended to insert
21 31 a word omitted from the name of a program established in the
21 32 legislation.

21 33 Code section 507B.4A, as enacted by 2001 Iowa Acts, Senate
21 34 File 500, relating to various insurance provisions, is amended
21 35 to include a date certain for the effectiveness of federal
22 1 rules containing requirements to which state rules are to
22 2 conform.

22 3 Code section 522B.14, as enacted by 2001 Iowa Acts, Senate
22 4 File 276, relating to the licensing of persons acting as
22 5 insurance producers, is amended to correct a term referring to
22 6 a penalty section.

22 7 Code section 523A.401, as enacted by 2001 Iowa Acts, Senate
22 8 File 473, if enacted, is amended to correct terminology
22 9 related to cemetery and funeral merchandise and services.

22 10 Code section 523A.405, as enacted by 2001 Iowa Acts, Senate
22 11 File 473, if enacted, is amended to correct an internal
22 12 reference within the section to requirements in cases of
22 13 cancellation of a surety bond.

22 14 Code section 554.9525, as enacted by 2000 Iowa Acts,
22 15 chapter 1149, relating to a new article of the uniform
22 16 commercial code that takes effect on July 1, 2001, is amended
22 17 to correct numbering of subsections, an internal reference,
22 18 and an incorrect reference to the term "ordinance".

22 19 Code section 558.39 is amended to correct a reference to a
22 20 new Code section created in 2001 Iowa Acts, House File 259,
22 21 relating to notarial stamps and seals.

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

22 24 verb.

22 25 Code section 702.11, subsection 2, paragraph "e", as
22 26 enacted by 2001 Iowa Acts, Senate File 63, is amended to
22 27 insert a reference to the term "minor" missing from a
22 28 reference to another provision of the Code.

22 29 This division includes a directive to the Code editor to
22 30 change references from "this Act" to "this Article" in the new
22 31 article of the uniform commercial code that takes effect on
22 32 July 1, 2001. The Code editor is to consult with the Iowa
22 33 state bar association before making the changes.

22 34 LSB 3667SC 79

22 35 mg/cf/24