

Senate Study Bill 3096

Bill Text

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1 1 Section 1. Section [7E.5](#), subsection 1, paragraph h, Code
1 2 2001, is amended to read as follows:
1 3 h. The Iowa department of economic development, created in
1 4 section

~~15.104~~

- [15.105](#), which has primary responsibility for
1 5 programs for carrying out the economic development policies of
1 6 the state.
1 7 Sec. 2. Section [10B.1](#), subsection 2, Code 2001, is amended
1 8 to read as follows:
1 9 2. "Cooperative association" means any entity organized on
1 10 a cooperative basis, including an association of persons
1 11 organized under chapter 497, 498, or 499; an entity composed
1 12 of entities organized under those chapters; or a cooperative
1 13

~~corporation~~

- organized under chapter 501.
1 14 Sec. 3. Section [15A.7](#), subsection 3, Code 2001, is amended
1 15 to read as follows:
1 16 3. That the employer shall agree to pay wages for the jobs
1 17 for which the credit is taken of at least the average county
1 18 wage or average regional wage, whichever is lower, as compiled
1 19 annually by the department of economic development for the
1 20 community economic betterment program. For the purposes of
1 21 this section, the average regional wage shall be compiled
1 22 based upon the service delivery areas in section 84B.2.
1 23 Eligibility for the supplemental credit shall be based on a
1 24 one-time determination of starting wages by the community
1 25 college.
1 26 Sec. 4. Section [15A.9](#), subsection 10, Code Supplement
1 27 2001, is amended to read as follows:
1 28 10. LIMITATION ON ASSISTANCE. Economic development
1 29 assistance under subsections 3 through 9 shall only be
1 30 available to the primary business or a supporting business.
1 31 However, if the department of economic development finds that
1 32 a primary business or a supporting business has a record of
1 33 violations of the law, including but not limited to
1 34 environmental and worker safety statutes, rules, and
1 35 regulations, over a period of time that tends to show a
2 1 consistent pattern, the primary business or supporting
2 2 business shall not qualify for economic development assistance
2 3 under subsections 3 through 9, unless the department of
2 4 economic development finds that the violations did not
2 5 seriously affect public health or safety or the environment,
2 6 or if it did that there were mitigating circumstances. In
2 7 making the findings and determinations regarding violations,
2 8 mitigating circumstances, and whether a primary business or a
2 9 supporting business is eligible for economic development
2 10 assistance under subsections 3 through 9, the department of
2 11 economic development shall be exempt from chapter 17A.
2 12 Sec. 5. Section [15E.111](#), subsection 8, Code 2001, is
2 13 amended to read as follows:
2 14 8. The department of economic development and the office
2 15 of renewable fuels and coproducts shall prepare a report each

2 16 six months detailing the progress of the department and other
2 17 agencies provided in this section. The office of renewable
2 18 fuels and coproducts, the department of natural resources, and
2 19 Iowa state university may contribute a summary of their
2 20 activities. The report shall be delivered to the secretary of
2 21 the senate and the chief clerk of the house; the legislative
2 22 service bureau; the chairpersons and ranking members of the
2 23 senate standing committee on agriculture; the senate standing
2 24 committee on small business, economic development, and
2 25 tourism; the house of representatives standing committee on
2 26 agriculture; and the house of representatives standing
2 27 committee on

~~small business,~~
- economic development

~~, and trade~~

2 28 Sec. 6. Section [15E.117](#), Code 2001, is amended to read as
2 29 follows:

2 30 15E.117 PROMOTION OF IOWA WINE AND BEER.

2 31 The department of economic development shall consult with
2 32 the Iowa wine and beer promotion board on the best means to
2 33 promote wine and beer made in Iowa. The department has the
2 34 authority to contract with private persons for the promotion
2 35 of beer and wine made in Iowa. At the direction of the
3 1 department, the director of revenue and finance shall issue
3 2 warrants to the department of economic development on the
3 3 barrel tax fund created in section 123.143 and the wine
3 4 gallonage tax fund created in section 123.183, which moneys
3 5 may be used by the department for the purpose of this section,
3 6 including administrative expenses incurred under this section.

3 7 Sec. 7. Section [15E.202](#), subsection 17, paragraph b, Code
3 8 2001, is amended to read as follows:

3 9 b. A cooperative

~~corporation~~

- organized under chapter 501.

3 10 Sec. 8. Section [73.10](#), Code 2001, is amended to read as
3 11 follows:

3 12 73.10 EXCEPTIONS.

3 13 The provisions of sections 73.6

~~to~~

- and 73.9 shall not apply

3 14 to municipally owned and operated public utilities.

3 15 Sec. 9. Section [84A.1](#), subsections 2 and 3, Code 2001, are
3 16 amended to read as follows:

3 17 2. The chief executive officer of the department of
3 18 workforce development is the director who shall be appointed
3 19 by the governor, subject to confirmation by the senate under
3 20 the confirmation procedures of section 2.32. The director of
3 21 the department of workforce development shall serve at the
3 22 pleasure of the governor. The governor shall set the salary
3 23 of the director within the applicable salary range established
3 24 by the general assembly. The director shall be selected
3 25 solely on the ability to administer the duties and functions
3 26 granted to the director and the department and shall devote
3 27 full time to the duties of the director. If the office of
3 28 director becomes vacant, the vacancy shall be filled in the
3 29 same manner as the original appointment was made.

3 30 The director of the department of workforce development
3 31 shall, subject to the requirements of section 84A.1B, prepare,
3 32 administer, and control the budget of the department and its
3 33 divisions and shall approve the employment of all personnel of
3 34 the department and its divisions.

3 35 The director of the department of workforce development

4 1 shall direct the administrative and compliance functions and
4 2 control the docket of the division of workers' compensation.
4 3 3. The department of workforce development shall include
4 4 the division of labor services, the division of workers'
4 5 compensation, and other divisions as appropriate.

4 6 Sec. 10. Section 84A.1A, Code Supplement 2001, is amended
4 7 to read as follows:

4 8 84A.1A WORKFORCE DEVELOPMENT BOARD.

4 9 1. An Iowa workforce development board is created,
4 10 consisting of nine voting members appointed by the governor
4 11 and eight ex officio nonvoting members. The ex officio
4 12 nonvoting members are four legislative members; one president
4 13 or the president's designee of the university of northern
4 14 Iowa, the university of Iowa, or Iowa state university of
4 15 science and technology, designated by the state board of
4 16 regents on a rotating basis; one representative from the
4 17 largest statewide public employees' organization representing
4 18 state employees; one president or the president's designee of
4 19 an independent Iowa college, appointed by the Iowa association
4 20 of independent colleges and universities; and one
4 21 superintendent or the superintendent's designee of a community
4 22 college, appointed by the Iowa association of community
4 23 college presidents. The legislative members are two state
4 24 senators, one appointed by the president of the senate, after
4 25 consultation with the majority leader of the senate, and one
4 26 appointed by the minority leader of the senate, after
4 27 consultation with the president of the senate, from their
4 28 respective parties; and two state representatives, appointed
4 29 by the speaker after consultation with the majority and
4 30 minority leaders of the house of representatives from their
4 31 respective parties. Not more than five of the voting members
4 32 shall be from the same political party. Of the nine voting
4 33 members, one member shall represent a nonprofit organization
4 34 involved in workforce development services, four members shall
4 35 represent employers, and four members shall represent
5 1 nonsupervisory employees. Of the members appointed by the
5 2 governor to represent nonsupervisory employees, two members
5 3 shall be from statewide labor organizations, one member shall
5 4 be an employee representative of a labor management council,
5 5 and one member shall be a person with experience in worker
5 6 training programs. The governor shall consider
5 7 recommendations from statewide labor organizations for the
5 8 members representing nonsupervisory employees. The governor
5 9 shall appoint the nine voting members of the workforce
5 10 development board for a term of four years beginning and
5 11 ending as provided by section 69.19, subject to confirmation
5 12 by the senate, and the governor's appointments shall include
5 13 persons knowledgeable in the area of workforce development.

5 14 2. A vacancy on the workforce development board shall be
5 15 filled in the same manner as regular appointments are made for
5 16 the unexpired portion of the regular term.

5 17 3. The workforce development board shall meet in May of
5 18 each year for the purpose of electing one of its voting
5 19 members as chairperson and one of its voting members as vice
5 20 chairperson. However, the chairperson and the vice
5 21 chairperson shall not be from the same political party. The
5 22 workforce development board shall meet at the call of the
5 23 chairperson or when any five members of the workforce
5 24 development board file a written request with the chairperson
5 25 for a meeting. Written notice of the time and place of each
5 26 meeting shall be given to each member of the workforce
5 27 development board. A majority of the voting members
5 28 constitutes a quorum.

5 29 4. Members of the workforce development board, the
5 30 director of the department of workforce development, and other
5 31 employees of the department of workforce development shall be
5 32 allowed their actual and necessary expenses incurred in the

5 33 performance of their duties. All expenses shall be paid from
5 34 appropriations for those purposes and the department of of
5 35 workforce development is subject to the budget requirements of
6 1 chapter 8. Each member of the workforce development board may
6 2 also be eligible to receive compensation as provided in
6 3 section 7E.6.

6 4 5. If a member of the workforce development board has an
6 5 interest, either direct or indirect, in a contract to which
6 6 the department of workforce development is or is to be a
6 7 party, the interest shall be disclosed to the workforce
6 8 development board in writing and shall be set forth in the
6 9 minutes of a meeting of the workforce development board. The
6 10 member having the interest shall not participate in action by
6 11 the workforce development board with respect to the contract.
6 12 This subsection does not limit the right of a member of the
6 13 workforce development board to acquire an interest in bonds,
6 14 or limit the right of a member to have an interest in a bank
6 15 or other financial institution in which the funds of the
6 16 department of workforce development are deposited or which is
6 17 acting as trustee or paying agent under a trust indenture to
6 18 which the department of workforce development is a party.

6 19 Sec. 11. Section [84A.5](#), Code Supplement 2001, is amended
6 20 to read as follows:

6 21 84A.5

~~DEPARTMENT'S~~

~~DEPARTMENT OF WORKFORCE DEVELOPMENT~~

6 22 PRIMARY RESPONSIBILITIES.

6 23 The department of workforce development, in consultation
6 24 with the workforce development board and the regional advisory
6 25 boards, has the primary responsibilities set out in this
6 26 section.

6 27 1. The department of workforce development shall develop
6 28 and implement a workforce development system which increases
6 29 the skills of the Iowa workforce, fosters economic growth and
6 30 the creation of new high skill and high wage jobs through job
6 31 placement and training services, increases the competitiveness
6 32 of Iowa businesses by promoting high performance workplaces,
6 33 and encourages investment in workers.

6 34 The workforce development system shall strive to provide
6 35 high quality services to its customers including workers,
7 1 families, and businesses. The department of workforce
7 2 development shall maintain a common intake, assessment, and
7 3 customer tracking system and to the extent practical provide
7 4 one-stop services to customers at workforce development
7 5 centers and other service access points.

7 6 The system shall include an accountability system to
7 7 measure program performance, identify accomplishments, and
7 8 evaluate programs to ensure goals and standards are met. The
7 9 accountability system shall use information obtained from the
7 10 customer tracking system, the department of economic
7 11 development, the department of education, and training
7 12 providers to evaluate the effectiveness of programs. The
7 13 department of economic development, the department of
7 14 education, and training providers shall report information
7 15 concerning the use of any state or federal training or
7 16 retraining funds to the department of workforce development in
7 17 a form as required by the department of workforce development.
7 18 The accountability system shall evaluate all of the following:

7 19 a. The impact of services on wages earned by individuals.

7 20 b. The effectiveness of training services providers in
7 21 raising the skills of the Iowa workforce.

7 22 c. The impact of placement and training services on Iowa's
7 23 families, communities, and economy.

7 24 The department of workforce development shall make
7 25 information from the customer tracking and accountability
7 26 system available to the department of economic development,

7 27 the department of education, and other appropriate public
7 28 agencies for the purpose of assisting with the evaluation of
7 29 programs administered by those departments and agencies and
7 30 for planning and researching public policies relating to
7 31 education and economic development.

7 32 2. The department of workforce development is responsible
7 33 for administration of unemployment compensation benefits and
7 34 collection of employer contributions under chapter 96,
7 35 providing for the delivery of free public employment services
8 1 established pursuant to chapter 96, other job placement and
8 2 training programs established pursuant to section 84A.6, and
8 3 the delivery of services located throughout the state.

8 4 3. The division of labor services is responsible for the
8 5 administration of the laws of this state under chapters 88,
8 6 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 92, and
8 7 94A, and sections 30.7 and 85.68. The executive head of the
8 8 division is the labor commissioner, appointed pursuant to
8 9 section 91.2.

8 10 4. The division of workers' compensation is responsible
8 11 for the administration of the laws of this state relating to
8 12 workers' compensation under chapters 85, 85A, 85B, 86, and 87.
8 13 The executive head of the division is the workers'
8 14 compensation commissioner, appointed pursuant to section 86.1.

8 15 5. The director of the department of workforce development
8 16 shall form a coordinating committee composed of the director
8 17 of the department of workforce development, the labor
8 18 commissioner, the workers' compensation commissioner, and
8 19 other administrators. The committee shall monitor federal
8 20 compliance issues relating to coordination of functions among
8 21 the divisions.

8 22 6. The department of workforce development shall
8 23 administer the following programs:

8 24 a. The Iowa conservation corps established under section
8 25 84A.7.

8 26 b. The workforce investment program established under
8 27 section 84A.8.

8 28 c. The statewide mentoring program established under
8 29 section 84A.9.

8 30 d. The workforce development centers established under
8 31 chapter 84B.

8 32 7. The department of workforce development shall work with
8 33 the department of economic development to incorporate
8 34 workforce development as a component of community-based
8 35 economic development.

9 1 8. The department of workforce development, in
9 2 consultation with the applicable regional advisory board,
9 3 shall select service providers, subject to approval by the
9 4 workforce development board for each service delivery area. A
9 5 service provider in each service delivery area shall be
9 6 identified to coordinate the services throughout the service
9 7 delivery area. The department of workforce development shall
9 8 select service providers that, to the extent possible, meet or
9 9 have the ability to meet the following criteria:

9 10 a. The capacity to deliver services uniformly throughout
9 11 the service delivery area.

9 12 b. The experience to provide workforce development
9 13 services.

9 14 c. The capacity to cooperate with other public and private
9 15 agencies and entities in the delivery of education, workforce
9 16 training, retraining, and workforce development services
9 17 throughout the service delivery area.

9 18 d. The demonstrated capacity to understand and comply with
9 19 all applicable state and federal laws, rules, ordinances,
9 20 regulations, and orders, including fiscal requirements.

9 21 9. The department of workforce development shall provide
9 22 access to information and documents necessary for employers
9 23 and payors of income, as defined in sections 252D.16 and

9 24 252G.1, to comply with child support reporting and payment
9 25 requirements. Access to the information and documents shall
9 26 be provided at the central location of the department of
9 27 workforce development and at each workforce development
9 28 center.

9 29 10. The director of the department of workforce
9 30 development may adopt rules pursuant to chapter 17A to charge
9 31 and collect fees for enhanced or value-added services provided
9 32 by the department of workforce development which are not
9 33 required by law to be provided by the department and are not
9 34 generally available from the department of the department of
9 35 workforce development. Fees shall not be charged to provide a
10 1 free public labor exchange. Fees established by the director
10 2 of the department of workforce development shall be based upon
10 3 the costs of administering the service, with due regard to the
10 4 anticipated time spent, and travel costs incurred, by
10 5 personnel performing the service. The collection of fees
10 6 authorized by this subsection shall be treated as repayment
10 7 receipts as defined in section 8.2.

10 8 Sec. 12. Section 84A.6, subsections 2 and 3, Code 2001,
10 9 are amended to read as follows:

10 10 2. The director of the department of workforce
10 11 development, in cooperation with the department of human
10 12 services, shall provide job placement and training to persons
10 13 referred by the department of human services under the
10 14 promoting independence and self-sufficiency through employment
10 15 job opportunities and basic skills program established
10 16 pursuant to chapter 239B and the food stamp employment and
10 17 training program.

10 18 3. The director of the department of workforce
10 19 development, in cooperation with the department of human
10 20 rights and the vocational rehabilitation services division of
10 21 the department of education, shall establish a program to
10 22 provide job placement and training to persons with
10 23 disabilities.

10 24 Sec. 13. Section 84A.7, subsections 3 and 4, Code 2001,
10 25 are amended to read as follows:

10 26 3. FUNDING. Corps projects shall be funded by
10 27 appropriations to the Iowa conservation corps account and by
10 28 cash, services, and material contributions made by other state
10 29 agencies or local public and private agencies. Public and
10 30 private entities who benefit from a corps project shall
10 31 contribute at least thirty-five percent of the total project
10 32 budget. The contributions may be in the form of cash,
10 33 materials, or services. Materials and services shall be
10 34 intended for the project and acceptable to the department of
10 35 workforce development. Minimum levels of contributions shall
11 1 be prescribed in rules adopted by the department of workforce
11 2 development.

11 3 4. ACCOUNT CREATED. The Iowa conservation corps account
11 4 is established within and administered by the department of of
11 5 workforce development. The account shall include all
11 6 appropriations made to programs administered by the corps, and
11 7 may also include moneys contributed by a private individual or
11 8 organization, or a public entity for the purpose of
11 9 implementing corps programs and projects. The department of of
11 10 workforce development may establish an escrow account within
11 11 the department and obligate moneys within that escrow account
11 12 for tuition payments to be made beyond the term of any fiscal
11 13 year. Interest earned on moneys in the Iowa conservation
11 14 corps account shall be credited to the account.

11 15 Sec. 14. Section 85.38, subsection 4, Code 2001, is
11 16 amended to read as follows:

11 17 4. LIEN FOR HOSPITAL AND MEDICAL SERVICES UNDER CHAPTER
11 18 249A. In the event any hospital or medical services as
11 19

~~defined~~

- provided in section 85.27 are paid by the state

11 20 department of human services on behalf of an employee who is
11 21 entitled to such benefits under the provisions of this chapter
11 22 or chapter 85A or 85B, a lien shall exist as respects the
11 23 right of such employee to benefits as described in section
11 24 85.27.

11 25 Sec. 15. Section [123.183](#), subsection 3, paragraph b, Code
11 26 Supplement 2001, is amended to read as follows:

11 27 b. The remaining revenue collected from the wine gallonage
11 28 tax on wine imported into this state for sale at wholesale and
11 29 sold in this state at wholesale shall be deposited in the beer
11 30 and liquor control fund created in section 123.53.

11 31 Sec. 16. Section [135C.2](#), subsection 3, paragraph d, Code
11 32 Supplement 2001, is amended to read as follows:

11 33 d. Notwithstanding the limitations set out in this
11 34 subsection regarding rules for intermediate care facilities
11 35 for persons with mental retardation, the department shall
12 1 consider the federal interpretive guidelines issued by the
12 2 federal

~~health care financing administration~~

- centers for

12 3 Medicare and Medicaid services when interpreting the
12 4 department's rules for intermediate care facilities for
12 5 persons with mental retardation. This use of the guidelines
12 6 is not subject to the rulemaking provisions of sections 17A.4
12 7 and 17A.5, but the guidelines shall be published in the Iowa
12 8 administrative bulletin and the Iowa administrative code.

12 9 Sec. 17. Section [135C.33](#), subsection 2, Code Supplement
12 10 2001, is amended to read as follows:

12 11 2. If the department of public safety determines that a
12 12 person has committed a crime and is to be employed in a
12 13 facility licensed under this chapter, the department of public
12 14 safety shall notify the licensee that an evaluation, if
12 15 requested by the facility, will be conducted by the department
12 16 of human services to determine whether prohibition of the
12 17 person's employment is warranted. If a department of human
12 18 services child or dependent adult abuse records check
12 19

~~determines~~

- shows that the person has a record of founded child

12 20 or dependent adult abuse, the department of human services
12 21 shall inform the licensee that an evaluation, if requested by
12 22 the facility, will be conducted to determine whether
12 23 prohibition of the person's employment is warranted.

12 24 Sec. 18. Section [136.3](#), subsection 7, Code Supplement
12 25 2001, is amended to read as follows:

12 26 7. Adopt, promulgate, amend, and repeal rules and
12 27 regulations consistent with law for the protection of the
12 28 public health and prevention of substance abuse, and for the
12 29 guidance of the department. All rules which have been or are
12 30 hereafter adopted by the department shall be subject to
12 31 approval by the board. However, rules adopted by the
12 32 commission on substance abuse for section 125.7, subsections 1
12 33 and 7, and rules adopted by the department pursuant to section
12 34 135.130 are not subject to approval by the state board of
12 35 health.

13 1 Sec. 19. Section [207.13](#), subsection 2, Code 2001, is
13 2 amended to read as follows:

13 3 2. The inspections by the division shall:

13 4 a.

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- Occur at a frequency of one complete inspection per

13 5 calendar quarter and at least one partial inspection on an

13 6 irregular basis in those months where a complete inspection is
13 7 not performed.

13 8 b. Occur without prior notice to the permittee, agents or
13 9 employees except for necessary on-site meetings with the
13 10 permittee.

13 11 c. Include the filing of inspection reports adequate to
13 12 enforce the requirements of and to carry out the terms and
13 13 purposes of this chapter.

13 14 Sec. 20. Section [229.42](#), Code Supplement 2001, is amended
13 15 to read as follows:

13 16 229.42 COSTS PAID BY COUNTY.

13 17 If a person wishing to make application for voluntary
13 18 admission to a mental hospital established by chapter 226 is
13 19 unable to pay the costs of hospitalization or those
13 20 responsible for the person are unable to pay the costs,
13 21 application for authorization of voluntary admission must be
13 22 made through a single entry point process before application
13 23 for admission is made to the hospital. The person's county of
13 24 legal settlement shall be determined through the single entry
13 25 point process and if the admission is approved through the
13 26 single entry point process, the person's admission to a mental
13 27 health hospital shall be authorized as a voluntary case. The
13 28 authorization shall be issued on forms provided by the
13 29 administrator. The costs of the hospitalization shall be paid
13 30 by the county of legal settlement to the department of human
13 31 services and credited to the general fund of the state,
13 32

~~providing~~

~~provided that~~ the mental health hospital rendering

13 33 the services has certified to the county auditor of the county
13 34 of legal settlement the amount chargeable to the county and
13 35 has sent a duplicate statement of the charges to the
14 1 department of human services. A county shall not be billed
14 2 for the cost of a patient unless the patient's admission is
14 3 authorized through the single entry point process. The mental
14 4 health institute and the county shall work together to locate
14 5 appropriate alternative placements and services, and to
14 6 educate patients and family members of patients regarding such
14 7 alternatives.

14 8 All the provisions of chapter 230 shall apply to such
14 9 voluntary patients so far as is applicable.

14 10 The provisions of this section and of section 229.41 shall
14 11 apply to all voluntary inpatients or outpatients receiving
14 12 mental health services either away from or at the institution
14 13

~~receiving mental health services~~

14 14 If a county fails to pay the billed charges within forty-
14 15 five days from the date the county auditor received the
14 16 certification statement from the superintendent, the
14 17 department of human services shall charge the delinquent
14 18 county the penalty of one percent per month on and after
14 19 forty-five days from the date the county received the
14 20 certification statement until paid. The penalties received
14 21 shall be credited to the general fund of the state.

14 22 Sec. 21. Section [232.21](#), subsection 4, Code Supplement
14 23 2001, is amended to read as follows:

14 24 4. A child placed in a shelter care facility under this
14 25 section shall not be held for a period in excess of forty-
14 26 eight hours without an oral or written court order authorizing
14 27 the shelter care. When the action is authorized by an oral
14 28 court order, the court shall enter a written order before the
14 29 end of the next day confirming the oral order and indicating
14 30 the reasons for the order. A child placed in shelter care
14 31 pursuant to section 232.19, subsection 1, paragraph "c", shall

14 32 not be held in excess of seventy-two hours in any event. If
14 33 deemed appropriate by the court, an order authorizing shelter
14 34 care placement may include a determination that continuation
14 35 of the child in the child's home is contrary to the child's
15 1 welfare and that reasonable efforts as defined in section
15 2 232.57 have been made. The inclusion of such a determination
15 3 shall not under any circumstances be deemed a prerequisite for
15 4 entering an order pursuant to this section. However, the
15 5 inclusion of such a determination, supported by the record,
15 6 may be used by the department to assist

~~the department~~

~~t in~~

15 7 obtaining federal funding for the child's placement.
15 8 Sec. 22. Section [232.111](#), subsection 2, paragraph a,
15 9 subparagraph (3), Code Supplement 2001, is amended to read as
15 10 follows:
15 11 (3) The child is less than twelve months of age and has
15 12 been judicially determined to

~~meet the definition of~~

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15 13

~~abandonment of a child~~

~~- have been abandoned~~ or the child is a

15 14 newborn infant whose parent has voluntarily released custody
15 15 of the child in accordance with chapter 233.
15 16 Sec. 23. Section [249A.19](#), Code 2001, is amended to read as
15 17 follows:
15 18 249A.19 HEALTH CARE FACILITIES PENALTY.
15 19 The department shall adopt rules pursuant to chapter 17A to
15 20 assess and collect, with interest, a civil penalty for each
15 21 day a health care facility which receives medical assistance
15 22 reimbursements does not comply with the requirements of the
15 23 federal Social Security Act, section 1919, as codified in 42
15 24 U.S.C. } 1396r. A civil penalty shall not exceed the amount
15 25 authorized under 42 C.F.R. } 488.438 for health care facility
15 26 violations. Any moneys collected by the department pursuant
15 27 to this section shall be applied to the protection of the
15 28 health or property of the residents of the health care
15 29 facilities which are determined by the state or by the federal
15 30

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~~- centers for Medicare and~~

15 31 Medicaid services to be out of compliance. The purposes for
15 32 which the collected moneys shall be applied may include
15 33 payment for the costs of relocation of residents to other
15 34 facilities, maintenance or operation of a health care facility,
15 35 pending correction of deficiencies or closure of the facility,
16 1 and reimbursing residents for personal funds lost. If a
16 2 health care facility is assessed a civil penalty under this
16 3 section, the health care facility shall not be assessed a
16 4 penalty under section 135C.36 for the same violation.
16 5 Sec. 24. Section [249A.27](#), subsection 2, Code 2001, is
16 6 amended to read as follows:
16 7 2. If the department is the case management contractor,
16 8 the state shall be responsible for any costs included within
16 9 the unit rate for case management services which are
16 10 disallowed for medical assistance reimbursement by the federal
16 11

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16 12 Medicaid services. The contracting county shall be credited
16 13 for the county's share of any amounts overpaid due to the

16 14 disallowed costs. However, if certain costs are disallowed
16 15 due to requirements or preferences of a particular county in
16 16 the provision of case management services, the county shall
16 17 not receive credit for the amount of the costs.
16 18 Sec. 25. Section [249H.4](#), subsection 4, Code 2001, is
16 19 amended to read as follows:
16 20 4. The trust fund shall be operated in accordance with the
16 21 guidelines of the

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~~centers~~

16 22 for Medicare and Medicaid services of the United States
16 23 department of health and human services. The trust fund shall
16 24 be separate from the general fund of the state and shall not
16 25 be considered part of the general fund of the state. The
16 26 moneys in the trust fund shall not be considered revenue of
16 27 the state, but rather shall be funds of the senior living
16 28 program. The moneys in the trust fund are not subject to
16 29 section 8.33 and shall not be transferred, used, obligated,
16 30 appropriated, or otherwise encumbered, except to provide for
16 31 the purposes of this chapter. Notwithstanding section 12C.7,
16 32 subsection 2, interest or earnings on moneys deposited in the
16 33 trust fund shall be credited to the trust fund.

16 34 Sec. 26. Section [249H.8](#), subsection 1, Code 2001, is
16 35 amended to read as follows:

17 1 1. A person operating a PACE program shall have a PACE
17 2 program agreement with the

~~health care financing~~

17 3

~~administration~~

~~centers for Medicare and Medicaid services of~~

17 4 the United States department of health and human services,
17 5 shall enter into a contract with the department of human
17 6 services, and shall comply with 42 U.S.C. } 1396(u)(4) and all
17 7 regulations promulgated pursuant to that section.

17 8 Sec. 27. Section [263.9](#), Code Supplement 2001, is amended
17 9 to read as follows:

17 10 263.9 ESTABLISHMENT AND OBJECTIVES.

17 11 The state board of regents is hereby authorized to
17 12 establish and maintain in reasonable proximity to Iowa City
17 13 and in conjunction with the state university of Iowa and the
17 14 university

~~hospital~~

~~hospitals and clinics, a center for~~

17 15 disabilities and development having as its objects the
17 16 education and treatment of children with severe disabilities.
17 17 The center shall be conducted in conjunction with the
17 18 activities of the university of Iowa children's hospital.
17 19 Insofar as is practicable, the facilities of the university
17 20 children's hospital shall be utilized.

17 21 Sec. 28. Section [263.10](#), Code Supplement 2001, is amended
17 22 to read as follows:

17 23 263.10 PERSONS ADMITTED.

17 24 Every resident of the state who is not more than twenty-one
17 25 years of age, who has such severe disabilities as to be unable
17 26 to acquire an education in the common schools, and every such
17 27 person who is twenty-one and under thirty-five years of age
17 28 who has the consent of the state board of regents, shall be
17 29 entitled to receive an education, care, and training in the
17 30 university of Iowa hospitals and clinics center for
17 31 disabilities and development, and nonresidents similarly
17 32 situated may be entitled to an education and care at the
17 33 center upon such terms as may be fixed by the state board of

17 34 regents. The fee for nonresidents shall be not less than the
17 35 average expense of resident pupils and shall be paid in
18 1 advance. Residents and persons under the care and control of
18 2 a director of a division of the department of human services
18 3 who have severe disabilities may be transferred to the center
18 4 upon such terms as may be agreed upon by the state board of
18 5 regents and the director.

18 6 Sec. 29. Section [263.13](#), Code Supplement 2001, is amended
18 7 to read as follows:

18 8 263.13 GIFTS ACCEPTED.

18 9 The state board of regents is authorized to accept, for the
18 10 benefit of the university hospitals and clinics center for
18 11 disabilities and development, gifts, devises, or bequests of
18 12 property, real or personal including grants from the federal
18 13 government. The state board of regents may exercise such
18 14 powers with reference to the management, sale, disposition,
18 15 investment, or control of property so given, devised, or
18 16 bequeathed, as may be deemed essential to its preservation and
18 17 the purposes for which made. No contribution or grant shall
18 18 be received or accepted if any condition is attached as to its
18 19 use or administration other than it be used for aid to the
18 20 center as provided in this division.

18 21 Sec. 30. Section [317.25](#), Code Supplement 2001, is amended
18 22 to read as follows:

18 23 317.25 TEASEL, MULTIFLORA ROSE, AND PURPLE LOOSESTRIFE
18 24 PROHIBITED EXCEPTIONS.

18 25 A person shall not import, sell, offer for sale, or
18 26 distribute teasel (*Dipsacus*) biennial, the multiflora rose
18 27 (

~~—rosa~~

- Rosa multiflora), purple loosestrife (

~~—lythrum~~

- Lythrum

18 28 salicaria), purple loosestrife (

~~—lythrum~~

- Lythrum virgatum), or

18 29 seeds of them in any form in this state. However, this
18 30 section does not prohibit the sale, offer for sale, or
18 31 distribution of the multiflora rose (

~~—rosa~~

- Rosa multiflora)

18 32 used for understock for either cultivated roses or ornamental
18 33 shrubs in gardens. Any person violating the provisions of
18 34 this section is subject to a fine of not exceeding one hundred
18 35 dollars.

19 1 Sec. 31. Section [321.20B](#), subsection 4, paragraph b,
19 2 subparagraph (2), subparagraph subdivisions (a) and (b), Code
19 3 Supplement 2001, are amended to read as follows:

19 4 (a) Sign an admission of violation on the citation and
19 5 remit to the clerk of court a scheduled fine as provided in
19 6 section

~~—805.8~~

- [805.8A](#), subsection

~~—2~~

- [14](#), paragraph "f", for a

19 7 violation of subsection 1. Upon payment of the fine to the
19 8 clerk of court of the county where the citation was issued,
19 9 payment of a fifteen dollar administrative fee to the county
19 10 treasurer of the county in which the motor vehicle is
19 11 registered, and providing proof of payment of any applicable
19 12 fine and proof of financial liability coverages to the county

19 13 treasurer of the county in which the motor vehicle is
19 14 registered, the treasurer shall issue new license plates and
19 15 registration to the owner.
19 16 (b) Request an appearance before the court on the matter.
19 17 If the matter goes before the court, and the owner or driver
19 18 is found guilty of a violation of subsection 1, the court may
19 19 impose a fine as provided in section

~~805.8~~

- 805.8A, subsection

19 20

~~2~~

- 14, paragraph "f", for a violation of subsection 1, or the
19 21 court may order the person to perform unpaid community service
19 22 instead of the fine. Upon the payment of the fine or the
19 23 entry of the order for unpaid community service, the person
19 24 shall provide proof of payment or entry of such order and the
19 25 county treasurer of the county in which the motor vehicle is
19 26 registered shall issue new license plates and registration to
19 27 the owner upon the owner providing proof of financial
19 28 liability coverage and paying a fifteen dollar administrative
19 29 fee to the county treasurer.

19 30 Sec. 32. Section 321.215, subsection 2, unnumbered
19 31 paragraph 1, Code Supplement 2001, is amended to read as
19 32 follows:

19 33 Upon conviction and the suspension or revocation of a
19 34 person's noncommercial driver's license under section 321.209,
19 35 subsection 5 or 6; section 321.210; 321.210A; or 321.513; or
20 1 upon revocation pursuant to a court order issued under section
20 2 901.5, subsection 10; or upon the denial of issuance of a
20 3 noncommercial driver's license under section 321.560, based
20 4 solely on offenses enumerated in section 321.555, subsection
20 5 1, paragraph "c", or section 321.555, subsection 2; or a
20 6 juvenile, whose license has been suspended or revoked pursuant
20 7 to a dispositional order under section 232.52, subsection 2,
20 8 paragraph "a", for a violation of chapter 124 or 453B, or
20 9 section 126.3, a person may petition the district court having
20 10 jurisdiction

~~for~~

- over the residence of the person for a
20 11 temporary restricted license to operate a motor vehicle for
20 12 the limited purpose or purposes specified in subsection 1.
20 13 The petition shall include a current certified copy of the
20 14 petitioner's official driving record issued by the department.
20 15 The application may be granted only if all of the following
20 16 criteria are satisfied:

20 17 Sec. 33. Section 321L.3, unnumbered paragraph 3, Code
20 18 Supplement 2001, is amended to read as follows:

20 19 Persons with disabilities parking permits may be returned
20 20 to the department as required by this section

~~either~~

- directly

20 21 to the department, to a driver's license station, or to any
20 22 law enforcement office.

20 23 Sec. 34. Section 422.11C, subsection 1, paragraph b, Code
20 24 Supplement 2001, is amended to read as follows:

20 25 b. "Gasoline" means gasoline that meets the specifications
20 26 required by the department of agriculture and land stewardship
20 27 pursuant to section 214A.2 and that is dispensed through a
20 28 metered pump.

20 29 Sec. 35. Section 426B.5, subsection 1, paragraph c,
20 30 unnumbered paragraph 1, Code Supplement 2001, is amended to
20 31 read as follows:

20 32 Moneys available in the per capita expenditure pool for a

20 33 fiscal year shall be distributed to those counties

~~who~~

~~that~~

20 34 meet all of the following eligibility requirements:

20 35 Sec. 36. Section [437A.15](#), subsection 3, paragraph c, Code
21 1 Supplement 2001, is amended to read as follows:

21 2 c. If paragraph "b" is applicable, on or before August 1,
21 3 the director shall notify each distribution electric
21 4 cooperative member, each municipal utility purchasing member,
21 5 and each generation and transmission electric cooperative of
21 6 the amount of electric delivery replacement tax to

~~pay~~

~~be paid~~

21 7 to the generation and transmission electric cooperative. On
21 8 or before August 1, the director shall notify the generation
21 9 and transmission electric cooperative of the amount of
21 10 replacement tax liability attributable to the excess property
21 11 tax liability that is payable to each county treasurer. The
21 12 director shall determine the amount of any special utility
21 13 property tax levy or tax credit attributable to the excess
21 14 property tax liability which shall be reflected in the amount
21 15 required to be paid by each distribution electric cooperative
21 16 member and each municipal utility purchasing member to the
21 17 generation and transmission electric cooperative.

21 18 Sec. 37. Section [450.4](#), subsection 4, Code Supplement
21 19 2001, is amended to read as follows:
21 20 4.

~~Bequests~~

~~On bequests~~ for the care and maintenance of

21 21 the cemetery or burial lot of the decedent or the decedent's
21 22 family, and bequests not to exceed five hundred dollars in any
21 23 estate of a decedent for the performance of a religious
21 24 service or services by some person regularly ordained,
21 25 authorized, or licensed by some religious society to perform
21 26 such service, which service or services are to be performed
21 27 for or in behalf of the testator or some person named in the
21 28 testator's last will.

21 29 Sec. 38. Section [452A.2](#), subsection 18, paragraphs a and
21 30 b, Code Supplement 2001, are amended to read as follows:

21 31 a. All products commonly or commercially known or sold as
21 32 gasoline, including ethanol blended gasoline, casinghead, and
21 33 absorption or natural gasoline, regardless of

~~their~~

~~the~~

21 34 products' classifications or uses, and including transmix
21 35 which serves as a buffer between fuel products in the pipeline
22 1 distribution process.

22 2 b. Any liquid advertised, offered for sale, sold for use
22 3 as, or commonly or commercially used as a fuel for propelling
22 4 motor vehicles which, when subjected to distillation of
22 5 gasoline, naphtha, kerosene and similar petroleum products
22 6 (American

~~Society of Testing Materials Designation~~

~~society for~~

22 7 testing and materials designation D-86), shows not less than
22 8 ten per centum distilled (recovered) below three hundred
22 9 forty-seven degrees Fahrenheit (one hundred seventy-five
22 10 degrees Centigrade) and not less than ninety-five per centum
22 11 distilled (recovered) below four hundred sixty-four degrees
22 12 Fahrenheit (two hundred forty degrees Centigrade).

22 13 Sec. 39. Section [452A.2](#), subsection 20, Code Supplement
22 14 2001, is amended to read as follows:

22 15 20. "Racing fuel" means leaded gasoline of one hundred ten
22 16 octane or more that does not meet American society

~~of~~

~~for~~

22 17 testing and materials designation D-4814 for gasoline and is
22 18 sold in bulk for use in nonregistered motor vehicles.

22 19 Sec. 40. Section [455B.484](#), subsection 3, Code Supplement
22 20 2001, is amended to read as follows:

22 21 3. Administer and coordinate the land quality and waste
22 22 management trust fund created under this part.

22 23 Sec. 41. Section [455G.3](#), subsection 6, unnumbered
22 24 paragraph 1, Code Supplement 2001, is amended to read as
22 25 follows:

22 26 There is appropriated from the unassigned revenue fund
22 27 administered by the Iowa comprehensive petroleum underground
22 28 storage tank fund board to the following funds for the fiscal
22 29 year beginning July 1, 2001, and ending June 30, 2002, the
22 30 following amounts as specified:

22 31 Sec. 42. Section [462A.15](#), subsection 2, Code Supplement
22 32 2001, is amended to read as follows:

22 33 2.

~~The provisions of subsections 1 and 2 of this section~~

~~do~~
22 34

~~do~~

~~This section does~~ not apply to a performer engaged in a
22 35 professional exhibition or a person or persons engaged in a
23 1 professional exhibition or a person or persons engaged in an
23 2 activity authorized under section 462A.16.

23 3 Sec. 43. Section [505.11](#), Code Supplement 2001, is amended
23 4 to read as follows:

23 5 505.11 REFUNDS.

23 6 Whenever it appears to the satisfaction of the commissioner
23 7 of insurance that, because of error, mistake, or erroneous
23 8 interpretation of statute,

~~that~~

~~a foreign or domestic~~

23 9 insurance corporation has paid to the state of Iowa taxes,
23 10 fines, penalties, or license fees in excess of the amount
23 11 legally chargeable against it, the commissioner of insurance
23 12 shall have power to refund to such corporation any such excess
23 13 by applying the amount of the excess payment toward the
23 14 payment of taxes, fines, penalties, or license fees already
23 15 due or which may become due, until such excess payments have
23 16 been fully refunded.

23 17 Sec. 44. Section [514I.3](#), subsection 3, Code 2001, is
23 18 amended to read as follows:

23 19 3. The department of human services is designated to
23 20 receive the state and federal funds appropriated or provided
23 21 for the program, and to submit and maintain the state plan for
23 22 the program, which is approved by the

~~health care financing~~

~~administration~~
23 23

~~centers for Medicare and Medicaid services of~~

23 24 the United States department of health and human services.

23 25 Sec. 45. Section [518A.35](#), Code Supplement 2001, is amended
23 26 to read as follows:

23 27 518A.35 ANNUAL TAX.

23 28 A state mutual insurance association doing business under

23 29 this chapter shall on or before the first day of March, each
23 30 year, pay to the director of

~~the department of~~
- revenue and

23 31 finance, or a depository designated by the director, a sum
23 32 equivalent to two percent of the gross receipts from premiums
23 33 and fees for business done within the state, including all
23 34 insurance upon property situated in the state without
23 35 including or deducting any amounts received or paid for
24 1 reinsurance. However, a company reinsuring windstorm or hail
24 2 risks written by county mutual insurance associations is
24 3 required to pay a two percent tax on the gross amount of
24 4 reinsurance premiums received upon such risks, but after
24 5 deducting the amount returned upon canceled policies and
24 6 rejected applications covering property situated within the
24 7 state, and dividends returned to policyholders on property
24 8 situated within the state.

24 9 Sec. 46. Section [522B.3](#), subsection 2, unnumbered
24 10 paragraph 1, Code Supplement 2001, is amended to read as
24 11 follows:

24 12 A license as an insurance producer shall not be required of
24 13 any of the following:

24 14 Sec. 47. Section [522B.6](#), subsection 2, paragraph e, Code
24 15 Supplement 2001, is amended to read as follows:

24 16 e. Variable life and variable annuity products insurance
24 17

~~providing~~

- coverage provided under variable life insurance

24 18 contracts and variable annuities.

24 19 Sec. 48. Section [522B.16](#), unnumbered paragraph 1, Code
24 20 Supplement 2001, is amended to read as follows:

24 21 An insurance producer shall report to the commissioner any
24 22 administrative action taken against the insurance producer in
24 23 another jurisdiction or by another governmental agency in this
24 24 state within thirty days of the final disposition of the
24 25 matter. This report shall include a copy of the order,
24 26 consent to the order,

~~or~~

- and other relevant legal documents.

24 27 Sec. 49. Section [523A.901](#), subsection 9, paragraph g, Code
24 28 Supplement 2001, is amended to read as follows:

24 29 g. The court shall have summary jurisdiction

~~of~~

- in a

24 30 proceeding by a liquidator to hear and determine the rights of
24 31 the parties under this section. Reasonable notice of hearing
24 32 in the proceeding shall be given to all parties in interest,
24 33 including the obligee of a releasing bond or other like
24 34 obligation. Where an order is entered for the recovery of
24 35 indemnifying property in kind or for the avoidance of an
25 1 indemnifying lien, upon application of any party in interest,
25 2 the court shall in the same proceeding ascertain the value of
25 3 the property or lien. If the value is less than the amount
25 4 for which the property is indemnified or less than the amount
25 5 of the lien, the transferee or lienholder may elect to retain
25 6 the property or lien upon payment of its value, as ascertained
25 7 by the court, to the liquidator within the time as fixed by
25 8 the court.

25 9 Sec. 50. Section [614.1](#), subsection 2A, paragraph b, Code
25 10 2001, is amended to read as follows:

25 11 b. (1) The fifteen-year limitation in paragraph "a" shall
25 12 not apply to the time period in which to discover a disease
25 13 that is latent and caused by exposure to a harmful material,

25 14 in which event the cause of action shall be deemed to have
25 15 accrued when the disease and such disease's cause have been
25 16 made known to the person or at the point the person should
25 17 have been aware of the disease and such disease's cause. This
25 18 subsection shall not apply to cases governed by

~~section 614.1,~~

25 19 subsection 11 of this section.

25 20 (2) As used in this paragraph, "harmful material" means
25 21

~~silicon~~

~~silicone~~ gel breast implants, which were implanted
25 22 prior to July 12, 1992; and chemical substances commonly known
25 23 as asbestos, dioxins, tobacco, or polychlorinated biphenyls,
25 24 whether alone or as part of any product; or any substance
25 25 which is determined to present an unreasonable risk of injury
25 26 to health or the environment by the United States
25 27 environmental protection agency pursuant to the federal Toxic
25 28 Substance Control Act, 15 U.S.C. } 2601 et seq., or by this
25 29 state, if that risk is regulated by the United States
25 30 environmental protection agency or this state.
25 31 Sec. 51. Section [672.1](#), subsection 2, Code Supplement
25 32 2001, is amended to read as follows:
25 33 2. A gleaner, or a restaurant, food establishment, food
25 34 service establishment, school, manufacturer of foodstuffs,
25 35 meat

~~and~~

~~or~~ poultry establishment licensed pursuant to chapter
26 1 189A, or other person who, in good faith, donates food to a
26 2 charitable or nonprofit organization for ultimate free
26 3 distribution to needy individuals is not subject to criminal
26 4 or civil liability arising from the condition of the food if
26 5 the donor reasonably inspects the food at the time of the
26 6 donation and finds the food fit for human consumption. The
26 7 immunity provided by this subsection does not extend to a
26 8 donor or gleaner if damages result from the negligence,
26 9 recklessness, or intentional misconduct of the donor, or if
26 10 the donor or gleaner has, or should have had, actual or
26 11 constructive knowledge that the food is tainted, contaminated,
26 12 or harmful to the health or well-being of the ultimate
26 13 recipient.
26 14 Sec. 52. Section [713.6A](#), subsection 2, Code Supplement
26 15 2001, is amended to read as follows:
26 16 2. Burglary in the third degree involving a burglary of an
26 17 unoccupied motor vehicle or motor truck as defined in section
26 18 321.1, or a vessel defined in section 462A.2, is an aggravated
26 19 misdemeanor for a first offense. A second or subsequent
26 20 conviction under this

~~section~~

~~subsection~~ is punishable under

26 21 subsection 1.

26 22 Sec. 53. Section [713.6B](#), subsection 2, Code Supplement
26 23 2001, is amended to read as follows:

26 24 2. Attempted burglary in the third degree involving an
26 25 attempted burglary of an unoccupied motor vehicle or motor
26 26 truck as defined in section 321.1, or a vessel defined in
26 27 section 462A.2, is a serious misdemeanor for a first offense.
26 28 A second or subsequent conviction under this

~~section~~

26 29 subsection is punishable under subsection 1.

26 30 Sec. 54. Section [902.9](#), unnumbered paragraph 2, Code

26 31 Supplement 2001, is amended to read as follows:

26 32 The criminal penalty surcharge required by sections 911.2
26 33 and 911.3 shall be added to a fine imposed on a class "C" or
26 34 class "D" felon, as provided by

~~that section~~

- those sections,

26 35 and is not a part of or subject to the maximums set in this
27 1 section.

27 2 Sec. 55. Section [907.3](#), subsection 1, paragraph m, Code
27 3 Supplement 2001, is amended to read as follows:

27 4 m. The

~~offense~~

- sentence is for a determinate term of

27 5 confinement or an additional indeterminate term of years as
27 6 provided in section 902.3A.

27 7 Sec. 56. Section [907.3](#), subsection 2, paragraph g, Code
27 8 Supplement 2001, is amended to read as follows:

27 9 g. The

~~offense~~

- sentence is for a determinate term of

27 10 confinement or an additional indeterminate term of years as
27 11 provided in section 902.3A.

27 12 2001 IOWA ACTS AMENDMENTS

27 13 Sec. 57. Section 542D.4, subsection 1, as enacted by 2001
27 14 Iowa Acts, chapter 55, section 4, is amended to read as
27 15 follows:

27 16 1. An Iowa accountancy examining board is created within
27 17 the professional licensing and regulation division of the
27 18 department of commerce to administer and enforce this chapter.
27 19 The board shall consist of eight members, appointed by the
27 20 governor and subject to senate confirmation, all of whom shall
27 21 be residents of this state. Five of the eight members shall
27 22 be holders of certificates issued under section 542D.6, one
27 23 member shall be the holder of a license issued under section
27 24 542D.8, and two shall not be certified public accountants or
27 25 licensed public accountants and shall represent the general
27 26 public.

~~Not fewer than~~

- At least three of the holders of

27 27 certificates issued under section 542D.6 shall also be
27 28 qualified to supervise attest services as provided in section
27 29 542D.7. A certified or licensed member of the board shall be
27 30 actively engaged in practice as a certified public accountant
27 31 or as a licensed public accountant and shall have been so
27 32 engaged for five years preceding appointment, the last two of
27 33 which shall have been in this state. Professional
27 34 associations or societies composed of certified public
27 35 accountants or licensed public accountants may recommend the
28 1 names of potential board members to the governor. However,
28 2 the governor is not bound by the recommendations. A board
28 3 member is not required to be a member of any professional
28 4 association or society composed of certified public
28 5 accountants or licensed public accountants. The term of each
28 6 member of the board shall be three years, as designated by the
28 7 governor, and appointments to the board are subject to the
28 8 requirements of sections 69.16, 69.16A, and 69.19. Members of
28 9 the board appointed and serving pursuant to chapter 542C, Code
28 10 2001, on the effective date of this Act shall serve out the
28 11 terms for which they were appointed. Vacancies occurring
28 12 during a term shall be filled by appointment by the governor
28 13 for the unexpired term. Upon the expiration of the member's
28 14 term of office, a member shall continue to serve until a
28 15 successor shall have been appointed and taken office. The

28 16 public members of the board shall be allowed to participate in
28 17 administrative, clerical, or ministerial functions incident to
28 18 giving the examinations, but shall not determine the content
28 19 or determine the correctness of the answers. The licensed
28 20 public accountant member shall not determine the content of
28 21 the certified public accountant examination or determine the
28 22 correctness of the answers. Any member of the board whose
28 23 certificate under section 542D.6 or license under section
28 24 542D.8 is revoked or suspended shall automatically cease to be
28 25 a member of the board, and the governor may, after a hearing,
28 26 remove any member of the board for neglect of duty or other
28 27 just cause. A person who has served three successive complete
28 28 terms shall not be eligible for reappointment, but appointment
28 29 to fill an unexpired term shall not be considered a complete
28 30 term for this purpose.

28 31 Sec. 58. Section [257.14](#), subsection 1, Code 2001, as
28 32 amended by 2001 Iowa Acts, chapter 126, section 9, is amended
28 33 to read as follows:

28 34 1. For the budget year commencing July 1, 2001, if the
28 35 department of management determines that the regular program
29 1 district cost of a school district for a budget year is less
29 2 than the total of the regular program district cost plus any
29 3 adjustment added under this section for the base year for that
29 4 school district, the school district shall be eligible to
29 5 receive a budget adjustment for that district for that budget
29 6 year up to an amount equal to the difference. The board of
29 7 directors of a school district that wishes to receive a budget
29 8 adjustment pursuant to this subsection shall, notwithstanding
29 9 the public notice and hearing provisions of chapter 24 or any
29 10 other provision to the contrary, within thirty days following
29 11 the effective date of this section of this Act, adopt a
29 12 resolution to receive the budget adjustment and immediately
29 13 notify the department of management of the adoption of the
29 14 resolution and the amount of the budget adjustment to be
29 15 received.

29 16 Sec. 59. 2001 Iowa Acts, chapter 153, section 16, is
29 17 amended to read as follows:

29 18 SEC. 16. Sections 103A.9, 135I.4, 306C.10, 321.251,
29 19 331.301, 335.30, 414.28, 422.42, 427.1, 435.22, 435.23,
29 20 435.24, 435.26, 435.27, 435.28, 435.34, 435.35, 441.17,
29 21 555B.1, 555C.2, 555C.3, 555C.4, 557B.1, 562B.1, 562B.13,
29 22 562B.14,

~~562B.15,~~

- 562B.16, 562B.17, 562B.18, 562B.19, 562B.22,
29 23

~~562B.23,~~

- 562B.24, 562B.32, 648.22A, and 648.22B, Code 2001,
29 24 are amended by inserting before the words "mobile home park"
29 25 or "park" the words "manufactured home community or".

29 26 Sec. 60. 2001 Iowa Acts, chapter 183, section 20, the
29 27 amending clause, is amended to read as follows:

29 28 Section

~~169.4~~

- [169A.4](#), Code 2001, is amended to read as
29 29 follows:

29 30 Sec. 61. 2001 Iowa Acts, chapter 189, section 11, is
29 31 amended by striking the section and inserting in lieu thereof
29 32 the following:

29 33 SEC. 11. Section [304.13A](#), subsection 1, Code 2001, is
29 34 amended to read as follows:

29 35 1. An agency

~~required to compile and maintain a report,~~

30 1 which produces or makes available for public inspection
30 2 written reports or newsletters on and after July 1, 2001,
30 3 shall maintain such report or newsletter in an electronic
30 4 form, giving consideration to the standards for electronic
30 5 records recommended by the information technology department.
30 6 Such agency, by itself, or with the assistance of the
30 7 information technology department, shall also make the report
30 8 or newsletter accessible to the public through the internet as
30 9 provided in subsection 2 and through other electronic means.
30 10 Sec. 62. 2001 Iowa Acts, chapter 189, is amended by adding
30 11 the following new section:
30 12 NEW SECTION. SEC. 11A. Section 304.13A, subsection 2,
30 13 unnumbered paragraph 1, Code 2001, is amended to read as
30 14 follows:
30 15 A copy of all

~~required~~

~~agency reports or newsletters~~

30 16 maintained pursuant to subsection 1 shall be located at an
30 17 internet site maintained by the information technology
30 18 department in consultation with the state librarian, and all
30 19

~~required~~

~~such reports or newsletters~~ shall be placed on

30 20 electronic media. The state librarian shall provide for the
30 21 distribution of such copies to a public library in this state
30 22 requesting such copy.

30 23 Sec. 63. EFFECTIVE DATES RETROACTIVE APPLICABILITY.

30 24 1. The section of this Act amending section 257.14,
30 25 subsection 1, as amended by 2001 Iowa Acts, chapter 126,
30 26 section 9, takes effect upon enactment and is retroactively
30 27 applicable to May 9, 2001.

30 28 2. The section of this Act amending 2001 Iowa Acts,
30 29 chapter 153, section 16, 2001 Iowa Acts, chapter 183, section
30 30 20, and 2001 Iowa Acts, chapter 189, section 11, and amending
30 31 2001 Iowa Acts, chapter 189, by adding a new section take
30 32 effect upon enactment and are retroactively applicable on and
30 33 after July 1, 2001.

30 34 EXPLANATION

30 35 This bill makes nonsubstantive corrections to the Code of
31 1 Iowa.

31 2 Code section 7E.5, subsection 1, paragraph "h". Replaces a
31 3 reference to Code section 15.104 with a reference to Code
31 4 section 15.105. The economic development board is established
31 5 in Code section 15.105. Code section 15.104 sets out the
31 6 duties of the economic development board.

31 7 Code section 10B.1. Corrects a reference to cooperatives
31 8 organized under Code chapter 501. Cooperatives were formerly
31 9 referred to as cooperative corporations, but were changed to
31 10 cooperative associations or cooperatives in 1998 Iowa Acts,
31 11 chapter 1152.

31 12 Code sections 15A.7 and 15A.9. Add the words "of economic
31 13 development" to references to "department" in the chapter
31 14 entitled "use of public funds to aid economic development".
31 15 The term "department" is not defined in this chapter, but the
31 16 department of economic development performs the functions
31 17 referred to in both of these Code sections.

31 18 Code section 15E.111. Changes the name of the former house
31 19 of representatives committee on small business, economic
31 20 development and trade to the current name of the committee on
31 21 economic development.

31 22 Code section 15E.117. Adds the word "wine" to the
31 23 designation used for the fund created in Code section 123.183.
31 24 2001 Iowa Acts, chapter 162, section 1, changed the name of
31 25 that fund to the "wine gallonage tax fund".

31 26 Code section 15E.202. Corrects a reference to cooperatives

31 27 organized under Code chapter 501. Cooperatives were formerly
31 28 referred to as cooperative corporations, but were changed to
31 29 cooperative associations or cooperatives in 1998 Iowa Acts,
31 30 chapter 1152.

31 31 Code section 73.10. Strikes the word "to" and replaces it
31 32 with "and" between the Code section citations 73.6 and 73.9.
31 33 Code sections 73.7 and 73.8 were repealed by 1995 Iowa Acts,
31 34 chapter 71, section 3.

31 35 Code sections 84A.1, 84A.1A, 84A.5, 84A.6, and 84A.7. Add
32 1 references to the department of workforce development to
32 2 specify which "department", "director", and "board" are
32 3 intended.

32 4 Code section 85.38. Changes the word "defined" to
32 5 "provided" in language referring to the provision of medical
32 6 services. Code section 85.27 does not contain a definition of
32 7 the term "medical services", but does list the medical
32 8 services which may be provided.

32 9 Code section 123.183. Corrects an incorrect reference to
32 10 the name of the beer and liquor control fund created in Code
32 11 section 123.53.

32 12 Code sections 135C.2, 249A.19, 249A.27, 249H.4, 249H.8, and
32 13 514I.3. Strike references to the federal health care
32 14 financing administration and replaces the references to the
32 15 agency's new name: centers for Medicare and Medicaid
32 16 services.

32 17 Code section 135C.33. Changes the word "determines" to
32 18 "shows that" in language relating to when the department of
32 19 human services is to inform a licensee that an evaluation
32 20 should be conducted to determine whether the person's
32 21 employment in a health care facility should be prohibited.

32 22 Code section 136.3. Corrects a reference to the name of
32 23 the state board of health by adding the word "state" to the
32 24 phrase "board of health".

32 25 Code section 207.13. Strikes the word "one" and adds the
32 26 words "occur at a frequency of one" to clarify the language
32 27 relating to inspections and monitoring of coal mines.

32 28 Code section 229.42. Changes the word "providing" to
32 29 "provided that" and moves the words "receiving mental health
32 30 services" from after the words "at the institution" to after
32 31 the word "outpatient", as it is the outpatient receiving
32 32 mental health services, not the institution.

32 33 Code section 232.21. Strikes the words "the department"
32 34 and adds the words "be used by the department" in language
32 35 referring to juvenile justice and placement in shelter care.

33 1 Code section 232.111. Strikes the words "meet the
33 2 definition of abandonment of a child" and inserts the words
33 3 "have been abandoned" in language referring to the termination
33 4 of parental rights to a child of less than 12 months of age.

33 5 Code section 263.9. Changes "hospital" to "hospitals and
33 6 clinics" to correct the name of the university hospitals and
33 7 clinics' center for disabilities and development.

33 8 Code sections 263.10 and 263.13. Add the words "university
33 9 hospitals and clinics" before the word "center for
33 10 disabilities and development" to conform with the correct name
33 11 of the "university hospitals and clinics' center for
33 12 disabilities and development".

33 13 Code section 317.25. Corrects capitalization of genus of
33 14 botanical names related to multiflora rose and purple
33 15 loosestrife.

33 16 Code section 321.20B. Corrects a reference to the location
33 17 of the scheduled violation provision applicable to a violation
33 18 of the requirements of this section. Iowa Code section 805.8
33 19 was amended by 2001 Iowa Acts, chapter 137, and the schedules
33 20 previously contained in that section were moved to several
33 21 other sections of the Code.

33 22 Code section 321.215. Strikes the word "for" and adds the
33 23 word "over" as it applies to jurisdiction of the district

33 24 court to hear a petition for a temporary restricted driver's
33 25 license.

33 26 Code section 321L.3. Strikes the word "either", adds
33 27 commas, and adds the word "to" before "any law enforcement
33 28 officer" because there are three items mentioned within the
33 29 series in a sentence relating to persons with disabilities
33 30 parking permit returns.

33 31 Code section 422.11C. Adds the word "and" to clarify that
33 32 gasoline is being dispensed through the metered pump, and not
33 33 department of agriculture and land stewardship specifications
33 34 pertaining to the gasoline.

33 35 Code section 426B.5. Strikes the word "who" and replaces
34 1 it with the word "that", in language relating to counties
34 2 meeting eligibility requirements for moneys available in the
34 3 per capita expenditure pool for mental health and disabilities
34 4 services.

34 5 Code section 437A.15. Grammatical change strikes the word
34 6 "pay" and adds the words "be paid", relating to the amount of
34 7 electric delivery replacement tax to be paid by an electric
34 8 cooperative member, a municipal utility purchasing member, and
34 9 each generation and transmission electric cooperative.

34 10 Code section 450.4. Grammatical change strikes the word
34 11 "Bequests" and adds the words "On bequests" to conform to the
34 12 introductory phrase relating to inheritance tax exemptions.

34 13 Code section 452A.2. Strikes the pronoun "their" and
34 14 replaces it with the more specific "the product's" in language
34 15 relating to the definition of motor fuel. Also corrects the
34 16 name of the American society for testing and materials.

34 17 Code section 455B.484. Corrects the name of a fund
34 18 relating to land quality and waste management.

34 19 Code section 455G.3. Corrects a reference to the name of
34 20 the Iowa comprehensive petroleum underground storage tank fund
34 21 board in subsection 6 of this section by adding the word
34 22 "petroleum" between the words "comprehensive" and
34 23 "underground".

34 24 Code section 462A.15. The words "The provisions of
34 25 subsections 1 and 2 of this section do" are stricken, and the
34 26 words "This section does" are added in language relating to
34 27 use of water skis and surfboards by persons engaged in a
34 28 professional activity. The former subsection 2 was stricken
34 29 in 1982 Iowa Acts, chapter 1028, section 19, and there are now
34 30 only two subsections in total in the section.

34 31 Code section 505.11. A comma is added and the word "that"
34 32 is stricken, to improve grammar in provisions relating to the
34 33 refund by the commissioner of insurance of excess payments
34 34 made by foreign or domestic insurance companies.

34 35 Code section 518A.35. Strikes the words "the department
35 1 of" to correct the title of the director of revenue and
35 2 finance.

35 3 Code section 522B.3. Corrects grammar by adding the word
35 4 "of" to the phrase "any of the following".

35 5 Code section 522B.6. Strikes the word "providing" in
35 6 language describing the providing of insurance coverage
35 7 through variable life insurance contracts and variable
35 8 annuities. This conforms the language to the original model
35 9 Act used to prepare new Code chapter 522B.

35 10 Code section 522B.16. Changes the word "or" to "and" in
35 11 language relating to the types of information to be provided
35 12 by an insurance producer to the commissioner regarding
35 13 administrative actions against the producer in other
35 14 jurisdictions or by other governmental agencies in this state.
35 15 This conforms the language to similar language in this same
35 16 Code section.

35 17 Code section 523A.901. Strikes the words "for at least"
35 18 and replaces them with "within" to clarify when, in a
35 19 liquidation proceeding regarding an establishment that
35 20 advertises, sells, promotes, or offers cemetery or funeral

35 21 merchandise, funeral services, or a combination of those items
35 22 or services, an action against establishment may be commenced.
35 23 Code section 614.1. Deletes a reference to Code section
35 24 614.1 and replaces it with a reference to "this section". The
35 25 spelling of the word "silicone" is also corrected.
35 26 Code section 672.1. Strikes the word "and" and adds the
35 27 word "or" in the language describing the establishments
35 28 inspected under Code chapter 189A and relating to donations of
35 29 perishable foods, and the exemption from liability for certain
35 30 persons or entities.
35 31 Code section 713.6A. Strikes the word "section" and adds
35 32 the word "subsection" relating to punishment for cumulative
35 33 offenses for burglary in the third degree.
35 34 Code section 713.6B. Strikes the word "section" and adds
35 35 the word "subsection" as relates to punishment for cumulative
36 1 offenses for attempted burglary in the third degree.
36 2 Code section 902.3A. Strikes the word "or" and adds the
36 3 word "and" to language regarding the procedures for violations
36 4 of parole or work release under Code chapters 905, 908, and
36 5 rules adopted under those chapters.
36 6 Code section 902.9. Strikes the words "that section" and
36 7 adds the words "those sections" because two sections are cited
36 8 and referred to in the text of the section.
36 9 Code section 907.3. Strikes the word "offense" and adds
36 10 the word "sentence" in language describing a sentence to a
36 11 determinate term of confinement.
36 12 2001 Iowa Acts, chapter 55, section 4. Strikes the words
36 13 "Not fewer than" and adds "At least" to clarify what
36 14 qualifications certain members of the accountancy examining
36 15 board must hold. Code section 542D.4, subsection 3, is
36 16 effective July 1, 2002.
36 17 2001 Iowa Acts, chapter 126. Amends section 9 by adding
36 18 the words "this section". Sections 4 and 9 had separate
36 19 effective dates from the balance of the Act contained in
36 20 chapter 126. Sections 4 and 9 were effective May 9, 2001,
36 21 whereas the rest of the Act was effective July 1, 2001. This
36 22 section takes effect upon enactment and is retroactively
36 23 applicable to May 9, 2001.
36 24 2001 Iowa Acts, chapter 153. Amends section 16 by striking
36 25 references to Code sections 562B.15 and 562B.23. The
36 26 terminology that was to be corrected pursuant to the directive
36 27 in this Act section did not exist in either Code section.
36 28 This section takes effect upon enactment and is retroactively
36 29 applicable to July 1, 2001.
36 30 2001 Iowa Acts, chapter 183, section 20. Changes the Code
36 31 section referred to in the lead-in of this Act's provision
36 32 from 169.4 to 169A.4, to correspond with the Code section
36 33 actually amended in the Act. This section takes effect upon
36 34 enactment and applies retroactively on and after July 1, 2001.
36 35 2001 Iowa Acts, chapter 189. Strikes section 11 of the Act
37 1 and replaces it with amendments to subsection 1 of Code
37 2 section 304.13A. A new section is also added to the Act to
37 3 include the amendments which were made in the first paragraph
37 4 of subsection 2. The second paragraph of Code section
37 5 304.13A, subsection 2, was inadvertently omitted during the
37 6 drafting of House File 719, which became Iowa Acts, chapter
37 7 189. This section takes effect upon enactment and is
37 8 retroactively applicable to July 1, 2001.
37 9 LSB 6039SC 79
37 10 lh/cf/24