

CHAPTER 96**NONSUBSTANTIVE CODE CORRECTIONS***S.F. 102*

AN ACT relating to nonsubstantive Code corrections.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 12D.5, subsection 2, paragraph a, unnumbered paragraph 1, Code 1999, is amended to read as follows:

Upon the occurrence of any of the following circumstances, no refund penalty shall be levied by the trust in the event of ~~termination~~ cancellation of a participation agreement:

Sec. 2. Section 12D.6, subsection 2, unnumbered paragraph 2, Code 1999, is amended to read as follows:

No right to receive investment income shall exist in cases of voluntary participant ~~termination~~ cancellation except as provided in section 12D.5.

Sec. 3. Section 16.161, unnumbered paragraph 1, Code 1999, is amended to read as follows:

The authority shall assist the administrator, appointed pursuant to section 34A.2A ~~or~~, as provided in chapter 34A, subchapter II, and the authority shall have all of the powers delegated to it by a joint E911 service board or the department of public defense in a chapter 28E agreement with respect to the issuance and securing of bonds or notes and the carrying out of the purposes of chapter 34A.

Sec. 4. Section 18.183, subsection 2, Code 1999, is amended to read as follows:

2. The division of information technology services shall not have authority to determine whether an individual government agency should automate records of which the individual government agency is the lawful custodian. However, the division may encourage governmental agencies to implement electronic access to government records ~~as provided in section 18.182.~~

Sec. 5. Section 34A.7A, subsection 2, paragraph c, subparagraph (2), unnumbered paragraph 2, Code 1999, is amended to read as follows:

A joint E911 service board or the department of public safety, to receive funds from the wireless E911 emergency communications fund, must submit a written request for such funds to the administrator in a form as approved by the administrator. A request shall be for funding under an approved E911 service plan for equipment which is directly related to the reception and disposition of incoming wireless E911 calls. The administrator may approve the distribution of funds pursuant to such request if the administrator finds that the requested funding is for equipment necessary for the reception and disposition of such calls and that sufficient funds are available for such distribution.

Sec. 6. Section 68.10, subsection 5, Code 1999, is amended to read as follows:

5. To exercise the powers and privileges conferred upon the senate for punishment as for contempts in ~~the chapter entitled "General Assembly"~~ 2.

Sec. 7. Section 85B.11, Code 1999, is amended to read as follows:

85B.11 PREVIOUS HEARING LOSS EXCLUDED.

An employer is liable, as provided in this chapter and subject to the provisions of chapter 85, for an occupational hearing loss to which the employment has contributed, but if previous hearing loss, whether occupational or not, is established by an audiometric examination or other competent evidence, whether or not the employee was ~~exposed~~ subjected to excessive noise exposure within six months preceding the test, the employer is not liable for

the previous loss, nor is the employer liable for a loss for which compensation has previously been paid or awarded. The employer is liable only for the difference between the percent of occupational hearing loss determined as of the date of the audiometric examination used to determine occupational hearing loss and the percentage of loss established by the pre-employment audiometric examination. An amount paid to an employee for occupational hearing loss by any other employer shall be credited against compensation payable by an employer for the hearing loss. An employee shall not receive in the aggregate greater compensation from all employers for occupational hearing loss than that provided in this section for total occupational hearing loss. A payment shall not be made to an employee unless the employee has worked in excessive noise exposure employment for a total period of at least ninety days for the employer from whom compensation is claimed.

Sec. 8. Section 88A.1, subsections 2 and 11, Code 1999, are amended to read as follows:

2. "Amusement ride" means any mechanized device, or combination of devices which carries passengers along, around, or over a fixed or restricted course for the purpose of giving its passengers amusement, pleasure, thrills, or excitement. "Amusement ride" does not include a device or structure that is devoted principally to exhibitions related to agriculture, the arts, education, industry, religion, or science.

11. "Rider" means a person waiting in the immediate vicinity of an amusement ride to get on the amusement ride, getting on an amusement ride, using an amusement ride, getting off an amusement ride, or leaving an amusement ride and still in the immediate vicinity of the amusement ride. "Rider" does not include an employee, agent, or servant of the amusement ride owner while engaged in the duties of their employment.

Sec. 9. Section 97B.73A, subsection 1, Code 1999, is amended to read as follows:

1. A part-time county attorney may elect in writing to the department to make contributions to the system for the county attorney's previous service as a county attorney and receive credit for membership service in the system for the applicable period of service as a part-time county attorney for which ~~employee~~ contributions are made. A member making contributions pursuant to this section may make the contributions either for the entire applicable period of service, or for portions of the period of service, and if contributions are made for portions of the period of service, the contributions shall be in increments of one or more calendar quarters.

Sec. 10. Section 124.502, subsection 1, paragraph c, Code 1999, is amended to read as follows:

c. A warrant issued pursuant to this section must be executed and returned within ten days after its date unless, upon a showing of a need for additional time, the court so instructs otherwise in the warrant. If property is seized pursuant to a warrant, the person executing the warrant shall give to the person from whom the property is seized, or the person in charge of the premises from which the property is seized, a copy of the warrant and a receipt for the property seized or shall leave the copy and receipt at the place from which the property is seized. The return of the warrant shall be made promptly and shall be accompanied by a written inventory of any property seized. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was seized, if they are present, or in the presence of at least one credible person other than the person executing the warrant. A copy of the inventory shall be delivered to the person from whom or from whose premises the property was seized and to the applicant for the warrant.

Sec. 11. Section 135C.33, subsection 5, paragraph e, unnumbered paragraph 2, Code 1999, is amended to read as follows:

In substantial conformance with the provisions of this section, prior to the employment of such an employee, the provider shall request the performance of the criminal and dependent adult abuse record checks and may request the performance of the child abuse record checks.

The provider shall inform the prospective employee and obtain the prospective employee's signed acknowledgment. The department of human services shall perform the evaluation of any criminal record or founded child or dependent adult abuse record and shall make the determination of whether a prospective employee of a provider shall not be employed by the provider.

Sec. 12. Section 136B.5, Code 1999, is amended to read as follows:

136B.5 PENALTY FOR VIOLATION.

A person who violates a provision of this ~~division~~ chapter is guilty of a serious misdemeanor.

Sec. 13. Section 144.13A, Code 1999, is amended to read as follows:

144.13A FEES — USE OF FUNDS.

The county registrar or state registrar shall charge the parent a ten dollar fee for the registration of a certificate of birth and a separate fee established under section 144.46 for a certified copy of the certificate except as otherwise provided in section 331.605, subsection 6 5. The certified copy shall be mailed to the parent by the state registrar. If the person responsible for the filing of the certificate of birth under section 144.13 is not the parent, the person is entitled to collect the fee from the parent. The fee shall be remitted to the appropriate registrar. If the expenses of the birth are reimbursed under the medical assistance program established by chapter 249A, or paid for under the statewide indigent patient care program established by chapter 255, or paid for under the obstetrical and newborn indigent patient care program established by chapter 255A, or if the parent is indigent and unable to pay the expenses of the birth and no other means of payment is available to the parent, the registration fee and certified copy fee are waived. If the person responsible for the filing of the certificate is not the parent, the person is discharged from the duty to collect and remit the fee under this section if the person has made a good faith effort to collect the fee from the parent. The fees collected by the county registrar and state registrar shall be remitted to the treasurer of state for deposit in the general fund of the state. It is the intent of the general assembly that the funds generated from the registration fees be appropriated and used for primary and secondary child abuse prevention programs. It is the intent of the general assembly that the funds generated from the fees as established under section 144.46 for the mailing of the certified copy of the birth certificate be appropriated and used to support the distribution of the automatic birth certificate and the implementation of the electronic birth certificate system.

Sec. 14. Section 147.14, subsection 1, Code 1999, is amended to read as follows:

1. For barbering, three members ~~each, licensed to practice the profession for which the board conducts examinations~~ barbering, and two members who are not licensed to practice ~~the profession for which the board conducts examinations~~ barbering and who shall represent the general public. A quorum shall consist of a majority of the members of the board.

Sec. 15. Section 159.5, subsection 9, Code 1999, is amended to read as follows:

9. Inspect and supervise all ~~cold storage plants and~~ food producing or distributing establishments including the furniture, fixtures, utensils, machinery, and other equipment so as to prevent the production, preparation, packing, storage, or transportation of food in a manner detrimental to its character or quality.

Sec. 16. Section 161A.80, subsection 2, unnumbered paragraph 1, Code 1999, is amended to read as follows:

A bluffslands protection revolving fund is created in the state treasury. All proceeds shall be divided into two equal accounts. One account shall be used for the purchase of bluffslands along the Mississippi river and its tributaries and the other account shall be used for the purchase of bluffslands along the Missouri river and its tributaries. The proceeds of the revolving fund are appropriated to make loans to conservation organizations which agree to

purchase bluffland properties adjacent to state public lands. The department shall adopt rules pursuant to chapter 17A to administer the disbursement of funds. Notwithstanding section 12C.7, interest or earnings on investments made pursuant to this section or as provided in section 12B.10 shall be credited to the blufflands protection revolving fund. Notwithstanding section 8.33, unobligated or unencumbered funds credited to the blufflands protection revolving fund shall not revert at the close of a fiscal year. However, the maximum balance in the blufflands protection revolving fund shall not exceed two million five hundred thousand dollars. Any funds in excess of two million five hundred thousand dollars shall be credited to the rebuild Iowa infrastructure fund.

Sec. 17. Section 166.42, unnumbered paragraph 1, Code 1999, is amended to read as follows:

The secretary may establish a reserve supply of biological products of approved modified live virus hog-cholera vaccine and of anti-hog-cholera serum or its equivalent in antibody concentrate to be used as directed by the secretary in the event of an emergency resulting from a hog-cholera outbreak. Vaccine and serum or antibody concentrate from the reserve supply, if used for such an emergency, shall be made available to swine producers at a price which will not result in a profit. Payment shall be made by the producer to the department and such vaccine shall be administered by a licensed practicing veterinarian. The secretary may co-operate with other states in the accumulation, maintenance and disbursement of such reserve supply of biological products. The secretary, with the advice and written consent of the ~~chief of the division of animal industry of the state~~ veterinarian, and the advice and written consent of the veterinarian-in-charge ~~in for Iowa, of the animal, plant, and health division inspection service-veterinary services~~, United States department of agriculture, shall determine when an emergency resulting from a hog-cholera outbreak exists.

Sec. 18. Section 173.6, unnumbered paragraph 2, Code 1999, is amended to read as follows:

A member of the board who is a board congressional director, elected as provided in section 173.1, shall serve a term of two years. The term of a board congressional director shall begin following the adjournment of the convention at which the board congressional director was elected and shall continue until a successor is elected and qualified as provided in this chapter.

Sec. 19. Section 190C.1, subsections 10, 18, and 19, Code 1999, are amended to read as follows:

10. "Handler" means a person engaged in the business of handling agricultural products, including but not limited to distributors, wholesalers, brokers, and repackers. "Handler" does not include a person selling agricultural products to consumers on a retail basis, including a food ~~service~~ establishment as defined in section ~~137B.2~~ 137F.1, retail grocery, meat market, or bakery, if the person does not process the agricultural product.

18. "Regional organic association" means a corporation organized under ~~former~~ chapter 504 or chapter 504A which has certifying members, elects its own officers and directors, and is independent from the department.

19. "Retailer" means a person, other than an operator of a food ~~service~~ establishment, who is engaged in the business of selling food at retail to the ultimate customer.

Sec. 20. Section 190C.4, subsection 3, Code 1999, is amended to read as follows:

3. A violation of this chapter includes a violation of any rule adopted or ~~issue-ordered~~ order issued pursuant to this chapter as provided in this chapter and under chapter 17A.

Sec. 21. Section 200A.3, subsection 2, Code 1999, is amended to read as follows:

2. "Bulk dry animal nutrient product" or "bulk product" means ~~an a dry~~ animal nutrient product delivered to a purchaser in bulk form to which a label cannot be attached.

Sec. 22. Section 216A.73, subsection 4, Code 1999, is amended to read as follows:

4. The ~~director~~ administrator of the division of vocational rehabilitation of the department of education.

Sec. 23. Section 216B.2, unnumbered paragraph 1, Code 1999, is amended to read as follows:

The commission for the blind is established consisting of three members appointed by the governor, subject to confirmation by the senate. Members of the commission shall serve three-year terms beginning and ending as provided in section 69.19. The commission shall adopt rules concerning programs and services for blind persons provided under this ~~subchapter~~ chapter.

Sec. 24. Section 216B.6, Code 1999, is amended to read as follows:

216B.6 POWERS.

The commission shall have all powers necessary to carry out the functions and duties specified in this ~~subchapter~~ chapter, including, but not limited to the power to establish advisory committees on special studies, to solicit and accept gifts and grants, to adopt rules according to chapter 17A for the commission and department, and to contract with public and private groups to conduct its business. All departments, divisions, agencies, and offices of the state shall make available upon request of the commission information which is pertinent to the subject matter of the study and which is not by law confidential.

Sec. 25. Section 230A.3, subsection 3, Code 1999, is amended to read as follows:

3. Continued operation of a center originally established prior to July 1, 1998, under subsection 2 without an agreement with the board or boards of supervisors which originally established the center, provided the center is in compliance with the applicable standards adopted by the mental health and ~~mental retardation~~ developmental disabilities commission.

Sec. 26. Section 235A.13, subsections 1 through 7, Code 1999, are amended to read as follows:

1. "Assessment data" means any of the following information pertaining to the department's evaluation of a family:

a. Identification of the strengths and needs of the child, and of the child's parent, home, and family.

b. Identification of services available from the department and informal and formal services and other support available in the community to meet identified strengths and needs.

~~1-2.~~ "Child abuse information" means any or all of the following data maintained by the department in a manual or automated data storage system and individually identified:

a. Report data.

b. Assessment data.

c. Disposition data.

~~2-3.~~ "Confidentiality" means the withholding of information from any manner of communication, public or private.

~~3-4.~~ "Department" means the department of human services.

4. ~~5.~~ "Disposition data" means information pertaining to an opinion or decision as to the occurrence of child abuse, including:

a. Any intermediate or ultimate opinion or decision reached by assessment personnel.

b. Any opinion or decision reached in the course of judicial proceedings.

c. The present status of any case.

~~5-6.~~ "Expungement" means the process of destroying child abuse information.

~~6-7.~~ "Individually identified" means any report, assessment, or disposition data which names the person or persons responsible or believed responsible for the child abuse.

~~7.~~ "Assessment data" means any of the following information pertaining to the department's evaluation of a family:

- ~~a. Identification of the strengths and needs of the child, and of the child's parent, home, and family.~~
- ~~b. Identification of services available from the department and informal and formal services and other support available in the community to meet identified strengths and needs.~~

Sec. 27. Section 249A.4, subsection 15, Code 1999, is amended to read as follows:

15. Establish appropriate reimbursement rates for community mental health centers that are accredited by the mental health and ~~mental retardation~~ developmental disabilities commission. The reimbursement rates shall be phased-in over the three-year period beginning July 1, 1998, and ending June 30, 2001.

Sec. 28. Section 280.11, Code 1999, is amended to read as follows:

280.11 EAR-PROTECTIVE DEVICES.

1. Every student and teacher in any public or nonpublic school shall wear industrial quality ear-protective devices while the student or teacher is participating in any phase or activity of a course which may subject the student or teacher to the risk or hazard of hearing loss from noise in processes or procedures used in ~~any of the following courses:~~

~~1. Vocational~~ vocational or industrial arts shops or laboratories involving experiences with any of the following:

- a. Milling, sawing, turning, shaping, cutting, grinding or stamping of any solid materials.
- b. Kiln firing of any metal or other materials.
- c. Electric arc welding.
- d. Repair or servicing of any vehicle while in shop.
- e. Static tests, maintenance or repair of internal combustion engines.
- f. Letter press, paper folders, monotype.

2. It shall be the duty of the teacher or other person supervising the students in said courses to see that the above requirements are complied with. Any student failing to comply with such requirements may be temporarily suspended from participation in the course and the registration of a student for the course may be canceled for willful, flagrant or repeated failure to observe the above requirements.

3. The board of directors of each local public school district and the authorities in charge of each nonpublic school shall provide the safety devices required ~~herein in this section~~. Such devices may be paid for from the general fund, but the board may require students and teachers to pay for the safety devices and shall make them available to students and teachers at no more than the actual cost to the district or school.

4. a. "Industrial quality ear-protective devices", as used in this section, means devices meeting the American National Standard for Measurement of the Real-Ear attenuation of Ear Protectors at Threshold promulgated by the American National Standards Institute, Inc.

b. "Noise" as used in this section, means a noise level that meets or exceeds damage-risk criteria established by the present federal standard for occupational noise exposure, Occupational Safety and Health Standards.

Sec. 29. Section 321.187, Code 1999, is amended to read as follows:

321.187 EXAMINERS.

1. The department shall examine applicants for driver's licenses. Examiners of the department shall wear an identifying badge and uniform provided by the department.

2. The department may by rule designate community colleges to administer the driving skills test required for a commercial driver's license provided that all of the following occur:

~~1. a.~~ The driving skills test is the same as that which would otherwise be administered by the state.

~~2. b.~~ The examiner contractually agrees to comply with the requirements of 49 C.F.R. § 383.75 as adopted ~~as of a specific date~~ by rule by the department.

Sec. 30. Section 321.188, subsection 1, paragraphs a and c, Code 1999, are amended to read as follows:

a. Certify whether the applicant is subject to and meets applicable driver qualifications of 49 C.F.R. part 391 ~~as adopted as of a specific date~~ by rule by the department.

c. Successfully pass knowledge tests and driving skills tests which the department shall require by rule. The rules adopted shall substantially comply with the federal minimum testing and licensing requirements in 49 C.F.R. part 383, subparts E, G, and H ~~as adopted as of a specific date~~ by rule by the department.

Sec. 31. Section 321.188, subsection 2, paragraph b, subparagraph (2), Code 1999, is amended to read as follows:

(2) The applicant has not had any convictions which are federal commercial driver's license disqualifying offenses under 49 C.F.R. § 383.51 ~~as adopted as of a specific date~~ by rule by the department while operating any type of vehicle.

Sec. 32. Section 321.188, subsection 3, Code 1999, is amended to read as follows:

3. An applicant for a hazardous material endorsement must pass a knowledge test as required under 49 C.F.R. § 383.121 ~~as adopted as of a specific date~~ by rule by the department to obtain or retain the endorsement. However, an applicant for license issuance who was previously issued a commercial driver's license from another state may retain the hazardous material endorsement from the previously issued license if the applicant successfully passed the endorsement test within the preceding twenty-four months.

Sec. 33. Section 321.208, subsection 2, Code 1999, is amended to read as follows:

2. A person is disqualified for life if convicted or found to have committed two or more of the above acts or offenses arising out of two or more separate incidents. However, a disqualification for life is subject to a reduction to a ten-year disqualification as provided in 49 C.F.R. § 383.51 ~~as adopted as of a specific date~~ by rule by the department.

Sec. 34. Section 321.449, Code 1999, is amended to read as follows:

321.449 MOTOR CARRIER SAFETY RULES.

1. A person shall not operate a commercial vehicle on the highways of this state except in compliance with rules adopted by the department under chapter 17A. The rules shall be consistent with the federal motor carrier safety regulations promulgated under United States Code, Title 49, and found in 49 C.F.R. § 390-399 and adopted under chapter 17A ~~which rules shall be to a date certain.~~

2. Rules adopted under this section concerning driver qualifications, hours of service, and recordkeeping requirements do not apply to the operators of public utility trucks, trucks hauling gravel, construction trucks and equipment, trucks moving implements of husbandry, and special trucks, other than a truck tractor, operating intrastate. Trucks for hire on construction projects are not exempt from this section.

3. Rules adopted under this section concerning driver age qualifications do not apply to drivers for private and for-hire motor carriers which operate solely intrastate except when the vehicle being driven is transporting a hazardous material in a quantity which requires placarding. The minimum age for the exempted intrastate operations is eighteen years of age.

4. Notwithstanding other provisions of this section, rules adopted under this section for drivers of commercial vehicles shall not apply to a driver of a commercial vehicle who is engaged exclusively in intrastate commerce, when the commercial vehicle's gross vehicle weight rating is 26,000 pounds or less, unless the vehicle is used to transport hazardous materials requiring a placard or if the vehicle is designed to transport more than fifteen passengers, including the driver. For the purpose of complying with the hours of service recordkeeping requirements under 49 C.F.R. § 395.1(e)(5), a driver's report of daily beginning and ending on-duty time submitted to the motor carrier at the end of each work week

shall be considered acceptable motor carrier time records. In addition, rules adopted under this section shall not apply to a driver for a farm operation as defined in section 352.2, or for an agricultural interest when the commercial vehicle is operated between the farm as defined in section 352.2 and another farm, between the farm and a market for farm products, or between the farm and an agribusiness location. A driver or a driver-salesperson for a private carrier, who is not for hire and who is engaged exclusively in intrastate commerce, may drive twelve hours, be on duty sixteen hours in a twenty-four hour period and be on duty seventy hours in seven consecutive days or eighty hours in eight consecutive days. A driver-salesperson means as defined in 49 C.F.R. § 395.2, ~~as adopted as of a specific date~~ by the department by rule.

5. a. Notwithstanding other provisions of this section, rules adopted under this section concerning physical and medical qualifications for drivers of commercial vehicles engaged in intrastate commerce shall not be construed as disqualifying any individual who was employed as a driver of commercial vehicles engaged in intrastate commerce whose physical or medical condition existed prior to July 29, 1996.

b. Notwithstanding other provisions of this section, rules adopted under this section concerning physical and medical qualifications for a driver shall not apply to a farmer or a farmer's hired help when operating a vehicle owned by the farmer while it is being used in connection with the intrastate transportation of fertilizers and chemicals used in the farmer's crop production.

c. Notwithstanding other provisions of this section, rules adopted under this section concerning physical and medical qualifications for a driver shall not apply to a farmer or a farmer's hired help when operating a vehicle owned by the farmer while it is being used in connection with the intrastate transportation of agricultural commodities or feed.

6. Notwithstanding other provisions of this section, rules adopted under this section shall not impose any requirements which impose any restrictions upon a person operating an implement of husbandry or pickup to transport fertilizers and pesticides in that person's agricultural operations.

7. Rules adopted under this section concerning periodic inspections shall not apply to special trucks as defined in section 321.1, subsection 76, and registered under section 321.121.

8. Rules adopted under this section shall not apply to vehicles used in combination provided the gross vehicle weight rating of the towing unit is ten thousand pounds or less and the gross combination weight rating is twenty-six thousand pounds or less.

Sec. 35. Section 321.491, unnumbered paragraph 2, Code 1999, is amended to read as follows:

Within ten days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of vehicles on highways every magistrate of the court or clerk of the district court of record in which the conviction occurred or bail was forfeited shall prepare and immediately forward to the department an abstract of the record of the case. The abstract must be certified by the person preparing it to be true and correct. The clerk of the district court shall collect a fee of fifty cents for each individual copy of any record of conviction or forfeiture of bail furnished to any requestor at the clerk's office except for the department or other local, state, or federal government entity. Moneys collected under this section shall be transferred to the department as a repayment receipt, as defined in section 8.2, to enhance the efficiency of the department to process records and information between the department and the Iowa court information system. Notwithstanding any other provision in this section or chapter 22, the judicial branch shall be the provider of public electronic access to the clerk's records of convictions and forfeitures of bail through the Iowa court information system and shall, if all such records are provided monthly to a vendor, ~~the judicial branch shall~~ collect a fee from such vendor which is the greater of three thousand dollars per month or the actual direct cost of providing the records.

Sec. 36. Section 321J.2, subsection 7, paragraph a, Code 1999, is amended to read as follows:

a. ~~Division I of this~~ This section does not apply to a person operating a motor vehicle while under the influence of a drug if the substance was prescribed for the person and was taken under the prescription and in accordance with the directions of a medical practitioner as defined in chapter 155A or if the substance was dispensed by a pharmacist without a prescription pursuant to the rules of the board of pharmacy examiners, if there is no evidence of the consumption of alcohol and the medical practitioner or pharmacist had not directed the person to refrain from operating a motor vehicle.

Sec. 37. Section 321M.6, subsection 2, paragraph b, Code 1999, is amended to read as follows:

b. The county examiner contractually agrees to comply with the requirements of 49 C.F.R. § 383.75, as adopted as of a specific date by rule by the department.

Sec. 38. Section 331.605, subsections 3 and 5, Code 1999, are amended to read as follows:

3. A state migratory game bird fee as provided in section ~~484A.3~~ 483A.1.

5. A county fee of four dollars for ~~the following certificates, records, or services:~~

~~a. A~~ a certified copy of a birth record, death record, or marriage certificate.

Sec. 39. Section 455B.110, subsection 1, paragraph c, subparagraph (3), Code 1999, is amended to read as follows:

(3) The county board of supervisors may designate a county employee to accompany a departmental official during the investigation of the premises of a confinement feeding operation. The county designee shall have the same right of access to the real estate of the premises as the departmental official conducting the inspection during the period that the county designee accompanies the departmental official.

Sec. 40. Section 501.101, subsection 2, paragraph b, Code 1999, is amended to read as follows:

b. A person who owns at least one hundred fifty acres of agricultural land and receives as rent a share of the crops or the animals raised on the land if that person is a natural person or a general partnership as organized under chapter 486 or 486A in which all partners are natural persons.

Sec. 41. Section 501.101, subsection 6, paragraph c, Code 1999, is amended to read as follows:

c. A general partnership as organized under chapter 486 or 486A in which all the partners are natural persons actively engaged in farming as provided in section 9H.1.

Sec. 42. Section 501.701, subsection 5, paragraph g, Code 1999, is amended to read as follows:

g. Its most recent ~~biennial~~ annual report delivered to the secretary of state under section 501.713.

Sec. 43. Section 501.702, subsection 5, paragraph a, Code 1999, is amended to read as follows:

a. The right of a member to obtain information under section ~~501.702~~ 501.304 or the right of an interest holder to obtain information, if the interest holder is in litigation with the cooperative, to the same extent as any other litigant.

Sec. 44. Section 501.713, subsection 5, Code 1999, is amended to read as follows:

5. The secretary of state may provide for the change of registered office or registered agent on the form prescribed by the secretary of state for the annual report, provided that the form contains the information required in section 501.106. If the secretary of state determines

that an annual report does not contain the information required by this section but otherwise meets the requirements of section 501.106 for the purpose of changing the registered office or registered agent, the secretary of state shall file the statement of change of registered office or registered agent, effective as provided in section 501.105, before returning the ~~biennial~~ annual report to the cooperative as provided in this section. A statement of change of registered office or agent pursuant to this subsection shall be executed by a person authorized to execute the annual report.

Sec. 45. Section 504A.100, subsection 3, unnumbered paragraph 1, Code 1999, is amended to read as follows:

Any domestic corporation organized or existing under the provisions of chapter 504, Code 1989, may voluntarily elect to adopt the provisions of this chapter and thereby become subject to its provisions and, during the period of two years from and after the effective date of this chapter, any foreign corporation holding a permit under the provisions of said chapter on said date may voluntarily elect to adopt the provisions of this chapter and thereby become subject to the provisions of this chapter. The procedure for electing to adopt the provisions of this chapter shall be as follows:

Sec. 46. Section 504A.100, subsection 3, paragraph e, unnumbered paragraph 1, Code 1999, is amended to read as follows:

The secretary of state shall not file such instrument with respect to a domestic corporation unless at the time thereof such corporation is validly existing and in good standing in that office under the provisions of chapter 504 ~~of the~~, Code 1989. If the articles of incorporation of such corporation have not heretofore been filed in the office of the secretary of state, but are on file in the office of a county recorder, no such instrument of adoption shall be accepted by the secretary of state until the corporation shall have caused its articles of incorporation and all amendments duly certified by the proper county recorder to be recorded in the office of the secretary of state. Upon the filing of such instrument the secretary of state shall issue a certificate as to the filing of such instrument and deliver such certificate to the corporation or its representative.

Sec. 47. Section 504A.100, subsections 5, 6, 9, and 12, Code 1999, are amended to read as follows:

5. The provisions of this chapter becoming applicable to any domestic or foreign corporation shall not affect any right accrued or established, or any liability or penalty incurred, under the provisions of chapter 504, Code 1989, prior to the filing by the secretary of state in the secretary of state's office of the instrument manifesting the election of such corporation to adopt the provisions of this chapter as provided in subsection 3 of this section.

6. Except for the exceptions and limitations of subsection 1 of this section, this chapter shall apply to: all domestic corporations organized after the date on which this chapter became effective; domestic corporations organized or existing under chapter 504, Code 1989, which voluntarily elect to adopt the provisions of this chapter and comply with the provisions of subsection 3 of this section; all foreign corporations conducting or seeking to conduct affairs within this state and not holding, July 4, 1965, a valid permit so to do; foreign corporations holding, on the date the chapter becomes effective, a valid permit under the provisions of chapter 504, Code 1989, which, during the period of two years from and after said date, voluntarily elect to adopt the provisions of this chapter and comply with the provisions of subsection 3 of this section; and, upon the expiration of the period of two years from and after July 4, 1965, all foreign corporations holding such a permit on July 4, 1965.

9. No corporation to which the provisions of this chapter apply shall be subject to the provisions of chapter 504, Code 1989.

12. Corporations existing under chapter 504, Code 1989, shall be subject to this chapter on July 1, 1990, except that the corporations shall be subject to sections 504A.8 and 504A.83 on January 1, 1997. A corporate existence of a corporation that is not in compliance on the

records of the secretary of state with sections 504A.8 and 504A.83 on June 30, 1997, is terminated, effective July 1, 1997. A corporation whose existence is terminated pursuant to this subsection may be reinstated. When the reinstatement is effective, it relates back to and takes effect as of the effective date of the termination of its corporate existence as if such termination had never occurred. The secretary of state shall adopt rules governing the reinstatement of a corporation pursuant to this subsection.

Sec. 48. Section 523G.4, subsection 2, paragraph d, Code 1999, is amended by striking the paragraph.

Sec. 49. Section 602.8102, subsection 152, Code 1999, is amended by striking the subsection.

Sec. 50. Section 692A.2, subsection 4, Code 1999, is amended to read as follows:

4. A person is not required to register while incarcerated, in foster care, or in a residential treatment program. A person who is convicted, as defined in section 692A.1, of either a criminal offense against a minor, sexual exploitation, a sexually violent offense, or an other relevant offense as a result of adjudication of delinquency in juvenile court shall be required to register as required in this chapter unless the juvenile court finds that the person should not be required to register under this chapter. If a juvenile is required to register and the court later modifies the order regarding the requirement to register, the court shall immediately notify the department. Convictions of more than one offense which require registration under this chapter but which are prosecuted within a single indictment shall be considered as a single offense for purposes of registration.

Sec. 51. Section 692A.16, subsection 1, Code 1999, is amended to read as follows:

1. The registration requirements of this chapter shall apply to persons convicted of a criminal offense against a minor, sexual exploitation, an other relevant offense, or a sexually violent offense prior to July 1, 1995, who are released on or after July 1, 1995, who are participating in a work release or institutional work release program on or after July 1, 1995, or who are under parole or probation supervision by a judicial district department of correctional services on or after July 1, 1995.

Sec. 52. Section 915.23, subsection 1, Code 1999, is amended to read as follows:

1. An employer shall not discharge an employee ~~from~~, or take or fail to take action, regarding an employee's promotion or proposed promotion, or take action to reduce an employee's wages or benefits; for actual time worked, due to the service of an employee as a witness in a criminal proceeding.

Sec. 53. Section 915.24, subsection 1, unnumbered paragraph 1, Code 1999, is amended to read as follows:

If a complaint is filed alleging that a child has committed a delinquent act, the alleged victim, as defined in section 915.10, has and a juvenile court officer shall notify the alleged victim, ~~as defined in section 915.10,~~ of the following rights:

Approved May 10, 1999