

Sec. 6. Section 321G.32, subsection 1, unnumbered paragraph 1, Code 1999, is amended to read as follows:

A security interest created in this state in a snowmobile or all-terrain vehicle is not perfected until the security interest is noted on the certificate of title.

Approved May 11, 1999

CHAPTER 114
SUBSTANTIVE CODE CORRECTIONS
H.F. 242

AN ACT relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities and providing effective dates and for retroactive applicability.

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

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

12. Invest moneys ~~within~~ from the endowment fund and the program fund in any investments which are determined by the treasurer of state to be appropriate.

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

6. A participant may transfer ownership rights to another eligible ~~participant~~ individual, including a gift of the ownership rights to a minor beneficiary. The transfer shall be made and the property distributed in accordance with rules adopted by the treasurer of state or with the terms of the participation agreement.

Sec. 3. Section 15.241, subsection 1, unnumbered paragraph 1, Code 1999, is amended to read as follows:

A "self-employment loan program account" is established within the strategic investment fund created in section 15.313 to provide funding for the self-employment loan program ~~which is to be conducted in coordination with the job training partnership program and other programs administered under section 15.108, subsection 6, paragraph "e"~~. The department may contract with local community action agencies or other local entities in administering the program, and shall work with the department of workforce development and the department of human services in developing the program. The department shall cooperate with the division of vocational rehabilitation under the department of education to implement a business development initiative for entrepreneurs with disabilities.

Sec. 4. Section 87.11, unnumbered paragraph 6, Code 1999, is amended to read as follows:

Financial statements provided to the commissioner of insurance pursuant to this section may be held as confidential, proprietary trade secrets, pursuant to section 22.7, subsection 3, upon the request of the employer, subject to rules adopted by the commissioner of insurance, and are not subject to disclosure or examination under chapter 22.

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

2. If the department of public safety determines that a person has committed a crime or has a record of founded dependent adult abuse and is to be employed in a facility licensed

under this chapter, the department of public safety shall notify the licensee that an evaluation will be conducted by the department of human services to determine whether prohibition of the person's employment is warranted. If a department of human services child abuse record check determines the person has a record of founded child abuse, the department of human services shall inform the licensee that an evaluation will be conducted to determine whether prohibition of the person's employment is warranted.

Sec. 6. Section 144.36, subsection 4, Code 1999, is amended to read as follows:

4. The county registrar shall record and forward to the state registrar on or before the tenth day of each calendar month the original certificates of marriages filed with the county registrar during the preceding calendar month and the fees collected by the county registrar on behalf of the state for applications for a license to marry in accordance with section 331.605, subsection 7 ~~6~~.

Sec. 7. Section 144.46, Code 1999, is amended to read as follows:

144.46 FEE FOR COPY OF RECORD.

The department by rule shall establish fees based on the average administrative cost which shall be collected by the state registrar or the county registrar for each certified copy or short form certification of certificates or records, or for a search of the files or records when no copy is made, or when no record is found on file. Fees collected by the state registrar and by the county registrar on behalf of the state under this section shall be deposited in the general fund of the state. Fees collected by the county registrar pursuant to section 331.605, subsection 6 ~~5~~, shall be deposited in the county general fund. A fee shall not be collected from a political subdivision or agency of this state.

Sec. 8. Section 147.111, Code 1999, is amended to read as follows:

147.111 REPORT OF TREATMENT OF WOUNDS AND OTHER INJURIES.

Any person licensed under the provisions of this subtitle who shall administer any treatment to any person suffering a gunshot or stab wound or other serious ~~bodily~~ injury, as defined in section 702.18, which appears to have been received in connection with the commission of a criminal offense, or to whom an application is made for treatment of any nature because of any such gunshot or stab wound or other serious injury, as defined in section 702.18, shall at once but not later than twelve hours thereafter, report that fact to the law enforcement agency within whose jurisdiction the treatment was administered or an application therefor was made, or if ascertainable, to the law enforcement agency in whose jurisdiction the gunshot or stab wound or other serious ~~bodily~~ injury occurred, stating the name of such person, the person's residence if ascertainable, and giving a brief description of the gunshot or stab wound or other serious ~~bodily~~ injury. Any provision of law or rule of evidence relative to confidential communications is suspended insofar as the provisions of this section are concerned.

Sec. 9. Section 147.112, Code 1999, is amended to read as follows:

147.112 INVESTIGATION AND REPORT BY LAW ENFORCEMENT AGENCY.

The law enforcement agency who has received any report required by this chapter and who has any reason to believe that the person injured was involved in the commission of any crime, either as perpetrator or victim, shall at once commence an investigation into the circumstances of the gunshot or stab wound or other serious ~~bodily~~ injury and make a report of the investigation to the county attorney in whose jurisdiction the gunshot or stab wound or other serious ~~bodily~~ injury occurred. Law enforcement personnel shall not divulge any information received under the provisions of this section and section 147.111 to any person other than a law enforcing officer, and then only in connection with the investigation of the alleged commission of a crime.

Sec. 10. Section 166.6, unnumbered paragraph 1, Code 1999, is amended to read as follows:

An application for a permit to deal in biological products shall be accompanied by a separate bond for each place of business, with sureties to be approved by the department, in the sum of ~~one~~ five thousand dollars for each place of business, which bond shall be conditioned:

Sec. 11. Section 200A.3, subsection 4, Code 1999, is amended to read as follows:

4. "Distribute" means to offer for sale, sell, hold out for sale, exchange, barter, ~~or~~ supply, or furnish a bulk dry animal nutrient product on a commercial basis.

Sec. 12. Section 216.15B, subsection 1, Code 1999, is amended to read as follows:

1. ~~For the purposes of this section, "mediator"~~ A mediator shall be the person designated in writing by the commission to conduct mediation of a complaint filed under this chapter. The written designation must specifically refer to this section.

Sec. 13. Section 216A.78, Code 1999, is amended to read as follows:

216A.78 ADMINISTRATOR.

The commission officers may designate the duties and obligations of the position of administrator. ~~Any person so employed may be the employee of another agency of state government appointed with the consent of the executive officer of such agency.~~ The officers administrator may appoint such other personnel as may be necessary for the efficient performance of the duties prescribed by this part. The administrator shall carry out programs and policies as determined by the commission.

Sec. 14. Section 216B.3, subsection 14, Code 1999, is amended to read as follows:

14. In conjunction with the recommendations made by the department of natural resources, purchase and use recycled printing and writing paper in accordance with the schedule established in section 18.18; establish a wastepaper recycling program, by January 1, 1990, in accordance with the recommendations made by the department of natural resources and requirements of section 18.20; and, in accordance with section 18.6, require product content statements, ~~the provision of information regarding on-site review of waste management in product bidding and contract procedures,~~ and compliance with requirements regarding contract bidding.

Sec. 15. Section 260C.47, subsection 1, unnumbered paragraph 1, Code 1999, is amended to read as follows:

The state board of education shall establish an accreditation process for community college programs by July 1, 1997. The process shall be jointly developed and agreed upon by the department of education and the community colleges. The state accreditation process shall be integrated with the accreditation process of the north central association of colleges and schools, including the evaluation cycle, the self-study process, and the criteria for evaluation, which shall incorporate the standards for community colleges developed under section 260C.48; and shall identify and make provision for the needs of the state that are not met by the association's accreditation process. ~~If a joint agreement has not been reached by July 1, 1997, the approval process provided under section 260C.4, subsection 4, shall remain the required accreditation process for community colleges.~~ For the academic year commencing July 1, 1998, and in succeeding school years, the department of education shall use a two-component process for the continued accreditation of community college programs.

Sec. 16. Section 262.9, subsection 6, Code 1999, is amended to read as follows:

6. In conjunction with the recommendations made by the department of natural resources, purchase and use recycled printing and writing paper, with the exception of specialized paper when no recyclable product is available, in accordance with the schedule established in section 18.18; establish a wastepaper recycling program for all institutions governed by the board in accordance with recommendations made by the department of natural resources and the requirements of section 18.20; shall, in accordance with the requirements of section 18.6, require product content statements, ~~the provision of information regarding~~

~~on-site review of waste management in product bidding and contract procedures, and compliance with requirements regarding procurement specifications; and shall comply with the requirements for the purchase of lubricating oils and industrial oils as established pursuant to section 18.22.~~

Sec. 17. Section 307.21, subsection 4, paragraph b, subparagraph (3), Code 1999, is amended to read as follows:

(3) Require in accordance with section 18.6 product content statements, ~~the provision of information regarding on-site review of waste management in product bidding and contract procedures,~~ and compliance with requirements regarding procurement specifications.

Sec. 18. Section 312.2, subsection 17, Code 1999, is amended to read as follows:

17. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the motorcycle rider education fund established in section ~~321.189, subsection 9~~ 321.180B, an amount equal to one dollar per year of license validity for each issued or renewed driver's license which is valid for the operation of a motorcycle. Moneys credited to the motorcycle rider education fund under this subsection shall be taken from moneys credited to the road use tax fund under section 423.24.

Sec. 19. Section 321.20B, subsection 4, paragraph c, Code 1999, is amended to read as follows:

c. An owner or driver cited for a violation of subsection 1, who produces to the clerk of court within thirty days of the issuance of the citation proof that financial liability coverage was in effect for the motor vehicle at the time the person was stopped and cited ~~as provided in paragraph "b"~~, shall not be convicted of such violation and the citation issued shall be dismissed.

Sec. 20. Section 321.34, subsection 11B, paragraph c, Code 1999, is amended to read as follows:

c. The special fee for letter number designated motorcycle rider education plates is thirty-five dollars. The fee for personalized motorcycle rider education plates is twenty-five dollars, which shall be paid in addition to the special motorcycle rider education fee of thirty-five dollars. The fees collected by the director under this subsection shall be paid monthly to the treasurer of state and credited to the road use tax fund. Notwithstanding section 423.24, and prior to the crediting of revenues to the road use tax fund under section 423.24, subsection 1, paragraph "c", the treasurer of state shall transfer monthly from those revenues to the department for use in accordance with section ~~321.189, subsection 9~~ 321.180B, subsection 6, the amount of the special fees collected in the previous month for the motorcycle rider education plates.

Sec. 21. Section 321G.4, unnumbered paragraph 2, Code 1999, is amended to read as follows:

The owner of the all-terrain vehicle or snowmobile shall file an application for registration with the appropriate county recorder on forms provided by the commission. The application shall be completed and signed by the owner of the all-terrain vehicle or snowmobile and shall be accompanied by a fee of ~~twenty~~ twenty-five dollars and a writing fee. An all-terrain vehicle or a snowmobile shall not be registered by the county recorder until the county recorder is presented with receipts, bills of sale, or other satisfactory evidence that the sales or use tax has been paid for the purchase of the all-terrain vehicle or snowmobile or that the owner is exempt from paying the tax. However, an owner of an all-terrain vehicle, except an all-terrain vehicle purchased new on or after January 1, 1990, may apply for registration without proof of sales or use tax paid until one year after January 1, 1990. Upon receipt of the application in approved form accompanied by the required fees, the county recorder shall enter it upon the records and shall issue to the applicant a pocket-size registration certificate. The certificate shall be executed in triplicate, one copy to be delivered to

the owner, one copy to the commission, and one copy to be retained on file by the county recorder. The registration certificate shall bear the number awarded to the all-terrain vehicle or snowmobile and the name and address of the owner. The registration certificate shall be carried either in the all-terrain vehicle or snowmobile or on the person of the operator of the machine when in use. The operator of an all-terrain vehicle or snowmobile shall exhibit the registration certificate to a peace officer upon request, to a person injured in an accident involving an all-terrain vehicle or snowmobile, or to the owner or operator of another all-terrain vehicle or snowmobile or the owner of personal or real property when the all-terrain vehicle or snowmobile is involved in a collision or accident of any nature with another all-terrain vehicle or snowmobile or the property of another person or to the property owner or tenant when the all-terrain vehicle or snowmobile is being operated on private property without permission from the property owner or tenant.

Sec. 22. Section 322B.3, subsection 5, Code 1999, is amended to read as follows:

5. MOBILE HOME HOOKUPS. A mobile home dealer or an employee of a mobile home dealer may perform water, gas, electrical, and other utility service connections in a mobile home, space, or within ten feet of such space, located in a mobile home park, and the dealer or an employee of the dealer may install a tie-down system on a mobile home located in a mobile home park. The connections are subject to inspection and approval by local building code officials and the mobile home dealer shall pay the inspection fee, if any.

Sec. 23. Section 357A.24, subsections 3 and 4, Code 1999, are amended to read as follows:

3. Upon filing the petition, the auditor shall prepare for a hearing on the petition by following the same procedures as provided in section 357A.3. The notice of the hearing shall include all of the following:

- a. The location of the area subject to the petition.
- b. The time and place of the hearing as established by the ~~board of~~ supervisors for the county in which the area to be detached is located.
- c. That all owners or tenants of real property within the boundaries of the area may appear and be heard.

4. After the hearing the ~~board of~~ supervisors shall order that the area subject to the petition be detached from one district and attached to the other district if the ~~board determines~~ supervisors determine that all of the following have been satisfied:

- a. The petition meets the requirements of this section.
- b. The information included in the petition is accurate.
- c. Notice required in this section has been provided.
- d. The detachment and attachment is in the best interest of the residents of the area subject to the petition.

The order shall be published in the same newspaper which published the notice of the hearing.

Sec. 24. Section 420.207, Code 1999, is amended to read as follows:

420.207 TAXATION IN GENERAL.

Sections 427.1, 427.3 to 427.11, 428.4, 428.20, 428.22, 428.23, 436.10, 436.11, 437.1, 437.3, ~~437.14~~, 441.21, 443.1 to 443.3, 444.2 to 444.5, and 447.9 to 447.13, so far as applicable, apply to cities acting under special charters.

Sec. 25. Section 422.9, subsection 2, paragraph i, Code 1999, is amended to read as follows:

- i. If the taxpayer has a deduction for medical care expenses under section 213 of the Internal Revenue Code, the taxpayer shall recompute for the purposes of this subsection the amount of the deduction under section 213 by excluding from medical care, as defined in section 213, the amount subtracted under section 422.7, subsection ~~32~~ 29.

Sec. 26. Section 435.26, subsection 3, Code 1999, is amended to read as follows:

3. When the property is entered on the tax rolls, the assessor shall also enter on the tax rolls the title number last assigned to the mobile home, ~~modular home~~, or manufactured home and the manufacturer's identification number.

Sec. 27. Section 437A.3, subsection 28, Code 1999, is amended to read as follows:

28. "Transfer replacement tax" means the excise tax imposed in a competitive service area of a municipal utility which replaces transfers made by the municipal utility in accordance with section 384.89.

Sec. 28. Section 441.21, subsection 2, unnumbered paragraph 1, Code 1999, is amended by striking the unnumbered paragraph.

Sec. 29. Section 455B.202, subsection 2, paragraph b, Code 1999, is amended to read as follows:

b. A person shall not construct or expand an animal feeding operation structure which is part of a confinement feeding operation for five years after the date of the last violation, committed by ~~a~~ the person or confinement feeding operation in which the person holds a controlling interest, during which the person or operation was classified as a habitual violator.

Sec. 30. Section 455B.203A, subsection 5, paragraph b, subparagraph (2), unnumbered paragraph 1, Code 1999, is amended to read as follows:

The person is acting under the instructions and control of a certified ~~commercial~~ confinement site manure applicator who is both of the following:

Sec. 31. Section 455G.8, subsections 2 and 4, Code 1999, are amended to read as follows:

2. USE TAX. The revenues derived from the use tax imposed under chapter 423. The proceeds of the use tax under section 423.24, subsection 1, paragraph "a", subparagraph (1), shall be allocated, consistent with this chapter, among the fund's accounts, for debt service and other fund expenses, according to the fund budget, resolution, trust agreement, or other instrument prepared or entered into by the board or authority under direction of the board. ~~The proceeds of the use tax under section 423.24, subsection 1, paragraph "a", subparagraph (2), shall be allocated in accordance with section 455G.21.~~

4. ~~INSURANCE PREMIUMS. Insurance premium income as provided by section 455G.11 shall be credited to the insurance fund.~~

Sec. 32. Section 455G.11, subsection 1, Code 1999, is amended to read as follows:

1. UNDERGROUND STORAGE TANK INSURANCE FUND.

a. An Iowa underground storage tank insurance fund is created as a separate fund in the state treasury on July 1, 1998, consisting of all moneys held in the insurance account of the comprehensive petroleum underground storage tank fund.

Notwithstanding section 8.33, moneys remaining in the underground storage tank insurance fund at the end of each fiscal year shall not revert to the general fund but shall remain in the underground storage tank insurance fund. Notwithstanding section 12C.7, interest or earnings on moneys in the underground storage tank insurance fund shall be credited to the underground storage tank insurance fund in addition to any other income specifically allocated to the underground storage tank insurance fund.

b. Amounts in the underground storage tank insurance fund shall not be subject to appropriation for any purpose by the general assembly, but shall be used only for the purposes set forth in this section. The treasurer of state shall act as custodian of the underground storage tank insurance fund and disperse* moneys contained in it as directed by the board. The treasurer of state is authorized to invest the moneys deposited in the underground storage tank insurance fund at the discretion of the board. The income from such investments shall be credited to and deposited in the underground storage tank insurance fund. The underground

* The word "disburse" probably intended

storage tank insurance fund shall be administered by the board which shall make expenditures from the underground storage tank insurance fund consistent with the purposes of the programs provided for in this chapter without further appropriation.

c. No later than July 1, 2004, all moneys in the underground storage tank insurance fund shall be transferred to the insurance board when restructured as an independent nonprofit entity organized to provide an allowable mechanism to demonstrate financial responsibility as required in 40 C.F.R. pts. 280 and 281, owned and operated by insureds, as determined by the comprehensive petroleum underground storage tank fund board.

Sec. 33. Section 455G.11, subsection 2, paragraph c, Code 1999, is amended to read as follows:

c. Members of the insurance board are entitled to receive reimbursement of actual expenses incurred in the discharge of their duties within the limits of the moneys appropriated to the insurance board or made available to the underground storage tank insurance fund.

Sec. 34. Section 455G.11, subsection 8, unnumbered paragraph 1, Code 1999, is amended to read as follows:

An owner or operator applying for coverage shall pay an annually adjusted insurance premium for coverage by the insurance fund. Premiums paid shall be credited to and deposited in the insurance fund. The board may only approve fund coverage through the payment of a premium established on an actuarially sound basis. Risk factors shall be taken into account in establishing premiums. It is the intent of the general assembly that an actuarially sound premium reflect the risk to the insurance fund presented by the insured. Risk factor adjustments should reflect the range of risk presented by the variety of tank systems, monitoring systems, and risk management practices in the general insurable tank population. Premium adjustments for risk factors should at minimum take into account lifetime costs of a tank and monitoring system and insurance fund premiums for that tank system so as to provide a positive economic incentive to the owner or operator to install the more environmentally safe option so as to reduce the exposure of the insurance fund to loss. Actuarially sound is not limited in its meaning to fund premium revenue equaling or exceeding fund expenditures for the general tank population.

Sec. 35. Section 455G.11, subsection 11, paragraphs a and b, Code 1999, are amended to read as follows:

a. Directly through the underground storage tank insurance fund with premiums and deductibles as provided in subsection 10.

b. In cooperation with a private insurance carrier with excess or stop loss coverage provided by the underground storage tank insurance fund to reduce the cost of insurance to such installers or inspectors, and including such other terms and conditions as the board deems necessary and convenient to provide adequate coverage for a certified tank installation at a reasonable premium. An installer or inspector obtaining insurance coverage pursuant to this paragraph, may purchase excess coverage of up to five million dollars, subject to the terms and conditions as determined by the board.

Sec. 36. Section 455G.13, subsection 12, Code 1999, is amended to read as follows:

12. RECOVERY OR SUBROGATION — INSTALLERS AND INSPECTORS. Notwithstanding any other provision contained in this chapter, the board or a person insured under the insurance fund has no right of recovery or right of subrogation against an installer or an inspector insured by the insurance fund for the tank giving rise to the liability other than for recovery of any deductibles paid.

Sec. 37. Section 455G.21, subsection 1, Code 1999, is amended to read as follows:

1. A marketability fund is created as a separate fund in the state treasury under the control of the board. The board shall administer the marketability fund. Notwithstanding section 8.33, moneys remaining in the marketability fund at the end of each fiscal year shall not

revert to the general fund but shall remain in the marketability fund. The marketability fund shall include the following:

~~a. Moneys allocated to the fund pursuant to section 423.24, subsection 1, paragraph "a", subparagraph (2).~~

b. ~~Notwithstanding, notwithstanding~~ section 12C.7, interest earned by the marketability fund or other income specifically allocated to the marketability fund.

Sec. 38. Section 455G.21, subsection 2, paragraph a, Code 1999, is amended to read as follows:

~~a. Five million dollars per year shall be allocated to the~~ The innocent landowners fund ~~which~~ shall be established as a separate fund in the state treasury under the control of the board. The innocent landowners fund shall ~~also~~ include any moneys recovered pursuant to cost recovery enforcement under section 455G.13. Notwithstanding section 455G.1, subsection 2, benefits for the costs of corrective action shall be provided to the owner of a petroleum-contaminated property, who is not otherwise eligible to receive benefits under section 455G.9. An owner of a petroleum-contaminated property shall be eligible for payment of total corrective action costs subject to copayment requirements under section 455G.9, subsection 4. The board may adopt rules conditioning receipt of benefits under this paragraph to those petroleum-contaminated properties which present a higher degree of risk to the public health and safety or the environment and may adopt rules providing for denial of benefits under this paragraph to a person who did not make a good faith attempt to comply with the provisions of this chapter. This paragraph does not confer a legal right to an owner of petroleum-contaminated property for receipt of benefits under this paragraph.

Sec. 39. Section 455H.103, subsection 15, Code 1999, is amended by striking the subsection.

Sec. 40. Section 486A.906, subsection 3, paragraphs b and c, Code 1999, are amended to read as follows:

b. All other obligations of the surviving entity incurred before the merger by a party to the merger, but those obligations may be satisfied only out of property of the surviving entity.

c. Except as otherwise provided in section 486A.306, all obligations of the surviving entity incurred after the merger takes effect, but those obligations may be satisfied only out of property of the surviving entity if the partner is a limited partner.

Sec. 41. Section 505.8, subsection 2, Code 1999, is amended to read as follows:

2. The commissioner shall, subject to chapter 17A, establish, publish, and enforce rules not inconsistent with law for the enforcement of this subtitle and for the enforcement of the laws, the administration and supervision of which are imposed on the division, including rules to establish fees sufficient to administer the laws, where appropriate fees are not otherwise provided for in rule or statute, ~~and as necessary to obtain from persons authorized to do business in the state or regulated by the division that data required by the community health management information system.~~

Sec. 42. Section 524.1202, subsection 2, paragraph b, Code 1999, is amended to read as follows:

b. For purposes of this subsection, "urban complex" means the geographic area bounded by the corporate limits of two or more municipal corporations, each of which being contiguous to or cornering upon at least one of the other municipal corporations within the complex. ~~A state bank located in a municipal corporation or urban complex which is located on a boundary of this state and contiguous to a municipal corporation in another state may have one bank office in addition to the number of bank offices permitted by paragraph "a"; provided that nothing~~ Nothing contained in this paragraph authorizes a state bank to establish a bank office outside of the boundaries of this state.

Sec. 43. Section 524.1213, subsection 3, unnumbered paragraph 1, Code 1999, is amended to read as follows:

Any two or more state banks, national banks, or state and national banks that are located in this state, that are affiliates as defined in section 524.1101, and that individually have been in existence and operated as banks continuously in this state for at least five years, may be merged or consolidated into a single state or national bank, and the resulting entity shall be a "united community bank". ~~Subject to subsection 12, the~~ The resulting united community bank of the merger or consolidation:

Sec. 44. Section 595.2, subsection 4, Code 1999, is amended to read as follows:

4. A marriage license may be issued to a male and a female either or both of whom are sixteen or seventeen years of age if both of the following apply:

a. The parents of the underaged party or parties certify in writing that they consent to the marriage. If one of the parents of any underaged party to a proposed marriage is dead or incompetent the certificate may be executed by the other parent, if both parents are dead or incompetent the guardian of the underaged party may execute the certificate, and if the parents are divorced the parent having legal custody may execute the certificate and

b. The certificate of consent of the parents, parent, or guardian is approved by a judge of the district court or, if both parents of any underaged party to a proposed marriage are dead, incompetent, or cannot be located and the party has no guardian, the proposed marriage is approved by a judge of the district court. A judge shall grant approval under this subsection only if the judge finds the underaged party or parties capable of assuming the responsibilities of marriage and that the marriage will serve the best interest of the underaged party or parties. Pregnancy alone does not establish that the proposed marriage is in the best interest of the underaged party or parties, however, if pregnancy is involved the court records which pertain to the fact that the female is pregnant shall be sealed and available only to the parties to the marriage or proposed marriage or to any interested party securing an order of the court.

e. 5. If a parent or guardian withholds consent, the judge upon application of a party to a proposed marriage shall determine if the consent has been unreasonably withheld. If the judge so finds, the judge shall proceed to review the application under subsection 4, paragraph "b".

Sec. 45. Section 708.2A, subsection 6, paragraph b, Code 1999, is amended to read as follows:

b. A person convicted of violating subsection 4 shall be sentenced as provided under section 902.9, subsection 4, committed to the custody of the director of the department of corrections, and shall be assessed a fine of at least seven hundred fifty dollars. The person shall be denied parole or work release until the person has served a minimum of one year of the person's sentence. Notwithstanding section 901.5, ~~subsection~~ subsections 1, 3, and 5, and section 907.3, ~~subsection 3~~, the person cannot receive a suspended or deferred sentence or a deferred judgment; however, the person sentenced shall receive credit for any time the person was confined in a jail or detention facility following arrest.

Sec. 46. Section 904.108, subsection 1, paragraph d, Code 1999, is amended to read as follows:

d. Establish and maintain acceptable standards of treatment, training, education, and rehabilitation in the various state penal and corrective institutions which shall include habilitative services and treatment for offenders with mental retardation. For the purposes of this paragraph, "habilitative services and treatment" means medical, mental health, social, educational, counseling, and other services which will assist a person with mental retardation to become self-reliant. However, the director may also provide rehabilitative treatment and services to other persons who require the services. The director shall identify all individuals entering the correctional system who are persons with mental retardation,

as defined in section 222.2, subsection 4. Identification shall be made by a qualified professional in the area of mental retardation. In assigning an offender with mental retardation, or an offender with an inadequately developed intelligence or with impaired mental abilities, to a correctional facility, the director shall consider both the program needs and the security needs of the offender. The director shall consult with the department of human services in providing habilitative services and treatment to offenders with mental illness or mental retardation. The director may enter into agreements with the department of human services to utilize mental health institutions and share staff and resources for purposes of providing habilitative services and treatment services, as well as providing other special needs programming. Any agreement to utilize mental health institutions and to share staff and resources shall provide that the costs of the habilitative services and treatment services shall be paid from state funds. Not later than twenty days prior to entering into any agreement to utilize mental health institution staff and resources, other than the use of a building or facility, for purposes of providing habilitative services and treatment services, as well as other special needs programming, the directors of the departments of corrections and human services shall each notify the chairpersons and ranking members of the joint appropriations subcommittees that last handled the appropriation for their respective departments of the pending agreement. Use of a building or facility shall require approval of the general assembly if the general assembly is in session or, if the general assembly is not in session, the legislative council may grant temporary authority, which shall be subject to final approval of the general assembly during the next succeeding legislative session.

Sec. 47. Section 915.10, subsection 3, Code 1999, is amended to read as follows:

3. "Victim" means a person who has suffered physical, emotional, or financial harm as the result of a public offense or a delinquent act, other than a simple misdemeanor, committed in this state. "Victim" also includes the immediate family members of a victim who died or was rendered incompetent as a result of the offense or who was under eighteen years of age at the time of the offense.

Sec. 48. Section 915.41, Code 1999, is amended to read as follows:

915.41 MEDICAL EXAMINATION COSTS.

The cost of a medical examination of a victim for the purpose of gathering evidence and the cost of treatment of a victim for the purpose of preventing venereal disease shall be paid from the fund established in section 915.94.

Sec. 49. Section 915.42, subsection 4, paragraph a, Code 1999, is amended to read as follows:

a. Prior to the scheduling of a hearing, refer the victim for counseling by a victim counselor or a person requested by the victim who is authorized to provide the counseling required pursuant to section 141.22, regarding the nature, reliability, and significance of the HIV-related test and of the serologic status of the convicted or alleged offender.

Sec. 50. Section 915.42, subsection 6, paragraph b, Code 1999, is amended to read as follows:

b. An authorized representative of the petitioner or victim, the county attorney, or the court sought to obtain written informed consent from the convicted or alleged offender.

Sec. 51. Section 915.43, subsection 11, Code 1999, is amended to read as follows:

11. Notwithstanding the provisions of this subchapter requiring initial testing, if a petition is filed with the court under section 915.42 requesting an order for testing and the order is granted, and if a test has previously been performed on the convicted or alleged offender while under the control of the department of corrections, the test results shall be provided in lieu of the performance of an initial test of the convicted or alleged offender, in accordance with this subchapter.

Sec. 52. Section 915.50, subsection 2, Code 1999, is amended to read as follows:

2. The right, pursuant to section 236.12, for law enforcement to remain on the scene, to assist the victim in leaving the scene, to ~~transport~~ assist the victim in obtaining transportation to medical care, and to provide the person with a written statement of victim rights and information about domestic abuse shelters, support services, and crisis lines.

Sec. 53. Section 915.100, subsection 2, paragraph h, Code 1999, is amended to read as follows:

h. If a convicted felon ~~attempts to or the representative of a convicted felon receives or is owed any profit from which is realized as a result of~~ the commission of the crime, and the attorney general brings an action to recover such profits, the victim may be entitled to funds held in escrow, pursuant to the provisions of section 910.15.

Sec. 54. Sections 236A.1, 307.38, 428.9, 428.11, 428.13, 428.14, 428.15, 428.34, 428.36, 441.30, 455H.501, 455H.502, and 505.20, Code 1999, are repealed.

Sec. 55. Chapter 7G, Code 1999, is repealed.

Sec. 56. 1998 Iowa Acts, chapter 1138, section 35, is amended to read as follows:

SEC. 35. EFFECTIVE DATES. Division VI of this Act takes effect ~~upon enactment or~~ April 16, 1998, ~~whichever is later.~~

Sec. 57. 1998 Iowa Acts, chapter 1209, section 28, is amended to read as follows:

SEC. 28. Section ~~445B.201~~ 455B.201, subsection 4, Code 1997, is amended by striking the subsection.

Sec. 58. 1998 Iowa Acts, chapter 1209, section 53, is amended to read as follows:

SEC. 53. EFFECTIVE DATES.

1. Sections 9, 10, 14, 27, 29, 38, 39, 40 through 43, 48, 49, and this section, being deemed of immediate importance, take effect upon enactment.

2. Sections 11, 13, 15, 16, 18 through 21, 23, 26, 30, 31, and 33 through 35 take effect on January 1, 1999.

3. In section 455B.162, subsections 1, 1A, and 1C, as enacted by sections 15 and 16 of this Act, and in section 455B.163, as amended by section 18 of this Act, and in section 657.11, subsection 7, as enacted by section 38 of this Act, the words "the effective date of this section" shall mean the effective date of the section of this Act in which the enactments or amendments are made as specified in subsections 1 and 2 of this section of this Act.

Sec. 59. EFFECTIVE DATES — RETROACTIVE APPLICABILITY.

1. Sections 56, 57, and 58 of this Act, being deemed of immediate importance, take effect upon enactment.

2. Section 56 of this Act applies retroactively to April 16, 1998.

3. Section 57 of this Act applies retroactively to July 1, 1998.

4. Section 58 of this Act applies retroactively to May 21, 1998.

Approved May 11, 1999