

CHAPTER 1153**SCHOOL EMPLOYMENT OR VOLUNTEER RECORD CHECKS**

S.F. 228

AN ACT authorizing school districts and nonpublic schools to perform certain abuse record checks.

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

Section 1. Section 235A.15, subsection 2, paragraph e, Code Supplement 1999, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (16) To the superintendent, or the superintendent's designee, of a school district or to the authorities in charge of an accredited nonpublic school for purposes of a volunteer or employment record check.

Sec. 2. Section 235B.6, subsection 2, paragraph e, Code Supplement 1999, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (8) To the superintendent, or the superintendent's designee, of a school district or to the authorities in charge of an accredited nonpublic school for purposes of a volunteer or employment record check.

Approved May 3, 2000

CHAPTER 1154**SUBSTANTIVE CODE CORRECTIONS**

S.F. 2092

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.

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

Section 1. Section 12C.6A, subsection 5, paragraph b, Code Supplement 1999, is amended to read as follows:

b. If any committee member, in the member's discretion, finds that the complaint has merit, the member may order the bank alleged to have failed to meet its community reinvestment responsibility to attend and participate in a meeting with the complainant. The committee member may specify who, at minimum, shall represent the ~~financial institution~~ bank at the meeting. At the meeting, or at any other time, the bank may, but is not required to, enter into an agreement with a complainant to correct alleged failings.

Sec. 2. Section 12C.25, unnumbered paragraph 2, Code Supplement 1999, is amended to read as follows:

The funds shall be used to receive and disburse moneys pursuant to section 12C.23, subsection 3, paragraph "d" and section 12C.23A, subsection 3, paragraph "d".

Sec. 3. Section 13B.4, subsection 4, paragraph c, unnumbered paragraph 2, Code Supplement 1999, is amended to read as follows:

d. Notwithstanding chapter 17A, the attorney may seek review of any action or intended action taken pursuant to paragraph “d” “c” by filing a motion with the court with jurisdiction over the original appointment for review. The motion must be filed within twenty days of any action taken by the state public defender. The attorney shall have the burden to establish by a preponderance of the evidence that the amount of compensation and expenses is reasonable and necessary to competently represent the client. The filing of a motion shall not delay the payment of the amount specified by the state public defender pursuant to this subsection.

Sec. 4. Section 13B.8, subsection 2, Code Supplement 1999, is amended to read as follows:

2. The state public defender may appoint ~~a local public defender~~ and may remove the local public defender, assistant local public defenders, clerks, investigators, secretaries, or other employees for cause. Each local public defender, and any assistant local public defender, must be an attorney admitted to the practice of law before the Iowa supreme court.

Sec. 5. Section 29B.20, Code 1999, is amended to read as follows:

29B.20 COMPLETE RECORD.

A sentence imposing a dishonorable discharge, discharge under other than honorable conditions, dismissal, or confinement shall not be adjudged unless a complete record of the proceedings and testimony has been made, counsel having the qualifications prescribed under this code was detailed to represent the accused, and a military judge was detailed to the trial, except in any case in which a military judge could not be detailed to the trial because of physical conditions or military exigencies. If a military judge was not detailed to the trial, the convening authority shall make a detailed written statement, to be appended to the record, stating the reason a military judge could not be detailed.

Sec. 6. Section 35C.1, subsection 1, Code 1999, is amended to read as follows:

1. In every public department and upon all public works in the state, and of the counties, cities, and school corporations of the state, ~~honorably discharged persons from the military or naval forces of the United States in any war in which the United States has been engaged, including the Korean Conflict at any time between June 25, 1950 and January 31, 1955, both dates inclusive, the Vietnam Conflict beginning August 5, 1964, and ending on May 7, 1975, both dates inclusive, and the Persian Gulf Conflict beginning August 2, 1990, and ending on the date specified by the president or the Congress of the United States as the date of permanent cessation of hostilities, both dates inclusive~~ veterans as defined in section 35.1, who are citizens and residents of this state are entitled to preference in appointment and employment over other applicants of no greater qualifications. ~~However, if the Congress of the United States enacts a date different from August 2, 1990, as the beginning of the Persian Gulf Conflict to determine the eligibility of a veteran for military benefits as a veteran of the Persian Gulf Conflict, the date enacted by the Congress of the United States shall be substituted for August 2, 1990.~~ The preference in appointment and employment for employees of cities under a municipal civil service is the same as provided in section 400.10. ~~For the purposes of this section service in World War II means service in the armed forces of the United States between December 7, 1941, and December 31, 1946, both dates inclusive.~~

Sec. 7. Section 37.9, unnumbered paragraph 6, Code Supplement 1999, is amended to read as follows:

The commissioners having the management and control of a memorial hospital shall, within ten days after their appointment, qualify by taking the usual oath of office, but no bonds shall be required of them except as hereinafter provided. The commissioners shall organize by electing a chairperson, secretary, and treasurer. The secretary and treasurer

shall each file with the chairperson of the commission a surety bond in such sum as the commission may require, with sureties approved by the commission, for the use and benefit of the memorial hospital. The reasonable costs of such bonds shall be paid from operating funds of the hospital. The secretary shall immediately report to the county auditor and county treasurer the names of the chairperson, secretary, and treasurer of the commission. The commission shall meet at least once each month. Three members of ~~the~~ a five-member commission and five members of a seven-member commission shall constitute a quorum for the transaction of business. The secretary shall keep a complete record of its proceedings.

Sec. 8. Section 46.24, unnumbered paragraph 2, Code Supplement 1999, is amended to read as follows:

The state board of canvassers shall, at the time of canvassing the vote cast at a general election, open and canvass all of the returns for the judicial election. Each judge of the supreme court, court of appeals or district court including a district associate judge, full-time associate juvenile judge, or full-time associate probate judge, or a clerk of the district court who has received more affirmative than negative votes shall receive from the state board of canvassers an appropriate certificate so stating.

Sec. 9. Section 80.17, subsection 7, Code 1999, is amended to read as follows:
7. Division of capitol ~~security~~ police.

Sec. 10. Section 80.35, Code 1999, is amended to read as follows:
80.35 TRANSITION.

Persons employed by the department of general services as capitol security force officers shall be transferred to the division of capitol security of the department of public safety on July 1, 1976. Persons transferred pursuant to this section shall retain their positions as capitol ~~security~~ police officers, shall not be subject to the requirements and conditions of section 80.15, and shall remain under the Iowa public employees' retirement system. Persons employed after July 1, 1976 by the department of public safety as capitol ~~security~~ police officers within the division of capitol ~~security~~ police shall be subject to the requirements and conditions of section 80.15, except those requirements relating to age, and shall be subject to the Iowa public employees' retirement system. The minimum age for persons employed by the division of capitol ~~security~~ police shall be eighteen.

Sec. 11. Section 91C.8, subsection 4, Code Supplement 1999, is amended to read as follows:

4. If a citation is issued, the commissioner shall, within seven days, notify the contractor by service in the same manner as an original notice or by certified mail of the administrative penalty, if any, proposed to be assessed and that the contractor has fifteen working days within which to notify the commissioner that the ~~employer~~ contractor wishes to contest the citation or proposed assessment of penalty.

Sec. 12. Section 123.39, subsection 4, Code 1999, is amended to read as follows:

4. If the cause for suspension is a first offense violation of section 123.49, subsection 2, paragraph "h", the administrator or local authority shall impose a civil penalty in the amount of ~~three~~ five hundred dollars in lieu of suspension of the license or permit. Local authorities shall retain civil penalties collected under this paragraph if the proceeding to impose the penalty is conducted by the local authority. The division shall retain civil penalties collected under this paragraph if the proceeding to impose the penalty is conducted by the administrator of the division.

Sec. 13. Section 141A.8, subsection 7, Code Supplement 1999, is amended to read as follows:

7. When a care provider in the course of providing care sustains a significant exposure on the premises of a health ~~care~~ facility or while engaged in rendering aid or providing trans-

portation to an individual in circumstances which lead to the individual's presence at a health care facility, the individual to whom the care provider was exposed is deemed to consent to a test to be administered by the health care facility upon the written request of the exposed care provider for the express purpose of determining the presence of HIV infection in that individual. The sample and test results shall only be identified by a number and no reports otherwise required by this chapter shall be made which identify the individual tested. However, if the test results are positive, the health care facility shall notify the individual tested and ensure performance of counseling and reporting requirements of this chapter in the same manner as for an individual from whom actual consent was obtained.

Sec. 14. Section 161D.1, subsection 4, Code Supplement 1999, is amended to read as follows:

4. This ~~chapter~~ subchapter is not intended to affect the authority of the department of natural resources in its acquisition, development, and management of public lands within the counties represented by the authority.

Sec. 15. Section 161D.3, unnumbered paragraph 1, Code Supplement 1999, is amended to read as follows:

As used in this ~~chapter~~ subchapter, unless the context otherwise requires:

Sec. 16. Section 182.14, subsection 1, Code Supplement 1999, is amended to read as follows:

1. If approved by a majority of voters at a referendum, an assessment ~~to~~ shall be set by the board at not more than two cents for each pound of wool produced and sold by a producer and not more than ten cents per head on sheep sold by a producer.

Sec. 17. Section 184A.6, subsection 2, Code Supplement 1999, is amended to read as follows:

2. The council shall expend moneys from the account first for the payment of expenses for the collection of assessments, and then for the payment of expenses related to ~~connecting~~ conducting a referendum as provided in section 184A.12. The council shall expend remaining moneys for market development, producer education, and the payment of refunds to producers as provided in this chapter.

Sec. 18. Section 235A.18, subsection 1, paragraph b, Code Supplement 1999, is amended to read as follows:

b. Data sealed in accordance with this section shall be expunged eight years after the date the data was sealed. However, if the report data and the disposition data involve child abuse as defined in section 232.68, subsection 2, ~~paragraphs~~ paragraph "c" ~~and or~~ "e", the data shall not be expunged for a period of thirty years. Sealed data shall be made available to the department of justice upon request if the prosecutor's review committee is reviewing records or if a prosecuting attorney has filed a petition to commit a sexually violent predator under chapter 229A.

Sec. 19. Section 260G.6, Code Supplement 1999, is amended to read as follows:
260G.6 PROGRAM CAPITAL FUNDS ALLOCATION.

If moneys are appropriated by the general assembly to support program capital costs, the moneys shall be allocated according to rules adopted by the department of economic development pursuant to chapter 17A. In order to receive such moneys a program agreement approved by the community college board of directors must be in place, program capital cost requests shall be approved by the Iowa economic development board created in section 15.103, program capital cost requests shall be approved or denied not later than sixty days following receipt of the request by the department of economic development, and employer contributions toward program capital costs shall be certified and agreed to in the agreement.

Sec. 20. Section 317.1, subsection 1, Code 1999, is amended to read as follows:

1. Primary noxious weeds, which shall include quack grass (*Agropyron repens*), perennial sow thistle (*Sonchus arvensis*), Canada thistle (*Cirsium arvense*), bull thistle (*Cirsium lanceolatum*), European morning glory or field bindweed (*Convolvulus arvensis*), horse nettle (*Solanum carolinense*), leafy spurge (*Euphorbia esula*), perennial pepper-grass (*Lepidium draba*), Russian knapweed (*Centaurea repens*), buckthorn (*Rhamnus*, not to include *Rhamnus frangula*), and all other species of thistles belonging in genera of *Cirsium* and *Carduus*.)

Sec. 21. Section 321.34, subsection 15, Code Supplement 1999, is amended to read as follows:

15. LEGION OF MERIT SPECIAL PLATES. The owner of a motor vehicle subject to registration under section 321.109, subsection 1, light delivery truck, panel delivery truck, ~~motorcycle, trailer,~~ or pickup who has been awarded the legion of merit may, upon written application to the department and presentation of satisfactory proof of the award of the legion of merit as established by the Congress of the United States, order special registration plates with a legion of merit processed emblem. The emblem shall be designed by the department in cooperation with the adjutant general and shall signify that the owner was awarded the legion of merit. The application is subject to approval by the department, in consultation with the adjutant general. The special plates shall be issued at no charge and are subject to an annual registration fee of fifteen dollars. The county treasurer shall validate the special plates in the same manner as regular registration plates are validated under this section.

The surviving spouse of a person who was issued special plates under this subsection may continue to use or apply for and use the special plates subject to registration of the special plates in the surviving spouse's name and upon payment of the annual registration fee. If the surviving spouse remarries, the surviving spouse shall return the special plates to the department and the department shall issue regular registration plates to the surviving spouse.

Sec. 22. Section 321.49, subsection 3, Code Supplement 1999, is amended to read as follows:

3. A mobile home dealer who acquires a used mobile home, or manufactured housing, titled in Iowa, and who does not apply for and obtain a certificate of title from the county treasurer of the dealer's county of residence within thirty days of the date of acquisition, as required under section 321.45, subsection 4, is subject to a penalty of ten dollars. A certificate of title shall not be issued to the mobile home dealer until the penalty is paid.

Sec. 23. Section 321.104, unnumbered paragraph 1, Code Supplement 1999, is amended to read as follows:

It is a misdemeanor, punishable as provided in section ~~321.482~~ 805.8 for any person to commit any of the following acts:

Sec. 24. Section 322.27, Code 1999, is amended to read as follows:

322.27 MANUFACTURER'S LICENSE.

A manufacturer, except an alien manufacturer represented by an importer, ~~distributor branch, factory representative or distributor representative~~ shall not engage in business as a manufacturer in this state or employ, appoint or maintain distributors or wholesalers, ~~factory representatives or branches, distributor representatives or branches,~~ or dealers, without a license as provided in this chapter. However, new motor vehicle dealers may wholesale motor vehicles without an additional license and used motor vehicle dealers may wholesale used motor vehicles without an additional license.

Sec. 25. Section 322.30, Code 1999, is amended to read as follows:

322.30 DISPLAY.

The licenses of manufacturers, ~~factory branches, and distributors and distributor branches~~ shall specify the location of the office ~~or branch~~ and must be conspicuously displayed at

such location. In case such location be changed, the department shall endorse the change of location on the license without charge if it be within the same municipality. A change of location to another municipality shall require a new license.

Sec. 26. Section 322C.9, subsection 2, Code 1999, is amended by striking the subsection.

Sec. 27. Section 322C.11, Code 1999, is amended to read as follows:

322C.11 PENALTIES.

A person violating a provision of section 322C.3; or 322C.7 ~~or 322C.8~~ is guilty of a serious misdemeanor.

Sec. 28. Section 403A.22, subsection 5, Code Supplement 1999, is amended to read as follows:

5. Stock ownership in a corporation having such an interest shall not be deemed an interest ~~or of, or~~ ownership or control by, the person owning such stocks when less than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by such person.

Sec. 29. Section 427A.12, subsections 3 and 4, Code Supplement 1999, are amended to read as follows:

3. The county auditor shall certify and forward one copy each of the statement to the state comptroller and to the director of revenue not later than January 15, 1974. ~~The director of revenue shall make any necessary corrections and certify to the state comptroller the amount of the personal property tax replacement base for each taxing district in the state, determined pursuant to subsection 2.~~

4. The personal property tax replacement base for each taxing district is permanent and shall not be adjusted, except that the department of ~~management~~ revenue and finance shall make any necessary corrections and shall make appropriate adjustments to reflect mergers, annexations, and other changes in taxing districts or their boundaries.

Sec. 30. Section 427A.12, subsections 5, 6, and 7, Code Supplement 1999, are amended by striking the subsections.

Sec. 31. Section 455B.165, subsection 7, paragraph d, subparagraph (2), Code 1999, is amended to read as follows:

(2) The spray irrigation equipment disperses manure through an orifice at a rate maximum pressure of not more than twenty-five pounds per square inch.

Sec. 32. Section 456A.20, subsection 2, Code Supplement 1999, is amended to read as follows:

2. The department shall deposit a portion of the moneys that it receives from selling trees and shrubs as provided in this section to the forestry management and enhancement fund as created in section 456A.21. The amount deposited in the fund shall equal five cents for each coniferous tree and ten cents for each hardwood tree and shrub ~~received from the sales sold.~~

Sec. 33. Section 481C.3, Code Supplement 1999, is amended to read as follows:

481C.3 FUNDING.

~~Notwithstanding section 483A.30, the~~ The revenue from nonresident deer and wild turkey hunting licenses shall ~~first~~ be used to pay the salaries, support, and maintenance of the wild animal deprecation unit established pursuant to section 481C.1. ~~The remaining revenue from nonresident deer and wild turkey hunting licenses shall be used to meet the requirements of section 483A.30.~~

Sec. 34. Section 572.23, subsection 2, Code Supplement 1999, is amended to read as follows:

2. If acknowledgment of satisfaction is not filed within thirty days after service of the demand in writing, the party serving the demand or causing the demand to be served may

file for record with the clerk of the district court a copy of the demand with proofs of service attached and endorsed and, in case of service by publication, a personal affidavit that personal service could not be made within this state. Upon completion of the requirements of this subsection, the record shall be constructive notice to all parties of the due forfeiture and cancellation of the lien. Upon the filing of the ~~forfeiture of the lien~~ demand with the required attachments, the clerk of the district court shall mail a file-stamped copy of the ~~cancellation demand~~ to both parties.

Sec. 35. Section 579B.4, subsection 3, Code Supplement 1999, is amended to read as follows:

3. Except as provided in chapter 581, a lien created under ~~this section until preserved~~ 579B.3 and a lien preserved under this section are superior to and shall have priority over a conflicting lien or security interest in the commodity, including a lien or security interest that was perfected prior to the creation of the lien under this chapter.

Sec. 36. Section 598B.204, subsection 4, Code Supplement 1999, is amended to read as follows:

4. A court of this state which has been asked to make a child-custody determination under this section, upon being informed that a child-custody proceeding has been commenced in, or a child-custody determination has been made by, a court of a state having jurisdiction under sections 598B.201 through 598B.203, shall immediately communicate with the other court. A court of this state which is exercising jurisdiction pursuant to sections 598B.201 through 598B.203, upon being informed that a child-custody proceeding has been commenced in, or a child-custody determination has been made by, a court ~~or of~~ another state under a statute similar to this section shall immediately communicate with the court of that state to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.

Sec. 37. Section 598B.308, subsection 4, paragraph a, Code Supplement 1999, is amended to read as follows:

a. The child-custody determination has not been registered and confirmed under section 598B.305 and that ~~all~~ any of the following apply:

- (1) The issuing court did not have jurisdiction under article II.
- (2) The child-custody determination for which enforcement is sought has been vacated, stayed, or modified by a court having jurisdiction to do so under article II.
- (3) The respondent was entitled to notice, but notice was not given in accordance with the standards of section 598B.108, in the proceedings before the court that issued the order for which enforcement is sought.

Sec. 38. Section 633.20A, Code Supplement 1999, is amended to read as follows:

633.20A PART-TIME ASSOCIATE PROBATE JUDGE — APPOINTMENT — REMOVAL — QUALIFICATIONS.

The chief judge of a judicial district may appoint a part-time associate probate judge and may remove the part-time associate probate judge for cause following a hearing. The part-time associate probate judge shall be an attorney admitted to practice law in this state and shall be qualified for the position by training and experience.

Sec. 39. Section 637.423, subsection 4, Code Supplement 1999, is amended to read as follows:

4. If a trust owns an interest in minerals, water, or other natural resources on or before July 1, ~~1999~~ 2000, the trustee may allocate receipts from the interest as provided in this section or in the manner used by the trustee before July 1, ~~1999~~ 2000. If the trust acquires an interest in minerals, water, or other natural resources after July 1, ~~1999~~ 2000, the trustee shall allocate receipts from the interest as provided in this section.

Sec. 40. Section 637.424, subsection 5, Code Supplement 1999, is amended to read as follows:

5. If a trust owns an interest in timberland on or before July 1, ~~1999~~ 2000, the trustee may allocate net receipts from the sale of timber and related products as provided in this section or in the manner used by the trustee before July 1, ~~1999~~ 2000. If the trust acquires an interest in timberland after July 1, ~~1999~~ 2000, the trustee shall allocate net receipts from the sale of timber and related products as provided in this section.

Sec. 41. Section 692.15, subsection 3, Code Supplement 1999, is amended to read as follows:

3. The law enforcement agency making an arrest and securing fingerprints pursuant to section 690.2 or taking a juvenile into custody and securing fingerprints pursuant to section 232.148 shall fill out a final disposition report on each arrest or taking into custody on a form and in the manner prescribed by the commissioner of public safety. The final disposition report shall be forwarded to the county attorney in the county where the arrest or taking into custody occurred or to the juvenile court officer who received the referral.

Sec. 42. Section 805.10, Code 1999, is amended to read as follows:

805.10 REQUIRED COURT APPEARANCE.

1. Section 805.9 shall not apply to a scheduled violation in any of the following circumstances:

~~1- a.~~ When the violation charged involved or resulted in an accident or injury to property and the total damages are one thousand dollars or more, or in an injury to person.

~~2- b.~~ When the violation created an immediate threat to the safety of other persons or property because of highway conditions, visibility, traffic, repetition, or other circumstances.

c. When the violation charged involves the taking of an animal for which there is a civil damage assessment in addition to a criminal penalty.

2. In such cases, the defendant shall appear before the court and regular procedure shall apply. If an information is used the officer shall endorse thereon, "Court appearance required." If a citation and complaint is used, the officer shall strike out the space in which the defendant may admit the violation before a scheduled violations office and shall endorse thereon "Court appearance required" and the defendant shall appear before the court either in person or by attorney.

~~3- When the violation charged involves the taking of an animal for which there is a civil damage assessment in addition to a criminal penalty.~~

Sec. 43. Section 805.11, Code 1999, is amended to read as follows:

805.11 OTHER PENALTIES.

If the defendant is convicted of a scheduled violation, the penalty is the scheduled fine, without suspension of the fine prescribed in section 805.8 together with costs assessed and distributed as prescribed by section 602.8106, unless it appears from the evidence that the violation was of the type set forth in section 805.10, subsection 1 ~~or 2~~, paragraph "a" or "b", in which event the scheduled fine does not apply and the penalty shall be increased within the limits provided by law for the offense.

Sec. 44. Section 904.809, subsection 5, paragraph d, Code Supplement 1999, is amended to read as follows:

d. Of the amount credited to the inmate's general account, the department shall deduct an amount representing any other legal or administrative financial obligations of the inmate.

Sec. 45. Section 29B.116, Code 1999, is amended by striking the word "rape" and inserting in lieu thereof the words "sexual abuse".

Sec. 46. 1999 Iowa Acts, chapter 13, section 29, subsection 8, is amended to read as follows:

8. Section 28, repealing sections 309.42, 309.56, and ~~321.1~~ 321.21.

Sec. 47. 1999 Iowa Acts, chapter 55, section 5, is amended to read as follows:

SEC. 5. TRANSITION TO FISCAL YEAR. The limit on foster home liability established in section 237.13, subsection 6, Code 1999, in effect for the calendar year beginning January 1, 1999, shall apply through June 30, 1999. This section of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 48. 1999 Iowa Acts, chapter 131, section 3, is amended to read as follows:

SEC. 3. EFFECTIVE DATE AND APPLICABILITY. This Act, being deemed of immediate importance, takes effect upon enactment, and shall apply to all claims of exemption under this ~~section~~ Act made on or after the day of enactment.

Sec. 49. Section 322C.8, Code 1999, is repealed.

Sec. 50. EFFECTIVE DATES.

1. This section, being deemed of immediate importance, takes effect upon enactment.

2. Section 46 of this Act, amending 1999 Iowa Acts, chapter 13, section 29, being deemed of immediate importance, takes effect upon enactment, and applies retroactively to April 7, 1999.

3. Section 47 of this Act, amending 1999 Iowa Acts, chapter 55, section 5, being deemed of immediate importance, takes effect upon enactment, and applies retroactively to April 23, 1999.

4. Section 48 of this Act, amending 1999 Iowa Acts, chapter 131, section 3, being deemed of immediate importance, takes effect upon enactment, and applies retroactively to May 17, 1999.

Approved May 3, 2000

CHAPTER 1155

DEPARTMENT OF INSPECTIONS AND APPEALS — DUTIES — DIVISIONS

S.F. 2390

AN ACT relating to the duties of divisions within the department of inspections and appeals and codifying the establishment and duties of the existing health facilities division.

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

Section 1. Section 10A.104, subsection 8, Code Supplement 1999, is amended to read as follows:

8. Establish by rule standards and procedures for certifying that targeted small businesses are eligible to participate in the procurement ~~set-aside~~ program established in sections 73.15 through 73.21. The procedure for determination of eligibility shall not include self-certification by a business. Rules and guidelines adopted pursuant to this subsection are subject to review and approval by the director of the department of management. The director shall maintain a current directory of targeted small businesses which have been certified pursuant to this subsection.

Sec. 2. Section 10A.106, Code Supplement 1999, is amended to read as follows:

10A.106 DIVISIONS OF THE DEPARTMENT.

The department is comprised of the following divisions:

1. Administrative hearings division.
2. Audits division.