

Sec. 7. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 11, 2003

CHAPTER 27
ELEMENTARY AND SECONDARY EDUCATION —
CHARACTER EDUCATION AND SERVICE LEARNING
H.F. 180

†**AN ACT** relating to character education and service learning in Iowa's elementary and secondary schools.

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

Section 1. NEW SECTION. 256.18A SERVICE LEARNING.

The board of directors of a school district or the authorities in charge of a nonpublic school may require a certain number of service learning units as a condition for the inclusion of a service learning endorsement on a student's diploma or as a condition of graduation from the district or school. For purposes of this paragraph, "service learning" means a method of teaching and learning which engages students in solving problems and addressing issues in their school or greater community as part of the academic curriculum.

Sec. 2. Section 280.12, Code 2003, is amended by adding the following new subsection: NEW SUBSECTION. 3. Consider recommendations from the school improvement advisory committee to infuse character education into the educational program.

Approved April 11, 2003

CHAPTER 28
SNOWMOBILE FRANCHISES — TERMINATION
— FRANCHISEE PAYMENT RIGHTS
H.F. 339

AN ACT relating to snowmobile franchises by requiring the repurchase of certain inventory upon termination of a franchise and providing effective and retroactive applicability dates.

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

Section 1. Section 322D.1, subsection 2, Code 2003, is amended to read as follows:

2. "Attachment" means a machine or part of a machine designed to be used on and in conjunction with a farm implement, motorcycle, ~~or all-terrain vehicle,~~ or snowmobile.

† Estimate of additional local revenue expenditures required by state mandate on file with the Secretary of State

Sec. 2. Section 322D.1, subsection 4, paragraphs b and e, Code 2003, are amended to read as follows:

b. The franchisee is granted the right to offer and sell farm implements, motorcycles, all-terrain vehicles, snowmobiles, or related parts or attachments manufactured or distributed by the franchiser.

e. The operation of the franchisee's business is substantially reliant on the franchiser for the continued supply of farm implements, motorcycles, all-terrain vehicles, snowmobiles, or related parts or attachments.

Sec. 3. Section 322D.1, subsections 5 and 6, Code 2003, are amended to read as follows:

5. "Franchisee" means a person who receives farm implements, motorcycles, all-terrain vehicles, snowmobiles, or related parts or attachments from the franchiser under a franchise and who offers and sells the farm implements, motorcycles, all-terrain vehicles, snowmobiles, or related parts or attachments to the general public.

6. "Franchiser" means a person who manufactures, wholesales, or distributes farm implements, motorcycles, all-terrain vehicles, snowmobiles, or related parts or attachments, and who enters into a franchise.

Sec. 4. Section 322D.1, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 11. "Snowmobile" means the same as defined in section 321G.1.

Sec. 5. Section 322D.2, Code 2003, is amended to read as follows:

322D.2 FRANCHISEE'S RIGHTS TO PAYMENT.

1. A franchisee who enters into a written franchise with a franchiser to maintain a stock of farm implements, motorcycles, all-terrain vehicles, snowmobiles, or related parts or attachments has the following rights to payment, at the option of the franchisee, if the franchise is terminated:

a. One hundred percent of the net cost of new, unused, complete farm implements, motorcycles, all-terrain vehicles, snowmobiles, or related attachments, which were purchased from the franchiser. In addition, the franchisee shall have a right of payment for transportation charges on the farm implements, motorcycles, ~~or~~ all-terrain vehicles, or snowmobiles, which have been paid by the franchisee.

b. Eighty-five percent of the net prices of any repair parts, including superseded parts, which were purchased from the franchiser and held by the franchisee on the date that the franchise terminated.

c. Five percent of the net prices of parts resold under paragraph "b" for handling, packing, and loading of the parts. However, this payment shall not be due to the franchisee if the franchiser elects to perform the handling, packing, and loading.

2. Upon receipt of the payments due under subsection 1, the franchiser is entitled to possession of and title to the farm implements, motorcycles, all-terrain vehicles, snowmobiles, or related parts or attachments.

3. The cost of farm implements, motorcycles, all-terrain vehicles, snowmobiles, or related attachments and the price of repair parts shall be determined by reference to the franchiser's price list or catalog in effect at the time of the franchise termination.

Sec. 6. Section 322D.3, subsections 7 and 9, Code 2003, are amended to read as follows:

7. A farm implement, motorcycle, ~~or~~ all-terrain vehicle, or snowmobile which is not in new, unused, undamaged, or complete condition.

9. A farm implement, motorcycle, ~~or~~ all-terrain vehicle, or snowmobile which was purchased twenty-four months or more prior to the termination of the franchise.

Sec. 7. NEW SECTION. 322D.10 APPLICATION — SNOWMOBILE FRANCHISE AGREEMENTS.

The rights under section 322D.2, subsection 1, apply to snowmobile franchises in effect on

January 1, 2003, which have no expiration date and are continuing franchises, and to franchises executed or renewed on or after January 1, 2003, but only to snowmobiles and related parts or attachments purchased on or after January 1, 2003.

Sec. 8. EFFECTIVE AND RETROACTIVE DATES. This Act, being deemed of immediate importance, takes effect upon enactment and is retroactive to January 1, 2003.

Approved April 11, 2003

CHAPTER 29

ELECTRIC UTILITIES REGULATION — ALTERNATE ENERGY PRODUCTION OR SMALL HYDRO FACILITIES

H.F. 659

ANACT relating to ownership of alternate energy production facilities by public utilities, making related changes, and providing an effective date.

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

Section 1. Section 476.23, subsection 1, Code 2003, is amended to read as follows:

1. An electric utility shall not construct or extend facilities or furnish or offer to furnish electric service to the existing point of delivery of any customer already receiving electric service from another electric utility without having first filed with the board the express written agreement of the electric utility presently serving this customer, except as otherwise provided in this section. Any municipal corporation, after being authorized by a vote of the people, or any electric utility may file a petition with the board requesting a certificate of authority to furnish electric service to the existing point of delivery of any customer already receiving electric service from another electric utility. If, after notice by the board to the electric utility currently serving the customer, objection to the petition is not filed and investigation is not deemed necessary, the board shall issue a certificate within thirty days of the filing of the petition. When an objection is filed, if the board, after notice and opportunity for hearing, determines that service to the customer by the petitioner is in the public interest, including consideration of any unnecessary duplication of facilities, it shall grant this certificate in whole or in part, upon such terms, conditions, and restrictions as may be justified. Whether or not an objection is filed, any certificate issued shall require that the petitioner pay to the electric utility presently serving the customer, the reasonable price for facilities serving the customer. This price determination by the board shall include due consideration of the cost of the facilities being acquired, any necessary generating capacity and transmission capacity dedicated to the customer, including, but not limited to, electric power generating facilities and alternate energy production facilities not yet in service but for which the board has issued an order pursuant to section 476.53, and electric power generating facility emissions plan budgets approved by the board pursuant to section 476.6, subsection 25; depreciation; loss of revenue; and the cost of facilities necessary to reintegrate the system of the utility after detaching the portion sold.

Sec. 2. Section 476.43, subsection 1, Code 2003, is amended to read as follows:

1. Subject to section 476.44, the board shall require electric utilities ~~to enter into long-term contracts~~ to do both of the following under terms and conditions that the board finds are just