

department of public safety, shall adopt rules pursuant to chapter 17A to administer this paragraph.

Sec. 2. Section 602.8105, Code Supplement 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The clerk of the district court shall collect a civil penalty assessed against a retailer pursuant to section 126.23A. Any moneys collected from the civil penalty shall be distributed to the state or a political subdivision of the state as provided in section 126.23A, subsection 7.

Sec. 3. **NEW SECTION.** 714.7C THEFT OF PSEUDOEPHEDRINE — ENHANCEMENT.

Notwithstanding section 714.2, subsection 5, a person who commits a simple misdemeanor theft of more than two packages containing any of the following commits a serious misdemeanor:

1. Pseudoephedrine as the product's sole active ingredient.
2. Pseudoephedrine in combination with other active ingredients.

A simple misdemeanor theft of more than two packages containing pseudoephedrine as the products' sole active ingredient which are in liquid form does not constitute a serious misdemeanor under this section.

Sec. 4. Section 805.8C, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 4. a. PSEUDOEPHEDRINE SALES VIOLATIONS. For a violation of section 126.23A, subsection 1, the scheduled fine is one hundred dollars.

b. For a violation of section 126.23A, subsection 1, 2, or 3, by a retailer, the scheduled fine is one hundred dollars, and is a civil penalty and the criminal penalty surcharge under section 911.2 shall not be added to the penalty, and the court costs pursuant to section 805.9, subsection 6, shall not be imposed.

Approved May 3, 2004

CHAPTER 1128

ILLEGAL DUMPING ENFORCEMENT OFFICERS

H.F. 2352

AN ACT relating to the appointment of illegal dumping enforcement officers and providing a penalty.

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

Section 1. **NEW SECTION.** 455B.307B ILLEGAL DUMPING ENFORCEMENT OFFICER.

1. For purposes of this section, "officer" means the illegal dumping enforcement officer in a county.

2. The board of supervisors of each county may annually appoint an illegal dumping enforcement officer for the county. The board of supervisors may appoint the officer from recommendations by the county board of health or may select a person outside the recommendations made by the county board of health. The board of supervisors shall appoint a person who

is a citizen of the United States, is of good moral character, and has not previously been convicted of a felony.

3. An illegal dumping enforcement officer shall take an oath of office prescribed by the board of supervisors. An officer's appointment shall be effective March 1 and shall continue for a term at the discretion of the board of supervisors.

4. An illegal dumping enforcement officer, subject to direction and control by the county board of supervisors, shall only be empowered to enforce the provisions of sections 455B.307A and 455B.363 and local littering ordinances. An officer shall not have the duty to enforce any other traffic or criminal laws of the state, county, or a municipality. An officer may enter upon any public land in the county, excluding land within the limits of cities, unless otherwise authorized by a city, and any private property with the permission of the landowner at any time for the performance of the officer's duties, and may hire the labor and equipment necessary subject to the approval of the board of supervisors.

5. A person shall not willfully obstruct, resist, impede, or interfere with an illegal dumping enforcement officer in connection with the officer's enforcement of sections 455B.307A and 455B.363 and local littering ordinances. A person shall not willfully retaliate or discriminate in any manner against an officer as a reprisal for any act or omission of the officer. A person violating this subsection is guilty of a simple misdemeanor.

Approved May 3, 2004

CHAPTER 1129

REGENTS UNIVERSITIES — FINAL DECISIONS TO INCREASE TUITION, FEES, OR CHARGES

H.F. 2418

AN ACT relating to meeting dates by which the state board of regents must make final decisions on tuition increases for institutions of higher education under its control.

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

Section 1. Section 262.9, subsection 18, Code Supplement 2003, is amended to read as follows:

18. Not less than thirty days prior to action by the board on any proposal to increase tuition, fees, or charges at one or more of the institutions of higher education under its control, send written notification of the amount of the proposed increase including a copy of the proposed tuition increase docket memorandum prepared for its consideration to the presiding officers of the student government organization of the affected institutions. The final decision on an increase in tuition or mandatory fees charged to all students at an institution for a fiscal year shall be made ~~no later than the~~ at a regular meeting held in November of the preceding fiscal year and shall be reflected in a final docket memorandum that states the estimated total cost of attending each of the institutions of higher education under the board's control. The regular meeting ~~held in November~~ shall be held in Ames, Cedar Falls, or Iowa City and shall not be held during ~~the a~~ period in which classes have been suspended for Thanksgiving vacation university holiday or break.

Approved May 3, 2004