

Senate File 155

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SENATE FILE 155

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1 3 AN ACT
1 4 RELATING TO STATUTORY CORRECTIONS WHICH MAY ADJUST LANGUAGE
1 5 TO REFLECT CURRENT PRACTICES, INSERT EARLIER OMISSIONS,
1 6 DELETE REDUNDANCIES AND INACCURACIES, DELETE TEMPORARY
1 7 LANGUAGE, RESOLVE INCONSISTENCIES AND CONFLICTS, UPDATE
1 8 ONGOING PROVISIONS, OR REMOVE AMBIGUITIES, AND INCLUDING
1 9 EFFECTIVE AND RETROACTIVE APPLICABILITY DATE PROVISIONS.
1 10
1 11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 12
1 13 Section 1. Section 6B.18, subsection 2, Code 2003, is
1 14 amended to read as follows:
1 15 2. An appeal of appraisalment of damages is deemed to be
1 16 perfected upon filing of a notice of appeal with the district
1 17 court within thirty days from the date of mailing the notice
1 18 of appraisalment of damages. The notice of appeal shall be
1 19 served on the adverse party, or the adverse party's agent or
1 20 attorney, ~~and any lienholders~~ lienholder and ~~encumbrancers~~
1 21 encumbrancer of the property in the same manner as an original
1 22 notice within thirty days from the date of filing the notice
1 23 of appeal unless, for good cause shown, the court grants more
1 24 than thirty days. If after reasonable diligence, the notice
1 25 cannot be personally served, the court may prescribe an
1 26 alternative method of service consistent with due process of
1 27 law.
1 28 Sec. 2. Section 8D.2, subsection 5, paragraph b, Code
1 29 2003, is amended to read as follows:
1 30 b. For the purposes of this chapter, "public agency" also
1 31 includes any homeland security or defense facility established
1 32 by the administrator of the emergency management division of
1 33 the department of public defense or the governor or any
1 34 facility connected with a security or defense system as
1 35 required by the administrator of the emergency management
2 1 division of the department of public defense or the governor.
2 2 ~~A facility that is considered a public agency pursuant to this~~
2 3 ~~paragraph shall be authorized to access the Iowa~~
2 4 ~~communications network strictly for homeland security~~
2 5 ~~communication purposes. Any utilization of the network that~~
2 6 ~~is not related to communications concerning homeland security~~
2 7 ~~is expressly prohibited.~~
2 8 Sec. 3. Section 8D.9, Code 2003, is amended by adding the
2 9 following new subsection:
2 10 NEW SUBSECTION. 3. A facility that is considered a public
2 11 agency pursuant to section 8D.2, subsection 5, paragraph "b",
2 12 shall be authorized to access the Iowa communications network
2 13 strictly for homeland security communication purposes. Any
2 14 utilization of the network that is not related to
2 15 communications concerning homeland security is expressly
2 16 prohibited.
2 17 Sec. 4. Section 10A.101, subsection 2, Code 2003, is
2 18 amended by striking the subsection.
2 19 Sec. 5. Section 10B.4A, Code 2003, is amended to read as
2 20 follows:
2 21 10B.4A SUSPENSION OF OTHER FILING REQUIREMENTS.
2 22 The secretary of state shall not prepare or distribute
2 23 forms for reports or file reports otherwise required pursuant
2 24 to section 9H.5A, 9I.8, or 501.103. A person required to file
2 25 a report pursuant to this chapter is not required to file a
2 26 report under those sections. A person required to file a
2 27 report pursuant to this chapter is not required to register
2 28 with the secretary of state as otherwise required in section
2 29 9I.7.
2 30 ~~A person required to file a report pursuant to this chapter~~
2 31 ~~is not required to register with the secretary of state as~~
2 32 ~~otherwise required in any chapter enumerated in this section.~~
2 33 Sec. 6. Section 12C.19, subsection 1, Code 2003, is
2 34 amended to read as follows:
2 35 1. Securities pledged pursuant to this chapter may be
3 1 withdrawn on application of the pledging depository
3 2 institution, and as to securities pledged by a credit union
3 3 upon approval of the public officer to whom the securities are
3 4 pledged, if the deposit of securities is no longer necessary
3 5 to comply with this chapter, or withdrawal is required for

3 6 collection by virtue of its maturity or for exchange. The
3 7 depository institution shall replace securities so withdrawn
3 8 for collection or exchange.

3 9 Sec. 7. Section 12C.23A, subsection 3, paragraph d, Code
3 10 2003, is amended to read as follows:

3 11 d. If the loss of public funds is not covered by federal
3 12 deposit insurance and the proceeds of the closed bank's assets
3 13 that are liquidated within thirty days of the closing of the
3 14 bank are not sufficient to cover the loss, then any further
3 15 payments to cover the loss will come from the state sinking
3 16 fund for public deposits in banks. If the balance in that
3 17 sinking fund is inadequate to pay the entire loss, then the
3 18 treasurer shall obtain the additional amount needed by making
3 19 an assessment against other banks whose public funds deposits
3 20 exceed federal deposit insurance coverage. A bank's
3 21 assessment shall be determined by multiplying the total amount
3 22 of the remaining loss to all public depositors in the closed
3 23 bank by a percentage that represents the assessed bank's
3 24 proportional share of the total of uninsured public funds
3 25 deposits held by all banks and all branches of out-of-state
3 26 banks, based upon the average of the uninsured public funds of
3 27 the assessed bank or branch of an out-of-state bank as of the
3 28 end of the four calendar quarters prior to the date of closing
3 29 of the closed bank and the average of the uninsured public
3 30 funds in all banks and branches of out-of-state banks as of
3 31 the end of the four calendar quarters prior to the date of
3 32 closing of the closed bank, excluding the amount of uninsured
3 33 public funds held by the closed bank at the end of the four
3 34 calendar quarters held by the closed bank. Each bank shall
3 35 pay its assessment to the treasurer of state within three
4 1 business days after it receives notice of assessment.

4 2 Sec. 8. Section 14B.105, subsection 1, paragraph b, Code
4 3 2003, is amended to read as follows:

4 4 b. The members appointed pursuant to paragraph "a",
4 5 subparagraphs (3) through (7), shall serve four-year staggered
4 6 terms and such appointments to the information technology
4 7 council are subject to the requirements of sections 69.16,
4 8 69.16A, and 69.19. The four-year terms of members appointed
4 9 by the governor shall be staggered as designated by the
4 10 governor. ~~Members~~ The members appointed by the governor
4 11 ~~pursuant to paragraph "a", subparagraphs (3) through (7),~~
4 12 shall not serve consecutive four-year terms. ~~Members~~ The
4 13 ~~members~~ appointed by the governor are subject to senate
4 14 confirmation and may also be eligible to receive compensation
4 15 as provided in section 7E.6. Members shall be reimbursed for
4 16 actual and necessary expenses incurred in performance of the
4 17 members' duties.

4 18 Sec. 9. Section 15.108, subsection 6, paragraph b,
4 19 subparagraph (1), Code 2003, is amended to read as follows:

4 20 (1) Work closely with representatives of business and
4 21 industry, labor organizations, ~~the council on human~~
4 22 ~~investment~~, the department of education, the department of
4 23 workforce development, and educational institutions to
4 24 determine the employee training needs of Iowa employers, and
4 25 where possible, provide for the development of industry=
4 26 specific training programs.

4 27 Sec. 10. Section 15E.45, subsections 1, 3, 6, and 8, Code
4 28 2003, are amended to read as follows:

4 29 1. An investment in a ~~community~~ community-based seed
4 30 capital fund shall qualify for a tax credit under section
4 31 15E.43 provided that all requirements of sections 15E.43,
4 32 15E.44, and this section are met.

4 33 3. a. In order for an investment in a community-based
4 34 seed capital fund to qualify for a tax credit, the community=
4 35 based seed capital fund in which the investment is made shall,
5 1 within one hundred twenty days of the date of the first
5 2 investment, notify the board of all of the following:

5 3 (1) The names, addresses, taxpayer identification numbers,
5 4 equity interests issued, consideration paid for the interests,
5 5 and the amount of any tax credits, ~~of which all.~~

5 6 (2) All limited partners or members who may initially
5 7 qualify for the tax credits, ~~and the.~~

5 8 (3) The earliest year in which the tax credits may be
5 9 redeemed.

5 10 b. The list of limited partners or members who may qualify
5 11 for the tax credits shall be amended as new equity interests
5 12 are sold or as any information on the list shall change.

5 13 6. In the event that a community-based seed capital fund
5 14 fails to meet or maintain any requirement set forth in this
5 15 section, or in the event that the community-based seed capital
5 16 fund has not invested at least thirty=three percent of its

5 17 invested capital in no fewer than two separate qualifying
5 18 businesses, measured at the end of the thirty-sixth month
5 19 after commencing the fund's investing activities, the board
5 20 shall rescind any tax credit certificates issued to limited
5 21 partners or members and shall notify the department of revenue
5 22 and finance that it has done so, and the tax credit
5 23 certificates shall be null and void. However, a community=
5 24 based seed capital fund may apply to the board for a one-year
5 25 waiver ~~from of~~ the requirements of this subsection.

5 26 8. A community-based seed capital fund shall not invest in
5 27 the Iowa fund of funds, if organized pursuant to ~~2002 Iowa~~
~~5 28 Acts, House File 2078, if enacted section 15E.65.~~

5 29 Sec. 11. Section 15E.51, subsection 4, Code 2003, is
5 30 amended to read as follows:

5 31 4. A taxpayer shall not claim a tax credit under this
5 32 section if the taxpayer is a venture capital investment fund
5 33 allocation manager for the Iowa fund of funds created in
5 34 section 15E.65 or an investor that receives a tax credit for
5 35 an investment in a community-based seed capital fund as
6 1 ~~defined described in 2002 Iowa Acts, House File 2271 section~~
6 2 ~~15E.45.~~

6 3 Sec. 12. Section 15E.67, Code 2003, is amended to read as
6 4 follows:

6 5 15E.67 POWERS AND EFFECTIVENESS.

6 6 This division shall not be construed as a restriction or
6 7 limitation upon any power which the board might otherwise have
6 8 under any other law of this state and the provisions of this
6 9 division are cumulative to such powers. This division shall
6 10 be construed to provide a complete, additional, and
6 11 alternative method for performing the duties authorized and
6 12 shall be regarded as supplemental and additional to the powers
6 13 conferred by any other ~~laws~~ law. The level, timing, or degree
6 14 of success of the Iowa fund of funds or the investment funds
6 15 in which the Iowa fund of funds invests in, or the extent to
6 16 which the investment funds are invested in Iowa venture
6 17 capital projects, or are successful in accomplishing any
6 18 economic development objectives, shall not compromise,
6 19 diminish, invalidate, or affect the provisions of any contract
6 20 entered into by the board or the Iowa fund of funds.

6 21 Sec. 13. Section 15E.193C, subsection 2, unnumbered
6 22 paragraph 1, Code 2003, is amended to read as follows:

6 23 An eligible development business includes a developer or
6 24 development contractor that constructs, expands, or
6 25 rehabilitates a building space within a designated enterprise
6 26 zone with a minimum capital investment of at least five
6 27 hundred thousand dollars. A development business is eligible
6 28 to receive incentives and assistance under this section if
6 29 ~~businesses the business~~ locating into the building space ~~have~~
6 30 ~~has~~ not closed or reduced its operation in one area of the
6 31 state or a city and relocated substantially the same operation
6 32 in the enterprise zone. An eligible development business is
6 33 eligible for one, but not both, of the following exemptions to
6 34 the capital investment requirements:

6 35 Sec. 14. Section 16.15, subsection 4, Code 2003, is
7 1 amended to read as follows:

7 2 4. Permanent financing for units to be subsidized under
7 3 the housing assistance payments program may be provided by the
7 4 authority, directly or indirectly, by the proceeds from the
7 5 sale of bonds and notes as provided in this ~~Act~~ chapter, or by
7 6 other moneys available to the authority, by appropriations or
7 7 otherwise.

7 8 Sec. 15. Section 16.132, subsections 5 and 6, Code 2003,
7 9 are amended to read as follows:

7 10 5. The bonds or notes issued by the authority are not an
7 11 indebtedness or other liability of the state or of a political
7 12 subdivision of the state within the meaning of any
7 13 constitutional or statutory debt limitations but are special
7 14 obligations of the authority, and are payable solely from the
7 15 income and receipts or other funds or property of the
7 16 department, and the amounts on deposit in the revolving loan
7 17 funds, and the amounts payable to the department under its
7 18 loan agreements with ~~the municipalities and water systems~~
7 19 eligible entities as defined in section 455B.291 to the extent
7 20 that the amounts are designated in the resolution, trust
7 21 agreement, or other instrument of the authority authorizing
7 22 the issuance of the bonds or notes as being available as
7 23 security for such bonds or notes. The authority shall not
7 24 pledge the faith or credit of the state or of a political
7 25 subdivision of the state to the payment of any bonds or notes.
7 26 The issuance of any bonds or notes by the authority does not
7 27 directly, indirectly, or contingently obligate the state or a

7 28 political subdivision of the state to apply money from, or
7 29 levy or pledge any form of taxation whatever to the payment of
7 30 the bonds or notes.

7 31 6. The state pledges to and agrees with the holders of
7 32 bonds or notes issued under the Iowa ~~sewage treatment water~~
7 33 ~~pollution control works~~ and drinking water facilities
7 34 financing program, that the state will not limit or alter the
7 35 rights and powers vested in the authority to fulfill the terms
8 1 of a contract made by the authority with respect to the bonds
8 2 or notes, or in any way impair the rights and remedies of the
8 3 holders until the bonds or notes, together with the interest
8 4 on them including interest on unpaid installments of interest,
8 5 and all costs and expenses in connection with an action or
8 6 proceeding by or on behalf of the holders, are fully met and
8 7 discharged. The authority is authorized to include this
8 8 pledge and agreement of the state, as it refers to holders of
8 9 bonds or notes of the authority, in a contract with the
8 10 holders.

8 11 Sec. 16. Section 23A.2, subsection 2, unnumbered paragraph
8 12 1, Code 2003, is amended to read as follows:

8 13 The state board of regents or a school corporation may, by
8 14 rule, provide for exemption from the application of this
8 15 chapter for any of the following activities:

8 16 Sec. 17. Section 23A.2, subsection 2, paragraph c, Code
8 17 2003, is amended to read as follows:

8 18 c. Use of vehicles owned by the institution or school for
8 19 charter trips offered to the public, or to full, ~~or~~ part-time,
8 20 or temporary students.

8 21 Sec. 18. Section 25B.7, subsection 3, Code 2003, is
8 22 amended by striking the subsection.

8 23 Sec. 19. Section 28.4, subsection 12, paragraph e, Code
8 24 2003, is amended by striking the paragraph.

8 25 Sec. 20. Section 29B.22, unnumbered paragraph 3, Code
8 26 2003, is amended to read as follows:

8 27 Convening authorities shall at all times communicate
8 28 directly with their staff judge advocates in matters relating
8 29 to the administration of military justice; and the staff judge
8 30 advocate of any command may communicate directly with the
8 31 staff judge advocate of ~~a superior or subordinate~~ any command,
8 32 ~~or with the state judge advocate.~~

8 33 Sec. 21. Section 43.45, subsection 1, Code 2003, is
8 34 amended to read as follows:

8 35 1. Upon the closing of the polls the precinct election
9 1 officials shall immediately publicly canvass the vote. The
9 2 canvass shall be conducted using the procedures established in
9 3 ~~subsection 2 or 3, whichever is this section which are~~
9 4 appropriate for the voting system used in the precinct.

9 5 Sec. 22. Section 43.45, subsection 2, paragraph c, Code
9 6 2003, is amended to read as follows:

9 7 c. Certify ~~to~~ the number of votes cast upon the ticket of
9 8 each political party for each candidate for each office.

9 9 Sec. 23. Section 45.5, subsection 1, paragraph c, Code
9 10 2003, is amended to read as follows:

9 11 c. A statement that the candidate is or will be a resident
9 12 of the appropriate ward, city, county, school district, or
9 13 legislative or other district as required by section ~~45.1~~
9 14 ~~39.27~~.

9 15 Sec. 24. Section 45.5, subsection 1, unnumbered paragraph
9 16 2, Code 2003, is amended to read as follows:

9 17 Signatures on a petition page shall be counted only if the
9 18 required information is written or printed at the top of the
9 19 page. Nomination papers on behalf of candidates for seats in
9 20 the general assembly need only designate the number of the
9 21 senatorial or representative district, as appropriate, and not
9 22 the county or counties, in which the candidate and the
9 23 petitioners reside. ~~Signature lines on the~~ A signature line
9 24 ~~in a nomination petitions petition~~ shall not be counted if the
9 25 line lacks the signature of the eligible elector and the
9 26 signer's address and city. The person examining the petition
9 27 shall mark any deficiencies on the petition.

9 28 Sec. 25. Section 48A.29, subsection 1, unnumbered
9 29 paragraph 2, Code 2003, is amended to read as follows:

9 30 The notice shall be sent by forwardable mail, and shall
9 31 include a postage paid preaddressed return card on which the
9 32 registered voter may state the registered voter's current
9 33 address. The notice shall contain a statement in
9 34 substantially the following form: "Information received from
9 35 the United States postal service indicates that you are no
10 1 longer a resident of (residence address) in (name of county)
10 2 County, Iowa. If this information is not correct, and you
10 3 still live in (name of county) County, please complete and

10 4 mail the attached postage paid card at least ten days before
10 5 the primary or general election and at least eleven days
10 6 before any other election at which you wish to vote. If the
10 7 information is correct, and you have moved, please contact a
10 8 local official in your new area for assistance in registering
10 9 there. If you do not mail in the card, you may be required to
10 10 show identification ~~proving your residence in (name of county)~~
~~10 11 County~~ before being allowed to vote in (name of county)
10 12 County. If you do not return the card, and you do not vote in
10 13 some election in (name of county) County, Iowa, on or before
10 14 (date of second general election following the date of the
10 15 notice) your name will be removed from the list of voters in
10 16 that county."

10 17 Sec. 26. Section 49.71, unnumbered paragraph 1, Code 2003,
10 18 is amended to read as follows:

10 19 The precinct election officials, before the opening of the
10 20 polls, shall cause ~~said cards of the~~ instructions for voters
10 21 required pursuant to section 49.70 to be securely posted as

10 22 follows:

10 23 Sec. 27. Section 49.125, Code 2003, is amended to read as
10 24 follows:

10 25 49.125 COMPENSATION OF TRAINEES.

10 26 All election personnel attending such training course shall
10 27 be paid for attending such course ~~for a period not to exceed~~
~~10 28 two hours~~, and shall be reimbursed for travel to and from the
10 29 place where the training is given at the rate determined by
10 30 the board of supervisors if the distance involved is more than
10 31 five miles. The wages shall be computed at the hourly rate
10 32 established pursuant to section 49.20 and payment of wages and
10 33 mileage for attendance shall be made at the time that payment
10 34 is made for duties performed on election day.

10 35 Sec. 28. Section 56.4, subsection 1, Code 2003, is amended
11 1 to read as follows:

11 2 1. All statements and reports required to be filed under
11 3 this chapter shall be filed with the board. The board shall
11 4 provide copies of all statements and reports filed under this
11 5 chapter for a county, city, school, or other political
11 6 subdivision ~~with~~ to the commissioner responsible under section
11 7 47.2.

11 8 Sec. 29. Section 80.22, Code 2003, is amended to read as
11 9 follows:

11 10 80.22 PROHIBITION ON OTHER DEPARTMENTS.

11 11 All other departments and bureaus of the state are hereby
11 12 prohibited from employing special peace officers or conferring
11 13 upon regular employees any police powers to enforce provisions
11 14 of the statutes, which are specifically reserved by ~~this Act~~
11 15 1939 Iowa Acts, chapter 120, to ~~this the~~ the department of public
11 16 safety. But the commissioner of public safety shall, upon the

11 17 requisition of the attorney general, from time to time assign
11 18 for service in the department of justice such of its officers,
11 19 not to exceed six in number, as may be requisitioned by the
11 20 attorney general for special service in the department of
11 21 justice, and when so assigned such officers shall be under the
11 22 exclusive direction and control of the attorney general.

11 23 Sec. 30. Section 97B.17, subsections 3 and 4, Code 2003,
11 24 are amended to read as follows:

11 25 3. Summary information concerning the demographics of the
11 26 members and general statistical information concerning the
11 27 system are subject to chapter 22, as well as aggregate
11 28 information by category.

11 29 ~~4. a.~~ However, the ~~The~~ division's records are evidence
11 30 for the purpose of proceedings before the division or any
11 31 court of the amounts of wages and the periods in which they
11 32 were paid, and the absence of an entry as to a member's wages
11 33 in the records for any period is evidence that wages were not
11 34 paid that member in the period.

11 35 ~~4. b.~~ Notwithstanding any provisions of chapter 22 to the
12 1 contrary, the division's records may be released to any
12 2 political subdivision, instrumentality, or other agency of the
12 3 state solely for use in a civil or criminal law enforcement
12 4 activity pursuant to the requirements of this subsection. To
12 5 obtain the records, the political subdivision,
12 6 instrumentality, or agency shall, in writing, certify that the
12 7 activity is authorized by law, provide a written description
12 8 of the information desired, and describe the law enforcement
12 9 activity for which the information is sought. The division
12 10 shall not be civilly or criminally liable for the release or
12 11 rerelease of records in accordance with this subsection.

12 12 Sec. 31. Section 97B.42C, Code 2003, is amended to read as
12 13 follows:

12 14 97B.42C RETIREMENT SYSTEM MERGER == MUNICIPAL UTILITY

12 15 RETIREMENT SYSTEM.

12 16 A municipal water utility or waterworks that has
12 17 established a pension and annuity retirement system for its
12 18 employees pursuant to chapter 412 may adopt a resolution to
12 19 authorize the merger of its pension and annuity retirement
12 20 system with and into the Iowa public employees' retirement
12 21 system. The system is authorized, but is not required, to
12 22 accept such a proposal. The governing body of the municipal
12 23 water utility or waterworks and the Iowa public employees'
12 24 retirement system shall, acting in their fiduciary capacities,
12 25 mutually determine the terms and conditions of such a merger,
12 26 including any additional funds necessary to fund the service
12 27 credits being transferred to the Iowa public employees'
12 28 retirement system, and either party may decline the merger if
12 29 they cannot agree on such terms and conditions. The ~~system~~
12 30 division shall adopt such rules as it deems necessary and
12 31 prudent to effectuate mergers as provided by this section.

12 32 Sec. 32. Section 99B.7, subsection 1, paragraph o, Code
12 33 2003, is amended to read as follows:

12 34 ~~o. Except as provided in subsection 7, paragraph "a", a A~~
12 35 person shall not conduct, promote, administer, or assist in
13 1 the conducting, promoting, or administering of a bingo
13 2 occasion, unless the person regularly participates in
13 3 activities of the qualified organization other than conducting
13 4 bingo occasions or participates in an educational, civic,
13 5 public, charitable, patriotic, or religious organization to
13 6 which the net receipts are dedicated by the qualified
13 7 organization.

13 8 Sec. 33. Section 99B.12, subsection 2, paragraph a, Code
13 9 2003, is amended to read as follows:

13 10 a. Card and parlor games, including but not limited to
13 11 poker, pinochle, pitch, gin rummy, bridge, euchre, hearts,
13 12 cribbage, dominoes, checkers, chess, backgammon, pool, and
13 13 darts. However, it shall be unlawful gambling for any person
13 14 to engage in bookmaking, or to play any punchboard, pushcard,
13 15 pull-tab, or slot machine, or to play craps, chuck-a-luck,
13 16 roulette, klondike, blackjack, chemin de fer, baccarat, faro,
13 17 equality, three-card monte, or any other game, except poker,
13 18 which is customarily played in gambling casinos and in which
13 19 the house customarily provides a banker, dealer, or croupier
13 20 to operate the game, or a specially designed table upon which
13 21 to play ~~same the game~~.

13 22 Sec. 34. Section 99F.1, Code 2003, is amended by adding
13 23 the following new subsection:

13 24 NEW SUBSECTION. 5A. "Division" means the division of
13 25 criminal investigation of the department of public safety as
13 26 provided in section 80.17.

13 27 Sec. 35. Section 124C.1, subsection 1, Code 2003, is
13 28 amended by striking the subsection.

13 29 Sec. 36. Section 135.11, subsection 17, Code 2003, is
13 30 amended to read as follows:

13 31 17. Administer chapters 125, 136A, 136C, 139A, 142, 142A,
13 32 144, and 147A.

13 33 Sec. 37. Section 137F.1, subsection 8, paragraph e, Code
13 34 2003, is amended to read as follows:

13 35 e. Premises where a person operates a farmers market, if
14 1 ~~the person does not sell or distribute potentially hazardous~~
14 2 ~~food potentially hazardous food is not sold or distributed~~
14 3 from the premises.

14 4 Sec. 38. Section 153.33, subsection 5, unnumbered
14 5 paragraph 1, Code 2003, is amended to read as follows:

14 6 In any investigation made or hearing conducted by the board
14 7 on its own motion, or upon written complaint filed with the
14 8 board by any person, pertaining to any alleged violation of
14 9 this chapter or the accusation against any licensee or
14 10 registrant, the following procedure and rules so far as
14 11 material to such investigation or hearing shall obtain:

14 12 Sec. 39. Section 153.33, subsection 5, paragraphs a, b, d,
14 13 and h, Code 2003, are amended to read as follows:

14 14 a. The accusation of such person against any licensee or
14 15 registrant shall be reduced to writing, verified by some
14 16 person familiar with the facts therein stated, and three
14 17 copies thereof filed with the board.

14 18 b. If the board shall deem the charges sufficient, if
14 19 true, to warrant suspension or revocation of license or
14 20 registration, it shall make an order fixing the time and place
14 21 for hearing thereon and requiring the licensee or registrant
14 22 to appear and answer thereto, such order, together with a copy
14 23 of the charges so made to be served upon the accused at least
14 24 twenty days before the date fixed for hearing, either
14 25 personally or by certified or registered mail, sent to the

14 26 licensee's or registrant's last known post office address as
14 27 shown by the records of the board.

14 28 d. In all such investigations and hearings pertaining to
14 29 the suspension or revocation of licenses or registrations, the
14 30 board and any person affected thereby may have the benefit of
14 31 counsel, and upon the request of the licensee or registrant or
14 32 the licensee's or registrant's counsel the board shall issue
14 33 subpoenas for the attendance of such witnesses in behalf of
14 34 the licensee or registrant, which subpoenas when issued shall
14 35 be delivered to the licensee or registrant or the licensee's
15 1 or registrant's counsel. Such subpoenas for the attendance of
15 2 witnesses shall be effective if served upon the person named
15 3 therein anywhere within this state, provided, that at the time
15 4 of such service the fees now or hereafter provided by law for
15 5 witnesses in civil cases in district court shall be paid or
15 6 tendered to such person.

15 7 h. Pending the review and final disposition thereof by the
15 8 district court, the action of the board suspending or revoking
15 9 such license or registration shall not be stayed.

15 10 Sec. 40. Section 159.6, subsection 8, as amended by 2002
15 11 Iowa Acts, chapter 1017, section 2, is amended to read as
15 12 follows:

15 13 8. State aid received by certain associations as provided
15 14 in chapters ~~177~~ 176A through 182, 186, and 352.

15 15 Sec. 41. Section 159A.3, subsection 4, Code 2003, is
15 16 amended by striking the subsection.

15 17 Sec. 42. Section 159A.3, subsection 5, Code 2003, is
15 18 amended to read as follows:

15 19 5. The office and state entities, including the
15 20 department, the committee, the Iowa department of economic
15 21 development, the state department of transportation, the
15 22 department of natural resources, and the state board of
15 23 regents institutions, ~~and the Wallace technology transfer~~
15 24 ~~foundation of Iowa~~, shall cooperate to implement this section.

15 25 Sec. 43. Section 173.3, as amended by 2002 Iowa Acts,
15 26 chapter 1017, section 3, is amended to read as follows:

15 27 173.3 CERTIFICATION OF STATE AID ASSOCIATIONS.

15 28 On or before November 15 of each year, the secretary of
15 29 agriculture shall certify to the secretary of the state fair
15 30 board the names of the various associations and societies
15 31 which have qualified for state aid under the provisions of
15 32 chapters ~~177~~ 176A through 178, 181, 182, 186, and 352, and
15 33 which are entitled to representation in the convention as
15 34 provided in section 173.2.

15 35 Sec. 44. Section 192.101A, unnumbered paragraph 1, Code
16 1 2003, is amended to read as follows:

16 2 As used in this chapter, all terms shall have the same
16 3 meaning as defined in the "Grade 'A' Pasteurized Milk
16 4 Ordinance, ~~1999~~ 2001 Revision". However, notwithstanding the
16 5 ordinance, the following definitions shall apply:

16 6 Sec. 45. Section 192.102, Code 2003, is amended to read as
16 7 follows:

16 8 192.102 GRADE "A" PASTEURIZED MILK ORDINANCE.

16 9 The department shall adopt, by rule, the "Grade 'A'
16 10 Pasteurized Milk Ordinance, ~~1999~~ 2001 Revision", including a
16 11 subsequent revision of the ordinance. If the ordinance
16 12 specifies that compliance with a provision of the ordinance's
16 13 appendices is mandatory, the department shall also adopt that
16 14 provision. The department shall not amend the ordinance,
16 15 unless the department explains each amendment and reasons for
16 16 the amendment in the Iowa administrative bulletin when the
16 17 rules are required to be published pursuant to chapter 17A.
16 18 The department shall administer this chapter consistent with
16 19 the provisions of the ordinance.

16 20 Sec. 46. Section 192.110, subsection 1, Code 2003, is
16 21 amended to read as follows:

16 22 1. The person has a pasteurized milk and milk products
16 23 sanitation compliance rating of ninety percent or more as
16 24 calculated according to the rating system as contained in the
16 25 federal public health service publications, "Procedures
16 26 Governing the Cooperative State=Public Health Service/Food and
16 27 Drug Administration Program for Certification of Interstate
16 28 Milk Shippers ~~1999~~ 2001" and "Method of Making Sanitation
16 29 Ratings of Milk Supplies, ~~1999~~ 2001 Revision". The applicable
16 30 provisions of these publications are incorporated into this
16 31 section by this reference. A copy of each publication shall
16 32 be on file with the department or in the office of the person
16 33 subject to an inspection contract as provided in section
16 34 192.108.

16 35 Sec. 47. Section 229A.8A, subsection 2, paragraph g, Code
17 1 2003, is amended to read as follows:

17 2 g. The committed person is not likely to ~~commit~~ engage in
17 3 predatory acts constituting sexually violent offenses while in
17 4 the program.

17 5 Sec. 48. Section 229A.10, subsection 1, Code 2003, is
17 6 amended to read as follows:

17 7 1. If the director of human services determines that the
17 8 person's mental abnormality has so changed that the person is
17 9 not likely to ~~commit~~ engage in predatory acts ~~or that~~
17 10 constitute sexually violent offenses if discharged, the
17 11 director shall authorize the person to petition the court for
17 12 discharge. The petition shall be served upon the court and
17 13 the attorney general. The court, upon receipt of the petition
17 14 for discharge, shall order a hearing within thirty days. The
17 15 attorney general shall represent the state, and shall have the
17 16 right to have the petitioner examined by an expert or
17 17 professional person of the attorney general's choice. The
17 18 hearing shall be before a jury if demanded by either the
17 19 petitioner or the attorney general. If the attorney general
17 20 objects to the petition for discharge, the burden of proof
17 21 shall be upon the attorney general to show beyond a reasonable
17 22 doubt that the petitioner's mental abnormality or personality
17 23 disorder remains such that the petitioner is likely to engage
17 24 in predatory acts that constitute sexually violent offenses if
17 25 discharged.

17 26 Sec. 49. Section 232.68, unnumbered paragraph 1, Code
17 27 2003, is amended to read as follows:

17 28 The definitions in section 235A.13 are applicable to this
17 29 part 2 of division III. As used in sections 232.67 through
17 30 232.77 and 235A.12 through ~~235A.23~~ 235A.24, unless the context
17 31 otherwise requires:

17 32 Sec. 50. Section 232.71B, subsection 4, paragraph e, Code
17 33 2003, is amended to read as follows:

17 34 e. An interview of the person alleged to have committed
17 35 the child abuse, if the person's identity and location are
18 1 known. The offer of an interview shall be made to the person
18 2 prior to any consideration or determination being made that
18 3 the person committed the alleged abuse. The purpose of the
18 4 interview shall be to provide the person with the opportunity
18 5 to explain or rebut the allegations of the child abuse report
18 6 or other allegations made during the assessment. The court
18 7 may waive the requirement to offer the interview only for good
18 8 cause. The person offered an interview, or the person's
18 9 attorney on the person's behalf, may decline ~~to be interviewed~~
18 10 the offer of an interview of the person.

18 11 Sec. 51. Section 235A.13, unnumbered paragraph 1, Code
18 12 2003, is amended to read as follows:

18 13 As used in chapter 232, division III, part 2, and sections
18 14 235A.13 to ~~235A.23~~ 235A.24, unless the context otherwise
18 15 requires:

18 16 Sec. 52. Section 236.2, Code 2003, is amended by adding
18 17 the following new subsection:

18 18 NEW SUBSECTION. 5A. "Plaintiff" includes a person filing
18 19 an action on behalf of an unemancipated minor.

18 20 Sec. 53. Section 236.3, subsection 2, Code 2003, is
18 21 amended to read as follows:

18 22 2. Name and address of the parent or guardian filing the
18 23 petition, if the petition is being filed on behalf of an
18 24 unemancipated minor. ~~For the purposes of this chapter,~~
18 25 ~~"plaintiff" includes a person filing an action on behalf of an~~
18 26 ~~unemancipated minor.~~ A mailing address may be provided by the
18 27 plaintiff pursuant to section 236.10.

18 28 Sec. 54. Section 237A.2, subsection 1, unnumbered
18 29 paragraph 1, Code 2003, is amended to read as follows:

18 30 A person shall not establish or operate a child care center
18 31 without obtaining a license under the provisions of this
18 32 chapter. A center may operate for a specified period of time,
18 33 to be established by rule of the department, if application
18 34 for a license has been made. If the department denies an
18 35 application for an initial license, notwithstanding section
19 1 ~~17A.6~~ 17A.18, the applicant center shall not continue to
19 2 provide child care pending the outcome of an evidentiary
19 3 hearing. The department shall issue a license if it
19 4 determines that all of the following conditions have been met:

19 5 Sec. 55. Section 237A.29, subsection 2, paragraph d, Code
19 6 2003, is amended to read as follows:

19 7 d. In determining the value of the public funding obtained
19 8 by fraudulent means, if the public funding is obtained by two
19 9 or more acts of fraudulent means by the same person or in the
19 10 same location, or is obtained by different persons by two or
19 11 more acts which occur in approximately the same location or
19 12 time period so that the acts of fraudulent means used to

19 13 obtain the public funding are attributable to a single scheme,
19 14 plan, or conspiracy, these acts may be considered as a single
19 15 instance of the use of fraudulent means and the value may be
19 16 the total value of all moneys involved.

19 17 Sec. 56. Section 237A.29, subsection 3, paragraph b, Code
19 18 2003, is amended to read as follows:

19 19 b. In addition to applying the suspension under paragraph
19 20 "a", the department may request that the attorney general file
19 21 a petition with the district court of the county in which the
19 22 provider is located for issuance of a temporary injunction
19 23 enjoining the provider from providing child care until the
19 24 names and addresses are submitted to the department. The
19 25 attorney general may file the petition upon receiving the
19 26 request from the department. Any temporary injunction may be
19 27 granted without a bond being required from the department.

19 28 Sec. 57. Section 277.23, subsection 2, Code 2003, is
19 29 amended to read as follows:

19 30 2. A change from five to seven directors shall be effected
19 31 in a district at the first regular election after
19 32 authorization by the voters or the board, or ~~when~~ after a
19 33 ~~district becomes wholly or in part within~~ first includes all
19 34 ~~of a city of fifteen thousand or more population, or more in~~
19 35 the manner described in section 275.37.

20 1 Sec. 58. Section 284.11, subsection 2, Code 2003, is
20 2 amended to read as follows:

20 3 2. All licensed practitioners employed at a participating
20 4 attendance center that has demonstrated improvement in student
20 5 achievement shall share in a cash ~~awards~~ award paid from
20 6 moneys received by a school district pursuant to section
20 7 284.13, subsection 1. ~~The~~ However, the school district is
20 8 encouraged to extend cash awards to other staff employed at
20 9 the attendance center.

20 10 Sec. 59. Section 321E.8, Code 2003, is amended to read as
20 11 follows:

20 12 321E.8 ANNUAL PERMITS.

20 13 Subject to the discretion and judgment provided for in
20 14 section 321E.1, annual permits shall be issued in accordance
20 15 with the following provisions:

20 16 1. Vehicles with indivisible loads, or manufactured or
20 17 mobile homes including appurtenances, having an overall width
20 18 not to exceed sixteen feet zero inches, an overall length not
20 19 to exceed one hundred twenty feet zero inches, an overall
20 20 height not to exceed fifteen feet five inches, and a total
20 21 gross weight not to exceed eighty thousand pounds, may be
20 22 moved as follows:

20 23 a. Vehicles with indivisible loads, or manufactured or
20 24 mobile homes including appurtenances, having an overall width
20 25 not to exceed twelve feet five inches, an overall length not
20 26 to exceed one hundred twenty feet zero inches, and an overall
20 27 height not to exceed thirteen feet ten inches may be moved for
20 28 unlimited distances without route approval from the permitting
20 29 authority.

20 30 b. Vehicles with indivisible loads, or manufactured or
20 31 mobile homes including appurtenances, having an overall width
20 32 not to exceed fourteen feet six inches, an overall length not
20 33 to exceed one hundred twenty feet zero inches, and an overall
20 34 height not to exceed fifteen feet five inches may be moved on
20 35 the interstate highway system and primary highways with more
21 1 than one lane traveling in each direction for unlimited
21 2 distances and no more than fifty miles from the point of
21 3 origin on all other highways without route approval from the
21 4 permit issuing authority.

21 5 c. All other vehicles with indivisible loads operating
21 6 under this subsection shall obtain route approval from the
21 7 permitting authority.

21 8 d. Vehicles with indivisible loads may operate under an
21 9 all-systems permit in compliance with paragraph "a", "b", or
21 10 "c".

21 11 2. Vehicles with indivisible loads, or manufactured or
21 12 mobile homes including appurtenances, having an overall width
21 13 not to exceed thirteen feet five inches and an overall length
21 14 not to exceed one hundred twenty feet zero inches may be moved
21 15 on highways specified by the permitting authority for
21 16 unlimited distances if the height of the vehicle and load does
21 17 not exceed fifteen feet five inches and the total gross weight
21 18 of the vehicle does not exceed one hundred fifty-six thousand
21 19 pounds. The vehicle owner or operator shall verify with the
21 20 permitting authority prior to movement of the load that
21 21 highway conditions have not changed so as to prohibit movement
21 22 of the vehicle. Any cost to repair damage to highways or
21 23 highway structures shall be borne by the owner or operator of

21 24 the vehicle causing the damage. Permitted vehicles under this
21 25 subsection shall not be allowed to travel on any portion of
21 26 the interstate highway system. Vehicles with indivisible
21 27 loads operating under the permit provisions of this subsection
21 28 may operate under the permit provisions of subsection 1
21 29 provided the vehicle and load comply with the limitations
21 30 described in subsection 1.

21 31 Sec. 60. Section 321G.4, unnumbered paragraph 1, Code
21 32 2003, is amended to read as follows:

21 33 The owner of each all-terrain vehicle or snowmobile
21 34 required to be numbered shall register it every two years with
21 35 the county recorder of the county in which the owner resides
22 1 or, if the owner is a nonresident, the owner shall register it
22 2 in the county in which the all-terrain vehicle or snowmobile
22 3 is principally used. The commission has supervisory
22 4 responsibility over the registration of all-terrain vehicles
22 5 and snowmobiles and shall provide each county recorder with
22 6 registration forms and certificates and shall allocate
22 7 ~~identification registration~~ numbers to each county.

22 8 Sec. 61. Section 321G.19, subsection 1, Code 2003, is
22 9 amended to read as follows:

22 10 1. The owner of a rented all-terrain vehicle or snowmobile
22 11 shall keep a record of the name and address of each person
22 12 renting the all-terrain vehicle or snowmobile, its
22 13 ~~identification registration~~ number, the departure date and
22 14 time, and the expected time of return. The records shall be
22 15 preserved for six months.

22 16 Sec. 62. Section 321G.33, subsections 1, 2, and 4, Code
22 17 2003, are amended to read as follows:

22 18 1. The department may assign a distinguishing number to an
22 19 all-terrain vehicle or snowmobile when the serial number on
22 20 the all-terrain vehicle or snowmobile is destroyed or
22 21 obliterated and issue to the owner a special plate bearing the
22 22 distinguishing number which shall be affixed to the all-
22 23 terrain vehicle or snowmobile in a position to be determined
22 24 by the department. The all-terrain vehicle or snowmobile
22 25 shall be registered and titled under the distinguishing number
22 26 in lieu of the former serial number. Every all-terrain
22 27 vehicle or snowmobile shall have ~~an a vehicle~~ identification
22 28 number assigned and affixed as required by the department.

22 29 2. The commission shall adopt, by rule, the procedures for
22 30 application and for issuance of ~~an a vehicle~~ identification
22 31 number for homebuilt all-terrain vehicles or snowmobiles.

22 32 4. A person other than a manufacturer who constructs or
22 33 rebuilds an all-terrain vehicle or snowmobile for which there
22 34 is no legible vehicle identification number shall submit to
22 35 the department an affidavit which describes the all-terrain
23 1 vehicle or snowmobile. In cooperation with the county
23 2 recorder, the department shall assign ~~an a vehicle~~
23 3 identification number to the all-terrain vehicle or
23 4 snowmobile. The applicant shall permanently affix the vehicle
23 5 identification number to the all-terrain vehicle or snowmobile
23 6 in a manner that such alteration, removal, or replacement of
23 7 the vehicle identification number would be obvious.

23 8 Sec. 63. Section 331.424C, Code 2003, is amended to read
23 9 as follows:

23 10 331.424C EMERGENCY SERVICES FUND.

23 11 A county that is providing fire protection service or
23 12 emergency medical service to a township pursuant to section
23 13 331.385 shall establish an emergency services fund and may
23 14 certify taxes not to exceed sixty and three-fourths cents per
23 15 one thousand dollars of the assessed value of taxable property
23 16 located in the township. The county has the authority to use
23 17 a portion of the taxes levied and deposited in the fund for
23 18 the purpose of accumulating moneys to carry out the purposes
23 19 of section 359.43, subsection 3 4.

23 20 Sec. 64. Section 446.9, subsections 1 and 2, Code 2003,
23 21 are amended to read as follows:

23 22 1. A notice of the date, time, and place of the annual tax
23 23 sale shall be served upon the person in whose name the parcel
23 24 subject to sale is taxed. The county treasurer shall serve
23 25 the notice by sending it by regular first class mail to the
23 26 person's last known address not later than May 1 of each
23 27 fiscal year. The notice shall contain a description of the
23 28 parcel to be sold which is clear, concise, and sufficient to
23 29 distinguish the parcel to be sold from all other parcels. It
23 30 shall also contain the amount of delinquent taxes for which
23 31 the parcel is liable each year, the amount of the interest,
23 32 and fees, and the amount of the service fee as provided in
23 33 section 446.10, subsection 2, all to be incorporated as a
23 34 single sum. The notice shall contain a statement that, after

23 35 the sale, if the parcel is not redeemed within the period
24 1 provided in chapter 447, the right to redeem expires and a
24 2 deed may be issued.

24 3 2. Publication of the date, time, and place of the annual
24 4 tax sale shall be made once by the treasurer in at least one
24 5 official newspaper in the county as selected by the board of
24 6 supervisors and designated by the treasurer at least one week,
24 7 but not more than three weeks, before the day of sale. The
24 8 publication shall contain a description of the parcel to be
24 9 sold that is clear, concise, and sufficient to distinguish the
24 10 parcel to be sold from all other parcels. All items offered
24 11 for sale pursuant to section 446.18 may be indicated by an "s"
24 12 or by an asterisk. The publication shall also contain the
24 13 name of the person in whose name the parcel to be sold is
24 14 taxed, and the amount delinquent for which the parcel is
24 15 liable each year, the amount of the interest, and fees, and
24 16 the amount of the service fee as provided in section 446.10,
24 17 subsection 2, all to be incorporated as a single sum. The
24 18 publication shall contain a statement that, after the sale, if
24 19 the parcel is not redeemed within the period provided in
24 20 chapter 447, the right to redeem expires and a deed may be
24 21 issued.

24 22 Sec. 65. Section 455B.105, subsection 3, Code 2003, is
24 23 amended to read as follows:

24 24 3. Adopt, modify, or repeal rules necessary to implement
24 25 this chapter and chapter 459, ~~subchapters I, II, III, IV, and~~
~~24 26 VI,~~ and the rules deemed necessary for the effective
24 27 administration of the department. When the commission
24 28 proposes or adopts rules to implement a specific federal
24 29 environmental program and the rules impose requirements more
24 30 restrictive than the federal program being implemented
24 31 requires, the commission shall identify in its notice of
24 32 intended action or adopted rule preamble each rule that is
24 33 more restrictive than the federal program requires and shall
24 34 state the reasons for proposing or adopting the more
24 35 restrictive requirement. In addition, the commission shall
25 1 include with its reasoning a financial impact statement
25 2 detailing the general impact upon the affected parties. It is
25 3 the intent of the general assembly that the commission
25 4 exercise strict oversight of the operations of the department.
25 5 The rules shall include departmental policy relating to the
25 6 disclosure of information on a violation or alleged violation
25 7 of the rules, standards, permits or orders issued by the
25 8 department and keeping of confidential information obtained by
25 9 the department in the administration and enforcement of this
25 10 chapter and chapter 459, ~~subchapters I, II, III, IV, and VI.~~
25 11 Rules adopted by the executive committee before January 1,
25 12 1981, shall remain effective until modified or rescinded by
25 13 action of the commission.

25 14 Sec. 66. Section 455B.171, subsection 15, Code 2003, is
25 15 amended by striking the subsection.

25 16 Sec. 67. Section 455B.183, Code 2003, is amended to read
25 17 as follows:

25 18 455B.183 WRITTEN PERMITS REQUIRED.

25 19 1. It is unlawful to carry on any of the following
25 20 activities without first securing a written permit from the
25 21 director, or from a city or county public works department if
25 22 the public works department reviews the activity under this
25 23 section, as required by the department:

25 24 ~~1-~~ a. The construction, installation, or modification of
25 25 any disposal system or public water supply system or part
25 26 thereof or any extension or addition thereto except those
25 27 sewer extensions and water supply distribution system
25 28 extensions that are subject to review and approval by a city
25 29 or county public works department pursuant to this section,
25 30 the use or disposal of sewage sludge, and private sewage
25 31 disposal systems. Unless federal law or regulation requires
25 32 the review and approval of plans and specifications, a permit
25 33 shall be issued for the construction, installation, or
25 34 modification of a public water supply system or part of a
25 35 system if a qualified, registered engineer certifies to the
26 1 department that the plans for the system or part of the system
26 2 meet the requirements of state and federal law or regulations.
26 3 The permit shall state that approval is based only upon the
26 4 engineer's certification that the system's design meets the
26 5 requirements of all applicable state and federal laws and
26 6 regulations and the review of the department shall be
26 7 advisory.

26 8 ~~2-~~ b. The construction or use of any new point source for
26 9 the discharge of any pollutant into any water of the state.

26 10 ~~3-~~ c. The operation of any waste disposal system or public

26 11 water supply system or any part of or extension or addition to
26 12 the system. This provision does not apply to a pretreatment
26 13 system, the effluent of which is to be discharged directly to
26 14 another disposal system for final treatment and disposal; a
26 15 semipublic sewage disposal system, the construction of which
26 16 has been approved by the department and which does not
26 17 discharge into water of the state; or a private sewage
26 18 disposal system which does not discharge into a water of the
26 19 state. Sludge from a semipublic or private sewage disposal
26 20 system shall be disposed of in accordance with the rules
26 21 adopted by the department pursuant to chapter 17A. The
26 22 exemption of this paragraph shall not apply to any industrial
26 23 waste discharges.

26 24 2. Upon adoption of standards by the commission pursuant
26 25 to section 455B.173, subsections 5 to 8, plans and
26 26 specifications for sewer extensions and water supply
26 27 distribution system extensions covered by this section shall
26 28 be submitted to the city or county public works department for
26 29 approval if the local public works department employs a
26 30 qualified, registered engineer who reviews the plans and
26 31 specifications using the specific state standards known as the
26 32 Iowa Standards for Sewer Systems and the Iowa Standards for
26 33 Water Supply Distribution Systems that have been formulated
26 34 and adopted by the department pursuant to section 455B.173,
26 35 subsections 5 to 8. The local agency shall issue a written
27 1 permit to construct if all of the following apply:

27 2 a. The submitted plans and specifications are in
27 3 substantial compliance with departmental rules and the Iowa
27 4 Standards for Sewer Systems and the Iowa Standards for Water
27 5 Supply Distribution Systems.

27 6 b. The extensions primarily serve residential consumers
27 7 and will not result in an increase greater than five percent
27 8 of the capacity of the treatment works or serve more than two
27 9 hundred fifty dwelling units or, in the case of an extension
27 10 to a water supply distribution system, the extension will have
27 11 a capacity of less than five percent of the system or will
27 12 serve fewer than two hundred fifty dwelling units.

27 13 c. The proposed sewer extension will not exceed the
27 14 capacity of any treatment works which received a state or
27 15 federal monetary grant after 1972.

27 16 d. The proposed water supply distribution system extension
27 17 will not exceed the production capacity of any public water
27 18 supply system constructed after 1972.

27 19 3. After issuing a permit, the city or county public works
27 20 department shall notify the director of such issuance by
27 21 forwarding a copy of the permit to the director. In addition,
27 22 the local agency shall submit quarterly reports to the
27 23 director including such information as capacity of local
27 24 treatment plants and production capacity of public water
27 25 supply systems as well as other necessary information
27 26 requested by the director for the purpose of implementing this
27 27 chapter.

27 28 4. Plans and specifications for all other waste disposal
27 29 systems and public water supply systems, including sewer
27 30 extensions and water supply distribution system extensions not
27 31 reviewed by a city or county public works department under
27 32 this section, shall be submitted to the department before a
27 33 written permit may be issued. Plans and specifications for
27 34 public water supply systems and water supply distribution
27 35 system extensions must be certified by a registered engineer
28 1 as provided in subsection 1, paragraph "a". The construction
28 2 of any such waste disposal system or public water supply
28 3 system shall be in accordance with standards formulated and
28 4 adopted by the department pursuant to section 455B.173,
28 5 subsections 5 to 8. If it is necessary or desirable to make
28 6 material changes in the plans or specifications, revised plans
28 7 or specifications together with reasons for the proposed
28 8 changes must be submitted to the department for a supplemental
28 9 written permit. The revised plans and specifications for a
28 10 public water supply system must be certified by a registered
28 11 engineer as provided in subsection 1, paragraph "a".

28 12 5. Prior to the adoption of statewide standards, the
28 13 department may delegate the authority to review plans and
28 14 specifications to those governmental subdivisions if in
28 15 addition to compliance with subsection 3 1, paragraph "c", the
28 16 governmental subdivisions agree to comply with all state and
28 17 federal regulations and submit plans for the review of plans
28 18 and specifications including a complete set of local standard
28 19 specifications for such improvements.

28 20 6. The director may suspend or revoke delegation of review
28 21 and permit authority after notice and hearing as set forth in

28 22 chapter 17A if the director determines that a city or county
28 23 public works department has approved extensions which do not
28 24 comply with design criteria, which exceed the capacity of
28 25 waste treatment plants or the production capacity of public
28 26 water supply systems or which otherwise violate state or
28 27 federal requirements.

28 28 7. The department shall exempt any public water supply
28 29 system from any requirement respecting a maximum contaminant
28 30 level or any treatment technique requirement of an applicable
28 31 national drinking water regulation if these regulations apply
28 32 to contaminants which the department determines are harmless
28 33 or beneficial to the health of consumers and if the owner of a
28 34 public water supply system determines that funds are not
28 35 reasonably available to provide for controlling amounts of
29 1 those contaminants which are harmless or beneficial to the
29 2 health of consumers.

29 3 Sec. 68. Section 455B.187, unnumbered paragraph 1, Code
29 4 2003, is amended to read as follows:

29 5 A contractor shall not engage in well construction or
29 6 reconstruction without first ~~registering or~~ being certified as
29 7 required in this part and department rules adopted pursuant to
29 8 ~~this part. If a well contractor is registered prior to July~~
29 9 ~~1, 1991, the well contractor shall meet the requirements of~~
29 10 ~~certification by July 1, 1993. Following adoption of the~~
29 11 ~~rules establishing a well contractor certification program, a~~
29 12 ~~person seeking initial well contractor status shall meet the~~
29 13 ~~requirements established for certification. Beginning July 1,~~
29 14 ~~1993, the department shall replace the registration program~~
29 15 ~~with the well certification program. Water wells shall not be~~
29 16 ~~constructed, reconstructed, or abandoned by a person except as~~
29 17 ~~provided in this part or rules adopted pursuant to this part.~~
29 18 ~~Within thirty days after construction or reconstruction of a~~
29 19 ~~well, a contractor shall provide well information required by~~
29 20 ~~rule to the department and the Iowa geological survey.~~

29 21 Sec. 69. Section 455D.11I, subsection 4, Code 2003, is
29 22 amended to read as follows:

29 23 4. A certificate of registration shall at all times be
29 24 carried and displayed in the vehicle used for transportation
29 25 of waste tires and shall be shown to a representative of the
29 26 department of natural resources or the state department of
29 27 transportation, upon request. The state department of
29 28 transportation may inspect vehicles used for the
29 29 transportation of waste tires and request that the certificate
29 30 of registration of the waste tire hauler be shown, ~~upon~~
29 31 ~~request.~~

29 32 Sec. 70. Section 457A.2, subsection 2, Code 2003, is
29 33 amended to read as follows:

29 34 2. "Natural and cultural resources" includes, but is not
29 35 limited to, archaeological and historical resources.

30 1 Sec. 71. Section 459.102, subsection 18, Code 2003, is
30 2 amended to read as follows:

30 3 18. ~~Reserved~~ "Department" means the department of natural
30 4 ~~resources created pursuant to section 455A.2.~~

30 5 Sec. 72. Section 459.102, subsection 40, Code 2003, is
30 6 amended to read as follows:

30 7 40. "Restricted spray irrigation equipment" means spray
30 8 irrigation equipment which disperses manure through an orifice
30 9 at a ~~rate~~ maximum pressure of eighty pounds per square inch or
30 10 more.

30 11 Sec. 73. Section 459.301, subsection 1, paragraph a, Code
30 12 2003, is amended to read as follows:

30 13 a. At least one confinement feeding operation structure
30 14 must be constructed on ~~and or~~ after May 21, 1998.

30 15 Sec. 74. Section 459.303, subsection 2, Code 2003, is
30 16 amended to read as follows:

30 17 2. The department shall issue a construction permit upon
30 18 approval of an application. The department shall approve the
30 19 application if the application is submitted to the county
30 20 board of supervisors in the county where the proposed
30 21 confinement feeding operation structure is to be located as
30 22 required pursuant to section 459.304, and the application
30 23 meets the requirements of this chapter. If a county submits
30 24 an approved recommendation pursuant to a construction
30 25 evaluation resolution filed with the department, the
30 26 application must also achieve a satisfactory rating produced
30 27 by the master matrix used by the board or department under
30 28 section 459.304. The department shall approve the application
30 29 regardless of whether the applicant is required to be issued a
30 30 construction permit.

30 31 Sec. 75. Section 459.309, Code 2003, is amended to read as
30 32 follows:

30 33 459.309 SETTLED OPEN FEEDLOT EFFLUENT BASINS ==

30 34 CONSTRUCTION DESIGN STANDARDS.

30 35 If the department requires that a settled open feedlot
31 1 effluent basin be constructed according to construction design
31 2 standards, regardless of whether the department requires the
31 3 owner to be issued a construction permit under section
31 4 459.103, any construction design standards for the basin shall
31 5 be established by rule as provided in chapter 17A that
31 6 exclusively account for special design characteristics of open
31 7 feedlots and related basins, including but not limited to the
31 8 dilute composition of settled open feedlot effluent as
31 9 collected and stored in the basins.

31 10 Sec. 76. Section 459.501, subsection 2, Code 2003, is
31 11 amended to read as follows:

31 12 2. The fund consists of moneys from indemnity fees
31 13 remitted by permittees to the department as provided in
31 14 section 459.502; moneys from indemnity fees remitted by
31 15 persons required to submit manure management plans to the
31 16 department pursuant to section 459.503; sums collected on
31 17 behalf of the fund by the department through legal action or
31 18 settlement; moneys required to be repaid to the department by
31 19 a county pursuant to this subchapter; ~~civil penalties assessed~~
~~31 20 and collected by the department or the attorney general~~
~~31 21 pursuant to chapter 455B, against animal feeding operations;~~
~~31 22 moneys paid as a settlement involving an enforcement action~~
~~31 23 for a civil penalty subject to assessment and collection~~
~~31 24 against permittees by the department or the attorney general~~
31 25 pursuant to chapter 455B; interest, property, and securities
31 26 acquired through the use of moneys in the fund; or moneys
31 27 contributed to the fund from other sources.

31 28 Sec. 77. Section 462A.12, subsection 6, Code 2003, is
31 29 amended to read as follows:

31 30 6. An owner or operator shall not permit any person under
31 31 twelve years of age to operate the personal watercraft unless
31 32 accompanied in or on the same personal watercraft by a
31 33 responsible person of at least eighteen years of age.
31 34 ~~However, commencing~~ Commencing January 1, 2003, a person who
31 35 is twelve years of age or older but less than eighteen years
32 1 of age shall not operate any personal watercraft unless the
32 2 person has successfully completed a department-approved
32 3 watercraft safety course. A person required to have a
32 4 watercraft safety certificate shall carry and shall exhibit or
32 5 make available the certificate upon request of an officer of
32 6 the department. A violation of this subsection is a simple
32 7 misdemeanor as provided in section 462A.13. However, a person
32 8 charged with violating this subsection shall not be convicted
32 9 if the person produces in court, within a reasonable time, a
32 10 department-approved certificate. The cost of a department
32 11 certificate, or any duplicate, shall not exceed five dollars.

32 12 Sec. 78. Section 476A.23, subsection 3, paragraph b, Code
32 13 2003, is amended to read as follows:

32 14 b. The electric power agency annually files with the
32 15 utilities board, in a manner to be determined by the utilities
32 16 board, information regarding sales from the electric power
32 17 generating facility in sufficient detail to determine
32 18 compliance with these provisions.

32 19 Sec. 79. Section 476A.23, subsection 3, unnumbered
32 20 paragraph 2, Code 2003, is amended to read as follows:

32 21 The utilities board shall report to the general assembly if
32 22 any of the provisions are being violated.

32 23 Sec. 80. Section 490.202, subsection 2, paragraphs d and
32 24 f, Code 2003, are amended to read as follows:

32 25 d. A provision eliminating or limiting the liability of a
32 26 director to the corporation or its shareholders for money
32 27 damages for any action taken, or any failure to take any
32 28 action, as a director, except liability for any of the
32 29 following:

32 30 (1) The amount of a financial benefit received by a
32 31 director to which the director is not entitled.

32 32 (2) An intentional infliction of harm on the corporation
32 33 or the shareholders.

32 34 (3) A violation of section 490.833.

32 35 (4) An intentional violation of criminal law.

33 1 ~~A provision shall not eliminate or limit the liability of a~~
33 2 ~~director for an act or omission occurring prior to the date~~
33 3 ~~when the provision in the articles of incorporation becomes~~
33 4 ~~effective.~~

33 5 ~~f. A provision eliminating or limiting the liability of a~~
33 6 ~~director to the corporation or its shareholders for money~~
33 7 ~~damages for any action taken, or any failure to take any~~
33 8 ~~action, as a director, except liability for any of the~~

~~33 9 following:~~

~~33 10 (1) The amount of a financial benefit received by a~~
~~33 11 director to which the director is not entitled.~~

~~33 12 (2) An intentional infliction of harm on the corporation~~
~~33 13 or the shareholders.~~

~~33 14 (3) A violation of section 490.833.~~

~~33 15 (4) An intentional violation of criminal law.~~

~~33 16 A provision shall not eliminate or limit the liability of a~~
~~33 17 director for an act or omission occurring prior to the date~~
~~33 18 when the provision in the articles of incorporation becomes~~
~~33 19 effective.~~

33 20 Sec. 81. Section 490.724, subsection 5, Code 2003, is
33 21 amended to read as follows:

33 22 5. Corporate action based on the acceptance or rejection
33 23 of a vote, consent, waiver, or proxy appointment under this
33 24 section ~~or section 490.722, subsection 2~~, is valid unless a
33 25 court of competent jurisdiction determines otherwise.

33 26 Sec. 82. Section 490.727, subsection 2, Code 2003, is
33 27 amended to read as follows:

33 28 2. An amendment to the articles of incorporation or bylaws
33 29 that adds, changes, or deletes a greater quorum or voting
33 30 requirement must meet the same quorum requirement and be
33 31 adopted by the same vote and voting groups required to take
33 32 action under the quorum and voting requirements then in effect
33 33 or proposed to be adopted, whichever is greater.

33 34 Sec. 83. Section 490.831, subsection 3, paragraphs a and
33 35 b, Code 2003, are amended to read as follows:

34 1 a. In any instance where fairness is at issue, such as
34 2 consideration of the fairness of a transaction to the
34 3 corporation under section ~~490.861, subsection 2, paragraph "c"~~
34 4 490.832, alter the burden of proving the fact or lack of
34 5 fairness otherwise applicable.

34 6 b. Alter the fact or lack of liability of a director under
34 7 another section of this chapter, such as the provisions
34 8 governing the consequences of an unlawful distribution under
34 9 section 490.833 or a transactional interest under section
34 10 ~~490.861~~ 490.832.

34 11 Sec. 84. Section 490.851, subsection 1, Code 2003, is
34 12 amended to read as follows:

34 13 1. Except as otherwise provided in this section, a
34 14 corporation may indemnify an individual who is a party to a
34 15 proceeding because the individual is a director against
34 16 liability incurred in the proceeding if ~~all~~ either of the
34 17 following apply:

34 18 a. All of the following apply:

34 19 ~~a. (1)~~ (1) The individual acted in good faith.

34 20 ~~b. (2)~~ (2) The individual reasonably believed:

34 21 ~~(1)~~ (a) In the case of conduct in the individual's
34 22 official capacity, that the individual's conduct was in the
34 23 best interests of the corporation.

34 24 ~~(2)~~ (b) In all other cases, that the individual's conduct
34 25 was at least not opposed to the best interests of the
34 26 corporation.

34 27 ~~c. (3)~~ (3) In the case of any criminal proceeding, the
34 28 individual had no reasonable cause to believe the individual's
34 29 conduct was unlawful, ~~or the~~

34 30 b. The individual engaged in conduct for which broader
34 31 indemnification has been made permissible or obligatory under
34 32 a provision of the articles of incorporation as authorized by
34 33 section 490.202, subsection 2, paragraph "e".

34 34 Sec. 85. Section 490.856, subsection 2, Code 2003, is
34 35 amended to read as follows:

35 1 2. The provisions of subsection 1, paragraph "b", shall
35 2 apply to an officer who is also a director if the basis on
35 3 which the officer is made a party to a proceeding is an ~~act or~~
~~35 4 omission~~ action taken or a failure to take an action solely as
35 5 an officer.

35 6 Sec. 86. Section 490.1323, subsection 3, Code 2003, is
35 7 amended to read as follows:

35 8 3. A shareholder who does not ~~demand payment or~~ execute
35 9 and return the form and, in the case of certificated shares,
35 10 deposit the shareholder's share certificates where required,
35 11 each by the date set forth in the ~~dissenters'~~ notice described
35 12 in section 490.1322, subsection 2, shall not be entitled to
35 13 payment ~~for the shareholder's shares~~ under this division.

35 14 Sec. 87. Section 490.1324, subsection 2, paragraph c, Code
35 15 2003, is amended to read as follows:

35 16 c. A statement that shareholders described in subsection 1
35 17 have the right to demand further payment under section
35 18 490.1326 and that if any such shareholder does not do so
35 19 within the time period specified therein, such shareholder

35 20 shall be deemed to have accepted ~~such the~~ payment to the
35 21 shareholder pursuant to subsection 1 in full satisfaction of

35 22 the corporation's obligations under this chapter.
35 23 Sec. 88. Section 490.1404, subsection 1, Code 2003, is

35 24 amended to read as follows:
35 25 1. A corporation may revoke its dissolution within one
35 26 hundred twenty days of ~~its the~~ effective date of its articles
35 27 of dissolution.

35 28 Sec. 89. Section 502.102, subsection 13, paragraph c, Code
35 29 2003, is amended to read as follows:

35 30 c. With respect to a viatical settlement investment
35 31 contract, "issuer" means a person involved in creating,
35 32 transferring, or selling to an investor any interest in such a
35 33 contract, including but not limited to fractional or pooled
35 34 interests, but does not include an agent or a broker-dealer.

35 35 Sec. 90. Section 502.202, subsection 19, unnumbered
36 1 paragraph 1, Code 2003, is amended to read as follows:

36 2 A viatical settlement investment contract, or fractional or
36 3 pooled interest in such contract, provided any of the
36 4 following conditions are satisfied:

36 5 Sec. 91. Section 508E.3A, subsection 1, paragraph b, Code
36 6 2003, is amended to read as follows:

36 7 b. The national association of insurance commissioners,
36 8 the insurance division of the department of commerce, a
36 9 federal or state governmental agency or bureau established to
36 10 detect and prevent fraudulent insurance or viatical settlement
36 11 acts, or any other organization established for such purpose,
36 12 and their agents, employees, or designees.

36 13 Sec. 92. Section 537.1301, subsection 4, paragraph b, Code
36 14 2003, is amended to read as follows:

36 15 b. In the case of a loan, the net amount paid to,
36 16 receivable by, or paid or payable for the account of the
36 17 debtor, plus the amount of any discount excluded from the
36 18 finance charge under subsection ~~20~~ 19, paragraph "b,"
36 19 subparagraph 3, plus additional charges if permitted under
36 20 paragraph "c" of this subsection.

36 21 Sec. 93. Section 542.13, subsection 16, paragraph d, Code
36 22 2003, is amended to read as follows:

36 23 ~~d- 17.~~ Nothing contained in this chapter shall be
36 24 construed to authorize any person engaged in the practice as a
36 25 certified public accountant or licensed public accountant or
36 26 any member or employee of such firm to engage in the practice
36 27 of law individually or within entities licensed under this
36 28 chapter.

36 29 Sec. 94. Section 542.19, subsection 1, paragraph a, Code
36 30 2003, is amended to read as follows:

36 31 a. The other state's licensing or certification standards
36 32 are substantially equivalent to those required by this
36 33 chapter.

36 34 Sec. 95. Section 544B.12, Code 2003, is amended to read as
36 35 follows:

37 1 544B.12 SEAL.

37 2 Every professional landscape architect shall have a seal,
37 3 approved by the board, which shall contain the name of the
37 4 landscape architect and the words "Professional Landscape
37 5 Architect, State of Iowa", and such other words or figures as
37 6 the board may deem necessary. All landscape architectural
37 7 plans and specifications, prepared by such professional
37 8 landscape architect or under the supervision of such
37 9 professional landscape architect, shall be dated and bear the
37 10 legible seal of such professional landscape architect.
37 11 Nothing contained in this section shall be construed to permit
37 12 the seal of a professional landscape architect to serve as a
37 13 substitute for the seal of a licensed architect, a licensed
37 14 professional engineer, or a licensed land surveyor whenever
37 15 the seal of an architect, engineer or land surveyor is
37 16 required under the laws of this state.

37 17 Sec. 96. Section 554.9701, Code 2003, is amended to read
37 18 as follows:

37 19 554.9701 EFFECTIVE DATE.

37 20 ~~This The amendments to this Article takes as enacted in~~
37 21 2000 Iowa Acts, chapter 1149, take effect on July 1, 2001, and
37 22 are applicable on and after that date.

37 23 Sec. 97. Section 554D.118, subsection 4, Code 2003, is
37 24 amended to read as follows:

37 25 4. Except as otherwise agreed, a person having control of
37 26 a transferable record is the holder, as defined in section
37 27 554.1201, of the transferable record and has the same rights
37 28 and defenses as a holder of an equivalent record or writing
37 29 under chapter 554, including, if the applicable statutory
37 30 requirements under section 554.3302, subsection 1, section

37 31 554.7501, or section ~~554.9308~~ 554.9330 are satisfied, the
37 32 rights and defenses of a holder in due course, a holder to
37 33 which a negotiable document of title has been duly negotiated,
37 34 or a purchaser, respectively. Delivery, possession, and
37 35 endorsement are not required to obtain or exercise any of the
38 1 rights under this subsection.

38 2 Sec. 98. Section 554D.120, subsection 4, Code 2003, is
38 3 amended to read as follows:

38 4 4. Except as otherwise provided in subsection 2 and in
38 5 section 554D.114, subsection 6, this chapter does not require
38 6 a governmental agency of this state to use or permit the use
38 7 of electronic records or electronic signatures.

38 8 Sec. 99. Section 556.1, subsection 3, Code 2003, is
38 9 amended to read as follows:

38 10 3. "Cooperative association" means an entity which is
38 11 structured and operated on a cooperative basis, including an
38 12 association of persons organized under chapter 497, 498, or
38 13 499; an entity composed of entities organized under those
38 14 chapters; a cooperative ~~corporation~~ organized under chapter
38 15 501; a cooperative association organized under chapter 490; or
38 16 any other entity recognized pursuant to 26 U.S.C. } 1381(a)
38 17 which meets the definitional requirements of an association as
38 18 provided in 12 U.S.C. } 1141(j)(a) or 7 U.S.C. } 291.

38 19 Sec. 100. Section 598.7A, subsection 5, Code 2003, is
38 20 amended to read as follows:

38 21 5. The supreme court shall prescribe qualifications for
38 22 mediators under this section ~~on or before January 1, 2001~~.
38 23 The qualifications shall include but are not limited to the
38 24 ethical standards to be observed by mediators. The
38 25 qualifications shall not include a requirement that the
38 26 mediator be licensed to practice any particular profession.

38 27 Sec. 101. Section 600.13, subsection 1, Code 2003, is
38 28 amended to read as follows:

38 29 1. At the conclusion of the adoption hearing, the juvenile
38 30 court or court shall do one of the following:

- 38 31 a. Issue a final adoption ~~decree~~ decree.
38 32 b. Issue an interlocutory adoption ~~decree~~ or, decree.
38 33 c. Issue a standby adoption decree pursuant to section
38 34 600.14A.

38 35 d. Dismiss the adoption petition if the requirements of
39 1 this chapter have not been met or if dismissal of the adoption
39 2 petition is in the best interest of the person whose adoption
39 3 has been petitioned. Upon dismissal, the juvenile court or
39 4 court shall determine who is to be guardian or custodian of a
39 5 minor child, including the adoption petitioner if it is in the
39 6 best interest of the minor person whose adoption has been
39 7 petitioned.

39 8 Sec. 102. Section 602.8105, subsection 1, paragraph e,
39 9 Code 2003, is amended to read as follows:

39 10 e. For an appeal from a judgment in small claims or for
39 11 filing and docketing a writ of error, seventy-five dollars.

39 12 Sec. 103. Section 633.4105, subsection 2, paragraph b,
39 13 subparagraph (1), Code 2003, is amended to read as follows:

39 14 (1) By majority vote of all qualified beneficiaries, who
39 15 are adults, and the representative of any minor or incompetent
39 16 qualified beneficiary, ~~as defined by~~ provided in section
39 17 633.6303.

39 18 Sec. 104. Section 637.603, subsection 2, unnumbered
39 19 paragraph 1, Code 2003, is amended to read as follows:

39 20 The trustee sends written notice of the trustee's intention
39 21 to take any action described in ~~subsection 1~~ section 637.602,
39 22 along with copies of such written policy and this subchapter,
39 23 to all of the following persons:

39 24 Sec. 105. Section 637.605, subsection 3, unnumbered
39 25 paragraph 1, Code 2003, is amended to read as follows:

39 26 The trustee sends written notice of the trustee's intention
39 27 to take any action described in ~~subsection 1~~ section 637.604,
39 28 along with copies of such written policy, this subchapter, and
39 29 the determination of the disinterested person to all of the
39 30 following persons:

39 31 Sec. 106. Section 717A.2, subsection 3, paragraph a, Code
39 32 2003, is amended to read as follows:

39 33 a. A person who violates subsection 1, paragraph "a", is
39 34 guilty of a class "C" felony if the injury to or death of an
39 35 animal or damage to property exceeds fifty thousand dollars, a
40 1 class "D" felony if the injury to or death of an animal or
40 2 damage to property exceeds five hundred dollars but does not
40 3 exceed fifty thousand dollars, an aggravated misdemeanor if
40 4 the injury to or death of an animal or damage to property
40 5 exceeds one hundred dollars but does not exceed five hundred
40 6 dollars, a serious misdemeanor if the injury to or death of an

40 7 animal or damage to property exceeds fifty dollars but does
40 8 not exceed one hundred dollars, or a simple misdemeanor if the
40 9 injury to or death of an animal or damage to property does not
40 10 exceed fifty dollars.

40 11 Sec. 107. Section 910.1, subsection 4, Code 2003, is
40 12 amended to read as follows:

40 13 4. "Restitution" means payment of pecuniary damages to a
40 14 victim in an amount and in the manner provided by the
40 15 offender's plan of restitution. "Restitution" also includes
40 16 fines, penalties, and surcharges, the contribution of funds to
40 17 a local anticrime organization which provided assistance to
40 18 law enforcement in an offender's case, the payment of crime
40 19 victim compensation program reimbursements, payment of
40 20 restitution to public agencies pursuant to section 321J.2,
40 21 subsection 9, paragraph "b", court costs including
40 22 correctional fees approved pursuant to section 356.7, court=
40 23 appointed attorney fees ordered pursuant to section 815.9,
40 24 including the expense of a public defender, and the
40 25 performance of a public service by an offender in an amount
40 26 set by the court when the offender cannot reasonably pay all
40 27 or part of the court costs including correctional fees
40 28 approved pursuant to section 356.7, or court=appointed
40 29 attorney fees ordered pursuant to section 815.9, including the
40 30 expense of a public defender.

40 31 Sec. 108. 2002 Iowa Acts, chapter 1137, section 68,
40 32 subsection 2, is amended by adding the following new
40 33 unnumbered paragraph:

40 34 NEW UNNUMBERED PARAGRAPH. The Code editor is directed to
40 35 strike section 455I.1, unnumbered paragraph 1, Code 2001, and
41 1 section 455I.1, subsection 5, Code 2001.

41 2 Sec. 109. 2001 Iowa Acts, Second Extraordinary Session,
41 3 chapter 6, section 26, is amended to read as follows:

41 4 SEC. 26. RETROACTIVE APPLICABILITY AND EFFECTIVE DATES.

41 5 1. This division of this Act is retroactively applicable
41 6 to July 1, 2001, and is applicable on and after that date.

41 7 2. The effective date of sections 21 through 24 of this

41 8 division of this Act shall be the later of July 1, 2002, or

41 9 upon the legislative enactment of the interstate compact for

41 10 adult offender supervision by the thirty=fifth jurisdiction.

41 11 The director of the department of corrections shall notify the

41 12 Code editor upon the enactment of the compact by the thirty=

41 13 fifth jurisdiction.

41 14 Sec. 110. Section 11.24, Code 2003, is repealed.

41 15 Sec. 111. Section 236.15B, Code 2003, is repealed.

41 16 Sec. 112. Section 443.23, Code 2003, is repealed.

41 17 Sec. 113. Section 558.1A, Code 2003, is repealed.

41 18 Sec. 114. AUTHORIZATION TO CODE EDITOR == REFERENCE

41 19 CHANGES.

41 20 1. The Code editor may add any or all of the following
41 21 references in the 2003 Code Supplement or in the 2005 Code as
41 22 deemed proper by the Code editor:

41 23 a. The Code editor may include the phrase "as provided in
41 24 chapter 17A" or ", chapter 17A," following the language "Iowa
41 25 administrative procedure Act" if the language does not provide
41 26 a reference to chapter 17A or a section of that chapter.

41 27 b. The Code editor may include the phrase "as provided in
41 28 chapter 537" or ", chapter 537," following the language "Iowa
41 29 consumer credit code" if the language does not provide a
41 30 reference to chapter 537 or a section of that chapter.

41 31 c. The Code editor may include the phrase "as provided in
41 32 chapter 554" or ", chapter 554," following the language
41 33 "uniform commercial code" or "Iowa uniform commercial code" if
41 34 the language does not provide a reference to chapter 554 or a
41 35 section of that chapter.

42 1 d. The Code editor may include the phrase "as provided in
42 2 section 103A.7" or ", section 103A.7," following the language
42 3 "state building code" if the language does not provide a
42 4 reference to chapter 103A or section 103A.7.

42 5 2. The Code editor may substitute the term "division" for
42 6 the "division of criminal investigation of the department of
42 7 public safety" wherever it appears in chapter 99F.

42 8 Sec. 115. AUTHORIZATION TO CODE EDITOR == TRANSFER. The
42 9 Code editor may transfer section 126.24 to a new chapter 708B
42 10 or another chapter deemed appropriate by the Code editor.

42 11 Sec. 116. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

42 12 1. The sections of this Act amending sections 159.6 and
42 13 173.3, as amended by 2002 Iowa Acts, chapter 1017, take effect
42 14 July 1, 2005.

42 15 2. The section of this Act amending section 490.851 takes
42 16 effect upon enactment and applies retroactively to January 1,
42 17 2003.

42 18 3. The section of this Act amending section 554.9701,
42 19 being deemed of immediate importance, takes effect upon
42 20 enactment and applies retroactively to July 1, 2001.

42 21 4. The section of this Act amending 2001 Iowa Acts, Second
42 22 Extraordinary Session, chapter 6, section 26, being deemed of
42 23 immediate importance, takes effect upon enactment.

42 24

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42 27

MARY E. KRAMER
President of the Senate

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CHRISTOPHER C. RANTS
Speaker of the House

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42 35 I hereby certify that this bill originated in the Senate and
43 1 is known as Senate File 155, Eightieth General Assembly.

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43 4

43 5

MICHAEL E. MARSHALL
Secretary of the Senate

43 6

43 7 Approved _____, 2003

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43 9

43 10

43 11 THOMAS J. VILSACK
43 12 Governor