

FEB 11 2003
Place On Calendar

HOUSE FILE 171
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 55)

Passed House, Date Passed Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to nonsubstantive Code corrections and including
2 effective and retroactive applicability date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 171

H-1015

1 Amend House File 171, as follows:
2 1. Page 4, line 8, by striking the word
3 "superintendent" and inserting the following:
4 "~~superintendent~~ state printing administrator".
5 2. Page 6, line 10, by striking the words "senate
6 and" and inserting the following: "senate and chief
7 clerk of the".
8 3. Page 21, line 35, by striking the word
9 "years," and inserting the following: "years,".
By COMMITTEE ON JUDICIARY
MADDOX of Polk, Chairperson

H-1015 FILED FEBRUARY 12, 2003

Adopted 2/19/03

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HE 171

1 Section 1. Section 9H.1, subsection 25, paragraph a, Code
2 2003, is amended to read as follows:

3 a. Corporations organized under the provisions of chapter
4 504, Code 1989, or chapter 504A; or

5 Sec. 2. Section 9H.1, subsection 33, Code 2003, is amended
6 to read as follows:

7 33. "Testamentary trust" means a trust created by devising
8 or bequeathing property in trust in a will as such terms are
9 used in the Iowa probate code as provided in chapter 633.

10 Testamentary trust includes a revocable trust that has not
11 been revoked prior to the grantor's death.

12 Sec. 3. Section 9H.4, subsection 2, paragraph c,
13 subparagraph (1), Code 2003, is amended to read as follows:

14 (1) The corporation or limited liability company must not
15 hold the agricultural land other than as a lessee. The term
16 of the lease must be for not more than twelve years. The
17 corporation or limited liability company shall not renew a
18 lease. The corporation or limited liability company shall not
19 enter into a lease under this paragraph, if the corporation or
20 limited liability company has ever entered into another lease
21 under this paragraph "c", whether or not the lease is in
22 effect. However, this subparagraph does not apply to a
23 domestic corporation organized under chapter 504, Code 1989,
24 or chapter 504A.

25 Sec. 4. Section 9H.4, subsection 2, paragraph c,
26 subparagraph (4), Code 2003, is amended to read as follows:

27 (4) The corporation or limited liability company must
28 deliver a copy of the lease to the secretary of state. The
29 secretary of state shall notify the lessee of receipt of the
30 copy of the lease. However, this subparagraph does not apply
31 to a domestic corporation organized under chapter 504, Code
32 1989, or chapter 504A.

33 Sec. 5. Section 9H.4, subsection 3, Code 2003, is amended
34 to read as follows:

35 3. Agricultural land, including leasehold interests,

1 acquired by a nonprofit corporation organized under the
2 provisions of chapters 504, Code 1989, and 504A including land
3 acquired and operated by or for a state university for
4 research, experimental, demonstration, foundation seed
5 increase or test purposes and land acquired and operated by or
6 for nonprofit corporations organized specifically for
7 research, experimental, demonstration, foundation seed
8 increase or test purposes in support of or in conjunction with
9 a state university.

10 Sec. 6. Section 10B.1, subsection 9, paragraph a, Code
11 2003, is amended to read as follows:

12 a. A corporation organized under the provisions of ~~former~~
13 chapter 504, Code 1989, or chapter 504A.

14 Sec. 7. Section 15E.11, Code 2003, is amended to read as
15 follows:

16 15E.11 CORPORATION FOR RECEIVING AND DISBURSING FUNDS.

17 The Iowa development commission is hereby authorized to
18 form a corporation under the provisions of ~~former~~ chapter 504,
19 Code 1989, for the purpose of receiving and disbursing funds
20 from public or private sources to be used to further the
21 overall development and well-being of the state.

22 Sec. 8. Section 15E.42, subsection 2, Code 2003, is
23 amended to read as follows:

24 2. "Board" means the Iowa capital investment board~~7-if~~
25 ~~created-in-House-File-2078-as-enacted-by-the-Seventy-ninth~~
26 ~~General-Assembly~~ created in section 15E.63.

27 Sec. 9. Section 15E.111, subsection 8, Code 2003, is
28 amended to read as follows:

29 8. The department of economic development and the office
30 of renewable fuels and coproducts shall prepare a report each
31 six months detailing the progress of the department and other
32 agencies provided in this section. The office of renewable
33 fuels and coproducts, the department of natural resources, and
34 Iowa state university may contribute a summary of their
35 activities. The report shall be delivered to the secretary of

1 the senate and the chief clerk of the house; the legislative
2 service bureau; the chairpersons and ranking members of the
3 senate standing committee on agriculture; the senate standing
4 committee on ~~small-business~~, economic development, ~~and-tourism~~
5 growth; the house of representatives standing committee on
6 agriculture; and the house of representatives standing
7 committee on economic development growth.

8 Sec. 10. Section 18.80, Code 2003, is amended to read as
9 follows:

10 18.80 RESERVE SUPPLY.

11 The superintendent state printing administrator shall
12 designate, subject to the approval of the director, the number
13 of copies of reports and publications to be held in reserve,
14 and copies thus held in reserve shall be distributed only upon
15 the written request of the head of the department, approved by
16 the superintendent state printing administrator, and ordered
17 by the director.

18 Sec. 11. Section 18.81, Code 2003, is amended to read as
19 follows:

20 18.81 UNUSED DOCUMENTS.

21 The superintendent state printing administrator shall from
22 time to time report to the director any documents in the
23 superintendent's state printing administrator's custody deemed
24 not needed and which have been printed five years or more, and
25 if the report has the written approval of the head of the
26 department from which the documents were issued, the director
27 may condemn and order the documents sold, and the proceeds
28 turned into the unappropriated funds of the state. If a
29 department no longer exists, approval by the head of the
30 department shall not be required. If the condemned documents
31 cannot be sold the director may order them destroyed.

32 Sec. 12. Section 18.83, Code 2003, is amended to read as
33 follows:

34 18.83 INFORMATION AS TO DOCUMENTS.

35 The superintendent state printing administrator shall

1 advise the public of the publication of reports and documents
2 and of the nature of the material therein, and give
3 information as to the publications that are available for
4 distribution and how to obtain them.

5 Sec. 13. Section 18.84, Code 2003, is amended to read as
6 follows:

7 18.84 MAILING LISTS.

8 The superintendent shall require from officials or heads of
9 departments mailing lists, or addressed labels or envelopes,
10 for use in distribution of reports and documents. The
11 superintendent state printing administrator shall revise such
12 lists, eliminating duplications and adding to the lists
13 libraries, institutions, public officials, and persons having
14 actual use for the material. The superintendent state
15 printing administrator shall arrange the lists so as to reduce
16 to the minimum the postage or other cost for delivery.
17 Requests for publications shall be handled only upon receipt
18 of postage by the superintendent state printing administrator
19 from the requesting agency or department.

20 Sec. 14. Section 18.85, Code 2003, is amended to read as
21 follows:

22 18.85 COPIES TO DEPARTMENTS.

23 The superintendent state printing administrator shall
24 furnish the various officials and departments with copies of
25 their reports needed for office use or to be distributed to
26 persons requesting the reports. Requests for publications
27 shall be handled only upon receipt of postage by the
28 superintendent state printing administrator.

29 Sec. 15. Section 18.86, Code 2003, is amended to read as
30 follows:

31 18.86 ASSEMBLY MEMBERS.

32 The official reports, the miscellaneous documents and other
33 publications upon request, and the completed journals of the
34 general assembly and ten copies of the official register,
35 shall be sent to each member of the general assembly, and, so

1 far as they are available, additional copies upon their
2 request. Requests for publications shall be handled only upon
3 receipt of postage by the superintendent state printing
4 administrator.

5 Sec. 16. Section 18.88, Code 2003, is amended to read as
6 follows:

7 18.88 NEWSPAPERS.

8 The journals of the general assembly and the official
9 register shall be sent to each newspaper of general
10 circulation in Iowa, and editors of newspapers in Iowa shall
11 be entitled to other publications on request when they are
12 available. Requests for publications shall be handled only
13 upon receipt of postage by the superintendent state printing
14 administrator.

15 Sec. 17. Section 18.92, Code 2003, is amended to read as
16 follows:

17 18.92 GENERAL DISTRIBUTION.

18 The superintendent state printing administrator may send
19 additional copies of publications to other state officials,
20 individuals, institutions, libraries, or societies that may
21 request them. Requests for publications shall be handled only
22 upon receipt of postage by the superintendent state printing
23 administrator.

24 Sec. 18. Section 18.102, Code 2003, is amended to read as
25 follows:

26 18.102 INDEX TO BILLS.

27 The secretary of the senate and the chief clerk of the
28 house shall throughout each legislative session compile and
29 cause to be printed a cumulative bulletin of bills and joint
30 resolutions which bulletin shall contain a brief history of
31 each bill, and detailed information as to the status of
32 legislation and shall be conveniently indexed. The bulletin
33 shall be printed and delivered one day before the mid-term
34 midterm recess of each legislature and thereafter twenty-five
35 days after the end of said the recess except as may otherwise

1 be provided by the joint rules of the general assembly. The
2 last issue of each bulletin shall be brought down to the time
3 of final adjournment and shall be promptly furnished to all
4 members of the general assembly and to such others as the
5 superintendent state printing administrator may determine.

6 Sec. 19. Section 18.103, Code 2003, is amended to read as
7 follows:

8 18.103 ENROLLING CLERKS TO KEEP RECORDS.

9 The enrolling clerks of the senate and house shall, under
10 the directions of the secretary of the senate and house,
11 respectively, keep a daily cumulative record of the
12 information required in section 18.102 and in such manner that
13 the same may be promptly furnished to the superintendent state
14 printing administrator at the close of each week.

15 Sec. 20. Section 29A.90, subsection 3, Code 2003, is
16 amended to read as follows:

17 3. "Military service" means full-time active state service
18 or state active duty, as defined in section 29A.1, for a
19 period of at least ninety consecutive days, commencing on or
20 after ~~the effective date of this division of this Act~~ April
21 22, 2002.

22 Sec. 21. Section 68B.39, unnumbered paragraph 1, Code
23 2003, is amended to read as follows:

24 The supreme court of this state shall prescribe rules by
25 ~~January 17, 1993~~, establishing a code of ethics for officials
26 and employees of the judicial branch of this state, and the
27 immediate family members of the officials and employees.
28 Rules prescribed under this paragraph shall include provisions
29 relating to the receipt or acceptance of gifts and honoraria,
30 interests in public contracts, services against the state, and
31 financial disclosure which are substantially similar to the
32 requirements of this chapter.

33 Sec. 22. Section 70A.23, Code 2003, is amended to read as
34 follows:

35 70A.23 CREDIT FOR ACCRUED SICK LEAVE.

1 When a state employee, excluding an employee covered under
2 a collective bargaining agreement which provides otherwise,
3 retires under a retirement system in the state maintained in
4 whole or in part by public contributions or payments, the
5 number of accrued days of active and banked sick leave of the
6 employee shall be credited to the employee. When an employee
7 retires, is eligible, and has applied for benefits under a
8 retirement system authorized under chapter 97A or 97B,
9 including the teachers insurance and annuity **association**
10 ~~(TIAA)-and-the-college~~ association-college retirement equities
11 fund ~~(CREF)~~ (TIAA-CREF), or an employee dies on or after July
12 1, 1984, while the employee is in active employment but is
13 eligible for retirement benefits under one of the listed
14 chapters, the employee shall receive a cash payment for the
15 employee's accumulated, unused sick leave in both the active
16 and banked sick leave accounts, except when, in lieu of cash
17 payment, payment is made for monthly premiums for health or
18 life insurance or both as provided in a collective bargaining
19 agreement negotiated under chapter 20. An employee of the
20 department of public safety or the department of natural
21 resources who has earned benefits of payment of premiums under
22 a collective bargaining agreement and who becomes a manager or
23 supervisor and is no longer covered by the agreement shall not
24 lose the benefits of payment of premium earned while covered
25 by the agreement. The payment shall be calculated by
26 multiplying the number of hours of accumulated, unused sick
27 leave by the employee's hourly rate of pay at the time of
28 retirement. However, the total cash payments for accumulated,
29 unused sick leave shall not exceed two thousand dollars per
30 employee and are payable upon retirement or death. Banked
31 sick leave is defined as accrued sick leave in excess of
32 ninety days.

33 Sec. 23. Section 70A.30, unnumbered paragraph 2, Code
34 2003, is amended to read as follows:

35 The phased retirement incentive program is a retirement

1 system for purposes of section 20.9, but is not retirement for
2 purposes of chapter 97A, 97B, or 602 or for the employees who
3 are members of the teachers insurance annuity association-
4 college retirement equity equities fund (TIAA-CREF).

5 Sec. 24. Section 80.17, subsection 3, Code 2003, is
6 amended to read as follows:

7 3. Division of criminal investigation ~~and-bureau-of~~
8 identification.

9 Sec. 25. Section 80A.4, subsection 4, Code 2003, is
10 amended to read as follows:

11 4. The fingerprints required by subsection 1 may be
12 submitted by the department to the federal bureau of
13 investigation through the state ~~central~~ criminal history
14 repository for the purpose of a national criminal history
15 check.

16 Sec. 26. Section 80A.7, subsection 5, Code 2003, is
17 amended to read as follows:

18 5. An application for an identification card shall include
19 the submission of fingerprints of the person seeking the
20 identification card, which fingerprints may be submitted to
21 the federal bureau of investigation through the state ~~central~~
22 criminal history repository for the purpose of a national
23 criminal history ~~background~~ check. Fees associated with the
24 processing of fingerprints shall be assessed to the employing
25 licensee.

26 Sec. 27. Section 97B.66, unnumbered paragraph 1, Code
27 2003, is amended to read as follows:

28 A vested or retired member who was a member of the teachers
29 insurance and annuity ~~association-college~~ association-college
30 retirement equity equities fund (TIAA-CREF) at any time
31 between July 1, 1967, and June 30, 1971, and who became a
32 member of the system on July 1, 1971, upon submitting
33 verification of service and wages earned during the applicable
34 period of service under the teachers insurance and annuity
35 ~~association-college~~ association-college retirement equities

1 fund, may make employer and employee contributions to the
2 system based upon the covered wages of the member and the
3 covered wages and the contribution rates in effect for all or
4 a portion of that period of service and receive credit for
5 membership service under this system equivalent to the
6 applicable period of membership service in the teachers
7 insurance and annuity ~~association-college~~ association-college
8 retirement equities fund for which the contributions have been
9 made. In addition, a member making employer and employee
10 contributions because of membership in the teachers insurance
11 and annuity ~~association-college~~ association-college retirement
12 equities fund under this section who was a member of the
13 system on June 30, 1967, and withdrew the member's accumulated
14 contributions because of membership on July 1, 1967, in the
15 teachers insurance and annuity ~~association-college~~
16 association-college retirement equities fund, may make
17 employee contributions to the system for all or a portion of
18 the period of service under the system prior to July 1, 1967.
19 A member making contributions pursuant to this section may
20 make the contributions either for the entire applicable period
21 of service, or for portions of the period of service, and if
22 contributions are made for portions of the period of service,
23 the contributions shall be in increments of one or more
24 calendar quarters.

25 Sec. 28. Section 97B.73, subsection 1, paragraph a, Code
26 2003, is amended to read as follows:

27 a. A vested or retired member who has one or more full
28 calendar years of covered wages who was in public employment
29 comparable to employment covered under this chapter in another
30 state or in the federal government, or who was a member of
31 another public retirement system in this state, including but
32 not limited to the teachers insurance and annuity ~~association~~
33 ~~college~~ association-college retirement equities fund (TIAA-
34 CREF), but who was not retired under that system, upon
35 submitting verification of membership and service in the other

1 public system to the division, including proof that the member
2 has no further claim upon a retirement benefit from that other
3 public system, may make contributions as provided by this
4 section to the system either for the entire period of service
5 in the other public system, or for partial service in the
6 other public system in increments of one or more calendar
7 quarters. If the member wishes to transfer only a portion of
8 the service value of another public system to this system and
9 the other public system allows a partial withdrawal of a
10 member's system credits, the member shall receive credit for
11 membership service in this system equivalent to the period of
12 service transferred from the other public system.

13 Sec. 29. Section 99D.8A, subsection 2, Code 2003, is
14 amended to read as follows:

15 2. An applicant shall submit pictures, fingerprints, and
16 descriptions of physical characteristics to the commission in
17 the manner prescribed on the application forms. The
18 fingerprints may be submitted to the federal bureau of
19 investigation by the department of public safety through the
20 state ~~central~~ criminal history repository for the purpose of a
21 national criminal history check.

22 Sec. 30. Section 99E.3, subsection 3, Code 2003, is
23 amended to read as follows:

24 3. The commissioner may employ, with the approval of the
25 director, clerks, stenographers, inspectors, agents, and other
26 employees pursuant to chapter 19A as necessary to carry out
27 this chapter, except as provided in section 99E.14. The
28 commissioner may require a background investigation to be
29 conducted in connection with the employment of lottery
30 employees. The board shall define, by rule, the employment
31 categories subject to investigation. The background
32 investigation by the division of criminal investigation of the
33 department of public safety may include a national criminal
34 history ~~record~~ check through the federal bureau of
35 investigation. The screening of lottery employees through the

1 federal bureau of investigation shall be conducted by
2 submission of fingerprints through the state criminal history
3 record repository to the federal bureau of investigation.

4 Sec. 31. Section 99E.9, subsection 2, Code 2003, is
5 amended to read as follows:

6 2. Subject to the approval of the board, the commissioner
7 may enter into contracts for the operation and marketing of
8 the lottery, except that the board may by rule designate
9 classes of contracts other than major procurements which do
10 not require prior approval by the board. A major procurement
11 shall be as the result of competitive bidding with the
12 contract being awarded to the responsible vendor submitting
13 the lowest and best proposal. However, before a contract for
14 a major procurement is awarded, the division of criminal
15 investigation of the department of public safety shall conduct
16 a thorough background investigation of the vendor to whom the
17 contract is to be awarded. The commissioner and board shall
18 consult with the division of criminal investigation and shall
19 provide, by rule, for the scope of the thorough background
20 investigations and due diligence with regard to the background
21 investigations to be conducted in connection with major
22 procurements. The vendor shall submit to the division of
23 criminal investigation appropriate investigation
24 authorizations to facilitate this investigation. The
25 background investigation by the division of criminal
26 investigation may include a national criminal history record
27 check through the federal bureau of investigation. The
28 screening of vendors or their employees through the federal
29 bureau of investigation shall be conducted by submission of
30 fingerprints through the state criminal history record
31 repository to the federal bureau of investigation. As used in
32 this subsection, "major procurement" means consulting
33 agreements and the major procurement contract with a business
34 organization for the printing of tickets, or for purchase or
35 lease of equipment or services essential to the operation of a

1 lottery game.

2 Sec. 32. Section 99F.6, subsection 2, Code 2003, is
3 amended to read as follows:

4 2. An applicant shall submit pictures, fingerprints, and
5 descriptions of physical characteristics to the commission in
6 the manner prescribed on the application forms. The
7 fingerprints may be submitted to the federal bureau of
8 investigation by the department of public safety through the
9 state ~~central~~ criminal history repository for the purpose of a
10 national criminal history check.

11 Sec. 33. Section 103A.25, Code 2003, is amended to read as
12 follows:

13 103A.25 PRIOR RESOLUTIONS.

14 A resolution accepting the state building code as provided
15 in section 103A.7, which was adopted before ~~the effective date~~
16 ~~of this Act~~ July 1, 1989, is an ordinance for the purpose of
17 this chapter.

18 Sec. 34. Section 135.78, Code 2003, is amended to read as
19 follows:

20 135.78 DATA TO BE COMPILED.

21 The department shall compile all relevant financial and
22 utilization data in order to have available the statistical
23 information necessary to properly monitor hospital and health
24 care facility charges and costs. Such data shall include
25 necessary operating expenses, appropriate expenses incurred
26 for rendering services to patients who cannot or do not pay,
27 all properly incurred interest charges, and reasonable
28 depreciation expenses based on the expected useful life of the
29 property and equipment involved. The department shall also
30 obtain from each hospital and health care facility a current
31 rate schedule as well as any subsequent amendments or
32 modifications of that schedule as it may require. In
33 collection of the data required by this section and sections
34 ~~135.74 to 135.78~~ through 135.76, the department and other
35 state agencies shall coordinate their reporting requirements.

1 Sec. 35. Section 141A.7, subsection 2, paragraph a, Code
2 2003, is amended to read as follows:

3 a. The performance by a health care provider or health
4 facility of an HIV-related test when the health care provider
5 or health facility procures, processes, distributes, or uses a
6 human body part donated for a purpose specified under the
7 uniform anatomical gift Act as provided in chapter 142C, or
8 semen provided prior to July 1, 1988, for the purpose of
9 artificial insemination, or donations of blood, and such test
10 is necessary to ensure medical acceptability of such gift or
11 semen for the purposes intended.

12 Sec. 36. Section 142.4, unnumbered paragraph 2, Code 2003,
13 is amended to read as follows:

14 This section shall not apply to bodies given under
15 authority of the uniform anatomical gift Act as provided in
16 chapter 142C.

17 Sec. 37. Section 142.8, unnumbered paragraph 2, Code 2003,
18 is amended to read as follows:

19 This section shall not apply to bodies given under
20 authority of the uniform anatomical gift Act as provided in
21 chapter 142C.

22 Sec. 38. Section 142C.6, subsection 2, Code 2003, is
23 amended to read as follows:

24 2. If an anatomical gift is made to a designated donee,
25 the document of gift, or a copy, may be delivered to the donee
26 to expedite the appropriate procedures after the death of the
27 donor. The document of gift, or a copy, may be deposited in
28 any hospital, organ procurement organization, bank or storage
29 organization, or donor registry office that accepts the
30 document of gift for safekeeping or for the facilitation of
31 procedures after the death of the donor. If a document is
32 deposited by a donor in a hospital, donor registry office, or
33 bank or storage organization, the hospital, donor registry
34 office, or bank or storage organization may forward the
35 document to an organ procurement organization which will

1 retain the document for facilitating procedures following the
2 death of the donor. Upon request of a hospital, physician, or
3 surgeon, upon or after the donor's death, the person in
4 possession of the document of gift may allow the hospital,
5 physician, or surgeon to examine or copy the document of gift.

6 Sec. 39. Section 147.107, subsection 2, unnumbered
7 paragraph 1, Code 2003, is amended to read as follows:

8 A pharmacist, physician, dentist, or podiatric physician
9 who dispenses prescription drugs, including but not limited to
10 controlled substances, for human use, may delegate
11 nonjudgmental dispensing functions to staff assistants only
12 when verification of the accuracy and completeness of the
13 prescription is determined by the pharmacist or practitioner
14 in the pharmacist's or practitioner's physical presence.
15 However, the physical presence requirement does not apply when
16 a pharmacist or practitioner is utilizing an automated
17 dispensing system. When using an automated dispensing system
18 the pharmacist or practitioner shall utilize an internal
19 quality control assurance plan that ensures accuracy for
20 dispensing. Verification of automated dispensing accuracy and
21 completeness remains the responsibility of the pharmacist or
22 practitioner and shall be determined in accordance with rules
23 adopted by the boards state board of pharmacy examiners,
24 medicine,-dentistry the state board of medical examiners, the
25 state board of dental examiners, and the state board of
26 podiatry examiners for their respective licensees.

27 Sec. 40. Section 163.30, subsection 2, unnumbered
28 paragraph 1, Code 2003, is amended to read as follows:

29 When used in this chapter subchapter:

30 Sec. 41. Section 172D.3, subsection 2, paragraph a, Code
31 2003, is amended to read as follows:

32 a. Exclusion for federally mandated requirements. This
33 section shall apply to the department's rules except for rules
34 required for delegation of the national pollutant discharge
35 elimination system permit program pursuant to the federal

1 Water Pollution Control Act, Title 33, United States Code,
2 chapter 126, as amended, and 40 ~~Code of Federal Regulations~~
3 C.F.R. Part pt. 124.

4 Sec. 42. Section 190C.1, subsection 18, Code 2003, is
5 amended to read as follows:

6 18. "Regional organic association" means a corporation
7 organized under ~~former~~ chapter 504, Code 1989, or chapter 504A
8 which has certifying members, elects its own officers and
9 directors, and is independent from the department.

10 Sec. 43. Section 230A.12, unnumbered paragraph 1, Code
11 2003, is amended to read as follows:

12 Each community mental health center established or
13 continued in operation pursuant to section 230A.3, shall be
14 organized under the Iowa nonprofit corporation Act appearing
15 as chapter 504A, except that a community mental health center
16 organized under former chapter 504 prior to July 1, 1974, and
17 existing under the provisions of chapter 504, Code 1989, shall
18 not be required by this chapter to adopt the Iowa nonprofit
19 corporation Act if it is not otherwise required to do so by
20 law. The board of directors of each such community mental
21 health center shall enter into an agreement with the county or
22 affiliated counties which are to be served by the center,
23 which agreement shall include but need not be limited to the
24 period of time for which the agreement is to be in force, what
25 services the center is to provide for residents of the county
26 or counties to be served, standards the center is to follow in
27 determining whether and to what extent persons seeking
28 services from the center shall be considered able to pay the
29 cost of the services received, and policies regarding
30 availability of the center's services to persons who are not
31 residents of the county or counties served by the center. The
32 board of directors, in addition to exercising the powers of
33 the board of directors of a nonprofit corporation may:

34 Sec. 44. Section 256A.3, subsection 11, Code 2003, is
35 amended by striking the subsection.

1 Sec. 45. Section 260C.14, subsection 1, Code 2003, is
2 amended to read as follows:

3 1. Determine the curriculum to be offered in such school
4 or college subject to approval of the director and ensure that
5 all vocational offerings are competency-based, provide any
6 minimum competencies required by the department of education,
7 comply with any applicable requirements in chapter 258, and
8 are articulated with local school district vocational
9 education programs. If an existing private educational or
10 vocational institution within the merged area has facilities
11 and curriculum of adequate size and quality which would
12 duplicate the functions of the area school, the board of
13 directors shall discuss with the institution the possibility
14 of entering into contracts to have the existing institution
15 offer facilities and curriculum to students of the merged
16 area. The board of directors shall consider any proposals
17 submitted by the private institution for providing such
18 facilities and curriculum. The board of directors may enter
19 into such contracts. In approving curriculum, the director
20 shall ascertain that all courses and programs submitted for
21 approval are needed and that the curriculum being offered by
22 an area school does not duplicate programs provided by
23 existing public or private facilities in the area. In
24 determining whether duplication would actually exist, the
25 state-board director shall consider the needs of the area and
26 consider whether the proposed programs are competitive as to
27 size, quality, tuition, purposes, and area coverage with
28 existing public and private educational or vocational
29 institutions within the merged area. If the board of
30 directors of the merged area chooses not to enter into
31 contracts with private institutions under this subsection, the
32 board shall submit a list of reasons why contracts to avoid
33 duplication were not entered into and an economic impact
34 statement relating to the board's decision.

35 Sec. 46. Section 261.23, subsection 4, Code 2003, is

1 amended to read as follows:

2 4. A registered nurse shall be eligible for the registered
3 nurse loan repayment program if the registered nurse has
4 received from an accredited school of nursing located in this
5 state a collegiate or associate degree of nursing, a diploma
6 in nursing, or a graduate or equivalent degree in nursing and
7 agrees to practice in an eligible community in this state that
8 has agreed to provide additional funds for the registered
9 nurse's loan repayment. The contract for the loan repayment
10 shall stipulate the time period the registered nurse shall
11 practice in an eligible community in this state. In addition,
12 the contract shall stipulate that the registered nurse repay
13 any funds paid on the registered nurse's loan by the
14 commission if the registered nurse fails to practice in an
15 eligible community in this state for the required period of
16 time. For purposes of this subsection, "eligible community"
17 means a community that agrees to match state funds provided on
18 at least a dollar-for-dollar basis for the loan repayment of a
19 registered nurse who practices in the community.

20 Sec. 47. Section 272.2, subsection 14, paragraph a, Code
21 2003, is amended to read as follows:

22 a. The board may deny a license to or revoke the license
23 of a person upon the board's finding by a preponderance of
24 evidence that either the person has been convicted of a crime
25 or that there has been a founded report of child abuse against
26 the person. Rules adopted in accordance with this paragraph
27 shall provide that in determining whether a person should be
28 denied a license or that a practitioner's license should be
29 revoked, the board shall consider the nature and seriousness
30 of the founded abuse or crime in relation to the position
31 sought, the time elapsed since the crime was committed, the
32 degree of rehabilitation which has taken place since the
33 incidence of founded abuse or the commission of the crime, the
34 likelihood that the person will commit the same abuse or crime
35 again, and the number of founded abuses committed by or

1 criminal convictions by of the person involved.

2 Sec. 48. Section 284.3, subsection 2, paragraph a, Code
3 2003, is amended to read as follows:

4 a. By July 1, 2002, for purposes of comprehensive
5 evaluations for beginning teachers required to allow beginning
6 teachers to progress to career teachers, standards and
7 criteria that are the Iowa teaching standards specified in
8 subsection 1 and the model criteria for the Iowa teaching
9 standards developed by the department in accordance with
10 section 256.9, subsection 50. These standards and criteria
11 shall be set forth in an instrument provided by the
12 department. The comprehensive evaluation and instrument are
13 not subject to negotiations or grievance procedures pursuant
14 to chapter 20 or determinations made by the board of directors
15 under section 279.14. A local school board and its certified
16 bargaining representative may negotiate, pursuant to chapter
17 20, evaluation and grievance procedures for beginning teachers
18 that are not in conflict with this chapter. If, in accordance
19 with section 279.19, a beginning teacher appeals the
20 determination of a school board to an adjudicator under
21 section 279.17, the adjudicator selected shall have
22 successfully completed training related to the Iowa teacher
23 standards, the model criteria adopted by the state board of
24 education in accordance with subsection 3, ~~as enacted by this~~
25 ~~Act~~, and any additional training required under rules adopted
26 by the public employment relations board in cooperation with
27 the state board of education.

28 Sec. 49. Section 284.11, subsections 4, 5, and 7, Code
29 2003, are amended to read as follows:

30 4. Each participating district shall create its own design
31 for a team-based variable pay plan linked to the district's
32 comprehensive school improvement plan. The plan must include
33 attendance center student performance goals, student
34 performance levels, multiple indicators to determine progress
35 toward attendance center goals, and a system for providing

1 financial rewards. The team-based variable pay plan shall be
2 approved by the local board.

3 5. Each district team-based variable pay plan shall be
4 reviewed by the department. The department shall include a
5 review of the locally established goals, targeted levels of
6 improvement, assessment strategies, and financial reward
7 system.

8 7. The district team-based variable pay plan shall specify
9 how the funding received by the district for purposes of this
10 section is to be awarded to eligible staff in attendance
11 centers that meet or exceed their goals. The district shall
12 provide all attendance centers equal access to the available
13 funds. Moneys shall be released by the department to the
14 district only upon certification by the school board that an
15 attendance center has met or exceeded its goals.

16 Sec. 50. Section 304A.21, subsection 5, Code 2003, is
17 amended to read as follows:

18 5. "Nonprofit organization" means a corporation organized
19 under ~~former~~ chapter 504, Code 1989, or chapter 504A or which
20 holds a permit or certificate under ~~former~~ chapter 504, Code
21 1989, or chapter 504A to do business or conduct affairs in
22 this state.

23 Sec. 51. Section 308.1, Code 2003, is amended to read as
24 follows:

25 308.1 PLANNING COMMISSION.

26 The Mississippi parkway planning commission shall be
27 composed of ten members appointed by the governor, five
28 members to be appointed for two-year terms beginning July 1,
29 1959, and five members to be appointed for four-year terms
30 beginning July 1, 1959. In addition to the above members
31 there shall be seven advisory ex officio members who shall be
32 as follows: One member from the state transportation
33 commission, one member from the natural resource commission,
34 one member from the ~~Fewa~~ state soil conservation ~~commission~~
35 committee, one member from the state historical society of

1 Iowa, one member from the faculty of the landscape
2 architectural division of the Iowa State University of science
3 and technology, one member from the Iowa economic development
4 board, and one member from the environmental protection
5 commission. Members and ex officio members shall serve
6 without pay, but the actual and necessary expenses of members
7 and ex officio members may be paid if the commission so orders
8 and if the commission has funds available for that purpose.

9 Sec. 52. Section 321.178, subsection 1, paragraph c, Code
10 2003, is amended to read as follows:

11 c. Instruction relating to becoming an organ donor under
12 the uniform anatomical gift Act as provided in chapter 142C.

13 Sec. 53. Section 321.189, subsection 4, Code 2003, is
14 amended to read as follows:

15 4. SYMBOLS. Upon the request of a licensee, the
16 department shall indicate on the license the presence of a
17 medical condition, that the licensee is a donor under the
18 uniform anatomical gift ~~law~~ Act as provided in chapter 142C,
19 or that the licensee has in effect a medical advance
20 directive. For purposes of this subsection, a medical advance
21 directive includes, but is not limited to, a valid durable
22 power of attorney for health care as defined in section
23 144B.1. The license may contain such other information as the
24 department may require by rule.

25 Sec. 54. Section 331.427, subsection 2, paragraph k, Code
26 2003, is amended to read as follows:

27 k. For the use of a nonprofit historical society organized
28 under chapter 504, Code 1989, or chapter 504A, a city-owned
29 historical project, or both.

30 Sec. 55. Section 331.652, subsection 8, paragraph d, Code
31 2003, is amended to read as follows:

32 d. ~~Civil~~ A civil process ~~servers~~ server shall not be
33 considered to be a sheriff or a deputy sheriff for purposes of
34 this chapter or chapter 97B or 341A.

35 Sec. 56. Section 335.24, Code 2003, is amended to read as

1 follows:

2 335.24 CONFLICT WITH OTHER REGULATIONS.

3 If the regulations made under this chapter require a
4 greater width or size of yards, courts or other open spaces,
5 or require a lower height of building or less number of
6 stories, or require a greater percentage of lot to be left
7 unoccupied, or impose other higher standards than are required
8 in any other statute or local ordinance or regulation, the
9 regulations made under this chapter govern. If any other
10 statute or local ordinance or regulation requires a greater
11 width or size of yards, courts or other open spaces, or
12 requires a lower height of building or a less number of
13 stories, or a greater percentage of lot to be left unoccupied,
14 or imposes other higher standards than are required by the
15 regulations made under this chapter, the other statute or
16 local ordinance or regulation governs. If a regulation
17 proposed or made under this chapter relates to any structure,
18 building, dam, obstruction, deposit or excavation in or on the
19 flood plains of any river or stream, prior approval of the
20 department of ~~water, air and waste management~~ natural
21 resources is required to establish, amend, supplement, change,
22 or modify the regulation or to grant any variation or
23 exception from the regulation.

24 Sec. 57. Section 421B.11, unnumbered paragraph 3, Code
25 2003, is amended to read as follows:

26 Judicial review of the actions of the director may be
27 sought in accordance with ~~the terms of the Iowa administrative~~
28 ~~procedure Act~~ chapter 17A, and section 422.55.

29 Sec. 58. Section 426B.1, subsection 2, Code 2003, is
30 amended to read as follows:

31 2. There is appropriated annually to the property tax
32 relief fund ~~for the indicated fiscal years~~ from the general
33 fund of the state ~~the following amounts:~~

34 ~~For the fiscal year beginning July 1, 1997, and succeeding~~
35 ~~fiscal years,~~ ninety-five million dollars.

1 Sec. 59. Section 432.1, subsection 5, Code 2003, is
2 amended to read as follows:

3 5. Except as provided in subsection ~~4~~ 6, the premium tax
4 shall be paid on or before March 1 of the year following the
5 calendar year for which the tax is due. The commissioner may
6 suspend or revoke the license of a company or association that
7 fails to pay its premium tax on or before the due date.

8 Sec. 60. Section 455B.484, subsections 2 and 3, Code 2003,
9 are amended to read as follows:

10 2. Seek, receive, and accept funds in the form of
11 appropriations, grants, awards, wills, bequests, endowments,
12 and gifts for deposit into the waste management assistance
13 trust fund to be used for programs relating to the duties of
14 the department under this part.

15 3. Administer and coordinate the ~~land-quality-and~~ waste
16 management assistance trust fund created under this part.

17 Sec. 61. Section 455B.488, Code 2003, is amended to read
18 as follows:

19 455B.488 HOUSEHOLD HAZARDOUS WASTE COLLECTION AND
20 DISPOSITION.

21 The ~~division~~ department shall develop, sponsor, and assist
22 in conducting local, regional, or statewide programs for the
23 receipt or collection and proper management of hazardous
24 wastes from households and farms. In conducting such events
25 the ~~division~~ department may establish limits on the types and
26 amounts of wastes that will be collected, and may establish a
27 fee system for acceptance of wastes in quantities exceeding
28 the limits established pursuant to this section.

29 Sec. 62. Section 455B.518, subsection 4, Code 2003, is
30 amended to read as follows:

31 4. A toxics pollution prevention plan developed under this
32 section shall be reviewed by the ~~authority~~ department for
33 completeness, adequacy, and accuracy.

34 Sec. 63. Section 455H.208, Code 2003, is amended to read
35 as follows:

1 455H.208 PUBLIC PARTICIPATION.

2 Public participation shall be a required component of the
3 process for participants for all sites enrolled in the land
4 recycling program. The required level of public participation
5 shall vary depending on the conditions existing at a site. At
6 a minimum, the department shall notify all adjacent property
7 owners, occupants of adjacent property, and the city or county
8 in which the property is located of a site's enrollment in the
9 land recycling program and of the scope of work described in
10 the participation agreement, and give the notified parties the
11 opportunity to obtain updates regarding the status of
12 activities relating to the enrolled site in the land recycling
13 program. The notification shall not be required before the
14 participant has had the opportunity to collect basic
15 information characterizing the nature and extent of the
16 contamination, but the notification shall be required in a
17 timely manner allowing appropriate parties to have input in
18 the formulation of the response action. If contaminants from
19 the enrolled site have migrated off the enrolled site or are
20 likely to migrate off the enrolled site, as determined by the
21 department, the department shall notify by direct mailing all
22 potentially affected parties, including the city or county in
23 which the potentially affected property is located, and
24 officials in charge of any potentially impacted public water
25 supply and the notified parties shall be given opportunity to
26 comment on proposed response actions. The department may
27 require the participant of an enrolled site to publish public
28 notice in a local newspaper if widespread interest in the site
29 exists or is likely to exist as determined by the department.
30 The department shall consider reasonable comments from
31 potentially affected parties in determining whether to approve
32 or disapprove a proposed response action or site closure.

33 Sec. 64. Section 456A.19, unnumbered paragraphs 1 and 2,
34 Code 2003, are amended to read as follows:

35 All funds accruing to the fish and game protection fund,

1 except an equitable portion of the administration fund, shall
2 be expended solely in carrying on the fish and wildlife
3 activities. Expenditures incurred by the department in
4 carrying on the activities shall be only on authorization by
5 the general assembly.

6 The department shall by October 1 of each year submit to
7 the department of management for transmission to the general
8 assembly a detailed estimate of the amount required by the
9 department during the succeeding year for carrying on the fish
10 and wildlife activities. The estimate shall be in the same
11 general form and detail as required by law in estimates
12 submitted by other state departments.

13 Sec. 65. Section 456A.21, subsections 1 and 2, Code 2003,
14 are amended to read as follows:

15 1. A forestry management and enhancement fund is created
16 in the state treasury under the department's control. The
17 fund is composed of moneys deposited into the fund pursuant to
18 section 456A.20, moneys appropriated by the general assembly,
19 and moneys available to and obtained or accepted by the
20 ~~division~~ or the department from the United States or private
21 sources for placement in the fund.

22 2. Moneys in the fund are subject to an annual audit by
23 the auditor of state. The fund is subject to warrants written
24 by the director of revenue and finance, drawn upon the written
25 requisition of the ~~division~~ department.

26 Sec. 66. Section 456A.21, subsection 3, paragraph a, Code
27 2003, is amended to read as follows:

28 a. Four forestry technicians who shall serve regions of
29 the state as designated by the ~~division~~ department.

30 Sec. 67. Section 459.102, subsection 29, Code 2003, is
31 amended to read as follows:

32 29. "Major water source" means a water source that is a
33 lake, reservoir, river, or stream located within the
34 territorial limits of the state, or any marginal river area
35 adjacent to the state, if the water source is capable of

1 supporting a floating vessel capable of carrying one or more
2 persons during a total of a six-month period in one out of ten
3 years, excluding periods of flooding, which has been
4 identified by rules adopted by the commission.

5 Sec. 68. Section 459.303, subsection 5, paragraph a,
6 unnumbered paragraph 1, Code 2003, is amended to read as
7 follows:

8 A confinement feeding operation meets threshold
9 requirements under this paragraph subsection if the
10 confinement feeding operation after construction of a proposed
11 confinement feeding operation structure would have a minimum
12 animal unit capacity of the following:

13 Sec. 69. Section 459.310, subsection 1, paragraph a, Code
14 2003, is amended to read as follows:

15 a. A confinement feeding operation structure shall not be
16 constructed closer than five hundred feet away from the
17 surface intake of an agricultural drainage well. A
18 confinement feeding operation structure shall not be
19 constructed closer than one thousand feet from a wellhead,
20 cistern of an agricultural drainage well, or known sinkhole.
21 However, the department may adopt rules requiring an increased
22 separation distance under this paragraph in order to protect
23 the integrity of a water of ~~this~~ the state. The increased
24 separation distance shall not be more than two thousand feet.
25 If the department exercises its discretion to increase the
26 separation distance requirement, the department shall not
27 approve an application for the construction of a confinement
28 feeding operation structure within that separation distance as
29 provided in section 459.303.

30 Sec. 70. Section 459.310, subsection 1, paragraph c,
31 subparagraph (2), Code 2003, is amended to read as follows:

32 (2) A major water source shall not be constructed,
33 expanded, or diverted, if the major water source as
34 constructed, expanded, or diverted is closer than one thousand
35 feet from a confinement feeding operation structure.

1 Sec. 71. Section 459.312, subsection 10, paragraph a,
2 subparagraph (2), subparagraph subdivision (b), subparagraph
3 subdivision part (i), Code 2003, is amended to read as
4 follows:

5 (i) The development of a comprehensive state nutrient
6 budget for the maximum volume, frequency, and concentration of
7 nutrients for each watershed that addresses all significant
8 sources of nutrients in a water of ~~this~~ the state on a
9 watershed basis.

10 Sec. 72. Section 459.604, subsection 1, unnumbered
11 paragraph 2, Code 2003, is amended to read as follows:

12 This subsection shall not apply unless the department of
13 ~~natural-resources~~ has previously notified the person of the
14 person's classification as a habitual violator. The
15 department shall notify persons classified as habitual
16 violators of their classification, additional restrictions
17 imposed upon the persons pursuant to their classification, and
18 special civil penalties that may be imposed upon the persons.
19 The notice shall be sent to the persons by certified mail.

20 Sec. 73. Section 466.5, subsection 4, unnumbered paragraph
21 1, Code 2003, is amended to read as follows:

22 When establishing a wetland under this ~~subsection~~ section,
23 the department of agriculture and land stewardship shall be
24 governed by the following requirements:

25 Sec. 74. Section 481B.5, subsections 2 through 4, Code
26 2003, are amended to read as follows:

27 2. The United States list of endangered or threatened
28 native fish and wildlife as contained in ~~the-Code-of-Federal~~
29 ~~Regulations, Title-50, part~~ 50 C.F.R. pt. 17 as amended to
30 December 30, 1991.

31 3. The United States list of endangered or threatened
32 plants as contained in ~~the-Code-of-Federal-Regulations, Title~~
33 ~~50, part~~ 50 C.F.R. pt. 17 as amended to December 30, 1991.

34 4. The United States list of endangered or threatened
35 foreign fish and wildlife as contained in ~~the-Code-of-Federal~~

1 Regulations, Title 50, part 50 C.F.R. pt. 17 as amended to
2 December 30, 1991.

3 Sec. 75. Section 490.825, subsection 3, Code 2003, is
4 amended to read as follows:

5 3. Sections 490.820 through 490.824 apply both to
6 committees of the board and to their committee members.

7 Sec. 76. Section 490.1701, subsection 1, Code 2003, is
8 amended to read as follows:

9 1. Except as provided in this subsection or chapter 504,
10 Code 1989, or chapter 504A, this chapter does not apply to or
11 affect entities subject to chapter 504 or 504A. Such entities
12 continue to be governed by all laws of this state applicable
13 to them before December 31, 1989, as those laws are amended.
14 This chapter does not derogate or limit the powers to which
15 such entities are entitled.

16 Sec. 77. Section 490A.1508, Code 2003, is amended to read
17 as follows:

18 490A.1508 ISSUANCE OF MEMBERSHIP INTERESTS.

19 Membership interests of a professional limited liability
20 company shall be issued only to individuals who are licensed
21 to practice in any state a profession which the professional
22 limited liability company is authorized to practice.

23 Membership interests of a professional limited liability
24 company shall not at any time be issued in, transferred into,
25 or held in joint tenancy, tenancy in common, or any other form
26 of joint ownership or co-ownership. The Iowa uniform
27 securities Act as provided in chapter 502 shall not be
28 applicable to nor govern any transaction relating to any
29 membership interests of a professional limited liability
30 company.

31 Sec. 78. Section 504A.100, subsection 2, Code 2003, is
32 amended to read as follows:

33 2. This chapter shall not apply to any domestic
34 corporation heretofore organized or existing under the
35 provisions of chapter 504, ~~of the~~ Code 1989, nor, for a period

1 of two years from and after July 4, 1965, to any foreign
2 corporation holding a permit under the provisions of said
3 chapter on the said date, unless such domestic or foreign
4 corporation shall voluntarily elect to adopt the provisions of
5 this chapter and shall comply with the procedure prescribed by
6 the provisions of subsection 3 of this section.

7 Sec. 79. Section 504B.1, Code 2003, is amended to read as
8 follows:

9 504B.1 CORPORATIONS APPLICABLE.

10 This chapter shall apply to every corporation organized
11 under chapter 504, Code 1989, or chapter 504A, which
12 corporation is deemed to be a private foundation as defined in
13 section 509 of the Internal Revenue Code, which is
14 incorporated in the state of Iowa after December 31, 1969, and
15 as to any such corporation organized in this state before
16 January 1, 1970, it shall apply only for its federal taxable
17 years beginning on or after January 1, 1972.

18 Sec. 80. Section 504B.6, unnumbered paragraph 1, Code
19 2003, is amended to read as follows:

20 Nothing in this chapter shall limit the power of any
21 nonprofit corporation organized under chapter 504, Code 1989,
22 or organized under chapter 504A:

23 Sec. 81. Section 514.1, unnumbered paragraph 1, Code 2003,
24 is amended to read as follows:

25 A corporation organized under ~~former~~ chapter 504, Code
26 1989, or chapter 504A for the purpose of establishing,
27 maintaining, and operating a nonprofit hospital service plan,
28 whereby hospital service may be provided by the corporation or
29 by a hospital with which it has a contract for service, to the
30 public who become subscribers to this plan under a contract
31 which entitles each subscriber to hospital service; or a
32 corporation organized for the purpose of establishing,
33 maintaining, and operating a plan whereby health care service
34 may be provided at the expense of this corporation, by
35 licensed physicians and surgeons, dentists, podiatric

1 physicians, osteopathic physicians, osteopathic physicians and
2 surgeons or chiropractors, to subscribers under contract,
3 entitling each subscriber to health care service, as provided
4 in the contract; or a corporation organized for the purpose of
5 establishing, maintaining, and operating a nonprofit
6 pharmaceutical service plan or optometric service plan,
7 whereby pharmaceutical or optometric service may be provided
8 by this corporation or by a licensed pharmacy with which it
9 has a contract for service, to the public who become
10 subscribers to this plan under a contract which entitles each
11 subscriber to pharmaceutical or optometric service; shall be
12 governed by this chapter and is exempt from all other
13 provisions of the insurance laws of this state, unless
14 specifically designated in this chapter, not only in
15 governmental relations with the state but for every other
16 purpose, and additions enacted after ~~the-effective-date-of~~
17 ~~this-chapter~~ July 1, 1939, shall not apply to these
18 corporations unless they are expressly designated in the
19 additions.

20 Sec. 82. Section 514.2, Code 2003, is amended to read as
21 follows:

22 514.2 INCORPORATION.

23 Persons desiring to form a nonprofit hospital service
24 corporation, or a nonprofit medical service corporation, or a
25 nonprofit pharmaceutical or optometric service corporation
26 shall incorporate under the provisions of chapter 504, Code
27 1989, or chapter 504A, as supplemented and amended herein and
28 any acts amendatory thereof.

29 Sec. 83. Section 514.5, unnumbered paragraph 1, Code 2003,
30 is amended to read as follows:

31 A hospital service corporation organized under ~~former~~
32 chapter 504, Code 1989, or chapter 504A may enter into
33 contracts for the rendering of hospital service to any of its
34 subscribers with hospitals maintained and operated by the
35 state or any of its political subdivisions, or by any

1 corporation, association, or individual. Such hospital
2 service corporation may also contract with an ambulatory
3 surgical facility to provide surgical services to the
4 corporation's subscribers. Hospital service is meant to
5 include bed and board, general nursing care, use of the
6 operating room, use of the delivery room, ordinary medications
7 and dressings and other customary routine care. Ambulatory
8 surgical facility means a facility constructed and operated
9 for the specific purpose of providing surgery to patients
10 admitted to and discharged from the facility within the same
11 day.

12 Sec. 84. Section 542.7, subsection 8, unnumbered paragraph
13 1, Code 2003, is amended to read as follows:

14 The board, by rule, shall require as a condition to of
15 renewal of a permit to practice as a certified public
16 accounting firm, that an applicant undergo, no more frequently
17 than once every three years, a peer review conducted in such
18 manner as the board specifies. The review shall include a
19 verification that any individual in the firm who is
20 responsible for supervising attest and compilation services
21 and who signs or authorizes someone to sign the accountant's
22 report on a financial statement on behalf of the firm meets
23 the competency requirements set forth in the professional
24 standards for such services.

25 Sec. 85. Section 542.8, subsection 17, Code 2003, is
26 amended to read as follows:

27 17. The board, by rule, shall require as a condition to of
28 renewal of a permit to practice as a licensed public
29 accounting firm, that an applicant undergo, no more frequently
30 than once every three years, a peer review conducted in such
31 manner as the board specifies. The review shall include
32 verification that any individual in the firm who is
33 responsible for supervising compilation services and who signs
34 or authorizes someone to sign the accountant's report on a
35 financial statement on behalf of the firm meets the competency

1 requirements set forth in the professional standards for such
2 services. Such rules shall include reasonable provision for
3 compliance by an applicant showing that the applicant, within
4 the preceding three years, has undergone a peer review that is
5 a satisfactory equivalent to the peer review required under
6 this subsection. An applicant's completion of a peer review
7 program endorsed or supported by the national society of
8 accountants, or other substantially similar review as
9 determined by the board, satisfies the requirements of this
10 subsection.

11 Sec. 86. Section 544B.1, subsection 2, Code 2003, is
12 amended to read as follows:

13 2. ~~The-~~practice "Practice of landscape architecture"
14 means the performance of professional services such as
15 consultations, investigations, reconnaissance, research,
16 planning, design, or responsible supervision in connection
17 with projects involving the arranging of land and the elements
18 thereon for public and private use and enjoyment, including
19 the alignment of roadways and the location of buildings,
20 service areas, parking areas, walkways, steps, ramps, pools
21 and other structures, and the grading of the land, surface and
22 subsoil drainage, erosion control, planting, reforestation,
23 and the preservation of the natural landscape and aesthetic
24 values, in accordance with accepted professional standards of
25 public health, welfare, and safety. This practice shall
26 include the location and arrangement of such tangible objects
27 and features as are incidental and necessary to the purposes
28 outlined in this chapter but shall not include the design of
29 structures or facilities with separate and self-contained
30 purposes for habitation or industry, or the design of public
31 streets and highways, utilities, storm and sanitary sewers,
32 and sewage treatment facilities, such as are ordinarily
33 included in the practice of engineering or architecture; and
34 shall not include the making of land surveys or final land
35 plats for official approval or recording. Nothing contained

1 in this chapter shall be construed as authorizing a
2 professional landscape architect to engage in the practice of
3 architecture, engineering, or land surveying.

4 Sec. 87. Section 554.9706, subsection 2, paragraph a, Code
5 2003, is amended to read as follows:

6 a. if the initial financing statement is filed before July
7 1, 2001, for the period provided in former section 554.9403,
8 Code 2001, with respect to a financing statement; and

9 Sec. 88. Section 554.11103, Code 2003, is amended to read
10 as follows:

11 554.11103 TRANSITION TO THIS CHAPTER AS AMENDED -- GENERAL
12 RULE.

13 Transactions validly entered into after July 4, 1966, and
14 before January 1, 1975, which were subject to the provisions
15 of this chapter prior to amendment and which would be subject
16 to this chapter as amended if they had been entered into on or
17 after January 1, 1975, and the rights, duties and interests
18 flowing from such transactions remain valid after January 1,
19 1975, and may be terminated, completed, consummated or
20 enforced as required or permitted by this chapter as amended.
21 Security interests arising out of such transactions which are
22 perfected on January 1, 1975, shall remain perfected until
23 they lapse or are terminated as provided in this chapter as
24 amended, and may be continued as permitted by this chapter as
25 amended, ~~except as stated in section 554.11105.~~

26 Sec. 89. Section 616.10, Code 2003, is amended to read as
27 follows:

28 616.10 INSURANCE COMPANIES.

29 Insurance companies may be sued in any county in which
30 their principal place of business is kept, or in which the
31 contract of insurance was made, or in which the loss insured
32 against occurred, or, in case of insurance against death or
33 disability, in the county of the domicile of the insured at
34 the time the loss occurred, or in the county of plaintiff's
35 residence. As used in this section the term "insurance

1 companies" includes nonprofit hospital service corporations
2 and nonprofit medical service corporations which have
3 incorporated under the provisions of chapter 504, Code 1989,
4 or chapter 504A.

5 Sec. 90. Section 618.5, Code 2003, is amended to read as
6 follows:

7 618.5 PERMISSIBLE SELECTION.

8 Publications may be made in a newspaper published at least
9 once a week ~~or oftener~~.

10 Sec. 91. Section 618.9, Code 2003, is amended to read as
11 follows:

12 618.9 DAYS OF PUBLICATION.

13 When the publication is in a newspaper which is published
14 ~~oftener than~~ more than once a week, the succeeding
15 publications of such notice shall be on the same day of the
16 week as the first publication. This section shall not apply
17 to any notice for the publication of which provision
18 inconsistent herewith is specially made.

19 Sec. 92. Section 633.63, subsection 3, Code 2003, is
20 amended to read as follows:

21 3. A private nonprofit corporation organized under chapter
22 504, Code 1989, or chapter 504A is qualified to act as a
23 guardian, as defined in section 633.3, subsection 20, or a
24 conservator, as defined in section 633.3, subsection 7, where
25 the assets subject to the conservatorship at the time when
26 such corporation is appointed conservator are less than or
27 equal to seventy-five thousand dollars and the corporation
28 does not possess a proprietary or legal interest in an
29 organization which provides direct services to the individual.

30 Sec. 93. Section 633.4214, subsection 3, paragraph c, Code
31 2003, is amended to read as follows:

32 c. This subsection does not apply to the following:

33 (1) A power held by the settlor's spouse who is the
34 trustee of a trust for which a marital deduction, as defined
35 in section 2056(b)(5) or 2523(e) of the Internal Revenue Code

1 of 1986, that was previously allowed.

2 (2) A trust that may be revoked or amended by the settlor.

3 (3) A trust, if contributions to the trust which qualify
4 for an annual exclusion under section 2503(c) of the Internal
5 Revenue Code of 1986.

6 Sec. 94. Section 637.601, unnumbered paragraph 1, Code
7 2003, is amended to read as follows:

8 For purposes of this section subchapter:

9 Sec. 95. Section 637.605, subsection 2, Code 2003, is
10 amended to read as follows:

11 2. The trustee appoints a disinterested person who, in its
12 the person's sole discretion, but acting in a fiduciary
13 capacity, determines for the trustee the method to be used in
14 determining the fair market value of the trust, and which
15 assets, if any, are to be excluded in determining the unitrust
16 amount.

17 Sec. 96. Section 656.2, subsection 2, paragraph a,
18 unnumbered paragraph 11, Code 2003, is amended to read as
19 follows:

20 The request for notice shall be indexed ~~pursuant-to-section~~
21 558-50.

22 Sec. 97. Section 709.19, subsection 1, Code 2003, is
23 amended to read as follows:

24 1. Upon the filing of an affidavit by a victim, or a
25 parent or guardian on behalf of a minor who is a victim, of a
26 crime of that is a sexual offense in violation of section
27 709.2, 709.3, 709.4, 709.8, 709.9, 709.11, 709.12, 709.14,
28 709.15, or 709.16, which that states that the presence of or
29 contact with the defendant whose release from jail or prison
30 is imminent or who has been released from jail or prison
31 continues to pose a threat to the safety of the victim,
32 persons residing with the victim, or members of the victim's
33 immediate family, the court shall enter a temporary no-contact
34 order which shall require the defendant to have no contact
35 with the victim, persons residing with the victim, or members

1 of the victim's immediate family.

2 Sec. 98. Section 717D.1, Code 2003, is amended to read as
3 follows:

4 717D.1 DEFINITIONS.

5 As used in this chapter:

- 6 1. "Animal" means a nonhuman vertebrate.
- 7 2. "Contest animal" means a bull, bear, chicken, or dog.
- 8 3. "Contest device" means equipment designed to enhance a
9 contest animal's entertainment value during training or a
10 contest event, including a device to improve the contest
11 animal's competitiveness.
- 12 4. "Contest event" means a function organized for the
13 entertainment or profit of spectators where a contest animal
14 is injured, tormented, or killed, if the contest animal is a
15 bull involved in a bullfight or bull baiting, a bear involved
16 in bear baiting, a chicken involved in cock fighting, or a dog
17 involved in dog fighting.
- 18 5. "Establishment" means the location where a contest
19 event occurs or is to occur, regardless of whether a contest
20 animal is present at the establishment or the contest animal
21 is witnessed by means of an electronic signal transmitted to
22 the location.
- 23 6. "Livestock" means the same as defined in section 717.1.
- 24 7. "Local authority" means the same as defined in section
25 717B.1.
- 26 8. "Promoter" means a person who charges admission for
27 entry into an establishment or organizes, holds, advertises,
28 or otherwise conducts a contest event.
- 29 9. "Spectator" means a person who attends an establishment
30 for purposes of witnessing a contest event.
- 31 10. "Trainer" means a person who trains a contest animal
32 for purposes of engaging in a contest event, regardless of
33 where the contest event is located. A trainer includes a
34 person who uses a contest device.
- 35 11. "Transporter" means a person who moves a contest

1 animal for delivery to a training location or a contest event
2 location.

3 Sec. 99. Section 802.5, Code 2003, is amended to read as
4 follows:

5 802.5 EXTENSION FOR FRAUD, FIDUCIARY BREACH.

6 If the ~~period~~ periods prescribed in sections 802.3 and
7 802.4 ~~has~~ have expired, prosecution may nevertheless be
8 commenced for any offense a material element of which is
9 either fraud or a breach of fiduciary obligation within one
10 year after discovery of the offense by an aggrieved party or
11 by a person who has legal duty to represent an aggrieved party
12 and who is not a party to the offense, but in no case shall
13 this provision extend the period of limitation otherwise
14 applicable by more than three years.

15 Sec. 100. Section 805.8A, subsection 3, paragraph e, Code
16 2003, is amended to read as follows:

17 e. For a violation of section 321.430, the scheduled
18 ~~violation~~ fine is thirty-five dollars.

19 Sec. 101. Section 805.8A, subsection 4, paragraph b, Code
20 2003, is amended to read as follows:

21 b. For a violation of section 321.216, the scheduled
22 ~~violation~~ fine is seventy-five dollars.

23 Sec. 102. Section 805.8A, subsection 10, paragraph b, Code
24 2003, is amended to read as follows:

25 b. For a violation under section 321.372, subsection 3,
26 the scheduled ~~violation~~ fine is one hundred dollars.

27 Sec. 103. Section 809A.14, subsection 4, unnumbered
28 paragraph 1, Code 2003, is amended to read as follows:

29 Notice of the issuance of a temporary restraining order and
30 an opportunity for a hearing shall be given to persons known
31 to have an interest in the property. A hearing shall be held
32 at the earliest possible date in accordance with R.C.P.--326
33 rule of civil procedure 1.1507, and shall be limited to the
34 following issues:

35 Sec. 104. Section 907B.2, Article I, subsection 7, Code

1 2003, is amended to read as follows:

2 7. MEMBER. "Member" means the commissioner of a
3 compacting state or a designee, who shall be a person
4 officially connected with the commissioner.

5 Sec. 105. Section 907B.2, Article IV, subsection 10, Code
6 2003, is amended to read as follows:

7 10. To accept any and all donations and grants of money,
8 equipment, supplies, materials, and services, and to receive,
9 utilize, and dispose of the same.

10 Sec. 106. Section 907B.2, Article VII, subsection 7,
11 paragraph j, Code 2003, is amended to read as follows:

12 j. Mediation, arbitration and dispute resolution. The
13 existing rules governing the operation of the previous compact
14 superseded by this Act compact shall be null and void twelve
15 months after the first meeting of the interstate commission
16 created hereunder.

17 Sec. 107. 2002 Iowa Acts, chapter 1017, section 4, is
18 amended to read as follows:

19 SEC. 4. Section 331.602, subsection 13, Code Supplement
20 2001, is amended by striking the subsection.

21 Sec. 108. 2002 Iowa Acts, chapter 1093, section 3, is
22 amended by striking the section and inserting in lieu thereof
23 the following:

24 SEC. 3. Section 166D.10, subsection 4, paragraph b,
25 subparagraph (2), subparagraph subdivision (a), unnumbered
26 paragraph 1, Code 2001, is amended to read as follows:

27 Except as provided in this subparagraph, the owner of swine
28 shall vaccinate the swine with a modified-live differentiable
29 vaccine, prior to moving swine into the stage II county. A
30 ~~statistical-sampling-of-the-swine-moved-into-a-herd-as~~
31 ~~provided-in-this-subparagraph-shall-be-tested-using-a~~
32 ~~differentiable-test-within-thirty-days-after-the-swine-is~~
33 ~~moved-to-a-herd-in-this-state.--if-a-swine-reacts-positively~~
34 ~~to-the-test,-the-herd-is-an-infected-herd.~~ A person is not
35 required to vaccinate swine prior to moving swine into the

1 stage II county ~~or-test-the-swine-after-the-swine-has-been~~
2 ~~moved-to-a-herd-in-the-stage-II-county~~, if one of the
3 following applies:

4 Sec. 109. 2002 Iowa Acts, chapter 1119, section 108, is
5 amended to read as follows:

6 SEC. 108. Section 229.26, Code Supplement 2001, is amended
7 by striking the words "third edition,".

8 Sec. 110. 2002 Iowa Acts, chapter 1132, section 9, is
9 amended by striking the section and inserting in lieu thereof
10 the following:

11 SEC. 9. Section 368.11, unnumbered paragraph 4, Code
12 Supplement 2001, is amended to read as follows:

13 At least ~~ten~~ fourteen business days before a petition for
14 involuntary annexation is filed as provided in this section,
15 the petitioner shall make its intention known by sending a
16 letter of intent by certified mail to the council of each city
17 whose urbanized area contains a portion of the territory, the
18 board of supervisors of each county which contains a portion
19 of the territory, the regional planning authority of the
20 territory involved, each affected public utility, and to each
21 property owner listed in the petition. The written
22 notification shall include notice that the petitioners shall
23 hold a public meeting on the petition for involuntary
24 annexation prior to the filing of the petition.

25 Sec. 111. 2002 Iowa Acts, chapter 1140, section 28, is
26 amended by striking the section and inserting in lieu thereof
27 the following:

28 SEC. 28. Section 285.12, Code Supplement 2001, is amended
29 to read as follows:

30 285.12 DISPUTES -- HEARINGS AND APPEALS.

31 In the event of a disagreement between a school patron and
32 the board of the school district, the patron if dissatisfied
33 with the decision of the district board, may appeal ~~the-same~~
34 to the area education agency board, notifying the secretary of
35 the district in writing within ten days of the decision of the

1 board and by filing an affidavit of appeal with the agency
2 board within the ten-day period. The affidavit of appeal
3 shall include the reasons for the appeal and points at issue.
4 The secretary of the local board on receiving notice of appeal
5 shall certify all papers to the agency board which shall hear
6 the appeal within ten days of the receipt of the papers and
7 decide it within three days of the conclusion of the hearing
8 and shall immediately notify all parties of its decision.
9 Either party may appeal the decision of the agency board to
10 the director of the department of education by notifying the
11 opposite party and the agency administrator in writing within
12 five days after receipt of notice of the decision of the
13 agency board and by filing with the director of the department
14 of education an affidavit of appeal, reasons for appeal, and
15 the facts involved in the disagreement within five days after
16 receipt of notice of the decision of the agency board. The
17 agency administrator shall, within ten days of said receipt of
18 the notice, file with the director all records and papers
19 pertaining to the case, including action of the agency board.
20 The director shall hear the appeal within fifteen days of the
21 filing of the records in the director's office, notifying all
22 parties and the agency administrator of the date and time of
23 hearing. The director shall ~~forthwith decide the same and~~
24 notify all parties of the decision and return all papers with
25 a copy of the decision to the agency administrator. The
26 decision of the director shall be subject to judicial review
27 in accordance with ~~the terms of the Iowa administrative~~
28 ~~procedure Act~~ chapter 17A. Pending final order made by the
29 director, upon any appeal prosecuted to such director, the
30 order of the agency board from which the appeal is taken shall
31 be operative and be in full force and effect.

32 Sec. 112. 2002 Iowa Acts, chapter 1149, section 2, is
33 amended by striking the section and inserting in lieu thereof
34 the following:

35 SEC. 2. Section 137F.6, Code 2001, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 7. For a farmers market where potentially
3 hazardous food is sold or distributed, one seasonal license
4 fee of one hundred dollars for each vendor on a countywide
5 basis.

6 Sec. 113. 2002 Iowa Acts, chapter 1175, section 41, the
7 bill section amending clause, is amended to read as follows:

8 Section 546.10, subsection 3, unnumbered paragraph 2, if
9 enacted by 2002 Iowa Acts, Senate File 2326, section 32, is
10 amended to read as follows:

11 Sec. 114. 2001 Iowa Acts, chapter 55, section 31, is
12 amended by striking the section and inserting in lieu thereof
13 the following:

14 SEC. 31. Section 502.102, subsection 11, paragraph c,
15 subparagraphs (3) and (4), Code 2001, are amended to read as
16 follows:

17 (3) An attorney licensed to practice law in this state, a
18 certified public accountant licensed pursuant to chapter 542E
19 542D, a professional engineer licensed pursuant to chapter
20 542B, or a certified teacher, if the person's performance of
21 these services is solely incidental to the practice of the
22 person's profession.

23 (4) An attorney licensed to practice law in this state or
24 a certified public accountant licensed pursuant to chapter
25 542E 542D who does not do any of the following:

26 (a) Exercise investment discretion regarding the assets of
27 a client or maintain custody of the assets of a client for the
28 purpose of investing the assets, except when the person is
29 acting as a bona fide fiduciary in a capacity such as an
30 executor, administrator, trustee, estate or trust agent,
31 guardian, or conservator.

32 (b) Accept or receive directly or indirectly any
33 commission, fee, or other remuneration contingent upon the
34 purchase or sale of any specific security by a client of such
35 person.

1 (c) Provide advice regarding the purchase or sale of
2 specific securities. However, this subparagraph subdivision
3 (c) shall not apply when the advice about specific securities
4 is based on a financial statement analysis or tax
5 considerations that are reasonably related to and in
6 connection with the person's profession.

7 Sec. 115. Sections 513C.3, 514E.1, 514I.1 through 514I.9,
8 and 514I.11, Code 2003, are amended by striking the term
9 "HAWK-I" and inserting in lieu thereof the term "hawk-i". The
10 Code editor is directed to replace the term "HAWK-I" with the
11 term "hawk-i" in any other statute contained in the 2003 Code
12 or which is amended or enacted in other legislation enacted
13 during the 2003 Session of the 80th General Assembly. The
14 Code editor is further directed to make the same replacement
15 in statutes appearing in any legislation that was enacted
16 prior to the 2003 Session of the 80th General Assembly, but
17 that will be codified on or after the effective date of this
18 Act.

19 Sec. 116. RETROACTIVE APPLICABILITY AND EFFECTIVE DATES.

20 1. The amendment in this Act to section 29A.90, subsection
21 3, Code 2003, is retroactively applicable to April 22, 2002.

22 2. The section of this Act amending 2002 Iowa Acts,
23 chapter 1093, section 3, takes effect upon enactment and is
24 retroactively applicable to April 8, 2002.

25 3. The sections of this Act amending 2002 Iowa Acts,
26 chapter 1119, section 108 and 2002 Iowa Acts, chapter 1132,
27 section 9, take effect upon enactment and are retroactively
28 applicable to July 1, 2002.

29 4. The sections of this Act amending 2002 Iowa Acts,
30 chapter 1140, section 28 and 2002 Iowa Acts, chapter 1149,
31 section 2, take effect upon enactment and are retroactively
32 applicable to May 2, 2002.

33 5. This section is effective upon enactment.

34 EXPLANATION

35 This bill makes Code changes and corrections that are

1 considered to be nonsubstantive and noncontroversial, in
2 addition to style changes. Changes made include updating or
3 correcting various names of and references to public and
4 private entities and funds, correcting internal Code and
5 subject matter references, and making various grammatical
6 corrections. Code sections in which the technical,
7 grammatical, and other nonsubstantive changes are made include
8 the following:

9 Code sections 9H.1, 9H.4, 10B.1, 15E.11, 190C.1, 230A.12,
10 304A.21, 331.427, 490.1701, 504A.100, 504B.1, 504B.6, 514.1,
11 514.2, 514.5, 616.10, and 633.63: Adds references to the 1989
12 version of the Iowa Code after references to former chapter
13 504, which related to nonprofit corporations and was repealed
14 by 1990 Iowa Acts, chapter 1164, and adds, in some cases, the
15 word "chapter" before references to Code chapter 504A, the
16 current Iowa nonprofit corporation Act.

17 Code section 9H.1: Adds a chapter citation following a
18 reference to the Iowa probate code in Iowa's corporate farming
19 chapter.

20 Code section 15E.42: Substitutes a codified section number
21 for a reference to an enacted House File in a provision
22 defining the Iowa capital investment board.

23 Code section 15E.111: Updates references to the former
24 senate standing committee on small business, economic
25 development, and tourism and the former house of
26 representatives standing committee on economic development to
27 references to the senate and house standing committees on
28 economic growth.

29 Code sections 18.80, 18.81, 18.83 through 18.86, 18.88,
30 18.92, 18.102, and 18.103: Replaces "superintendent" with
31 "state printing administrator" to conform with a Code editor
32 directive contained in 1998 Iowa Acts, chapter 1164, section
33 40.

34 Code section 29A.90: Substitutes "April 22, 2002," for the
35 phrase "effective date of this division of this Act" in a

1 provision defining "military service" for purposes of
2 calculating when military personnel are granted limited relief
3 in cases involving civil suits or judgments. The bill also
4 makes the provision retroactively applicable to that date.

5 Code section 68B.39: Eliminates an obsolete date by which
6 the Iowa supreme court was required to prescribe rules
7 establishing a code of ethics for its officials and employees.

8 Code sections 70A.23, 70A.30, 97B.66, and 97B.73: Corrects
9 the name of the retirement fund TIAA-CREF in several Code
10 provisions relating to benefits for retired state officers and
11 employees.

12 Code section 80.17: Corrects the name of the division of
13 criminal investigation in a provision setting out the
14 divisions of the department of public safety.

15 Code sections 80A.4, 80A.7, 99D.8A, 99E.3, 99E.9, and
16 99F.6: Standardizes the names of the state criminal history
17 repository and the national criminal history check in
18 provisions relating to license requirements and identification
19 cards for private investigators and security agencies,
20 licensure of racetracks, employment of personnel of the
21 lottery division of the department of revenue and finance, the
22 Iowa lottery board and the commissioner of the lottery, and
23 licensure of gambling boats.

24 Code section 103A.25: Treats a resolution adopting the
25 state building code as an ordinance if the resolution was
26 adopted prior to July 1, 1989, and substitutes that date for
27 the phrase referring to "this Act".

28 Code section 135.78: Removes a reference to repealed Code
29 section 135.77 and removes Code section 135.78 from the list
30 of sections referred to, substituting the words "this
31 section", regarding health facility data compiled by the
32 department of public health.

33 Code sections 141A.7, 142.4, 142.8, 321.178, and 321.189:
34 Adds a citation to Code chapter 142C to provisions referencing
35 the uniform anatomical gift Act. The provisions amended

1 relate to HIV test results and other information involved in
2 HIV-related testing, the surrender of dead bodies delivered to
3 medical schools for scientific purposes, restrictions upon the
4 transportation of dead bodies out of state, informing student
5 drivers about becoming organ donors, and a requirement that a
6 person's driver's license may include a notice that the person
7 is an organ donor under the Act.

8 Code section 142C.6, subsection 2: Conforms references to
9 entities authorized to deposit a document of anatomical gift
10 to language used earlier in the subsection.

11 Code section 147.107: Corrects terminology for the various
12 boards of examiners regarding drug dispensing, supplying, and
13 prescribing.

14 Code section 163.30: Changes reference from "chapter" to
15 "subchapter" regarding the applicability of certain
16 definitions relating to importation of swine.

17 Code sections 172D.3 and 481B.5: Changes the style of
18 citation of the federal code of regulations to be consistent
19 throughout the Code. State law exceptions for feedlots
20 complying with federal regulations, standards for margarine
21 based on federal regulations, prohibitions regarding
22 possessing or dealing in threatened or endangered species as
23 provided by federal regulations, and exemptions from state law
24 governing prize promotions for persons regulated by the
25 federal trade commission.

26 Code section 256A.3, subsection 11: Strikes a reference to
27 the Code chapter creating the family resource demonstration
28 program which was repealed in 2001.

29 Code section 260C.14: Replaces the term "state board" with
30 "director" regarding proposed community college programs to be
31 consistent with changes made in 2002 legislation.

32 Code section 261.23: Corrects a reference to the
33 registered nurse loan repayment program.

34 Code section 272.2, subsection 14, paragraph "a":
35 Substitutes correct prepositions to improve grammatical usage.

- 1 Code section 284.3: Strikes inconsequential phrase "as
2 enacted by this Act".
- 3 Code section 284.11: Corrects references to team-based
4 variable pay plan regarding the pilot program for team-based
5 variable pay for student achievement.
- 6 Code section 308.1: Corrects a reference to the state soil
7 conservation committee which is established in Code section
8 161A.4.
- 9 Code section 331.652: Uses the singular noun to refer to a
10 civil process server who is not to be considered a county
11 sheriff for certain purposes.
- 12 Code section 335.24: Deletes an obsolete reference to the
13 former department of water, air, and waste management in a
14 county zoning Code chapter. The department was replaced by
15 the department of natural resources in 1986.
- 16 Code section 421B.11: Changes "the terms of the Iowa
17 administrative procedure Act" to "chapter 17A" to make
18 references to that chapter uniform in the Code.
- 19 Code section 426B.1: Consolidates two paragraphs into one
20 paragraph in a provision relating to an annual appropriation
21 from the property tax relief fund to remove an unneeded fiscal
22 year designation.
- 23 Code section 432.1: Corrects an internal reference to a
24 subsection renumbered in 2002 relating to the insurance
25 premiums tax.
- 26 Code section 455B.484: Corrects two references to the
27 "waste management assistance trust fund".
- 28 Code sections 455B.488 and 455B.518: Substitutes
29 "department", meaning the department of natural resources, for
30 "division" and "authority", in language which referred to the
31 waste management assistance division and the waste management
32 authority within the department in 2002 eliminating Code
33 references to specific divisions within the department.
- 34 Code section 455H.208: Corrects reference to officials "in
35 charge" of a public water supply in a provision requiring

1 public participation in the process for enrolling and
2 remediating property in the land recycling program.
3 Code section 456A.19: Removes the definite article "the"
4 in referring to general fish and wildlife activities relating
5 to usage of funds in the fish and game protection fund.
6 Code section 456A.21: Eliminates a reference to the
7 forests and prairies division of the department of natural
8 resources and substitutes "department" for "division" to
9 conform to legislation in 2002 eliminating Code references to
10 specific divisions within the department.
11 Code section 459.102(29): Corrects punctuation relating to
12 a subordinate clause in the definition of "major water
13 source".
14 Code section 459.303(5)(a): Corrects a reference to "this
15 paragraph" to read "this subsection" in a provision relating
16 to permit requirements for confinement feeding operations.
17 Code sections 459.310(1)(a) and 459.312(10)(a)(2)(b)(i):
18 Changes references to a water of "this" state to refer to a
19 water of "the" state to conform to the definition of "water of
20 the state" in Code chapter 459.
21 Code section 459.310(1)(c): Inserts "feeding" between
22 "confinement" and "operation structure". The defined term is
23 "confinement feeding operation structure".
24 Code section 459.604: Changes "department of natural
25 resources" to the defined term "department".
26 Code section 466.5: Corrects a reference to "this
27 subsection" to read "this section" in provision relating to
28 establishment of a wetland by the department of agriculture
29 and land stewardship.
30 Code section 490.825: Makes a grammatical change to
31 clarify that both the committees and the committee members are
32 subject to certain requirements.
33 Code section 490A.1508: Adds a citation to Code chapter
34 502 in a provision referencing the Iowa uniform securities Act
35 and transactions involving membership interests of a

- 1 professional limited liability company.
- 2 Code section 514.1: Substitutes the actual date, July 1,
3 1939, for the words "the effective date of this chapter".
- 4 Code sections 542.7 and 542.8: Substitutes "of" for "to"
5 in provisions relating to the licensing of public accountants
6 and public accounting firms.
- 7 Code section 544B.1: Substitutes "Practice" for "The
8 practice" in definitional section of landscape architecture
9 licensing chapter.
- 10 Code section 554.9706: Specifies that a reference to
11 "former section 554.9403" means "section 554.9403, Code 2001".
- 12 Code section 554.11103: Strikes a cross-reference to
13 repealed Code section 554.11105.
- 14 Code sections 618.5 and 618.9: Improves out-of-date
15 grammatical constructions by replacing the word "oftener" with
16 "at least" or "more than".
- 17 Code section 633.4214: Makes grammatical corrections in
18 provisions relating to fiduciary duties of trustees.
- 19 Code sections 637.601 and 637.605: Substitutes the term
20 "subchapter" for "section" with respect to the applicability
21 of definitions and the term "the person's" for "its" in
22 provisions relating to total return unitrusts.
- 23 Code section 656.2: Strikes a cross-reference to repealed
24 Code section 558.50.
- 25 Code section 709.19: Makes a grammatical correction in a
26 provision relating to no-contact orders upon a defendant's
27 release from jail or prison.
- 28 Code section 717D.1: Specifies the applicability of
29 definitions for Code chapter 717D relating to animal contest
30 events.
- 31 Code section 802.5: Makes grammatical corrections in a
32 provision relating to limitations on criminal actions.
- 33 Code section 805.8A: Substitutes the word "fine" for
34 "violation" in a provision relating to motor vehicle and
35 transportation scheduled violations.

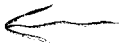
1 Code section 809A.14: Updates a reference to a rule of
2 civil procedure. The rules of civil procedure were renumbered
3 effective February 15, 2002, as part of the publication of the
4 fourth edition of those rules. Former rule 326 is now rule
5 1.1507.

6 Code section 907B.2: Improves grammatical construction and
7 substitutes the word "compact" for "Act" in a provision
8 relating to the interstate compact for adult offender
9 supervision.

10 2002 Iowa Acts, chapters 1017 and 1119: Amends the lead-in
11 to two bill sections which incorrectly cite Code 2001 or Code
12 Supplement 2001.


13 2002 Iowa Acts, chapter 1093, section 3: Changes the lead-
14 in of this Act's provision to reflect that only unnumbered
15 paragraph 1 was amended, rather than all of subparagraph
16 subdivision (a). This section of the bill takes effect upon
17 enactment and is retroactively applicable to April 8, 2002.

18 2002 Iowa Acts, chapter 1132, section 9: Adds "Supplement"
19 to the lead-in. This section of the bill takes effect upon
20 enactment and is retroactively applicable to July 1, 2002.

21 2002 Iowa Acts, chapter 1140, section 28: Adds
22 "Supplement" to the lead-in. This section of the bill takes
23 effect upon enactment and is retroactively applicable to May
24 2, 2002. 

25 2002 Iowa Acts, chapter 1149, section 2: Strikes
26 "Supplement" in lead-in. This section of the bill takes
27 effect upon enactment and is retroactively applicable to May
28 2, 2002.

29 2002 Iowa Acts, chapter 1175: Amends the lead-in to a bill
30 section by identifying the year and legislative session in
31 which a bill was passed by the general assembly.

32 2001 Iowa Acts, chapter 55: Amends a bill section by
33 inserting the remaining portion of a Code section
34 inadvertently omitted from the bill. 

35 Capitalization change:

1 Code sections 513C.3, 514E.1, 514I.1 through 514I.9, and
2 514I.11: Strikes the capitalized version of the acronym for
3 the healthy and well kids in Iowa program and substitutes the
4 lower-case version.

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HOUSE FILE 171
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 55)

(As Amended and Passed by the House February 19, 2003)

Passed House, Date Passed 4/22/03 Passed Senate, Date Passed 3/31/03
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved 5/2/03

A BILL FOR

1 An Act relating to nonsubstantive Code corrections and including
2 effective and retroactive applicability date provisions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4

5

House Amendments _____

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HF 171

1 Section 1. Section 9H.1, subsection 25, paragraph a, Code
2 2003, is amended to read as follows:

3 a. Corporations organized under the provisions of chapter
4 504, Code 1989, or chapter 504A; or

5 Sec. 2. Section 9H.1, subsection 33, Code 2003, is amended
6 to read as follows:

7 33. "Testamentary trust" means a trust created by devising
8 or bequeathing property in trust in a will as such terms are
9 used in the Iowa probate code as provided in chapter 633.

10 Testamentary trust includes a revocable trust that has not
11 been revoked prior to the grantor's death.

12 Sec. 3. Section 9H.4, subsection 2, paragraph c,
13 subparagraph (1), Code 2003, is amended to read as follows:

14 (1) The corporation or limited liability company must not
15 hold the agricultural land other than as a lessee. The term
16 of the lease must be for not more than twelve years. The
17 corporation or limited liability company shall not renew a
18 lease. The corporation or limited liability company shall not
19 enter into a lease under this paragraph, if the corporation or
20 limited liability company has ever entered into another lease
21 under this paragraph "c", whether or not the lease is in
22 effect. However, this subparagraph does not apply to a
23 domestic corporation organized under chapter 504, Code 1989,
24 or chapter 504A.

25 Sec. 4. Section 9H.4, subsection 2, paragraph c,
26 subparagraph (4), Code 2003, is amended to read as follows:

27 (4) The corporation or limited liability company must
28 deliver a copy of the lease to the secretary of state. The
29 secretary of state shall notify the lessee of receipt of the
30 copy of the lease. However, this subparagraph does not apply
31 to a domestic corporation organized under chapter 504, Code
32 1989, or chapter 504A.

33 Sec. 5. Section 9H.4, subsection 3, Code 2003, is amended
34 to read as follows:

35 3. Agricultural land, including leasehold interests,

1 acquired by a nonprofit corporation organized under the
2 provisions of chapters 504, Code 1989, and 504A including land
3 acquired and operated by or for a state university for
4 research, experimental, demonstration, foundation seed
5 increase or test purposes and land acquired and operated by or
6 for nonprofit corporations organized specifically for
7 research, experimental, demonstration, foundation seed
8 increase or test purposes in support of or in conjunction with
9 a state university.

10 Sec. 6. Section 10B.1, subsection 9, paragraph a, Code
11 2003, is amended to read as follows:

12 a. A corporation organized under the provisions of ~~former~~
13 chapter 504, Code 1989, or chapter 504A.

14 Sec. 7. Section 15E.11, Code 2003, is amended to read as
15 follows:

16 15E.11 CORPORATION FOR RECEIVING AND DISBURSING FUNDS.

17 The Iowa development commission is hereby authorized to
18 form a corporation under the provisions of ~~former~~ chapter 504,
19 Code 1989, for the purpose of receiving and disbursing funds
20 from public or private sources to be used to further the
21 overall development and well-being of the state.

22 Sec. 8. Section 15E.42, subsection 2, Code 2003, is
23 amended to read as follows:

24 2. "Board" means the Iowa capital investment board, ~~if~~
25 ~~created in House File 2078 as enacted by the Seventy-ninth~~
26 ~~General Assembly~~ created in section 15E.63.

27 Sec. 9. Section 15E.111, subsection 8, Code 2003, is
28 amended to read as follows:

29 8. The department of economic development and the office
30 of renewable fuels and coproducts shall prepare a report each
31 six months detailing the progress of the department and other
32 agencies provided in this section. The office of renewable
33 fuels and coproducts, the department of natural resources, and
34 Iowa state university may contribute a summary of their
35 activities. The report shall be delivered to the secretary of

1 the senate and the chief clerk of the house; the legislative
2 service bureau; the chairpersons and ranking members of the
3 senate standing committee on agriculture; the senate standing
4 committee on ~~small-business~~, economic development, ~~and-tourism~~
5 growth; the house of representatives standing committee on
6 agriculture; and the house of representatives standing
7 committee on economic development growth.

8 Sec. 10. Section 18.80, Code 2003, is amended to read as
9 follows:

10 18.80 RESERVE SUPPLY.

11 The superintendent state printing administrator shall
12 designate, subject to the approval of the director, the number
13 of copies of reports and publications to be held in reserve,
14 and copies thus held in reserve shall be distributed only upon
15 the written request of the head of the department, approved by
16 the superintendent state printing administrator, and ordered
17 by the director.

18 Sec. 11. Section 18.81, Code 2003, is amended to read as
19 follows:

20 18.81 UNUSED DOCUMENTS.

21 The superintendent state printing administrator shall from
22 time to time report to the director any documents in the
23 superintendent's state printing administrator's custody deemed
24 not needed and which have been printed five years or more, and
25 if the report has the written approval of the head of the
26 department from which the documents were issued, the director
27 may condemn and order the documents sold, and the proceeds
28 turned into the unappropriated funds of the state. If a
29 department no longer exists, approval by the head of the
30 department shall not be required. If the condemned documents
31 cannot be sold the director may order them destroyed.

32 Sec. 12. Section 18.83, Code 2003, is amended to read as
33 follows:

34 18.83 INFORMATION AS TO DOCUMENTS.

35 The superintendent state printing administrator shall

1 advise the public of the publication of reports and documents
2 and of the nature of the material therein, and give
3 information as to the publications that are available for
4 distribution and how to obtain them.

5 Sec. 13. Section 18.84, Code 2003, is amended to read as
6 follows:

7 18.84 MAILING LISTS.

8 The superintendent state printing administrator shall
9 require from officials or heads of departments mailing lists,
10 or addressed labels or envelopes, for use in distribution of
11 reports and documents. The superintendent state printing
12 administrator shall revise such lists, eliminating
13 duplications and adding to the lists libraries, institutions,
14 public officials, and persons having actual use for the
15 material. The superintendent state printing administrator
16 shall arrange the lists so as to reduce to the minimum the
17 postage or other cost for delivery. Requests for publications
18 shall be handled only upon receipt of postage by the
19 superintendent state printing administrator from the
20 requesting agency or department.

21 Sec. 14. Section 18.85, Code 2003, is amended to read as
22 follows:

23 18.85 COPIES TO DEPARTMENTS.

24 The superintendent state printing administrator shall
25 furnish the various officials and departments with copies of
26 their reports needed for office use or to be distributed to
27 persons requesting the reports. Requests for publications
28 shall be handled only upon receipt of postage by the
29 superintendent state printing administrator.

30 Sec. 15. Section 18.86, Code 2003, is amended to read as
31 follows:

32 18.86 ASSEMBLY MEMBERS.

33 The official reports, the miscellaneous documents and other
34 publications upon request, and the completed journals of the
35 general assembly and ten copies of the official register,

1 shall be sent to each member of the general assembly, and, so
2 far as they are available, additional copies upon their
3 request. Requests for publications shall be handled only upon
4 receipt of postage by the superintendent state printing
5 administrator.

6 Sec. 16. Section 18.88, Code 2003, is amended to read as
7 follows:

8 18.88 NEWSPAPERS.

9 The journals of the general assembly and the official
10 register shall be sent to each newspaper of general
11 circulation in Iowa, and editors of newspapers in Iowa shall
12 be entitled to other publications on request when they are
13 available. Requests for publications shall be handled only
14 upon receipt of postage by the superintendent state printing
15 administrator.

16 Sec. 17. Section 18.92, Code 2003, is amended to read as
17 follows:

18 18.92 GENERAL DISTRIBUTION.

19 The superintendent state printing administrator may send
20 additional copies of publications to other state officials,
21 individuals, institutions, libraries, or societies that may
22 request them. Requests for publications shall be handled only
23 upon receipt of postage by the superintendent state printing
24 administrator.

25 Sec. 18. Section 18.102, Code 2003, is amended to read as
26 follows:

27 18.102 INDEX TO BILLS.

28 The secretary of the senate and the chief clerk of the
29 house shall throughout each legislative session compile and
30 cause to be printed a cumulative bulletin of bills and joint
31 resolutions which bulletin shall contain a brief history of
32 each bill, and detailed information as to the status of
33 legislation and shall be conveniently indexed. The bulletin
34 shall be printed and delivered one day before the mid-term
35 midterm recess of each legislature and thereafter twenty-five

1 days after the end of said the recess except as may otherwise
2 be provided by the joint rules of the general assembly. The
3 last issue of each bulletin shall be brought down to the time
4 of final adjournment and shall be promptly furnished to all
5 members of the general assembly and to such others as the
6 superintendent state printing administrator may determine.

7 Sec. 19. Section 18.103, Code 2003, is amended to read as
8 follows:

9 18.103 ENROLLING CLERKS TO KEEP RECORDS.

10 The enrolling clerks of the senate and house shall, under
11 the directions of the secretary of the senate and chief clerk
12 of the house, respectively, keep a daily cumulative record of
13 the information required in section 18.102 and in such manner
14 that the same may be promptly furnished to the superintendent
15 state printing administrator at the close of each week.

16 Sec. 20. Section 29A.90, subsection 3, Code 2003, is
17 amended to read as follows:

18 3. "Military service" means full-time active state service
19 or state active duty, as defined in section 29A.1, for a
20 period of at least ninety consecutive days, commencing on or
21 ~~after the effective date of this division of this Act~~ April
22 22, 2002.

23 Sec. 21. Section 68B.39, unnumbered paragraph 1, Code
24 2003, is amended to read as follows:

25 The supreme court of this state shall prescribe rules by
26 ~~January 17 1993~~, establishing a code of ethics for officials
27 and employees of the judicial branch of this state, and the
28 immediate family members of the officials and employees.
29 Rules prescribed under this paragraph shall include provisions
30 relating to the receipt or acceptance of gifts and honoraria,
31 interests in public contracts, services against the state, and
32 financial disclosure which are substantially similar to the
33 requirements of this chapter.

34 Sec. 22. Section 70A.23, Code 2003, is amended to read as
35 follows:

1 70A.23 CREDIT FOR ACCRUED SICK LEAVE.

2 When a state employee, excluding an employee covered under
3 a collective bargaining agreement which provides otherwise,
4 retires under a retirement system in the state maintained in
5 whole or in part by public contributions or payments, the
6 number of accrued days of active and banked sick leave of the
7 employee shall be credited to the employee. When an employee
8 retires, is eligible, and has applied for benefits under a
9 retirement system authorized under chapter 97A or 97B,
10 including the teachers insurance and annuity ~~association~~
11 ~~(TIAA)-and-the-college~~ association-college retirement equities
12 fund ~~(CREF)~~ (TIAA-CREF), or an employee dies on or after July
13 1, 1984, while the employee is in active employment but is
14 eligible for retirement benefits under one of the listed
15 chapters, the employee shall receive a cash payment for the
16 employee's accumulated, unused sick leave in both the active
17 and banked sick leave accounts, except when, in lieu of cash
18 payment, payment is made for monthly premiums for health or
19 life insurance or both as provided in a collective bargaining
20 agreement negotiated under chapter 20. An employee of the
21 department of public safety or the department of natural
22 resources who has earned benefits of payment of premiums under
23 a collective bargaining agreement and who becomes a manager or
24 supervisor and is no longer covered by the agreement shall not
25 lose the benefits of payment of premium earned while covered
26 by the agreement. The payment shall be calculated by
27 multiplying the number of hours of accumulated, unused sick
28 leave by the employee's hourly rate of pay at the time of
29 retirement. However, the total cash payments for accumulated,
30 unused sick leave shall not exceed two thousand dollars per
31 employee and are payable upon retirement or death. Banked
32 sick leave is defined as accrued sick leave in excess of
33 ninety days.

34 Sec. 23. Section 70A.30, unnumbered paragraph 2, Code
35 2003, is amended to read as follows:

1 The phased retirement incentive program is a retirement
2 system for purposes of section 20.9, but is not retirement for
3 purposes of chapter 97A, 97B, or 602 or for the employees who
4 are members of the teachers insurance annuity association-
5 college retirement equity equities fund (TIAA-CREF).

6 Sec. 24. Section 80.17, subsection 3, Code 2003, is
7 amended to read as follows:

8 3. Division of criminal investigation ~~and-bureau-of~~
9 ~~identification.~~

10 Sec. 25. Section 80A.4, subsection 4, Code 2003, is
11 amended to read as follows:

12 4. The fingerprints required by subsection 1 may be
13 submitted by the department to the federal bureau of
14 investigation through the state ~~central~~ criminal history
15 repository for the purpose of a national criminal history
16 check.

17 Sec. 26. Section 80A.7, subsection 5, Code 2003, is
18 amended to read as follows:

19 5. An application for an identification card shall include
20 the submission of fingerprints of the person seeking the
21 identification card, which fingerprints may be submitted to
22 the federal bureau of investigation through the state ~~central~~
23 criminal history repository for the purpose of a national
24 criminal history ~~background~~ check. Fees associated with the
25 processing of fingerprints shall be assessed to the employing
26 licensee.

27 Sec. 27. Section 97B.66, unnumbered paragraph 1, Code
28 2003, is amended to read as follows:

29 A vested or retired member who was a member of the teachers
30 insurance and annuity ~~association-college~~ association-college
31 retirement equity equities fund (TIAA-CREF) at any time
32 between July 1, 1967, and June 30, 1971, and who became a
33 member of the system on July 1, 1971, upon submitting
34 verification of service and wages earned during the applicable
35 period of service under the teachers insurance and annuity

1 ~~association-college~~ association-college retirement equities
2 fund, may make employer and employee contributions to the
3 system based upon the covered wages of the member and the
4 covered wages and the contribution rates in effect for all or
5 a portion of that period of service and receive credit for
6 membership service under this system equivalent to the
7 applicable period of membership service in the teachers
8 insurance and annuity ~~association-college~~ association-college
9 retirement equities fund for which the contributions have been
10 made. In addition, a member making employer and employee
11 contributions because of membership in the teachers insurance
12 and annuity ~~association-college~~ association-college retirement
13 equities fund under this section who was a member of the
14 system on June 30, 1967, and withdrew the member's accumulated
15 contributions because of membership on July 1, 1967, in the
16 teachers insurance and annuity ~~association-college~~
17 association-college retirement equities fund, may make
18 employee contributions to the system for all or a portion of
19 the period of service under the system prior to July 1, 1967.
20 A member making contributions pursuant to this section may
21 make the contributions either for the entire applicable period
22 of service, or for portions of the period of service, and if
23 contributions are made for portions of the period of service,
24 the contributions shall be in increments of one or more
25 calendar quarters.

26 Sec. 28. Section 97B.73, subsection 1, paragraph a, Code
27 2003, is amended to read as follows:

28 a. A vested or retired member who has one or more full
29 calendar years of covered wages who was in public employment
30 comparable to employment covered under this chapter in another
31 state or in the federal government, or who was a member of
32 another public retirement system in this state, including but
33 not limited to the teachers insurance and annuity ~~association~~
34 college association-college retirement equities fund (TIAA-
35 CREF), but who was not retired under that system, upon

1 submitting verification of membership and service in the other
2 public system to the division, including proof that the member
3 has no further claim upon a retirement benefit from that other
4 public system, may make contributions as provided by this
5 section to the system either for the entire period of service
6 in the other public system, or for partial service in the
7 other public system in increments of one or more calendar
8 quarters. If the member wishes to transfer only a portion of
9 the service value of another public system to this system and
10 the other public system allows a partial withdrawal of a
11 member's system credits, the member shall receive credit for
12 membership service in this system equivalent to the period of
13 service transferred from the other public system.

14 Sec. 29. Section 99D.8A, subsection 2, Code 2003, is
15 amended to read as follows:

16 2. An applicant shall submit pictures, fingerprints, and
17 descriptions of physical characteristics to the commission in
18 the manner prescribed on the application forms. The
19 fingerprints may be submitted to the federal bureau of
20 investigation by the department of public safety through the
21 state ~~central~~ criminal history repository for the purpose of a
22 national criminal history check.

23 Sec. 30. Section 99E.3, subsection 3, Code 2003, is
24 amended to read as follows:

25 3. The commissioner may employ, with the approval of the
26 director, clerks, stenographers, inspectors, agents, and other
27 employees pursuant to chapter 19A as necessary to carry out
28 this chapter, except as provided in section 99E.14. The
29 commissioner may require a background investigation to be
30 conducted in connection with the employment of lottery
31 employees. The board shall define, by rule, the employment
32 categories subject to investigation. The background
33 investigation by the division of criminal investigation of the
34 department of public safety may include a national criminal
35 history ~~record~~ check through the federal bureau of

1 investigation. The screening of lottery employees through the
2 federal bureau of investigation shall be conducted by
3 submission of fingerprints through the state criminal history
4 record repository to the federal bureau of investigation.

5 Sec. 31. Section 99E.9, subsection 2, Code 2003, is
6 amended to read as follows:

7 2. Subject to the approval of the board, the commissioner
8 may enter into contracts for the operation and marketing of
9 the lottery, except that the board may by rule designate
10 classes of contracts other than major procurements which do
11 not require prior approval by the board. A major procurement
12 shall be as the result of competitive bidding with the
13 contract being awarded to the responsible vendor submitting
14 the lowest and best proposal. However, before a contract for
15 a major procurement is awarded, the division of criminal
16 investigation of the department of public safety shall conduct
17 a thorough background investigation of the vendor to whom the
18 contract is to be awarded. The commissioner and board shall
19 consult with the division of criminal investigation and shall
20 provide, by rule, for the scope of the thorough background
21 investigations and due diligence with regard to the background
22 investigations to be conducted in connection with major
23 procurements. The vendor shall submit to the division of
24 criminal investigation appropriate investigation
25 authorizations to facilitate this investigation. The
26 background investigation by the division of criminal
27 investigation may include a national criminal history record
28 check through the federal bureau of investigation. The
29 screening of vendors or their employees through the federal
30 bureau of investigation shall be conducted by submission of
31 fingerprints through the state criminal history record
32 repository to the federal bureau of investigation. As used in
33 this subsection, "major procurement" means consulting
34 agreements and the major procurement contract with a business
35 organization for the printing of tickets, or for purchase or

1 lease of equipment or services essential to the operation of a
2 lottery game.

3 Sec. 32. Section 99F.6, subsection 2, Code 2003, is
4 amended to read as follows:

5 2. An applicant shall submit pictures, fingerprints, and
6 descriptions of physical characteristics to the commission in
7 the manner prescribed on the application forms. The
8 fingerprints may be submitted to the federal bureau of
9 investigation by the department of public safety through the
10 state ~~central~~ criminal history repository for the purpose of a
11 national criminal history check.

12 Sec. 33. Section 103A.25, Code 2003, is amended to read as
13 follows:

14 103A.25 PRIOR RESOLUTIONS.

15 A resolution accepting the state building code as provided
16 in section 103A.7, which was adopted before ~~the effective date~~
17 ~~of this Act~~ July 1, 1989, is an ordinance for the purpose of
18 this chapter.

19 Sec. 34. Section 135.78, Code 2003, is amended to read as
20 follows:

21 135.78 DATA TO BE COMPILED.

22 The department shall compile all relevant financial and
23 utilization data in order to have available the statistical
24 information necessary to properly monitor hospital and health
25 care facility charges and costs. Such data shall include
26 necessary operating expenses, appropriate expenses incurred
27 for rendering services to patients who cannot or do not pay,
28 all properly incurred interest charges, and reasonable
29 depreciation expenses based on the expected useful life of the
30 property and equipment involved. The department shall also
31 obtain from each hospital and health care facility a current
32 rate schedule as well as any subsequent amendments or
33 modifications of that schedule as it may require. In
34 collection of the data required by this section and sections
35 135.74 ~~to 135.78~~ through 135.76, the department and other

1 state agencies shall coordinate their reporting requirements.

2 Sec. 35. Section 141A.7, subsection 2, paragraph a, Code
3 2003, is amended to read as follows:

4 a. The performance by a health care provider or health
5 facility of an HIV-related test when the health care provider
6 or health facility procures, processes, distributes, or uses a
7 human body part donated for a purpose specified under the
8 uniform anatomical gift Act as provided in chapter 142C, or
9 semen provided prior to July 1, 1988, for the purpose of
10 artificial insemination, or donations of blood, and such test
11 is necessary to ensure medical acceptability of such gift or
12 semen for the purposes intended.

13 Sec. 36. Section 142.4, unnumbered paragraph 2, Code 2003,
14 is amended to read as follows:

15 This section shall not apply to bodies given under
16 authority of the uniform anatomical gift Act as provided in
17 chapter 142C.

18 Sec. 37. Section 142.8, unnumbered paragraph 2, Code 2003,
19 is amended to read as follows:

20 This section shall not apply to bodies given under
21 authority of the uniform anatomical gift Act as provided in
22 chapter 142C.

23 Sec. 38. Section 142C.6, subsection 2, Code 2003, is
24 amended to read as follows:

25 2. If an anatomical gift is made to a designated donee,
26 the document of gift, or a copy, may be delivered to the donee
27 to expedite the appropriate procedures after the death of the
28 donor. The document of gift, or a copy, may be deposited in
29 any hospital, organ procurement organization, bank or storage
30 organization, or donor registry office that accepts the
31 document of gift for safekeeping or for the facilitation of
32 procedures after the death of the donor. If a document is
33 deposited by a donor in a hospital, donor registry office, or
34 bank or storage organization, the hospital, donor registry
35 office, or bank or storage organization may forward the

1 document to an organ procurement organization which will
2 retain the document for facilitating procedures following the
3 death of the donor. Upon request of a hospital, physician, or
4 surgeon, upon or after the donor's death, the person in
5 possession of the document of gift may allow the hospital,
6 physician, or surgeon to examine or copy the document of gift.

7 Sec. 39. Section 147.107, subsection 2, unnumbered
8 paragraph 1, Code 2003, is amended to read as follows:

9 A pharmacist, physician, dentist, or podiatric physician
10 who dispenses prescription drugs, including but not limited to
11 controlled substances, for human use, may delegate
12 nonjudgmental dispensing functions to staff assistants only
13 when verification of the accuracy and completeness of the
14 prescription is determined by the pharmacist or practitioner
15 in the pharmacist's or practitioner's physical presence.
16 However, the physical presence requirement does not apply when
17 a pharmacist or practitioner is utilizing an automated
18 dispensing system. When using an automated dispensing system
19 the pharmacist or practitioner shall utilize an internal
20 quality control assurance plan that ensures accuracy for
21 dispensing. Verification of automated dispensing accuracy and
22 completeness remains the responsibility of the pharmacist or
23 practitioner and shall be determined in accordance with rules
24 adopted by the boards state board of pharmacy examiners,
25 medicine, dentistry the state board of medical examiners, the
26 state board of dental examiners, and the state board of
27 podiatry examiners for their respective licensees.

28 Sec. 40. Section 163.30, subsection 2, unnumbered
29 paragraph 1, Code 2003, is amended to read as follows:

30 When used in this ~~chapter~~ subchapter:

31 Sec. 41. Section 172D.3, subsection 2, paragraph a, Code
32 2003, is amended to read as follows:

33 a. Exclusion for federally mandated requirements. This
34 section shall apply to the department's rules except for rules
35 required for delegation of the national pollutant discharge

1 elimination system permit program pursuant to the federal
2 Water Pollution Control Act, Title 33, United States Code,
3 chapter 126, as amended, and 40 ~~Code-of-Federal-Regulations~~
4 C.F.R. Part pt. 124.

5 Sec. 42. Section 190C.1, subsection 18, Code 2003, is
6 amended to read as follows:

7 18. "Regional organic association" means a corporation
8 organized under ~~former~~ chapter 504, Code 1989, or chapter 504A
9 which has certifying members, elects its own officers and
10 directors, and is independent from the department.

11 Sec. 43. Section 230A.12, unnumbered paragraph 1, Code
12 2003, is amended to read as follows:

13 Each community mental health center established or
14 continued in operation pursuant to section 230A.3, shall be
15 organized under the Iowa nonprofit corporation Act appearing
16 as chapter 504A, except that a community mental health center
17 organized under former chapter 504 prior to July 1, 1974, and
18 existing under the provisions of chapter 504, Code 1989, shall
19 not be required by this chapter to adopt the Iowa nonprofit
20 corporation Act if it is not otherwise required to do so by
21 law. The board of directors of each such community mental
22 health center shall enter into an agreement with the county or
23 affiliated counties which are to be served by the center,
24 which agreement shall include but need not be limited to the
25 period of time for which the agreement is to be in force, what
26 services the center is to provide for residents of the county
27 or counties to be served, standards the center is to follow in
28 determining whether and to what extent persons seeking
29 services from the center shall be considered able to pay the
30 cost of the services received, and policies regarding
31 availability of the center's services to persons who are not
32 residents of the county or counties served by the center. The
33 board of directors, in addition to exercising the powers of
34 the board of directors of a nonprofit corporation may:

35 Sec. 44. Section 256A.3, subsection 11, Code 2003, is

1 amended by striking the subsection.

2 Sec. 45. Section 260C.14, subsection 1, Code 2003, is
3 amended to read as follows:

4 1. Determine the curriculum to be offered in such school
5 or college subject to approval of the director and ensure that
6 all vocational offerings are competency-based, provide any
7 minimum competencies required by the department of education,
8 comply with any applicable requirements in chapter 258, and
9 are articulated with local school district vocational
10 education programs. If an existing private educational or
11 vocational institution within the merged area has facilities
12 and curriculum of adequate size and quality which would
13 duplicate the functions of the area school, the board of
14 directors shall discuss with the institution the possibility
15 of entering into contracts to have the existing institution
16 offer facilities and curriculum to students of the merged
17 area. The board of directors shall consider any proposals
18 submitted by the private institution for providing such
19 facilities and curriculum. The board of directors may enter
20 into such contracts. In approving curriculum, the director
21 shall ascertain that all courses and programs submitted for
22 approval are needed and that the curriculum being offered by
23 an area school does not duplicate programs provided by
24 existing public or private facilities in the area. In
25 determining whether duplication would actually exist, the
26 ~~state-board~~ director shall consider the needs of the area and
27 consider whether the proposed programs are competitive as to
28 size, quality, tuition, purposes, and area coverage with
29 existing public and private educational or vocational
30 institutions within the merged area. If the board of
31 directors of the merged area chooses not to enter into
32 contracts with private institutions under this subsection, the
33 board shall submit a list of reasons why contracts to avoid
34 duplication were not entered into and an economic impact
35 statement relating to the board's decision.

1 Sec. 46. Section 261.23, subsection 4, Code 2003, is
2 amended to read as follows:

3 4. A registered nurse shall be eligible for the registered
4 nurse loan repayment program if the registered nurse has
5 received from an accredited school of nursing located in this
6 state a collegiate or associate degree of nursing, a diploma
7 in nursing, or a graduate or equivalent degree in nursing and
8 agrees to practice in an eligible community in this state that
9 has agreed to provide additional funds for the registered
10 nurse's loan repayment. The contract for the loan repayment
11 shall stipulate the time period the registered nurse shall
12 practice in an eligible community in this state. In addition,
13 the contract shall stipulate that the registered nurse repay
14 any funds paid on the registered nurse's loan by the
15 commission if the registered nurse fails to practice in an
16 eligible community in this state for the required period of
17 time. For purposes of this subsection, "eligible community"
18 means a community that agrees to match state funds provided on
19 at least a dollar-for-dollar basis for the loan repayment of a
20 registered nurse who practices in the community.

21 Sec. 47. Section 272.2, subsection 14, paragraph a, Code
22 2003, is amended to read as follows:

23 a. The board may deny a license to or revoke the license
24 of a person upon the board's finding by a preponderance of
25 evidence that either the person has been convicted of a crime
26 or that there has been a founded report of child abuse against
27 the person. Rules adopted in accordance with this paragraph
28 shall provide that in determining whether a person should be
29 denied a license or that a practitioner's license should be
30 revoked, the board shall consider the nature and seriousness
31 of the founded abuse or crime in relation to the position
32 sought, the time elapsed since the crime was committed, the
33 degree of rehabilitation which has taken place since the
34 incidence of founded abuse or the commission of the crime, the
35 likelihood that the person will commit the same abuse or crime

1 again, and the number of founded abuses committed by or
2 criminal convictions by of the person involved.

3 Sec. 48. Section 284.3, subsection 2, paragraph a, Code
4 2003, is amended to read as follows:

5 a. By July 1, 2002, for purposes of comprehensive
6 evaluations for beginning teachers required to allow beginning
7 teachers to progress to career teachers, standards and
8 criteria that are the Iowa teaching standards specified in
9 subsection 1 and the model criteria for the Iowa teaching
10 standards developed by the department in accordance with
11 section 256.9, subsection 50. These standards and criteria
12 shall be set forth in an instrument provided by the
13 department. The comprehensive evaluation and instrument are
14 not subject to negotiations or grievance procedures pursuant
15 to chapter 20 or determinations made by the board of directors
16 under section 279.14. A local school board and its certified
17 bargaining representative may negotiate, pursuant to chapter
18 20, evaluation and grievance procedures for beginning teachers
19 that are not in conflict with this chapter. If, in accordance
20 with section 279.19, a beginning teacher appeals the
21 determination of a school board to an adjudicator under
22 section 279.17, the adjudicator selected shall have
23 successfully completed training related to the Iowa teacher
24 standards, the model criteria adopted by the state board of
25 education in accordance with subsection 3, ~~as-enacted-by-this~~
26 ~~Act~~, and any additional training required under rules adopted
27 by the public employment relations board in cooperation with
28 the state board of education.

29 Sec. 49. Section 284.11, subsections 4, 5, and 7, Code
30 2003, are amended to read as follows:

31 4. Each participating district shall create its own design
32 for a team-based variable pay plan linked to the district's
33 comprehensive school improvement plan. The plan must include
34 attendance center student performance goals, student
35 performance levels, multiple indicators to determine progress

1 toward attendance center goals, and a system for providing
2 financial rewards. The team-based variable pay plan shall be
3 approved by the local board.

4 5. Each district team-based variable pay plan shall be
5 reviewed by the department. The department shall include a
6 review of the locally established goals, targeted levels of
7 improvement, assessment strategies, and financial reward
8 system.

9 7. The district team-based variable pay plan shall specify
10 how the funding received by the district for purposes of this
11 section is to be awarded to eligible staff in attendance
12 centers that meet or exceed their goals. The district shall
13 provide all attendance centers equal access to the available
14 funds. Moneys shall be released by the department to the
15 district only upon certification by the school board that an
16 attendance center has met or exceeded its goals.

17 Sec. 50. Section 304A.21, subsection 5, Code 2003, is
18 amended to read as follows:

19 5. "Nonprofit organization" means a corporation organized
20 under former chapter 504, Code 1989, or chapter 504A or which
21 holds a permit or certificate under former chapter 504, Code
22 1989, or chapter 504A to do business or conduct affairs in
23 this state.

24 Sec. 51. Section 308.1, Code 2003, is amended to read as
25 follows:

26 308.1 PLANNING COMMISSION.

27 The Mississippi parkway planning commission shall be
28 composed of ten members appointed by the governor, five
29 members to be appointed for two-year terms beginning July 1,
30 1959, and five members to be appointed for four-year terms
31 beginning July 1, 1959. In addition to the above members
32 there shall be seven advisory ex officio members who shall be
33 as follows: One member from the state transportation
34 commission, one member from the natural resource commission,
35 one member from the ~~fova~~ state soil conservation ~~commission~~

1 committee, one member from the state historical society of
2 Iowa, one member from the faculty of the landscape
3 architectural division of the Iowa State University of science
4 and technology, one member from the Iowa economic development
5 board, and one member from the environmental protection
6 commission. Members and ex officio members shall serve
7 without pay, but the actual and necessary expenses of members
8 and ex officio members may be paid if the commission so orders
9 and if the commission has funds available for that purpose.

10 Sec. 52. Section 321.178, subsection 1, paragraph c, Code
11 2003, is amended to read as follows:

12 c. Instruction relating to becoming an organ donor under
13 the uniform anatomical gift Act as provided in chapter 142C.

14 Sec. 53. Section 321.189, subsection 4, Code 2003, is
15 amended to read as follows:

16 4. SYMBOLS. Upon the request of a licensee, the
17 department shall indicate on the license the presence of a
18 medical condition, that the licensee is a donor under the
19 uniform anatomical gift ~~law~~ Act as provided in chapter 142C,
20 or that the licensee has in effect a medical advance
21 directive. For purposes of this subsection, a medical advance
22 directive includes, but is not limited to, a valid durable
23 power of attorney for health care as defined in section
24 144B.1. The license may contain such other information as the
25 department may require by rule.

26 Sec. 54. Section 331.427, subsection 2, paragraph k, Code
27 2003, is amended to read as follows:

28 k. For the use of a nonprofit historical society organized
29 under chapter 504, Code 1989, or chapter 504A, a city-owned
30 historical project, or both.

31 Sec. 55. Section 331.652, subsection 8, paragraph d, Code
32 2003, is amended to read as follows:

33 d. ~~Civil~~ A civil process servers server shall not be
34 considered to be a sheriff or a deputy sheriff for purposes of
35 this chapter or chapter 97B or 341A.

1 Sec. 56. Section 335.24, Code 2003, is amended to read as
2 follows:

3 335.24 CONFLICT WITH OTHER REGULATIONS.

4 If the regulations made under this chapter require a
5 greater width or size of yards, courts or other open spaces,
6 or require a lower height of building or less number of
7 stories, or require a greater percentage of lot to be left
8 unoccupied, or impose other higher standards than are required
9 in any other statute or local ordinance or regulation, the
10 regulations made under this chapter govern. If any other
11 statute or local ordinance or regulation requires a greater
12 width or size of yards, courts or other open spaces, or
13 requires a lower height of building or a less number of
14 stories, or a greater percentage of lot to be left unoccupied,
15 or imposes other higher standards than are required by the
16 regulations made under this chapter, the other statute or
17 local ordinance or regulation governs. If a regulation
18 proposed or made under this chapter relates to any structure,
19 building, dam, obstruction, deposit or excavation in or on the
20 flood plains of any river or stream, prior approval of the
21 department of ~~water, air and waste management~~ natural
22 resources is required to establish, amend, supplement, change,
23 or modify the regulation or to grant any variation or
24 exception from the regulation.

25 Sec. 57. Section 421B.11, unnumbered paragraph 3, Code
26 2003, is amended to read as follows:

27 Judicial review of the actions of the director may be
28 sought in accordance with ~~the terms of the Iowa administrative~~
29 ~~procedure Act~~ chapter 17A, and section 422.55.

30 Sec. 58. Section 426B.1, subsection 2, Code 2003, is
31 amended to read as follows:

32 2. There is appropriated annually to the property tax
33 relief fund ~~for the indicated fiscal years~~ from the general
34 fund of the state ~~the following amounts:~~

35 ~~For the fiscal year beginning July 1, 1997, and succeeding~~

1 ~~fiscal-years~~, ninety-five million dollars.

2 Sec. 59. Section 432.1, subsection 5, Code 2003, is
3 amended to read as follows:

4 5. Except as provided in subsection 4 6, the premium tax
5 shall be paid on or before March 1 of the year following the
6 calendar year for which the tax is due. The commissioner may
7 suspend or revoke the license of a company or association that
8 fails to pay its premium tax on or before the due date.

9 Sec. 60. Section 455B.484, subsections 2 and 3, Code 2003,
10 are amended to read as follows:

11 2. Seek, receive, and accept funds in the form of
12 appropriations, grants, awards, wills, bequests, endowments,
13 and gifts for deposit into the waste management assistance
14 trust fund to be used for programs relating to the duties of
15 the department under this part.

16 3. Administer and coordinate the ~~land-quality-and~~ waste
17 management assistance trust fund created under this part.

18 Sec. 61. Section 455B.488, Code 2003, is amended to read
19 as follows:

20 455B.488 HOUSEHOLD HAZARDOUS WASTE COLLECTION AND
21 DISPOSITION.

22 The ~~division~~ department shall develop, sponsor, and assist
23 in conducting local, regional, or statewide programs for the
24 receipt or collection and proper management of hazardous
25 wastes from households and farms. In conducting such events
26 the ~~division~~ department may establish limits on the types and
27 amounts of wastes that will be collected, and may establish a
28 fee system for acceptance of wastes in quantities exceeding
29 the limits established pursuant to this section.

30 Sec. 62. Section 455B.518, subsection 4, Code 2003, is
31 amended to read as follows:

32 4. A toxics pollution prevention plan developed under this
33 section shall be reviewed by the ~~authority~~ department for
34 completeness, adequacy, and accuracy.

35 Sec. 63. Section 455H.208, Code 2003, is amended to read

1 as follows:

2 455H.208 PUBLIC PARTICIPATION.

3 Public participation shall be a required component of the
4 process for participants for all sites enrolled in the land
5 recycling program. The required level of public participation
6 shall vary depending on the conditions existing at a site. At
7 a minimum, the department shall notify all adjacent property
8 owners, occupants of adjacent property, and the city or county
9 in which the property is located of a site's enrollment in the
10 land recycling program and of the scope of work described in
11 the participation agreement, and give the notified parties the
12 opportunity to obtain updates regarding the status of
13 activities relating to the enrolled site in the land recycling
14 program. The notification shall not be required before the
15 participant has had the opportunity to collect basic
16 information characterizing the nature and extent of the
17 contamination, but the notification shall be required in a
18 timely manner allowing appropriate parties to have input in
19 the formulation of the response action. If contaminants from
20 the enrolled site have migrated off the enrolled site or are
21 likely to migrate off the enrolled site, as determined by the
22 department, the department shall notify by direct mailing all
23 potentially affected parties, including the city or county in
24 which the potentially affected property is located, and
25 officials in charge of any potentially impacted public water
26 supply and the notified parties shall be given opportunity to
27 comment on proposed response actions. The department may
28 require the participant of an enrolled site to publish public
29 notice in a local newspaper if widespread interest in the site
30 exists or is likely to exist as determined by the department.
31 The department shall consider reasonable comments from
32 potentially affected parties in determining whether to approve
33 or disapprove a proposed response action or site closure.

34 Sec. 64. Section 456A.19, unnumbered paragraphs 1 and 2,
35 Code 2003, are amended to read as follows:

1 All funds accruing to the fish and game protection fund,
2 except an equitable portion of the administration fund, shall
3 be expended solely in carrying on the fish and wildlife
4 activities. Expenditures incurred by the department in
5 carrying on the activities shall be only on authorization by
6 the general assembly.

7 The department shall by October 1 of each year submit to
8 the department of management for transmission to the general
9 assembly a detailed estimate of the amount required by the
10 department during the succeeding year for carrying on the fish
11 and wildlife activities. The estimate shall be in the same
12 general form and detail as required by law in estimates
13 submitted by other state departments.

14 Sec. 65. Section 456A.21, subsections 1 and 2, Code 2003,
15 are amended to read as follows:

16 1. A forestry management and enhancement fund is created
17 in the state treasury under the department's control. The
18 fund is composed of moneys deposited into the fund pursuant to
19 section 456A.20, moneys appropriated by the general assembly,
20 and moneys available to and obtained or accepted by the
21 ~~division-or~~ the department from the United States or private
22 sources for placement in the fund.

23 2. Moneys in the fund are subject to an annual audit by
24 the auditor of state. The fund is subject to warrants written
25 by the director of revenue and finance, drawn upon the written
26 requisition of the ~~division~~ department.

27 Sec. 66. Section 456A.21, subsection 3, paragraph a, Code
28 2003, is amended to read as follows:

29 a. Four forestry technicians who shall serve regions of
30 the state as designated by the ~~division~~ department.

31 Sec. 67. Section 459.102, subsection 29, Code 2003, is
32 amended to read as follows:

33 29. "Major water source" means a water source that is a
34 lake, reservoir, river, or stream located within the
35 territorial limits of the state, or any marginal river area

1 adjacent to the state, if the water source is capable of
2 supporting a floating vessel capable of carrying one or more
3 persons during a total of a six-month period in one out of ten
4 years, excluding periods of flooding, which has been
5 identified by rules adopted by the commission.

6 Sec. 68. Section 459.303, subsection 5, paragraph a,
7 unnumbered paragraph 1, Code 2003, is amended to read as
8 follows:

9 A confinement feeding operation meets threshold
10 requirements under this paragraph subsection if the
11 confinement feeding operation after construction of a proposed
12 confinement feeding operation structure would have a minimum
13 animal unit capacity of the following:

14 Sec. 69. Section 459.310, subsection 1, paragraph a, Code
15 2003, is amended to read as follows:

16 a. A confinement feeding operation structure shall not be
17 constructed closer than five hundred feet away from the
18 surface intake of an agricultural drainage well. A
19 confinement feeding operation structure shall not be
20 constructed closer than one thousand feet from a wellhead,
21 cistern of an agricultural drainage well, or known sinkhole.
22 However, the department may adopt rules requiring an increased
23 separation distance under this paragraph in order to protect
24 the integrity of a water of ~~this~~ the state. The increased
25 separation distance shall not be more than two thousand feet.
26 If the department exercises its discretion to increase the
27 separation distance requirement, the department shall not
28 approve an application for the construction of a confinement
29 feeding operation structure within that separation distance as
30 provided in section 459.303.

31 Sec. 70. Section 459.310, subsection 1, paragraph c,
32 subparagraph (2), Code 2003, is amended to read as follows:

33 (2) A major water source shall not be constructed,
34 expanded, or diverted, if the major water source as
35 constructed, expanded, or diverted is closer than one thousand

1 feet from a confinement feeding operation structure.

2 Sec. 71. Section 459.312, subsection 10, paragraph a,
3 subparagraph (2), subparagraph subdivision (b), subparagraph
4 subdivision part (i), Code 2003, is amended to read as
5 follows:

6 (i) The development of a comprehensive state nutrient
7 budget for the maximum volume, frequency, and concentration of
8 nutrients for each watershed that addresses all significant
9 sources of nutrients in a water of ~~this~~ the state on a
10 watershed basis.

11 Sec. 72. Section 459.604, subsection 1, unnumbered
12 paragraph 2, Code 2003, is amended to read as follows:

13 This subsection shall not apply unless the department of
14 ~~natural-resources~~ has previously notified the person of the
15 person's classification as a habitual violator. The
16 department shall notify persons classified as habitual
17 violators of their classification, additional restrictions
18 imposed upon the persons pursuant to their classification, and
19 special civil penalties that may be imposed upon the persons.
20 The notice shall be sent to the persons by certified mail.

21 Sec. 73. Section 466.5, subsection 4, unnumbered paragraph
22 1, Code 2003, is amended to read as follows:

23 When establishing a wetland under this ~~subsection~~ section,
24 the department of agriculture and land stewardship shall be
25 governed by the following requirements:

26 Sec. 74. Section 481B.5, subsections 2 through 4, Code
27 2003, are amended to read as follows:

28 2. The United States list of endangered or threatened
29 native fish and wildlife as contained in ~~the Code of Federal~~
30 ~~Regulations, Title 50, part~~ 50 C.F.R. pt. 17 as amended to
31 December 30, 1991.

32 3. The United States list of endangered or threatened
33 plants as contained in ~~the Code of Federal Regulations, Title~~
34 ~~50, part~~ 50 C.F.R. pt. 17 as amended to December 30, 1991.

35 4. The United States list of endangered or threatened

1 foreign fish and wildlife as contained in the ~~Code of Federal~~
2 ~~Regulations, Title 50, part~~ 50 C.F.R. pt. 17 as amended to
3 December 30, 1991.

4 Sec. 75. Section 490.825, subsection 3, Code 2003, is
5 amended to read as follows:

6 3. Sections 490.820 through 490.824 apply both to
7 committees of the board and to ~~their~~ committee members.

8 Sec. 76. Section 490.1701, subsection 1, Code 2003, is
9 amended to read as follows:

10 1. Except as provided in this subsection or chapter 504,
11 Code 1989, or chapter 504A, this chapter does not apply to or
12 affect entities subject to chapter 504 or 504A. Such entities
13 continue to be governed by all laws of this state applicable
14 to them before December 31, 1989, as those laws are amended.
15 This chapter does not derogate or limit the powers to which
16 such entities are entitled.

17 Sec. 77. Section 490A.1508, Code 2003, is amended to read
18 as follows:

19 490A.1508 ISSUANCE OF MEMBERSHIP INTERESTS.

20 Membership interests of a professional limited liability
21 company shall be issued only to individuals who are licensed
22 to practice in any state a profession which the professional
23 limited liability company is authorized to practice.

24 Membership interests of a professional limited liability
25 company shall not at any time be issued in, transferred into,
26 or held in joint tenancy, tenancy in common, or any other form
27 of joint ownership or co-ownership. The Iowa uniform
28 securities Act as provided in chapter 502 shall not be
29 applicable to nor govern any transaction relating to any
30 membership interests of a professional limited liability
31 company.

32 Sec. 78. Section 504A.100, subsection 2, Code 2003, is
33 amended to read as follows:

34 2. This chapter shall not apply to any domestic
35 corporation heretofore organized or existing under the

1 provisions of chapter 504, ~~of the~~ Code 1989, nor, for a period
2 of two years from and after July 4, 1965, to any foreign
3 corporation holding a permit under the provisions of said
4 chapter on the said date, unless such domestic or foreign
5 corporation shall voluntarily elect to adopt the provisions of
6 this chapter and shall comply with the procedure prescribed by
7 the provisions of subsection 3 of this section.

8 Sec. 79. Section 504B.1, Code 2003, is amended to read as
9 follows:

10 504B.1 CORPORATIONS APPLICABLE.

11 This chapter shall apply to every corporation organized
12 under chapter 504, Code 1989, or chapter 504A, which
13 corporation is deemed to be a private foundation as defined in
14 section 509 of the Internal Revenue Code, which is
15 incorporated in the state of Iowa after December 31, 1969, and
16 as to any such corporation organized in this state before
17 January 1, 1970, it shall apply only for its federal taxable
18 years beginning on or after January 1, 1972.

19 Sec. 80. Section 504B.6, unnumbered paragraph 1, Code
20 2003, is amended to read as follows:

21 Nothing in this chapter shall limit the power of any
22 nonprofit corporation organized under chapter 504, Code 1989,
23 or organized under chapter 504A:

24 Sec. 81. Section 514.1, unnumbered paragraph 1, Code 2003,
25 is amended to read as follows:

26 A corporation organized under ~~former~~ chapter 504, Code
27 1989, or chapter 504A for the purpose of establishing,
28 maintaining, and operating a nonprofit hospital service plan,
29 whereby hospital service may be provided by the corporation or
30 by a hospital with which it has a contract for service, to the
31 public who become subscribers to this plan under a contract
32 which entitles each subscriber to hospital service; or a
33 corporation organized for the purpose of establishing,
34 maintaining, and operating a plan whereby health care service
35 may be provided at the expense of this corporation, by

1 licensed physicians and surgeons, dentists, podiatric
2 physicians, osteopathic physicians, osteopathic physicians and
3 surgeons or chiropractors, to subscribers under contract,
4 entitling each subscriber to health care service, as provided
5 in the contract; or a corporation organized for the purpose of
6 establishing, maintaining, and operating a nonprofit
7 pharmaceutical service plan or optometric service plan,
8 whereby pharmaceutical or optometric service may be provided
9 by this corporation or by a licensed pharmacy with which it
10 has a contract for service, to the public who become
11 subscribers to this plan under a contract which entitles each
12 subscriber to pharmaceutical or optometric service; shall be
13 governed by this chapter and is exempt from all other
14 provisions of the insurance laws of this state, unless
15 specifically designated in this chapter, not only in
16 governmental relations with the state but for every other
17 purpose, and additions enacted after ~~the effective date of~~
18 ~~this chapter~~ July 1, 1939, shall not apply to these
19 corporations unless they are expressly designated in the
20 additions.

21 Sec. 82. Section 514.2, Code 2003, is amended to read as
22 follows:

23 514.2 INCORPORATION.

24 Persons desiring to form a nonprofit hospital service
25 corporation, or a nonprofit medical service corporation, or a
26 nonprofit pharmaceutical or optometric service corporation
27 shall incorporate under the provisions of chapter 504, Code
28 1989, or chapter 504A, as supplemented and amended herein and
29 any acts amendatory thereof.

30 Sec. 83. Section 514.5, unnumbered paragraph 1, Code 2003,
31 is amended to read as follows:

32 A hospital service corporation organized under ~~former~~
33 chapter 504, Code 1989, or chapter 504A may enter into
34 contracts for the rendering of hospital service to any of its
35 subscribers with hospitals maintained and operated by the

1 state or any of its political subdivisions, or by any
2 corporation, association, or individual. Such hospital
3 service corporation may also contract with an ambulatory
4 surgical facility to provide surgical services to the
5 corporation's subscribers. Hospital service is meant to
6 include bed and board, general nursing care, use of the
7 operating room, use of the delivery room, ordinary medications
8 and dressings and other customary routine care. Ambulatory
9 surgical facility means a facility constructed and operated
10 for the specific purpose of providing surgery to patients
11 admitted to and discharged from the facility within the same
12 day.

13 Sec. 84. Section 542.7, subsection 8, unnumbered paragraph
14 1, Code 2003, is amended to read as follows:

15 The board, by rule, shall require as a condition to of
16 renewal of a permit to practice as a certified public
17 accounting firm, that an applicant undergo, no more frequently
18 than once every three years, a peer review conducted in such
19 manner as the board specifies. The review shall include a
20 verification that any individual in the firm who is
21 responsible for supervising attest and compilation services
22 and who signs or authorizes someone to sign the accountant's
23 report on a financial statement on behalf of the firm meets
24 the competency requirements set forth in the professional
25 standards for such services.

26 Sec. 85. Section 542.8, subsection 17, Code 2003, is
27 amended to read as follows:

28 17. The board, by rule, shall require as a condition to of
29 renewal of a permit to practice as a licensed public
30 accounting firm, that an applicant undergo, no more frequently
31 than once every three years, a peer review conducted in such
32 manner as the board specifies. The review shall include
33 verification that any individual in the firm who is
34 responsible for supervising compilation services and who signs
35 or authorizes someone to sign the accountant's report on a

1 financial statement on behalf of the firm meets the competency
2 requirements set forth in the professional standards for such
3 services. Such rules shall include reasonable provision for
4 compliance by an applicant showing that the applicant, within
5 the preceding three years, has undergone a peer review that is
6 a satisfactory equivalent to the peer review required under
7 this subsection. An applicant's completion of a peer review
8 program endorsed or supported by the national society of
9 accountants, or other substantially similar review as
10 determined by the board, satisfies the requirements of this
11 subsection.

12 Sec. 86. Section 544B.1, subsection 2, Code 2003, is
13 amended to read as follows:

14 2. ~~The-~~practice "Practice of landscape architecture"
15 means the performance of professional services such as
16 consultations, investigations, reconnaissance, research,
17 planning, design, or responsible supervision in connection
18 with projects involving the arranging of land and the elements
19 thereon for public and private use and enjoyment, including
20 the alignment of roadways and the location of buildings,
21 service areas, parking areas, walkways, steps, ramps, pools
22 and other structures, and the grading of the land, surface and
23 subsoil drainage, erosion control, planting, reforestation,
24 and the preservation of the natural landscape and aesthetic
25 values, in accordance with accepted professional standards of
26 public health, welfare, and safety. This practice shall
27 include the location and arrangement of such tangible objects
28 and features as are incidental and necessary to the purposes
29 outlined in this chapter but shall not include the design of
30 structures or facilities with separate and self-contained
31 purposes for habitation or industry, or the design of public
32 streets and highways, utilities, storm and sanitary sewers,
33 and sewage treatment facilities, such as are ordinarily
34 included in the practice of engineering or architecture; and
35 shall not include the making of land surveys or final land

1 plats for official approval or recording. Nothing contained
2 in this chapter shall be construed as authorizing a
3 professional landscape architect to engage in the practice of
4 architecture, engineering, or land surveying.

5 Sec. 87. Section 554.9706, subsection 2, paragraph a, Code
6 2003, is amended to read as follows:

7 a. if the initial financing statement is filed before July
8 1, 2001, for the period provided in former section 554.9403,
9 Code 2001, with respect to a financing statement; and

10 Sec. 88. Section 554.11103, Code 2003, is amended to read
11 as follows:

12 554.11103 TRANSITION TO THIS CHAPTER AS AMENDED -- GENERAL
13 RULE.

14 Transactions validly entered into after July 4, 1966, and
15 before January 1, 1975, which were subject to the provisions
16 of this chapter prior to amendment and which would be subject
17 to this chapter as amended if they had been entered into on or
18 after January 1, 1975, and the rights, duties and interests
19 flowing from such transactions remain valid after January 1,
20 1975, and may be terminated, completed, consummated or
21 enforced as required or permitted by this chapter as amended.
22 Security interests arising out of such transactions which are
23 perfected on January 1, 1975, shall remain perfected until
24 they lapse or are terminated as provided in this chapter as
25 amended, and may be continued as permitted by this chapter as
26 amended, ~~except as stated in section 554.11105.~~

27 Sec. 89. Section 616.10, Code 2003, is amended to read as
28 follows:

29 616.10 INSURANCE COMPANIES.

30 Insurance companies may be sued in any county in which
31 their principal place of business is kept, or in which the
32 contract of insurance was made, or in which the loss insured
33 against occurred, or, in case of insurance against death or
34 disability, in the county of the domicile of the insured at
35 the time the loss occurred, or in the county of plaintiff's

1 residence. As used in this section the term "insurance
2 companies" includes nonprofit hospital service corporations
3 and nonprofit medical service corporations which have
4 incorporated under the provisions of chapter 504, Code 1989,
5 or chapter 504A.

6 Sec. 90. Section 618.5, Code 2003, is amended to read as
7 follows:

8 618.5 PERMISSIBLE SELECTION.

9 Publications may be made in a newspaper published at least
10 once a week ~~or oftener~~.

11 Sec. 91. Section 618.9, Code 2003, is amended to read as
12 follows:

13 618.9 DAYS OF PUBLICATION.

14 When the publication is in a newspaper which is published
15 ~~oftener than~~ more than once a week, the succeeding
16 publications of such notice shall be on the same day of the
17 week as the first publication. This section shall not apply
18 to any notice for the publication of which provision
19 inconsistent herewith is specially made.

20 Sec. 92. Section 633.63, subsection 3, Code 2003, is
21 amended to read as follows:

22 3. A private nonprofit corporation organized under chapter
23 504, Code 1989, or chapter 504A is qualified to act as a
24 guardian, as defined in section 633.3, subsection 20, or a
25 conservator, as defined in section 633.3, subsection 7, where
26 the assets subject to the conservatorship at the time when
27 such corporation is appointed conservator are less than or
28 equal to seventy-five thousand dollars and the corporation
29 does not possess a proprietary or legal interest in an
30 organization which provides direct services to the individual.

31 Sec. 93. Section 633.4214, subsection 3, paragraph c, Code
32 2003, is amended to read as follows:

33 c. This subsection does not apply to the following:

34 (1) A power held by the settlor's spouse who is the
35 trustee of a trust for which a marital deduction, as defined

1 in section 2056(b)(5) or 2523(e) of the Internal Revenue Code
2 of 1986, that was previously allowed.

3 (2) A trust that may be revoked or amended by the settlor.

4 (3) A trust, if contributions to the trust which qualify
5 for an annual exclusion under section 2503(c) of the Internal
6 Revenue Code of 1986.

7 Sec. 94. Section 637.601, unnumbered paragraph 1, Code
8 2003, is amended to read as follows:

9 For purposes of this section subchapter:

10 Sec. 95. Section 637.605, subsection 2, Code 2003, is
11 amended to read as follows:

12 2. The trustee appoints a disinterested person who, in its
13 the person's sole discretion, but acting in a fiduciary
14 capacity, determines for the trustee the method to be used in
15 determining the fair market value of the trust, and which
16 assets, if any, are to be excluded in determining the unitrust
17 amount.

18 Sec. 96. Section 656.2, subsection 2, paragraph a,
19 unnumbered paragraph 11, Code 2003, is amended to read as
20 follows:

21 The request for notice shall be indexed ~~pursuant-to-section~~
22 ~~558-50~~.

23 Sec. 97. Section 709.19, subsection 1, Code 2003, is
24 amended to read as follows:

25 1. Upon the filing of an affidavit by a victim, or a
26 parent or guardian on behalf of a minor who is a victim, of a
27 crime ~~of~~ that is a sexual offense in violation of section
28 709.2, 709.3, 709.4, 709.8, 709.9, 709.11, 709.12, 709.14,
29 709.15, or 709.16, ~~which~~ that states that the presence of or
30 contact with the defendant whose release from jail or prison
31 is imminent or who has been released from jail or prison
32 continues to pose a threat to the safety of the victim,
33 persons residing with the victim, or members of the victim's
34 immediate family, the court shall enter a temporary no-contact
35 order which shall require the defendant to have no contact

1 with the victim, persons residing with the victim, or members
2 of the victim's immediate family.

3 Sec. 98. Section 717D.1, Code 2003, is amended to read as
4 follows:

5 717D.1 DEFINITIONS.

6 As used in this chapter:

- 7 1. "Animal" means a nonhuman vertebrate.
- 8 2. "Contest animal" means a bull, bear, chicken, or dog.
- 9 3. "Contest device" means equipment designed to enhance a
10 contest animal's entertainment value during training or a
11 contest event, including a device to improve the contest
12 animal's competitiveness.
- 13 4. "Contest event" means a function organized for the
14 entertainment or profit of spectators where a contest animal
15 is injured, tormented, or killed, if the contest animal is a
16 bull involved in a bullfight or bull baiting, a bear involved
17 in bear baiting, a chicken involved in cock fighting, or a dog
18 involved in dog fighting.
- 19 5. "Establishment" means the location where a contest
20 event occurs or is to occur, regardless of whether a contest
21 animal is present at the establishment or the contest animal
22 is witnessed by means of an electronic signal transmitted to
23 the location.
- 24 6. "Livestock" means the same as defined in section 717.1.
- 25 7. "Local authority" means the same as defined in section
26 717B.1.
- 27 8. "Promoter" means a person who charges admission for
28 entry into an establishment or organizes, holds, advertises,
29 or otherwise conducts a contest event.
- 30 9. "Spectator" means a person who attends an establishment
31 for purposes of witnessing a contest event.
- 32 10. "Trainer" means a person who trains a contest animal
33 for purposes of engaging in a contest event, regardless of
34 where the contest event is located. A trainer includes a
35 person who uses a contest device.

1 11. "Transporter" means a person who moves a contest
2 animal for delivery to a training location or a contest event
3 location.

4 Sec. 99. Section 802.5, Code 2003, is amended to read as
5 follows:

6 802.5 EXTENSION FOR FRAUD, FIDUCIARY BREACH.

7 If the period periods prescribed in sections 802.3 and
8 802.4 ~~has~~ have expired, prosecution may nevertheless be
9 commenced for any offense a material element of which is
10 either fraud or a breach of fiduciary obligation within one
11 year after discovery of the offense by an aggrieved party or
12 by a person who has legal duty to represent an aggrieved party
13 and who is not a party to the offense, but in no case shall
14 this provision extend the period of limitation otherwise
15 applicable by more than three years.

16 Sec. 100. Section 805.8A, subsection 3, paragraph e, Code
17 2003, is amended to read as follows:

18 e. For a violation of section 321.430, the scheduled
19 ~~violation~~ fine is thirty-five dollars.

20 Sec. 101. Section 805.8A, subsection 4, paragraph b, Code
21 2003, is amended to read as follows:

22 b. For a violation of section 321.216, the scheduled
23 ~~violation~~ fine is seventy-five dollars.

24 Sec. 102. Section 805.8A, subsection 10, paragraph b, Code
25 2003, is amended to read as follows:

26 b. For a violation under section 321.372, subsection 3,
27 the scheduled ~~violation~~ fine is one hundred dollars.

28 Sec. 103. Section 809A.14, subsection 4, unnumbered
29 paragraph 1, Code 2003, is amended to read as follows:

30 Notice of the issuance of a temporary restraining order and
31 an opportunity for a hearing shall be given to persons known
32 to have an interest in the property. A hearing shall be held
33 at the earliest possible date in accordance with R-E-P--326
34 rule of civil procedure 1.1507, and shall be limited to the
35 following issues:

1 Sec. 104. Section 907B.2, Article I, subsection 7, Code
2 2003, is amended to read as follows:

3 7. MEMBER. "Member" means the commissioner of a
4 compacting state or a designee, who shall be a person
5 officially connected with the commissioner.

6 Sec. 105. Section 907B.2, Article IV, subsection 10, Code
7 2003, is amended to read as follows:

8 10. To accept any and all donations and grants of money,
9 equipment, supplies, materials, and services, and to receive,
10 utilize, and dispose of the same.

11 Sec. 106. Section 907B.2, Article VII, subsection 7,
12 paragraph j, Code 2003, is amended to read as follows:

13 j. Mediation, arbitration and dispute resolution. The
14 existing rules governing the operation of the previous compact
15 superseded by this ~~Act~~ compact shall be null and void twelve
16 months after the first meeting of the interstate commission
17 created hereunder.

18 Sec. 107. 2002 Iowa Acts, chapter 1017, section 4, is
19 amended to read as follows:

20 SEC. 4. Section 331.602, subsection 13, Code Supplement
21 2001, is amended by striking the subsection.

22 Sec. 108. 2002 Iowa Acts, chapter 1093, section 3, is
23 amended by striking the section and inserting in lieu thereof
24 the following:

25 SEC. 3. Section 166D.10, subsection 4, paragraph b,
26 subparagraph (2), subparagraph subdivision (a), unnumbered
27 paragraph 1, Code 2001, is amended to read as follows:

28 Except as provided in this subparagraph, the owner of swine
29 shall vaccinate the swine with a modified-live differentiable
30 vaccine, prior to moving swine into the stage II county. A
31 ~~statistical-sampling-of-the-swine-moved-into-a-herd-as~~
32 ~~provided-in-this-subparagraph-shall-be-tested-using-a~~
33 ~~differentiable-test-within-thirty-days-after-the-swine-is~~
34 ~~moved-to-a-herd-in-this-state.--If-a-swine-reacts-positively~~
35 ~~to-the-test, the-herd-is-an-infected-herd.~~ A person is not

1 required to vaccinate swine prior to moving swine into the
2 stage II county ~~or test the swine after the swine has been~~
3 ~~moved to a herd in the stage II county~~, if one of the
4 following applies:

5 Sec. 109. 2002 Iowa Acts, chapter 1119, section 108, is
6 amended to read as follows:

7 SEC. 108. Section 229.26, Code Supplement 2001, is amended
8 by striking the words "third edition,".

9 Sec. 110. 2002 Iowa Acts, chapter 1132, section 9, is
10 amended by striking the section and inserting in lieu thereof
11 the following:

12 SEC. 9. Section 368.11, unnumbered paragraph 4, Code
13 Supplement 2001, is amended to read as follows:

14 At least ~~ten~~ fourteen business days before a petition for
15 involuntary annexation is filed as provided in this section,
16 the petitioner shall make its intention known by sending a
17 letter of intent by certified mail to the council of each city
18 whose urbanized area contains a portion of the territory, the
19 board of supervisors of each county which contains a portion
20 of the territory, the regional planning authority of the
21 territory involved, each affected public utility, and to each
22 property owner listed in the petition. The written
23 notification shall include notice that the petitioners shall
24 hold a public meeting on the petition for involuntary
25 annexation prior to the filing of the petition.

26 Sec. 111. 2002 Iowa Acts, chapter 1140, section 28, is
27 amended by striking the section and inserting in lieu thereof
28 the following:

29 SEC. 28. Section 285.12, Code Supplement 2001, is amended
30 to read as follows:

31 285.12 DISPUTES -- HEARINGS AND APPEALS.

32 In the event of a disagreement between a school patron and
33 the board of the school district, the patron if dissatisfied
34 with the decision of the district board, may appeal ~~the same~~
35 to the area education agency board, notifying the secretary of

1 the district in writing within ten days of the decision of the
2 board and by filing an affidavit of appeal with the agency
3 board within the ten-day period. The affidavit of appeal
4 shall include the reasons for the appeal and points at issue.
5 The secretary of the local board on receiving notice of appeal
6 shall certify all papers to the agency board which shall hear
7 the appeal within ten days of the receipt of the papers and
8 decide it within three days of the conclusion of the hearing
9 and shall immediately notify all parties of its decision.
10 Either party may appeal the decision of the agency board to
11 the director of the department of education by notifying the
12 opposite party and the agency administrator in writing within
13 five days after receipt of notice of the decision of the
14 agency board and by filing with the director of the department
15 of education an affidavit of appeal, reasons for appeal, and
16 the facts involved in the disagreement within five days after
17 receipt of notice of the decision of the agency board. The
18 agency administrator shall, within ten days of said receipt of
19 the notice, file with the director all records and papers
20 pertaining to the case, including action of the agency board.
21 The director shall hear the appeal within fifteen days of the
22 filing of the records in the director's office, notifying all
23 parties and the agency administrator of the date and time of
24 hearing. The director shall ~~forthwith-decide-the-same-and~~
25 notify all parties of the decision and return all papers with
26 a copy of the decision to the agency administrator. The
27 decision of the director shall be subject to judicial review
28 in accordance with ~~the-terms-of-the-Iowa-administrative~~
29 ~~procedure-Act~~ chapter 17A. Pending final order made by the
30 director, upon any appeal prosecuted to such director, the
31 order of the agency board from which the appeal is taken shall
32 be operative and be in full force and effect.
33 Sec. 112. 2002 Iowa Acts, chapter 1149, section 2, is
34 amended by striking the section and inserting in lieu thereof
35 the following:

1 SEC. 2. Section 137F.6, Code 2001, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7. For a farmers market where potentially
4 hazardous food is sold or distributed, one seasonal license
5 fee of one hundred dollars for each vendor on a countywide
6 basis.

7 Sec. 113. 2002 Iowa Acts, chapter 1175, section 41, the
8 bill section amending clause, is amended to read as follows:

9 Section 546.10, subsection 3, unnumbered paragraph 2, if
10 enacted by 2002 Iowa Acts, Senate File 2326, section 32, is
11 amended to read as follows:

12 Sec. 114. 2001 Iowa Acts, chapter 55, section 31, is
13 amended by striking the section and inserting in lieu thereof
14 the following:

15 SEC. 31. Section 502.102, subsection 11, paragraph c,
16 subparagraphs (3) and (4), Code 2001, are amended to read as
17 follows:

18 (3) An attorney licensed to practice law in this state, a
19 certified public accountant licensed pursuant to chapter 542E
20 542D, a professional engineer licensed pursuant to chapter
21 542B, or a certified teacher, if the person's performance of
22 these services is solely incidental to the practice of the
23 person's profession.

24 (4) An attorney licensed to practice law in this state or
25 a certified public accountant licensed pursuant to chapter
26 542E 542D who does not do any of the following:

27 (a) Exercise investment discretion regarding the assets of
28 a client or maintain custody of the assets of a client for the
29 purpose of investing the assets, except when the person is
30 acting as a bona fide fiduciary in a capacity such as an
31 executor, administrator, trustee, estate or trust agent,
32 guardian, or conservator.

33 (b) Accept or receive directly or indirectly any
34 commission, fee, or other remuneration contingent upon the
35 purchase or sale of any specific security by a client of such

1 person.

2 (c) Provide advice regarding the purchase or sale of
3 specific securities. However, this subparagraph subdivision
4 (c) shall not apply when the advice about specific securities
5 is based on a financial statement analysis or tax
6 considerations that are reasonably related to and in
7 connection with the person's profession.

8 Sec. 115. Sections 513C.3, 514E.1, 514I.1 through 514I.9,
9 and 514I.11, Code 2003, are amended by striking the term
10 "HAWK-I" and inserting in lieu thereof the term "hawk-i". The
11 Code editor is directed to replace the term "HAWK-I" with the
12 term "hawk-i" in any other statute contained in the 2003 Code
13 or which is amended or enacted in other legislation enacted
14 during the 2003 Session of the 80th General Assembly. The
15 Code editor is further directed to make the same replacement
16 in statutes appearing in any legislation that was enacted
17 prior to the 2003 Session of the 80th General Assembly, but
18 that will be codified on or after the effective date of this
19 Act.

20 Sec. 116. RETROACTIVE APPLICABILITY AND EFFECTIVE DATES.

21 1. The amendment in this Act to section 29A.90, subsection
22 3, Code 2003, is retroactively applicable to April 22, 2002.

23 2. The section of this Act amending 2002 Iowa Acts,
24 chapter 1093, section 3, takes effect upon enactment and is
25 retroactively applicable to April 8, 2002.

26 3. The sections of this Act amending 2002 Iowa Acts,
27 chapter 1119, section 108 and 2002 Iowa Acts, chapter 1132,
28 section 9, take effect upon enactment and are retroactively
29 applicable to July 1, 2002.

30 4. The sections of this Act amending 2002 Iowa Acts,
31 chapter 1140, section 28 and 2002 Iowa Acts, chapter 1149,
32 section 2, take effect upon enactment and are retroactively
33 applicable to May 2, 2002.

34 5. This section is effective upon enactment.

35

HOUSE FILE 171

S-3021

1 Amend House File 171, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 14, by inserting after line 27 the
4 following:

5 "Sec. ____ . Section 161B.1, subsection 2, Code
6 2003, is amended to read as follows:

7 2. The department of agriculture and land
8 stewardship shall report annually to the senate
9 ~~standing committees~~ committee on energy natural
10 resources and environment and the house of
11 representatives standing committee on environmental
12 protection of the house and senate on the projects
13 conducted with the agricultural energy management
14 fund."

15 2. Page 19, by inserting after line 16 the
16 following:

17 "Sec. ____ . Section 303A.6, subsection 3, Code
18 2003, is amended to read as follows:

19 3. Upon approving a grant, the board shall certify
20 to the treasurer of state the amount of financial
21 assistance payable from the ~~trust~~ grant account to the
22 qualified organization whose grant application is
23 approved."

24 3. Page 19, by inserting after line 23 the
25 following:

26 "Sec. ____ . Section 307.27, subsection 8, Code
27 2003, is amended to read as follows:

28 8. Administer the registration of interstate
29 ~~commerce commission~~ authority of motor carriers
30 pursuant to chapter 327B as provided in 49 U.S.C. §
31 14504 and United States department of transportation
32 regulations."

33 4. Page 20, by inserting after line 25 the
34 following:

35 "Sec. ____ . Section 327B.1, subsections 1 through
36 3, Code 2003, are amended to read as follows:

37 1. It is unlawful for a carrier to perform an
38 interstate transportation service for compensation
39 upon the highways of this state without first
40 registering the authority obtained from the ~~interstate~~
41 ~~commerce commission~~ United States department of
42 transportation or evidence that such authority is not
43 required with the state department of transportation.

44 2. The department shall participate in the single
45 state insurance registration program for regulated
46 motor carriers as provided in 49 U.S.C. § ~~11506~~ 14504
47 and ~~interstate commerce commission~~ United States

48 department of transportation regulations.

49 3. Registration for carriers transporting
50 commodities exempt from ~~interstate commerce commission~~

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1 United States department of transportation regulation
2 shall be granted without hearing upon application and
3 payment of a twenty-five-dollar filing fee and an
4 annual one-dollar fee per vehicle.

5 Sec. ____ . Section 327B.7, Code 2003, is amended to
6 read as follows:

7 327B.7 RECIPROCITY FOR EXEMPT COMMODITY BASE STATE
8 REGISTRATION SYSTEM.

9 The department may enter into a reciprocity
10 agreement on behalf of this state with authorized
11 representatives of other states to become a member of
12 an exempt commodity base state registration system for
13 the registration, insurance verification, and fee
14 collection for carriers hauling commodities exempt
15 from ~~interstate commerce commission~~ United States
16 department of transportation authority.

17 Sec. ____ . Section 327C.22, Code 2003, is amended
18 to read as follows:

19 327C.22 INTERSTATE FREIGHT RATES.

20 The department shall exercise constant diligence to
21 ascertain the rates, charges, rules, and practices of
22 common carriers operating in this state, in relation
23 to the transportation of freight in interstate
24 business. When it shall ascertain from any source or
25 have reasonable grounds to believe that the rates
26 charged on such interstate business or the rules or
27 practices in relation thereto discriminate unjustly
28 against any of the citizens, industries, interests, or
29 localities of the state, or place any of them at an
30 unreasonable disadvantage as compared with those of
31 other states, or are in violation of the laws of the
32 United States regulating commerce, or in conflict with
33 the rulings, orders, or regulations of the ~~interstate~~
34 ~~commerce commission~~ surface transportation board, the
35 department shall take the necessary steps to prevent
36 the continuance of such rates, rules, or practices.

37 Sec. ____ . Section 327C.23, Code 2003, is amended
38 to read as follows:

39 327C.23 APPLICATION TO ~~INTERSTATE COMMERCE~~
40 ~~COMMISSION~~ SURFACE TRANSPORTATION BOARD.

41 When any common carrier has put in force any rates,
42 rules, or practices in relation to interstate freight
43 business, in violation of the laws of the United
44 States regulating commerce, or of the orders, rules,
45 or regulations of the ~~interstate commerce commission~~
46 surface transportation board, or shall unjustly
47 discriminate against any of the citizens, industries,
48 interests, or localities of the state, the department
49 shall present the material facts involved in such
50 violations or discrimination to the ~~interstate~~

1 ~~commerce commission~~ surface transportation board and
2 seek relief therefrom, and, if deemed necessary or
3 expedient, the department shall prosecute any charge
4 growing out of such violation or discrimination, at
5 the expense of the state, before the interstate
6 ~~commerce commission~~ surface transportation board.

7 Sec. _____. Section 327D.67, unnumbered paragraph 2,
8 Code 2003, is amended to read as follows:

9 The form of every schedule shall be prescribed by
10 the department and shall conform, in the case of
11 common carriers, as nearly as may be to the form
12 prescribed by the interstate commerce commission
13 United States department of transportation.

14 Sec. _____. Section 327D.72, Code 2003, is amended
15 to read as follows:

16 327D.72 INTERSTATE COMMERCE SCHEDULES.

17 When schedules and classifications required by the
18 ~~interstate commerce commission~~ United States
19 department of transportation contain in whole or in
20 part the information required by the provisions of
21 this chapter, the posting and filing of a copy of such
22 schedules and classifications with the interstate
23 ~~commerce commission~~ United States department of
24 transportation shall be deemed a compliance with the
25 filing requirements of this chapter insofar as such
26 schedules and classifications contain the information
27 required by this chapter, and any additional or
28 different information may be posted and filed in a
29 supplementary schedule.

30 Sec. _____. Section 327D.200, Code 2003, is amended
31 to read as follows:

32 327D.200 INCONSISTENCY WITH FEDERAL LAW --
33 RAILROADS.

34 If any provision of this chapter is inconsistent or
35 conflicts with federal laws, rules or regulations
36 applicable to railway corporations subject to the
37 jurisdiction of the ~~federal interstate commerce~~
38 ~~commission~~ surface transportation board, the
39 department shall suspend the provision, but only to
40 the extent necessary to eliminate the inconsistency or
41 conflict.

42 Sec. _____. Section 327D.201, Code 2003, is amended
43 to read as follows:

44 327D.201 RAILROAD INTRASTATE RATES -- RULES.

45 The department may issue rules relating to the
46 regulation of railroad intrastate rates,
47 classifications, rules and practices in accordance
48 with the standards and procedures of the ~~federal~~
49 ~~interstate commerce commission~~ surface transportation
50 board applicable to rail carriers.

1 Sec. _____. Section 327G.61, subsection 2, Code
2 2003, is amended to read as follows:

3 2. "Spur track" means a railroad track located
4 wholly within the state connected to a main or branch
5 line of a railroad and used to originate or terminate
6 traffic at one or more industries or a railroad track
7 not subject to the jurisdiction of the ~~interstate~~
8 ~~commerce commission~~ surface transportation board. A
9 spur track shall not include a railroad line used to
10 provide line-haul or intercity transportation.

11 Sec. _____. Section 327G.78, unnumbered paragraph 1,
12 Code 2003, is amended to read as follows:

13 Subject to sections 327G.77 and 6A.16, when a
14 railroad corporation, its trustee, or its successor in
15 interest has interests in real property adjacent to a
16 railroad right-of-way that are abandoned by order of
17 the ~~interstate commerce commission~~ surface
18 transportation board, reorganization court, bankruptcy
19 court, or the department, or when a railroad
20 corporation, its trustee, or its successor in interest
21 seeks to sell its interests in that property under any
22 other circumstance, the railroad corporation, its
23 trustee, or its successor in interest shall extend a
24 written offer to sell at a fair market value price to
25 the persons holding leases, licenses, or permits upon
26 those properties, allowing sixty days from the time of
27 receipt for a written response. If a disagreement
28 arises between the parties concerning the price or
29 other terms of the sale transaction, either or both
30 parties may make written application to the department
31 to resolve the disagreement. The application shall be
32 made within sixty days from the time an initial
33 written response is served upon the railroad
34 corporation, trustee, or successor in interest by the
35 person wishing to purchase the property. The
36 department shall notify the department of inspections
37 and appeals which shall hear the controversy and make
38 a final determination of the fair market value of the
39 property and the other terms of the transaction which
40 were in dispute, within ninety days after the
41 application is filed. The determination is subject to
42 review by the department and the department's decision
43 is the final agency action. All correspondence shall
44 be by certified mail."

45 5. Page 21, by inserting after line 24, the
46 following:

47 "Sec. _____. Section 384.63, subsection 3, Code
48 2003, is amended to read as follows:

49 3. When a private improvement is constructed on a
50 lot subject to a deficiency, during the period of

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Page 5

1 amortization, the council shall, by resolution, assess
2 a pro rata portion of the deficiency on that lot, in
3 the same proportion to the total deficiency on that
4 lot as the number of future installments of special
5 assessments remaining to be paid is to the total
6 number of installments of assessments for the project,
7 subject to the twenty-five percent limitation of
8 section 384.62. A deficiency assessment becomes a
9 lien on the property and is payable in the same
10 manner, and subject to the same interests as the other
11 special assessments. The council shall direct the
12 clerk to certify a deficiency assessment to the county
13 treasurer, and to send a notice of the deficiency
14 assessment by mail to each owner, as provided in
15 section 384.60, ~~subsection 5,~~ but publication of the
16 notice is not required."

17 6. Page 21, line 32, by striking the word
18 "annually" and inserting the following: "on July 1 of
19 each fiscal year".

20 7. Page 22, by inserting after line 8 the
21 following:

22 "Sec. ____ . Section 435.26, subsection 1, paragraph
23 a, Code 2003, is amended to read as follows:

24 a. A mobile home or manufactured home which is
25 located outside a manufactured home community or
26 mobile home park shall be converted to real estate by
27 being placed on a permanent foundation and shall be
28 assessed for real estate taxes. A home, after
29 conversion to real estate, is eligible for the
30 homestead tax credit and the military service tax
31 exemption as provided in sections 425.2 and 426A.11."

32 8. Page 27, line 12, by striking the word and
33 figures "504 or 504A" and inserting the following:
34 "504, Code 1989, or chapter 504A".

35 9. Page 30, by inserting after line 12, the
36 following:

37 "Sec. ____ . Section 537.1303, subsection 10, Code
38 2003, is amended to read as follows:

39 10. "Pursuant to a credit card". Section
40 537.1301, subsection ~~17~~ 16."

41 10. By renumbering as necessary.

By COMMITTEE ON JUDICIARY
DONALD B. REDFERN, Chair

S-3021 FILED FEBRUARY 26, 2003

Adopted 3/31/03

SENATE AMENDMENT TO
HOUSE FILE 171 *

H-1212

1 Amend House File 171, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 14, by inserting after line 27 the
4 following:

5 "Sec. ____ . Section 161B.1, subsection 2, Code
6 2003, is amended to read as follows:

7 2. The department of agriculture and land
8 stewardship shall report annually to the senate
9 standing committees committee on energy
10 resources and environment and the house of
11 representatives standing committee on environmental
12 protection of the house and senate on the projects
13 conducted with the agricultural energy management
14 fund."

15 2. Page 19, by inserting after line 16 the
16 following:

17 "Sec. ____ . Section 303A.6, subsection 3, Code
18 2003, is amended to read as follows:

19 3. Upon approving a grant, the board shall certify
20 to the treasurer of state the amount of financial
21 assistance payable from the ~~trust~~ grant account to
22 qualified organization whose grant application is
23 approved."

24 3. Page 19, by inserting after line 23 the
25 following:

26 "Sec. ____ . Section 307.27, subsection 8, Code
27 2003, is amended to read as follows:

28 8. Administer the registration of interstate
29 ~~commerce commission~~ authority of motor carriers
30 pursuant to chapter 327B as provided in 49 U.S.C. §
31 14504 and United States department of transportation
32 regulations."

33 4. Page 20, by inserting after line 25 the
34 following:

35 "Sec. ____ . Section 327B.1, subsections 1 through
36 3, Code 2003, are amended to read as follows:

37 1. It is unlawful for a carrier to perform an
38 interstate transportation service for compensation
39 upon the highways of this state without first
40 registering the authority obtained from the ~~interstate~~
41 ~~commerce commission~~ United States department of
42 transportation or evidence that such authority is not
43 required with the state department of transportation.

44 2. The department shall participate in the single
45 state insurance registration program for regulated
46 motor carriers as provided in 49 U.S.C. § ~~11506~~ 14504
47 and interstate commerce commission United States
48 department of transportation regulations.

49 3. Registration for carriers transporting
50 commodities exempt from ~~interstate commerce commission~~

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1 United States department of transportation regulation
2 shall be granted without hearing upon application and
3 payment of a twenty-five-dollar filing fee and an
4 annual one-dollar fee per vehicle.

5 Sec. ____ . Section 327B.7, Code 2003, is amended to
6 read as follows:

7 327B.7 RECIPROCITY FOR EXEMPT COMMODITY BASE STATE
8 REGISTRATION SYSTEM.

9 The department may enter into a reciprocity
10 agreement on behalf of this state with authorized
11 representatives of other states to become a member of
12 an exempt commodity base state registration system for
13 the registration, insurance verification, and fee
14 collection for carriers hauling commodities exempt
15 from ~~interstate commerce commission~~ United States
16 department of transportation authority.

17 Sec. ____ . Section 327C.22, Code 2003, is amended
18 to read as follows:

19 327C.22 INTERSTATE FREIGHT RATES.

20 The department shall exercise constant diligence to
21 ascertain the rates, charges, rules, and practices of
22 common carriers operating in this state, in relation
23 to the transportation of freight in interstate
24 business. When it shall ascertain from any source or
25 have reasonable grounds to believe that the rates
26 charged on such interstate business or the rules or
27 practices in relation thereto discriminate unjustly
28 against any of the citizens, industries, interests, or
29 localities of the state, or place any of them at an
30 unreasonable disadvantage as compared with those of
31 other states, or are in violation of the laws of the
32 United States regulating commerce, or in conflict with
33 the rulings, orders, or regulations of the ~~interstate~~
34 ~~commerce commission~~ surface transportation board,
35 department shall take the necessary steps to prevent
36 the continuance of such rates, rules, or practices.

37 Sec. ____ . Section 327C.23, Code 2003, is amended
38 to read as follows:

39 327C.23 APPLICATION TO ~~INTERSTATE COMMERCE~~
40 ~~COMMISSION~~ SURFACE TRANSPORTATION BOARD.

41 When any common carrier has put in force any rates,
42 rules, or practices in relation to interstate freight
43 business, in violation of the laws of the United
44 States regulating commerce, or of the orders, rules,
45 or regulations of the ~~interstate commerce commission~~
46 surface transportation board, or shall unjustly
47 discriminate against any of the citizens, industries,
48 interests, or localities of the state, the department
49 shall present the material facts involved in such
50 violations or discrimination to the ~~interstate~~

1 ~~commerce commission~~ surface transportation board a
2 seek relief therefrom, and, if deemed necessary or
3 expedient, the department shall prosecute any charge
4 growing out of such violation or discrimination, at
5 the expense of the state, before the ~~interstate~~
6 ~~commerce commission~~ surface transportation board.

7 Sec. ____ . Section 327D.67, unnumbered paragraph 2,
8 Code 2003, is amended to read as follows:

9 The form of every schedule shall be prescribed by
10 the department and shall conform, in the case of
11 common carriers, as nearly as may be to the form
12 prescribed by the ~~interstate commerce commission~~
13 United States department of transportation.

14 Sec. ____ . Section 327D.72, Code 2003, is amended
15 to read as follows:

16 327D.72 INTERSTATE COMMERCE SCHEDULES.

17 When schedules and classifications required by the
18 ~~interstate commerce commission~~ United States
19 department of transportation contain in whole or in
20 part the information required by the provisions of
21 this chapter, the posting and filing of a copy of such
22 schedules and classifications with the ~~interstate~~
23 ~~commerce commission~~ United States department of
24 transportation shall be deemed a compliance with the
25 filing requirements of this chapter insofar as such
26 schedules and classifications contain the information
27 required by this chapter, and any additional or
28 different information may be posted and filed in a
29 supplementary schedule.

30 Sec. ____ . Section 327D.200, Code 2003, is amended
31 to read as follows:

32 327D.200 INCONSISTENCY WITH FEDERAL LAW --
33 RAILROADS.

34 If any provision of this chapter is inconsistent or
35 conflicts with federal laws, rules or regulations
36 applicable to railway corporations subject to the
37 jurisdiction of the ~~federal interstate commerce~~
38 ~~commission~~ surface transportation board, the
39 department shall suspend the provision, but only to
40 the extent necessary to eliminate the inconsistency or
41 conflict.

42 Sec. ____ . Section 327D.201, Code 2003, is amended
43 to read as follows:

44 327D.201 RAILROAD INTRASTATE RATES -- RULES.

45 The department may issue rules relating to the
46 regulation of railroad intrastate rates,
47 classifications, rules and practices in accordance
48 with the standards and procedures of the ~~federal~~
49 ~~interstate commerce commission~~ surface transportation
50 board applicable to rail carriers.

1 Sec. ____ . Section 327G.61, subsection 2, Code
2 2003, is amended to read as follows:

3 2. "Spur track" means a railroad track located
4 wholly within the state connected to a main or branch
5 line of a railroad and used to originate or terminate
6 traffic at one or more industries or a railroad track
7 not subject to the jurisdiction of the ~~interstate~~
8 ~~commerce commission~~ surface transportation board.
9 spur track shall not include a railroad line used to
10 provide line-haul or intercity transportation.

11 Sec. ____ . Section 327G.78, unnumbered paragraph 1,
12 Code 2003, is amended to read as follows:

13 Subject to sections 327G.77 and 6A.16, when a
14 railroad corporation, its trustee, or its successor in
15 interest has interests in real property adjacent to a
16 railroad right-of-way that are abandoned by order of
17 the ~~interstate commerce commission~~ surface
18 transportation board, reorganization court, bankruptcy
19 court, or the department, or when a railroad
20 corporation, its trustee, or its successor in interest
21 seeks to sell its interests in that property under any
22 other circumstance, the railroad corporation, its
23 trustee, or its successor in interest shall extend a
24 written offer to sell at a fair market value price to
25 the persons holding leases, licenses, or permits upon
26 those properties, allowing sixty days from the time of
27 receipt for a written response. If a disagreement
28 arises between the parties concerning the price or
29 other terms of the sale transaction, either or both
30 parties may make written application to the department
31 to resolve the disagreement. The application shall be
32 made within sixty days from the time an initial
33 written response is served upon the railroad
34 corporation, trustee, or successor in interest by the
35 person wishing to purchase the property. The
36 department shall notify the department of inspections
37 and appeals which shall hear the controversy and make
38 a final determination of the fair market value of the
39 property and the other terms of the transaction which
40 were in dispute, within ninety days after the
41 application is filed. The determination is subject to
42 review by the department and the department's decision
43 is the final agency action. All correspondence shall
44 be by certified mail."

45 5. Page 21, by inserting after line 24, the
46 following:

47 "Sec. ____ . Section 384.63, subsection 3, Code
48 2003, is amended to read as follows:

49 3. When a private improvement is constructed on a
50 lot subject to a deficiency, during the period of

1 amortization, the council shall, by resolution, assess
2 a pro rata portion of the deficiency on that lot, in
3 the same proportion to the total deficiency on that
4 lot as the number of future installments of special
5 assessments remaining to be paid is to the total
6 number of installments of assessments for the project,
7 subject to the twenty-five percent limitation of
8 section 384.62. A deficiency assessment becomes a
9 lien on the property and is payable in the same
10 manner, and subject to the same interests as the other
11 special assessments. The council shall direct the
12 clerk to certify a deficiency assessment to the county
13 treasurer, and to send a notice of the deficiency
14 assessment by mail to each owner, as provided in
15 section 384.60, ~~subsection 5,~~ but publication of the
16 notice is not required."

17 6. Page 21, line 32, by striking the word
18 "annually" and inserting the following: "on July 1 of
19 each fiscal year".

20 7. Page 22, by inserting after line 8 the
21 following:

22 "Sec. ____ . Section 435.26, subsection 1, paragraph
23 a, Code 2003, is amended to read as follows:

24 a. A mobile home or manufactured home which is
25 located outside a manufactured home community or
26 mobile home park shall be converted to real estate by
27 being placed on a permanent foundation and shall be
28 assessed for real estate taxes. A home, after
29 conversion to real estate, is eligible for the
30 homestead tax credit and the military service tax
31 exemption as provided in sections 425.2 and 426A.11."

32 8. Page 27, line 12, by striking the word and
33 figures "504 or 504A" and inserting the following:
34 "504, Code 1989, or chapter 504A".

35 9. Page 30, by inserting after line 12, the
36 following:

37 "Sec. ____ . Section 537.1303, subsection 10, Code
38 2003, is amended to read as follows:

39 10. "Pursuant to a credit card". Section
40 537.1301, subsection ~~17~~ 16."

41 10. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-1212 FILED APRIL 1, 2003

House concurred 4/22/03 - 2

Van Fossen, Ch
Baudler
Berry

Succeeded By
SF 0171

HSB55

JUDICIARY

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON MADDOX)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to nonsubstantive Code corrections and including
2 effective and retroactive applicability date provisions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 9H.1, subsection 25, paragraph a, Code
2 2003, is amended to read as follows:

3 a. Corporations organized under the provisions of chapter
4 504, Code 1989, or chapter 504A; or

5 Sec. 2. Section 9H.1, subsection 33, Code 2003, is amended
6 to read as follows:

7 33. "Testamentary trust" means a trust created by devising
8 or bequeathing property in trust in a will as such terms are
9 used in the Iowa probate code as provided in chapter 633.

10 Testamentary trust includes a revocable trust that has not
11 been revoked prior to the grantor's death.

12 Sec. 3. Section 9H.4, subsection 2, paragraph c,
13 subparagraph (1), Code 2003, is amended to read as follows:

14 (1) The corporation or limited liability company must not
15 hold the agricultural land other than as a lessee. The term
16 of the lease must be for not more than twelve years. The
17 corporation or limited liability company shall not renew a
18 lease. The corporation or limited liability company shall not
19 enter into a lease under this paragraph, if the corporation or
20 limited liability company has ever entered into another lease
21 under this paragraph "c", whether or not the lease is in
22 effect. However, this subparagraph does not apply to a
23 domestic corporation organized under chapter 504, Code 1989,
24 or chapter 504A.

25 Sec. 4. Section 9H.4, subsection 2, paragraph c,
26 subparagraph (4), Code 2003, is amended to read as follows:

27 (4) The corporation or limited liability company must
28 deliver a copy of the lease to the secretary of state. The
29 secretary of state shall notify the lessee of receipt of the
30 copy of the lease. However, this subparagraph does not apply
31 to a domestic corporation organized under chapter 504, Code
32 1989, or chapter 504A.

33 Sec. 5. Section 9H.4, subsection 3, Code 2003, is amended
34 to read as follows:

35 3. Agricultural land, including leasehold interests,

1 acquired by a nonprofit corporation organized under the
2 provisions of chapters 504, Code 1989, and 504A including land
3 acquired and operated by or for a state university for
4 research, experimental, demonstration, foundation seed
5 increase or test purposes and land acquired and operated by or
6 for nonprofit corporations organized specifically for
7 research, experimental, demonstration, foundation seed
8 increase or test purposes in support of or in conjunction with
9 a state university.

10 Sec. 6. Section 10B.1, subsection 9, paragraph a, Code
11 2003, is amended to read as follows:

12 a. A corporation organized under the provisions of former
13 chapter 504, Code 1989, or chapter 504A.

14 Sec. 7. Section 15E.11, Code 2003, is amended to read as
15 follows:

16 15E.11 CORPORATION FOR RECEIVING AND DISBURSING FUNDS.

17 The Iowa development commission is hereby authorized to
18 form a corporation under the provisions of former chapter 504,
19 Code 1989, for the purpose of receiving and disbursing funds
20 from public or private sources to be used to further the
21 overall development and well-being of the state.

22 Sec. 8. Section 15E.42, subsection 2, Code 2003, is
23 amended to read as follows:

24 2. "Board" means the Iowa capital investment board~~7-if~~
25 ~~created-in-House-File-2078-as-enacted-by-the-Seventy-ninth~~
26 ~~General-Assembly~~ created in section 15E.63.

27 Sec. 9. Section 15E.111, subsection 8, Code 2003, is
28 amended to read as follows:

29 8. The department of economic development and the office
30 of renewable fuels and coproducts shall prepare a report each
31 six months detailing the progress of the department and other
32 agencies provided in this section. The office of renewable
33 fuels and coproducts, the department of natural resources, and
34 Iowa state university may contribute a summary of their
35 activities. The report shall be delivered to the secretary of

1 the senate and the chief clerk of the house; the legislative
2 service bureau; the chairpersons and ranking members of the
3 senate standing committee on agriculture; the senate standing
4 committee on ~~small-business, economic development, and tourism~~
5 growth; the house of representatives standing committee on
6 agriculture; and the house of representatives standing
7 committee on economic development growth.

8 Sec. 10. Section 18.80, Code 2003, is amended to read as
9 follows:

10 18.80 RESERVE SUPPLY.

11 The superintendent state printing administrator shall
12 designate, subject to the approval of the director, the number
13 of copies of reports and publications to be held in reserve,
14 and copies thus held in reserve shall be distributed only upon
15 the written request of the head of the department, approved by
16 the superintendent state printing administrator, and ordered
17 by the director.

18 Sec. 11. Section 18.81, Code 2003, is amended to read as
19 follows:

20 18.81 UNUSED DOCUMENTS.

21 The superintendent state printing administrator shall from
22 time to time report to the director any documents in the
23 superintendent's state printing administrator's custody deemed
24 not needed and which have been printed five years or more, and
25 if the report has the written approval of the head of the
26 department from which the documents were issued, the director
27 may condemn and order the documents sold, and the proceeds
28 turned into the unappropriated funds of the state. If a
29 department no longer exists, approval by the head of the
30 department shall not be required. If the condemned documents
31 cannot be sold the director may order them destroyed.

32 Sec. 12. Section 18.83, Code 2003, is amended to read as
33 follows:

34 18.83 INFORMATION AS TO DOCUMENTS.

35 The superintendent state printing administrator shall

1 advise the public of the publication of reports and documents
2 and of the nature of the material therein, and give
3 information as to the publications that are available for
4 distribution and how to obtain them.

5 Sec. 13. Section 18.84, Code 2003, is amended to read as
6 follows:

7 18.84 MAILING LISTS.

8 The superintendent shall require from officials or heads of
9 departments mailing lists, or addressed labels or envelopes,
10 for use in distribution of reports and documents. The
11 superintendent state printing administrator shall revise such
12 lists, eliminating duplications and adding to the lists
13 libraries, institutions, public officials, and persons having
14 actual use for the material. The superintendent state
15 printing administrator shall arrange the lists so as to reduce
16 to the minimum the postage or other cost for delivery.
17 Requests for publications shall be handled only upon receipt
18 of postage by the superintendent state printing administrator
19 from the requesting agency or department.

20 Sec. 14. Section 18.85, Code 2003, is amended to read as
21 follows:

22 18.85 COPIES TO DEPARTMENTS.

23 The superintendent state printing administrator shall
24 furnish the various officials and departments with copies of
25 their reports needed for office use or to be distributed to
26 persons requesting the reports. Requests for publications
27 shall be handled only upon receipt of postage by the
28 superintendent state printing administrator.

29 Sec. 15. Section 18.86, Code 2003, is amended to read as
30 follows:

31 18.86 ASSEMBLY MEMBERS.

32 The official reports, the miscellaneous documents and other
33 publications upon request, and the completed journals of the
34 general assembly and ten copies of the official register,
35 shall be sent to each member of the general assembly, and, so

1 far as they are available, additional copies upon their
2 request. Requests for publications shall be handled only upon
3 receipt of postage by the superintendent state printing
4 administrator.

5 Sec. 16. Section 18.88, Code 2003, is amended to read as
6 follows:

7 18.88 NEWSPAPERS.

8 The journals of the general assembly and the official
9 register shall be sent to each newspaper of general
10 circulation in Iowa, and editors of newspapers in Iowa shall
11 be entitled to other publications on request when they are
12 available. Requests for publications shall be handled only
13 upon receipt of postage by the superintendent state printing
14 administrator.

15 Sec. 17. Section 18.92, Code 2003, is amended to read as
16 follows:

17 18.92 GENERAL DISTRIBUTION.

18 The superintendent state printing administrator may send
19 additional copies of publications to other state officials,
20 individuals, institutions, libraries, or societies that may
21 request them. Requests for publications shall be handled only
22 upon receipt of postage by the superintendent state printing
23 administrator.

24 Sec. 18. Section 18.102, Code 2003, is amended to read as
25 follows:

26 18.102 INDEX TO BILLS.

27 The secretary of the senate and the chief clerk of the
28 house shall throughout each legislative session compile and
29 cause to be printed a cumulative bulletin of bills and joint
30 resolutions which bulletin shall contain a brief history of
31 each bill, and detailed information as to the status of
32 legislation and shall be conveniently indexed. The bulletin
33 shall be printed and delivered one day before the mid-term
34 midterm recess of each legislature and thereafter twenty-five
35 days after the end of said the recess except as may otherwise

1 be provided by the joint rules of the general assembly. The
2 last issue of each bulletin shall be brought down to the time
3 of final adjournment and shall be promptly furnished to all
4 members of the general assembly and to such others as the
5 superintendent state printing administrator may determine.

6 Sec. 19. Section 18.103, Code 2003, is amended to read as
7 follows:

8 18.103 ENROLLING CLERKS TO KEEP RECORDS.

9 The enrolling clerks of the senate and house shall, under
10 the directions of the secretary of the senate and house,
11 respectively, keep a daily cumulative record of the
12 information required in section 18.102 and in such manner that
13 the same may be promptly furnished to the superintendent state
14 printing administrator at the close of each week.

15 Sec. 20. Section 29A.90, subsection 3, Code 2003, is
16 amended to read as follows:

17 3. "Military service" means full-time active state service
18 or state active duty, as defined in section 29A.1, for a
19 period of at least ninety consecutive days, commencing on or
20 after ~~the effective date of this division of this Act~~ April
21 22, 2002.

22 Sec. 21. Section 68B.39, unnumbered paragraph 1, Code
23 2003, is amended to read as follows:

24 The supreme court of this state shall prescribe rules by
25 ~~January 17, 1993~~, establishing a code of ethics for officials
26 and employees of the judicial branch of this state, and the
27 immediate family members of the officials and employees.
28 Rules prescribed under this paragraph shall include provisions
29 relating to the receipt or acceptance of gifts and honoraria,
30 interests in public contracts, services against the state, and
31 financial disclosure which are substantially similar to the
32 requirements of this chapter.

33 Sec. 22. Section 70A.23, Code 2003, is amended to read as
34 follows:

35 70A.23 CREDIT FOR ACCRUED SICK LEAVE.

1 When a state employee, excluding an employee covered under
2 a collective bargaining agreement which provides otherwise,
3 retires under a retirement system in the state maintained in
4 whole or in part by public contributions or payments, the
5 number of accrued days of active and banked sick leave of the
6 employee shall be credited to the employee. When an employee
7 retires, is eligible, and has applied for benefits under a
8 retirement system authorized under chapter 97A or 97B,
9 including the teachers insurance and annuity **association**
10 ~~(TIAA)-and-the-college~~ association-college retirement equities
11 fund ~~(CREF)~~ (TIAA-CREF), or an employee dies on or after July
12 1, 1984, while the employee is in active employment but is
13 eligible for retirement benefits under one of the listed
14 chapters, the employee shall receive a cash payment for the
15 employee's accumulated, unused sick leave in both the active
16 and banked sick leave accounts, except when, in lieu of cash
17 payment, payment is made for monthly premiums for health or
18 life insurance or both as provided in a collective bargaining
19 agreement negotiated under chapter 20. An employee of the
20 department of public safety or the department of natural
21 resources who has earned benefits of payment of premiums under
22 a collective bargaining agreement and who becomes a manager or
23 supervisor and is no longer covered by the agreement shall not
24 lose the benefits of payment of premium earned while covered
25 by the agreement. The payment shall be calculated by
26 multiplying the number of hours of accumulated, unused sick
27 leave by the employee's hourly rate of pay at the time of
28 retirement. However, the total cash payments for accumulated,
29 unused sick leave shall not exceed two thousand dollars per
30 employee and are payable upon retirement or death. Banked
31 sick leave is defined as accrued sick leave in excess of
32 ninety days.

33 Sec. 23. Section 70A.30, unnumbered paragraph 2, Code
34 2003, is amended to read as follows:

35 The phased retirement incentive program is a retirement

1 system for purposes of section 20.9, but is not retirement for
2 purposes of chapter 97A, 97B, or 602 or for the employees who
3 are members of the teachers insurance annuity association-
4 college retirement equity equities fund (TIAA-CREF).

5 Sec. 24. Section 80.17, subsection 3, Code 2003, is
6 amended to read as follows:

7 3. Division of criminal investigation ~~and-bureau-of~~
8 ~~identification.~~

9 Sec. 25. Section 80A.4, subsection 4, Code 2003, is
10 amended to read as follows:

11 4. The fingerprints required by subsection 1 may be
12 submitted by the department to the federal bureau of
13 investigation through the state ~~central~~ criminal history
14 repository for the purpose of a national criminal history
15 check.

16 Sec. 26. Section 80A.7, subsection 5, Code 2003, is
17 amended to read as follows:

18 5. An application for an identification card shall include
19 the submission of fingerprints of the person seeking the
20 identification card, which fingerprints may be submitted to
21 the federal bureau of investigation through the state ~~central~~
22 criminal history repository for the purpose of a national
23 criminal history ~~background~~ check. Fees associated with the
24 processing of fingerprints shall be assessed to the employing
25 licensee.

26 Sec. 27. Section 97B.66, unnumbered paragraph 1, Code
27 2003, is amended to read as follows:

28 A vested or retired member who was a member of the teachers
29 insurance and annuity ~~association-college~~ association-college
30 retirement equity equities fund (TIAA-CREF) at any time
31 between July 1, 1967, and June 30, 1971, and who became a
32 member of the system on July 1, 1971, upon submitting
33 verification of service and wages earned during the applicable
34 period of service under the teachers insurance and annuity
35 ~~association-college~~ association-college retirement equities

1 fund, may make employer and employee contributions to the
2 system based upon the covered wages of the member and the
3 covered wages and the contribution rates in effect for all or
4 a portion of that period of service and receive credit for
5 membership service under this system equivalent to the
6 applicable period of membership service in the teachers
7 insurance and annuity association-college association-college
8 retirement equities fund for which the contributions have been
9 made. In addition, a member making employer and employee
10 contributions because of membership in the teachers insurance
11 and annuity association-college association-college retirement
12 equities fund under this section who was a member of the
13 system on June 30, 1967, and withdrew the member's accumulated
14 contributions because of membership on July 1, 1967, in the
15 teachers insurance and annuity association-college
16 association-college retirement equities fund, may make
17 employee contributions to the system for all or a portion of
18 the period of service under the system prior to July 1, 1967.
19 A member making contributions pursuant to this section may
20 make the contributions either for the entire applicable period
21 of service, or for portions of the period of service, and if
22 contributions are made for portions of the period of service,
23 the contributions shall be in increments of one or more
24 calendar quarters.

25 Sec. 28. Section 97B.73, subsection 1, paragraph a, Code
26 2003, is amended to read as follows:

27 a. A vested or retired member who has one or more full
28 calendar years of covered wages who was in public employment
29 comparable to employment covered under this chapter in another
30 state or in the federal government, or who was a member of
31 another public retirement system in this state, including but
32 not limited to the teachers insurance and annuity association
33 college association-college retirement equities fund (TIAA-
34 CREF), but who was not retired under that system, upon
35 submitting verification of membership and service in the other

1 public system to the division, including proof that the member
2 has no further claim upon a retirement benefit from that other
3 public system, may make contributions as provided by this
4 section to the system either for the entire period of service
5 in the other public system, or for partial service in the
6 other public system in increments of one or more calendar
7 quarters. If the member wishes to transfer only a portion of
8 the service value of another public system to this system and
9 the other public system allows a partial withdrawal of a
10 member's system credits, the member shall receive credit for
11 membership service in this system equivalent to the period of
12 service transferred from the other public system.

13 Sec. 29. Section 99D.8A, subsection 2, Code 2003, is
14 amended to read as follows:

15 2. An applicant shall submit pictures, fingerprints, and
16 descriptions of physical characteristics to the commission in
17 the manner prescribed on the application forms. The
18 fingerprints may be submitted to the federal bureau of
19 investigation by the department of public safety through the
20 state ~~central~~ criminal history repository for the purpose of a
21 national criminal history check.

22 Sec. 30. Section 99E.3, subsection 3, Code 2003, is
23 amended to read as follows:

24 3. The commissioner may employ, with the approval of the
25 director, clerks, stenographers, inspectors, agents, and other
26 employees pursuant to chapter 19A as necessary to carry out
27 this chapter, except as provided in section 99E.14. The
28 commissioner may require a background investigation to be
29 conducted in connection with the employment of lottery
30 employees. The board shall define, by rule, the employment
31 categories subject to investigation. The background
32 investigation by the division of criminal investigation of the
33 department of public safety may include a national criminal
34 history ~~record~~ check through the federal bureau of
35 investigation. The screening of lottery employees through the

1 federal bureau of investigation shall be conducted by
2 submission of fingerprints through the state criminal history
3 record repository to the federal bureau of investigation.

4 Sec. 31. Section 99E.9, subsection 2, Code 2003, is
5 amended to read as follows:

6 2. Subject to the approval of the board, the commissioner
7 may enter into contracts for the operation and marketing of
8 the lottery, except that the board may by rule designate
9 classes of contracts other than major procurements which do
10 not require prior approval by the board. A major procurement
11 shall be as the result of competitive bidding with the
12 contract being awarded to the responsible vendor submitting
13 the lowest and best proposal. However, before a contract for
14 a major procurement is awarded, the division of criminal
15 investigation of the department of public safety shall conduct
16 a thorough background investigation of the vendor to whom the
17 contract is to be awarded. The commissioner and board shall
18 consult with the division of criminal investigation and shall
19 provide, by rule, for the scope of the thorough background
20 investigations and due diligence with regard to the background
21 investigations to be conducted in connection with major
22 procurements. The vendor shall submit to the division of
23 criminal investigation appropriate investigation
24 authorizations to facilitate this investigation. The
25 background investigation by the division of criminal
26 investigation may include a national criminal history record
27 check through the federal bureau of investigation. The
28 screening of vendors or their employees through the federal
29 bureau of investigation shall be conducted by submission of
30 fingerprints through the state criminal history record
31 repository to the federal bureau of investigation. As used in
32 this subsection, "major procurement" means consulting
33 agreements and the major procurement contract with a business
34 organization for the printing of tickets, or for purchase or
35 lease of equipment or services essential to the operation of a

1 lottery game.

2 Sec. 32. Section 99F.6, subsection 2, Code 2003, is
3 amended to read as follows:

4 2. An applicant shall submit pictures, fingerprints, and
5 descriptions of physical characteristics to the commission in
6 the manner prescribed on the application forms. The
7 fingerprints may be submitted to the federal bureau of
8 investigation by the department of public safety through the
9 state ~~central~~ criminal history repository for the purpose of a
10 national criminal history check.

11 Sec. 33. Section 103A.25, Code 2003, is amended to read as
12 follows:

13 103A.25 PRIOR RESOLUTIONS.

14 A resolution accepting the state building code as provided
15 in section 103A.7, which was adopted before ~~the effective date~~
16 ~~of this Act~~ July 1, 1989, is an ordinance for the purpose of
17 this chapter.

18 Sec. 34. Section 135.78, Code 2003, is amended to read as
19 follows:

20 135.78 DATA TO BE COMPILED.

21 The department shall compile all relevant financial and
22 utilization data in order to have available the statistical
23 information necessary to properly monitor hospital and health
24 care facility charges and costs. Such data shall include
25 necessary operating expenses, appropriate expenses incurred
26 for rendering services to patients who cannot or do not pay,
27 all properly incurred interest charges, and reasonable
28 depreciation expenses based on the expected useful life of the
29 property and equipment involved. The department shall also
30 obtain from each hospital and health care facility a current
31 rate schedule as well as any subsequent amendments or
32 modifications of that schedule as it may require. In
33 collection of the data required by this section and sections
34 ~~135.74 to 135.78~~ through 135.76, the department and other
35 state agencies shall coordinate their reporting requirements.

1 Sec. 35. Section 141A.7, subsection 2, paragraph a, Code
2 2003, is amended to read as follows:

3 a. The performance by a health care provider or health
4 facility of an HIV-related test when the health care provider
5 or health facility procures, processes, distributes, or uses a
6 human body part donated for a purpose specified under the
7 uniform anatomical gift Act as provided in chapter 142C, or
8 semen provided prior to July 1, 1988, for the purpose of
9 artificial insemination, or donations of blood, and such test
10 is necessary to ensure medical acceptability of such gift or
11 semen for the purposes intended.

12 Sec. 36. Section 142.4, unnumbered paragraph 2, Code 2003,
13 is amended to read as follows:

14 This section shall not apply to bodies given under
15 authority of the uniform anatomical gift Act as provided in
16 chapter 142C.

17 Sec. 37. Section 142.8, unnumbered paragraph 2, Code 2003,
18 is amended to read as follows:

19 This section shall not apply to bodies given under
20 authority of the uniform anatomical gift Act as provided in
21 chapter 142C.

22 Sec. 38. Section 142C.6, subsection 2, Code 2003, is
23 amended to read as follows:

24 2. If an anatomical gift is made to a designated donee,
25 the document of gift, or a copy, may be delivered to the donee
26 to expedite the appropriate procedures after the death of the
27 donor. The document of gift, or a copy, may be deposited in
28 any hospital, organ procurement organization, bank or storage
29 organization, or donor registry office that accepts the
30 document of gift for safekeeping or for the facilitation of
31 procedures after the death of the donor. If a document is
32 deposited by a donor in a hospital, donor registry office, or
33 bank or storage organization, the hospital, donor registry
34 office, or bank or storage organization may forward the
35 document to an organ procurement organization which will

1 retain the document for facilitating procedures following the
2 death of the donor. Upon request of a hospital, physician, or
3 surgeon, upon or after the donor's death, the person in
4 possession of the document of gift may allow the hospital,
5 physician, or surgeon to examine or copy the document of gift.

6 Sec. 39. Section 147.107, subsection 2, unnumbered
7 paragraph 1, Code 2003, is amended to read as follows:

8 A pharmacist, physician, dentist, or podiatric physician
9 who dispenses prescription drugs, including but not limited to
10 controlled substances, for human use, may delegate
11 nonjudgmental dispensing functions to staff assistants only
12 when verification of the accuracy and completeness of the
13 prescription is determined by the pharmacist or practitioner
14 in the pharmacist's or practitioner's physical presence.
15 However, the physical presence requirement does not apply when
16 a pharmacist or practitioner is utilizing an automated
17 dispensing system. When using an automated dispensing system
18 the pharmacist or practitioner shall utilize an internal
19 quality control assurance plan that ensures accuracy for
20 dispensing. Verification of automated dispensing accuracy and
21 completeness remains the responsibility of the pharmacist or
22 practitioner and shall be determined in accordance with rules
23 adopted by the boards state board of pharmacy examiners,
24 medicine-dentistry the state board of medical examiners, the
25 state board of dental examiners, and the state board of
26 podiatry examiners for their respective licensees.

27 Sec. 40. Section 163.30, subsection 2, unnumbered
28 paragraph 1, Code 2003, is amended to read as follows:

29 When used in this chapter subchapter:

30 Sec. 41. Section 172D.3, subsection 2, paragraph a, Code
31 2003, is amended to read as follows:

32 a. Exclusion for federally mandated requirements. This
33 section shall apply to the department's rules except for rules
34 required for delegation of the national pollutant discharge
35 elimination system permit program pursuant to the federal

1 Water Pollution Control Act, Title 33, United States Code,
2 chapter 126, as amended, and 40 ~~Code-of-Federal-Regulations~~
3 C.F.R. Part pt. 124.

4 Sec. 42. Section 190C.1, subsection 18, Code 2003, is
5 amended to read as follows:

6 18. "Regional organic association" means a corporation
7 organized under ~~former~~ chapter 504, Code 1989, or chapter 504A
8 which has certifying members, elects its own officers and
9 directors, and is independent from the department.

10 Sec. 43. Section 230A.12, unnumbered paragraph 1, Code
11 2003, is amended to read as follows:

12 Each community mental health center established or
13 continued in operation pursuant to section 230A.3, shall be
14 organized under the Iowa nonprofit corporation Act appearing
15 as chapter 504A, except that a community mental health center
16 organized under former chapter 504 prior to July 1, 1974, and
17 existing under the provisions of chapter 504, Code 1989, shall
18 not be required by this chapter to adopt the Iowa nonprofit
19 corporation Act if it is not otherwise required to do so by
20 law. The board of directors of each such community mental
21 health center shall enter into an agreement with the county or
22 affiliated counties which are to be served by the center,
23 which agreement shall include but need not be limited to the
24 period of time for which the agreement is to be in force, what
25 services the center is to provide for residents of the county
26 or counties to be served, standards the center is to follow in
27 determining whether and to what extent persons seeking
28 services from the center shall be considered able to pay the
29 cost of the services received, and policies regarding
30 availability of the center's services to persons who are not
31 residents of the county or counties served by the center. The
32 board of directors, in addition to exercising the powers of
33 the board of directors of a nonprofit corporation may:

34 Sec. 44. Section 256A.3, subsection 11, Code 2003, is
35 amended by striking the subsection.

1 Sec. 45. Section 260C.14, subsection 1, Code 2003, is
2 amended to read as follows:

3 1. Determine the curriculum to be offered in such school
4 or college subject to approval of the director and ensure that
5 all vocational offerings are competency-based, provide any
6 minimum competencies required by the department of education,
7 comply with any applicable requirements in chapter 258, and
8 are articulated with local school district vocational
9 education programs. If an existing private educational or
10 vocational institution within the merged area has facilities
11 and curriculum of adequate size and quality which would
12 duplicate the functions of the area school, the board of
13 directors shall discuss with the institution the possibility
14 of entering into contracts to have the existing institution
15 offer facilities and curriculum to students of the merged
16 area. The board of directors shall consider any proposals
17 submitted by the private institution for providing such
18 facilities and curriculum. The board of directors may enter
19 into such contracts. In approving curriculum, the director
20 shall ascertain that all courses and programs submitted for
21 approval are needed and that the curriculum being offered by
22 an area school does not duplicate programs provided by
23 existing public or private facilities in the area. In
24 determining whether duplication would actually exist, the
25 state-board director shall consider the needs of the area and
26 consider whether the proposed programs are competitive as to
27 size, quality, tuition, purposes, and area coverage with
28 existing public and private educational or vocational
29 institutions within the merged area. If the board of
30 directors of the merged area chooses not to enter into
31 contracts with private institutions under this subsection, the
32 board shall submit a list of reasons why contracts to avoid
33 duplication were not entered into and an economic impact
34 statement relating to the board's decision.

35 Sec. 46. Section 261.23, subsection 4, Code 2003, is

1 amended to read as follows:

2 4. A registered nurse shall be eligible for the registered
3 nurse loan repayment program if the registered nurse has
4 received from an accredited school of nursing located in this
5 state a collegiate or associate degree of nursing, a diploma
6 in nursing, or a graduate or equivalent degree in nursing and
7 agrees to practice in an eligible community in this state that
8 has agreed to provide additional funds for the registered
9 nurse's loan repayment. The contract for the loan repayment
10 shall stipulate the time period the registered nurse shall
11 practice in an eligible community in this state. In addition,
12 the contract shall stipulate that the registered nurse repay
13 any funds paid on the registered nurse's loan by the
14 commission if the registered nurse fails to practice in an
15 eligible community in this state for the required period of
16 time. For purposes of this subsection, "eligible community"
17 means a community that agrees to match state funds provided on
18 at least a dollar-for-dollar basis for the loan repayment of a
19 registered nurse who practices in the community.

20 Sec. 47. Section 272.2, subsection 14, paragraph a, Code
21 2003, is amended to read as follows:

22 a. The board may deny a license to or revoke the license
23 of a person upon the board's finding by a preponderance of
24 evidence that either the person has been convicted of a crime
25 or that there has been a founded report of child abuse against
26 the person. Rules adopted in accordance with this paragraph
27 shall provide that in determining whether a person should be
28 denied a license or that a practitioner's license should be
29 revoked, the board shall consider the nature and seriousness
30 of the founded abuse or crime in relation to the position
31 sought, the time elapsed since the crime was committed, the
32 degree of rehabilitation which has taken place since the
33 incidence of founded abuse or the commission of the crime, the
34 likelihood that the person will commit the same abuse or crime
35 again, and the number of founded abuses committed by or

1 criminal convictions by of the person involved.

2 Sec. 48. Section 284.3, subsection 2, paragraph a, Code
3 2003, is amended to read as follows:

4 a. By July 1, 2002, for purposes of comprehensive
5 evaluations for beginning teachers required to allow beginning
6 teachers to progress to career teachers, standards and
7 criteria that are the Iowa teaching standards specified in
8 subsection 1 and the model criteria for the Iowa teaching
9 standards developed by the department in accordance with
10 section 256.9, subsection 50. These standards and criteria
11 shall be set forth in an instrument provided by the
12 department. The comprehensive evaluation and instrument are
13 not subject to negotiations or grievance procedures pursuant
14 to chapter 20 or determinations made by the board of directors
15 under section 279.14. A local school board and its certified
16 bargaining representative may negotiate, pursuant to chapter
17 20, evaluation and grievance procedures for beginning teachers
18 that are not in conflict with this chapter. If, in accordance
19 with section 279.19, a beginning teacher appeals the
20 determination of a school board to an adjudicator under
21 section 279.17, the adjudicator selected shall have
22 successfully completed training related to the Iowa teacher
23 standards, the model criteria adopted by the state board of
24 education in accordance with subsection 3, ~~as-enacted-by-this~~
25 ~~Act~~, and any additional training required under rules adopted
26 by the public employment relations board in cooperation with
27 the state board of education.

28 Sec. 49. Section 284.11, subsections 4, 5, and 7, Code
29 2003, are amended to read as follows:

30 4. Each participating district shall create its own design
31 for a team-based variable pay plan linked to the district's
32 comprehensive school improvement plan. The plan must include
33 attendance center student performance goals, student
34 performance levels, multiple indicators to determine progress
35 toward attendance center goals, and a system for providing

1 financial rewards. The team-based variable pay plan shall be
2 approved by the local board.

3 5. Each district team-based variable pay plan shall be
4 reviewed by the department. The department shall include a
5 review of the locally established goals, targeted levels of
6 improvement, assessment strategies, and financial reward
7 system.

8 7. The district team-based variable pay plan shall specify
9 how the funding received by the district for purposes of this
10 section is to be awarded to eligible staff in attendance
11 centers that meet or exceed their goals. The district shall
12 provide all attendance centers equal access to the available
13 funds. Moneys shall be released by the department to the
14 district only upon certification by the school board that an
15 attendance center has met or exceeded its goals.

16 Sec. 50. Section 304A.21, subsection 5, Code 2003, is
17 amended to read as follows:

18 5. "Nonprofit organization" means a corporation organized
19 under ~~former~~ chapter 504, Code 1989, or chapter 504A or which
20 holds a permit or certificate under ~~former~~ chapter 504, Code
21 1989, or chapter 504A to do business or conduct affairs in
22 this state.

23 Sec. 51. Section 308.1, Code 2003, is amended to read as
24 follows:

25 308.1 PLANNING COMMISSION.

26 The Mississippi parkway planning commission shall be
27 composed of ten members appointed by the governor, five
28 members to be appointed for two-year terms beginning July 1,
29 1959, and five members to be appointed for four-year terms
30 beginning July 1, 1959. In addition to the above members
31 there shall be seven advisory ex officio members who shall be
32 as follows: One member from the state transportation
33 commission, one member from the natural resource commission,
34 one member from the ~~Iowa~~ state soil conservation ~~commission~~
35 committee, one member from the state historical society of

1 Iowa, one member from the faculty of the landscape
2 architectural division of the Iowa State University of science
3 and technology, one member from the Iowa economic development
4 board, and one member from the environmental protection
5 commission. Members and ex officio members shall serve
6 without pay, but the actual and necessary expenses of members
7 and ex officio members may be paid if the commission so orders
8 and if the commission has funds available for that purpose.

9 Sec. 52. Section 321.178, subsection 1, paragraph c, Code
10 2003, is amended to read as follows:

11 c. Instruction relating to becoming an organ donor under
12 the uniform anatomical gift Act as provided in chapter 142C.

13 Sec. 53. Section 321.189, subsection 4, Code 2003, is
14 amended to read as follows:

15 4. SYMBOLS. Upon the request of a licensee, the
16 department shall indicate on the license the presence of a
17 medical condition, that the licensee is a donor under the
18 uniform anatomical gift ~~law~~ Act as provided in chapter 142C,
19 or that the licensee has in effect a medical advance
20 directive. For purposes of this subsection, a medical advance
21 directive includes, but is not limited to, a valid durable
22 power of attorney for health care as defined in section
23 144B.1. The license may contain such other information as the
24 department may require by rule.

25 Sec. 54. Section 331.427, subsection 2, paragraph k, Code
26 2003, is amended to read as follows:

27 k. For the use of a nonprofit historical society organized
28 under chapter 504, Code 1989, or chapter 504A, a city-owned
29 historical project, or both.

30 Sec. 55. Section 331.652, subsection 8, paragraph d, Code
31 2003, is amended to read as follows:

32 d. ~~Civil~~ A civil process servers server shall not be
33 considered to be a sheriff or a deputy sheriff for purposes of
34 this chapter or chapter 97B or 341A.

35 Sec. 56. Section 335.24, Code 2003, is amended to read as

1 follows:

2 335.24 CONFLICT WITH OTHER REGULATIONS.

3 If the regulations made under this chapter require a
4 greater width or size of yards, courts or other open spaces,
5 or require a lower height of building or less number of
6 stories, or require a greater percentage of lot to be left
7 unoccupied, or impose other higher standards than are required
8 in any other statute or local ordinance or regulation, the
9 regulations made under this chapter govern. If any other
10 statute or local ordinance or regulation requires a greater
11 width or size of yards, courts or other open spaces, or
12 requires a lower height of building or a less number of
13 stories, or a greater percentage of lot to be left unoccupied,
14 or imposes other higher standards than are required by the
15 regulations made under this chapter, the other statute or
16 local ordinance or regulation governs. If a regulation
17 proposed or made under this chapter relates to any structure,
18 building, dam, obstruction, deposit or excavation in or on the
19 flood plains of any river or stream, prior approval of the
20 department of ~~water, air and waste management~~ natural
21 resources is required to establish, amend, supplement, change,
22 or modify the regulation or to grant any variation or
23 exception from the regulation.

24 Sec. 57. Section 421B.11, unnumbered paragraph 3, Code
25 2003, is amended to read as follows:

26 Judicial review of the actions of the director may be
27 sought in accordance with ~~the terms of the Iowa administrative~~
28 ~~procedure Act~~ chapter 17A, and section 422.55.

29 Sec. 58. Section 426B.1, subsection 2, Code 2003, is
30 amended to read as follows:

31 2. There is appropriated annually to the property tax
32 relief fund ~~for the indicated fiscal years~~ from the general
33 fund of the state ~~the following amounts:~~

34 ~~For the fiscal year beginning July 1, 1997, and succeeding~~
35 ~~fiscal years,~~ ninety-five million dollars.

1 Sec. 59. Section 432.1, subsection 5, Code 2003, is
2 amended to read as follows:

3 5. Except as provided in subsection 4 6, the premium tax
4 shall be paid on or before March 1 of the year following the
5 calendar year for which the tax is due. The commissioner may
6 suspend or revoke the license of a company or association that
7 fails to pay its premium tax on or before the due date.

8 Sec. 60. Section 455B.484, subsections 2 and 3, Code 2003,
9 are amended to read as follows:

10 2. Seek, receive, and accept funds in the form of
11 appropriations, grants, awards, wills, bequests, endowments,
12 and gifts for deposit into the waste management assistance
13 trust fund to be used for programs relating to the duties of
14 the department under this part.

15 3. Administer and coordinate the ~~land-quality-and~~ waste
16 management assistance trust fund created under this part.

17 Sec. 61. Section 455B.488, Code 2003, is amended to read
18 as follows:

19 455B.488 HOUSEHOLD HAZARDOUS WASTE COLLECTION AND
20 DISPOSITION.

21 The ~~division~~ department shall develop, sponsor, and assist
22 in conducting local, regional, or statewide programs for the
23 receipt or collection and proper management of hazardous
24 wastes from households and farms. In conducting such events
25 the ~~division~~ department may establish limits on the types and
26 amounts of wastes that will be collected, and may establish a
27 fee system for acceptance of wastes in quantities exceeding
28 the limits established pursuant to this section.

29 Sec. 62. Section 455B.518, subsection 4, Code 2003, is
30 amended to read as follows:

31 4. A toxics pollution prevention plan developed under this
32 section shall be reviewed by the ~~authority~~ department for
33 completeness, adequacy, and accuracy.

34 Sec. 63. Section 455H.208, Code 2003, is amended to read
35 as follows:

1 455H.208 PUBLIC PARTICIPATION.

2 Public participation shall be a required component of the
3 process for participants for all sites enrolled in the land
4 recycling program. The required level of public participation
5 shall vary depending on the conditions existing at a site. At
6 a minimum, the department shall notify all adjacent property
7 owners, occupants of adjacent property, and the city or county
8 in which the property is located of a site's enrollment in the
9 land recycling program and of the scope of work described in
10 the participation agreement, and give the notified parties the
11 opportunity to obtain updates regarding the status of
12 activities relating to the enrolled site in the land recycling
13 program. The notification shall not be required before the
14 participant has had the opportunity to collect basic
15 information characterizing the nature and extent of the
16 contamination, but the notification shall be required in a
17 timely manner allowing appropriate parties to have input in
18 the formulation of the response action. If contaminants from
19 the enrolled site have migrated off the enrolled site or are
20 likely to migrate off the enrolled site, as determined by the
21 department, the department shall notify by direct mailing all
22 potentially affected parties, including the city or county in
23 which the potentially affected property is located, and
24 officials in charge of any potentially impacted public water
25 supply and the notified parties shall be given opportunity to
26 comment on proposed response actions. The department may
27 require the participant of an enrolled site to publish public
28 notice in a local newspaper if widespread interest in the site
29 exists or is likely to exist as determined by the department.
30 The department shall consider reasonable comments from
31 potentially affected parties in determining whether to approve
32 or disapprove a proposed response action or site closure.

33 Sec. 64. Section 456A.19, unnumbered paragraphs 1 and 2,
34 Code 2003, are amended to read as follows:

35 All funds accruing to the fish and game protection fund,

1 except an equitable portion of the administration fund, shall
2 be expended solely in carrying on the fish and wildlife
3 activities. Expenditures incurred by the department in
4 carrying on the activities shall be only on authorization by
5 the general assembly.

6 The department shall by October 1 of each year submit to
7 the department of management for transmission to the general
8 assembly a detailed estimate of the amount required by the
9 department during the succeeding year for carrying on the fish
10 and wildlife activities. The estimate shall be in the same
11 general form and detail as required by law in estimates
12 submitted by other state departments.

13 Sec. 65. Section 456A.21, subsections 1 and 2, Code 2003,
14 are amended to read as follows:

15 1. A forestry management and enhancement fund is created
16 in the state treasury under the department's control. The
17 fund is composed of moneys deposited into the fund pursuant to
18 section 456A.20, moneys appropriated by the general assembly,
19 and moneys available to and obtained or accepted by the
20 ~~division~~ or the department from the United States or private
21 sources for placement in the fund.

22 2. Moneys in the fund are subject to an annual audit by
23 the auditor of state. The fund is subject to warrants written
24 by the director of revenue and finance, drawn upon the written
25 requisition of the ~~division~~ department.

26 Sec. 66. Section 456A.21, subsection 3, paragraph a, Code
27 2003, is amended to read as follows:

28 a. Four forestry technicians who shall serve regions of
29 the state as designated by the ~~division~~ department.

30 Sec. 67. Section 459.102, subsection 29, Code 2003, is
31 amended to read as follows:

32 29. "Major water source" means a water source that is a
33 lake, reservoir, river, or stream located within the
34 territorial limits of the state, or any marginal river area
35 adjacent to the state, if the water source is capable of

1 supporting a floating vessel capable of carrying one or more
2 persons during a total of a six-month period in one out of ten
3 years, excluding periods of flooding, which has been
4 identified by rules adopted by the commission.

5 Sec. 68. Section 459.303, subsection 5, paragraph a,
6 unnumbered paragraph 1, Code 2003, is amended to read as
7 follows:

8 A confinement feeding operation meets threshold
9 requirements under this paragraph subsection if the
10 confinement feeding operation after construction of a proposed
11 confinement feeding operation structure would have a minimum
12 animal unit capacity of the following:

13 Sec. 69. Section 459.310, subsection 1, paragraph a, Code
14 2003, is amended to read as follows:

15 a. A confinement feeding operation structure shall not be
16 constructed closer than five hundred feet away from the
17 surface intake of an agricultural drainage well. A
18 confinement feeding operation structure shall not be
19 constructed closer than one thousand feet from a wellhead,
20 cistern of an agricultural drainage well, or known sinkhole.
21 However, the department may adopt rules requiring an increased
22 separation distance under this paragraph in order to protect
23 the integrity of a water of this the state. The increased
24 separation distance shall not be more than two thousand feet.
25 If the department exercises its discretion to increase the
26 separation distance requirement, the department shall not
27 approve an application for the construction of a confinement
28 feeding operation structure within that separation distance as
29 provided in section 459.303.

30 Sec. 70. Section 459.310, subsection 1, paragraph c,
31 subparagraph (2), Code 2003, is amended to read as follows:

32 (2) A major water source shall not be constructed,
33 expanded, or diverted, if the major water source as
34 constructed, expanded, or diverted is closer than one thousand
35 feet from a confinement feeding operation structure.

1 Sec. 71. Section 459.312, subsection 10, paragraph a,
2 subparagraph (2), subparagraph subdivision (b), subparagraph
3 subdivision part (i), Code 2003, is amended to read as
4 follows:

5 (i) The development of a comprehensive state nutrient
6 budget for the maximum volume, frequency, and concentration of
7 nutrients for each watershed that addresses all significant
8 sources of nutrients in a water of ~~this~~ the state on a
9 watershed basis.

10 Sec. 72. Section 459.604, subsection 1, unnumbered
11 paragraph 2, Code 2003, is amended to read as follows:

12 This subsection shall not apply unless the department of
13 ~~natural-resources~~ has previously notified the person of the
14 person's classification as a habitual violator. The
15 department shall notify persons classified as habitual
16 violators of their classification, additional restrictions
17 imposed upon the persons pursuant to their classification, and
18 special civil penalties that may be imposed upon the persons.
19 The notice shall be sent to the persons by certified mail.

20 Sec. 73. Section 466.5, subsection 4, unnumbered paragraph
21 1, Code 2003, is amended to read as follows:

22 When establishing a wetland under this ~~subsection~~ section,
23 the department of agriculture and land stewardship shall be
24 governed by the following requirements:

25 Sec. 74. Section 481B.5, subsections 2 through 4, Code
26 2003, are amended to read as follows:

27 2. The United States list of endangered or threatened
28 native fish and wildlife as contained in ~~the-Code-of-Federal~~
29 ~~Regulations, Title-50, part~~ 50 C.F.R. pt. 17 as amended to
30 December 30, 1991.

31 3. The United States list of endangered or threatened
32 plants as contained in ~~the-Code-of-Federal-Regulations, Title~~
33 ~~50, part~~ 50 C.F.R. pt. 17 as amended to December 30, 1991.

34 4. The United States list of endangered or threatened
35 foreign fish and wildlife as contained in ~~the-Code-of-Federal~~

1 ~~Regulations, Title-50, part~~ 50 C.F.R. pt. 17 as amended to
2 December 30, 1991.

3 Sec. 75. Section 490.825, subsection 3, Code 2003, is
4 amended to read as follows:

5 3. Sections 490.820 through 490.824 apply both to
6 committees of the board and to ~~their~~ committee members.

7 Sec. 76. Section 490.1701, subsection 1, Code 2003, is
8 amended to read as follows:

9 1. Except as provided in this subsection or chapter 504,
10 Code 1989, or chapter 504A, this chapter does not apply to or
11 affect entities subject to chapter 504 or 504A. Such entities
12 continue to be governed by all laws of this state applicable
13 to them before December 31, 1989, as those laws are amended.
14 This chapter does not derogate or limit the powers to which
15 such entities are entitled.

16 Sec. 77. Section 490A.1508, Code 2003, is amended to read
17 as follows:

18 490A.1508 ISSUANCE OF MEMBERSHIP INTERESTS.

19 Membership interests of a professional limited liability
20 company shall be issued only to individuals who are licensed
21 to practice in any state a profession which the professional
22 limited liability company is authorized to practice.

23 Membership interests of a professional limited liability
24 company shall not at any time be issued in, transferred into,
25 or held in joint tenancy, tenancy in common, or any other form
26 of joint ownership or co-ownership. The Iowa uniform
27 securities Act as provided in chapter 502 shall not be
28 applicable to nor govern any transaction relating to any
29 membership interests of a professional limited liability
30 company.

31 Sec. 78. Section 504A.100, subsection 2, Code 2003, is
32 amended to read as follows:

33 2. This chapter shall not apply to any domestic
34 corporation heretofore organized or existing under the
35 provisions of chapter 504, ~~of the~~ Code 1989, nor, for a period

1 of two years from and after July 4, 1965, to any foreign
2 corporation holding a permit under the provisions of said
3 chapter on the said date, unless such domestic or foreign
4 corporation shall voluntarily elect to adopt the provisions of
5 this chapter and shall comply with the procedure prescribed by
6 the provisions of subsection 3 of this section.

7 Sec. 79. Section 504B.1, Code 2003, is amended to read as
8 follows:

9 504B.1 CORPORATIONS APPLICABLE.

10 This chapter shall apply to every corporation organized
11 under chapter 504, Code 1989, or chapter 504A, which
12 corporation is deemed to be a private foundation as defined in
13 section 509 of the Internal Revenue Code, which is
14 incorporated in the state of Iowa after December 31, 1969, and
15 as to any such corporation organized in this state before
16 January 1, 1970, it shall apply only for its federal taxable
17 years beginning on or after January 1, 1972.

18 Sec. 80. Section 504B.6, unnumbered paragraph 1, Code
19 2003, is amended to read as follows:

20 Nothing in this chapter shall limit the power of any
21 nonprofit corporation organized under chapter 504, Code 1989,
22 or organized under chapter 504A:

23 Sec. 81. Section 514.1, unnumbered paragraph 1, Code 2003,
24 is amended to read as follows:

25 A corporation organized under ~~former~~ chapter 504, Code
26 1989, or chapter 504A for the purpose of establishing,
27 maintaining, and operating a nonprofit hospital service plan,
28 whereby hospital service may be provided by the corporation or
29 by a hospital with which it has a contract for service, to the
30 public who become subscribers to this plan under a contract
31 which entitles each subscriber to hospital service; or a
32 corporation organized for the purpose of establishing,
33 maintaining, and operating a plan whereby health care service
34 may be provided at the expense of this corporation, by
35 licensed physicians and surgeons, dentists, podiatric

1 physicians, osteopathic physicians, osteopathic physicians and
2 surgeons or chiropractors, to subscribers under contract,
3 entitling each subscriber to health care service, as provided
4 in the contract; or a corporation organized for the purpose of
5 establishing, maintaining, and operating a nonprofit
6 pharmaceutical service plan or optometric service plan,
7 whereby pharmaceutical or optometric service may be provided
8 by this corporation or by a licensed pharmacy with which it
9 has a contract for service, to the public who become
10 subscribers to this plan under a contract which entitles each
11 subscriber to pharmaceutical or optometric service; shall be
12 governed by this chapter and is exempt from all other
13 provisions of the insurance laws of this state, unless
14 specifically designated in this chapter, not only in
15 governmental relations with the state but for every other
16 purpose, and additions enacted after ~~the-effective-date-of~~
17 ~~this-chapter~~ July 1, 1939, shall not apply to these
18 corporations unless they are expressly designated in the
19 additions.

20 Sec. 82. Section 514.2, Code 2003, is amended to read as
21 follows:

22 514.2 INCORPORATION.

23 Persons desiring to form a nonprofit hospital service
24 corporation, or a nonprofit medical service corporation, or a
25 nonprofit pharmaceutical or optometric service corporation
26 shall incorporate under the provisions of chapter 504, Code
27 1989, or chapter 504A, as supplemented and amended herein and
28 any acts amendatory thereof.

29 Sec. 83. Section 514.5, unnumbered paragraph 1, Code 2003,
30 is amended to read as follows:

31 A hospital service corporation organized under former
32 chapter 504, Code 1989, or chapter 504A may enter into
33 contracts for the rendering of hospital service to any of its
34 subscribers with hospitals maintained and operated by the
35 state or any of its political subdivisions, or by any

1 corporation, association, or individual. Such hospital
2 service corporation may also contract with an ambulatory
3 surgical facility to provide surgical services to the
4 corporation's subscribers. Hospital service is meant to
5 include bed and board, general nursing care, use of the
6 operating room, use of the delivery room, ordinary medications
7 and dressings and other customary routine care. Ambulatory
8 surgical facility means a facility constructed and operated
9 for the specific purpose of providing surgery to patients
10 admitted to and discharged from the facility within the same
11 day.

12 Sec. 84. Section 542.7, subsection 8, unnumbered paragraph
13 1, Code 2003, is amended to read as follows:

14 The board, by rule, shall require as a condition to of
15 renewal of a permit to practice as a certified public
16 accounting firm, that an applicant undergo, no more frequently
17 than once every three years, a peer review conducted in such
18 manner as the board specifies. The review shall include a
19 verification that any individual in the firm who is
20 responsible for supervising attest and compilation services
21 and who signs or authorizes someone to sign the accountant's
22 report on a financial statement on behalf of the firm meets
23 the competency requirements set forth in the professional
24 standards for such services.

25 Sec. 85. Section 542.8, subsection 17, Code 2003, is
26 amended to read as follows:

27 17. The board, by rule, shall require as a condition to of
28 renewal of a permit to practice as a licensed public
29 accounting firm, that an applicant undergo, no more frequently
30 than once every three years, a peer review conducted in such
31 manner as the board specifies. The review shall include
32 verification that any individual in the firm who is
33 responsible for supervising compilation services and who signs
34 or authorizes someone to sign the accountant's report on a
35 financial statement on behalf of the firm meets the competency

1 requirements set forth in the professional standards for such
2 services. Such rules shall include reasonable provision for
3 compliance by an applicant showing that the applicant, within
4 the preceding three years, has undergone a peer review that is
5 a satisfactory equivalent to the peer review required under
6 this subsection. An applicant's completion of a peer review
7 program endorsed or supported by the national society of
8 accountants, or other substantially similar review as
9 determined by the board, satisfies the requirements of this
10 subsection.

11 Sec. 86. Section 544B.1, subsection 2, Code 2003, is
12 amended to read as follows:

13 2. The--"practice "Practice of landscape architecture"
14 means the performance of professional services such as
15 consultations, investigations, reconnaissance, research,
16 planning, design, or responsible supervision in connection
17 with projects involving the arranging of land and the elements
18 thereon for public and private use and enjoyment, including
19 the alignment of roadways and the location of buildings,
20 service areas, parking areas, walkways, steps, ramps, pools
21 and other structures, and the grading of the land, surface and
22 subsoil drainage, erosion control, planting, reforestation,
23 and the preservation of the natural landscape and aesthetic
24 values, in accordance with accepted professional standards of
25 public health, welfare, and safety. This practice shall
26 include the location and arrangement of such tangible objects
27 and features as are incidental and necessary to the purposes
28 outlined in this chapter but shall not include the design of
29 structures or facilities with separate and self-contained
30 purposes for habitation or industry, or the design of public
31 streets and highways, utilities, storm and sanitary sewers,
32 and sewage treatment facilities, such as are ordinarily
33 included in the practice of engineering or architecture; and
34 shall not include the making of land surveys or final land
35 plats for official approval or recording. Nothing contained

1 in this chapter shall be construed as authorizing a
2 professional landscape architect to engage in the practice of
3 architecture, engineering, or land surveying.

4 Sec. 87. Section 554.9706, subsection 2, paragraph a, Code
5 2003, is amended to read as follows:

6 a. if the initial financing statement is filed before July
7 1, 2001, for the period provided in former section 554.9403,
8 Code 2001, with respect to a financing statement; and

9 Sec. 88. Section 554.11103, Code 2003, is amended to read
10 as follows:

11 554.11103 TRANSITION TO THIS CHAPTER AS AMENDED -- GENERAL
12 RULE.

13 Transactions validly entered into after July 4, 1966, and
14 before January 1, 1975, which were subject to the provisions
15 of this chapter prior to amendment and which would be subject
16 to this chapter as amended if they had been entered into on or
17 after January 1, 1975, and the rights, duties and interests
18 flowing from such transactions remain valid after January 1,
19 1975, and may be terminated, completed, consummated or
20 enforced as required or permitted by this chapter as amended.
21 Security interests arising out of such transactions which are
22 perfected on January 1, 1975, shall remain perfected until
23 they lapse or are terminated as provided in this chapter as
24 amended, and may be continued as permitted by this chapter as
25 amended, ~~except as stated in section 554.11105.~~

26 Sec. 89. Section 616.10, Code 2003, is amended to read as
27 follows:

28 616.10 INSURANCE COMPANIES.

29 Insurance companies may be sued in any county in which
30 their principal place of business is kept, or in which the
31 contract of insurance was made, or in which the loss insured
32 against occurred, or, in case of insurance against death or
33 disability, in the county of the domicile of the insured at
34 the time the loss occurred, or in the county of plaintiff's
35 residence. As used in this section the term "insurance

1 companies" includes nonprofit hospital service corporations
2 and nonprofit medical service corporations which have
3 incorporated under the provisions of chapter 504, Code 1989,
4 or chapter 504A.

5 Sec. 90. Section 618.5, Code 2003, is amended to read as
6 follows:

7 618.5 PERMISSIBLE SELECTION.

8 Publications may be made in a newspaper published at least
9 once a week ~~or oftener~~.

10 Sec. 91. Section 618.9, Code 2003, is amended to read as
11 follows:

12 618.9 DAYS OF PUBLICATION.

13 When the publication is in a newspaper which is published
14 ~~oftener than~~ more than once a week, the succeeding
15 publications of such notice shall be on the same day of the
16 week as the first publication. This section shall not apply
17 to any notice for the publication of which provision
18 inconsistent herewith is specially made.

19 Sec. 92. Section 633.63, subsection 3, Code 2003, is
20 amended to read as follows:

21 3. A private nonprofit corporation organized under chapter
22 504, Code 1989, or chapter 504A is qualified to act as a
23 guardian, as defined in section 633.3, subsection 20, or a
24 conservator, as defined in section 633.3, subsection 7, where
25 the assets subject to the conservatorship at the time when
26 such corporation is appointed conservator are less than or
27 equal to seventy-five thousand dollars and the corporation
28 does not possess a proprietary or legal interest in an
29 organization which provides direct services to the individual.

30 Sec. 93. Section 633.4214, subsection 3, paragraph c, Code
31 2003, is amended to read as follows:

32 c. This subsection does not apply to the following:

33 (1) A power held by the settlor's spouse who is the
34 trustee of a trust for which a marital deduction, as defined
35 in section 2056(b)(5) or 2523(e) of the Internal Revenue Code

1 of 1986, that was previously allowed.

2 (2) A trust that may be revoked or amended by the settlor.

3 (3) A trust, if contributions to the trust which qualify
4 for an annual exclusion under section 2503(c) of the Internal
5 Revenue Code of 1986.

6 Sec. 94. Section 637.601, unnumbered paragraph 1, Code
7 2003, is amended to read as follows:

8 For purposes of this section subchapter:

9 Sec. 95. Section 637.605, subsection 2, Code 2003, is
10 amended to read as follows:

11 2. The trustee appoints a disinterested person who, in its
12 the person's sole discretion, but acting in a fiduciary
13 capacity, determines for the trustee the method to be used in
14 determining the fair market value of the trust, and which
15 assets, if any, are to be excluded in determining the unitrust
16 amount.

17 Sec. 96. Section 656.2, subsection 2, paragraph a,
18 unnumbered paragraph 11, Code 2003, is amended to read as
19 follows:

20 The request for notice shall be indexed ~~pursuant-to-section~~
21 558-50.

22 Sec. 97. Section 709.19, subsection 1, Code 2003, is
23 amended to read as follows:

24 1. Upon the filing of an affidavit by a victim, or a
25 parent or guardian on behalf of a minor who is a victim, of a
26 crime of that is a sexual offense in violation of section
27 709.2, 709.3, 709.4, 709.8, 709.9, 709.11, 709.12, 709.14,
28 709.15, or 709.16, which that states that the presence of or
29 contact with the defendant whose release from jail or prison
30 is imminent or who has been released from jail or prison
31 continues to pose a threat to the safety of the victim,
32 persons residing with the victim, or members of the victim's
33 immediate family, the court shall enter a temporary no-contact
34 order which shall require the defendant to have no contact
35 with the victim, persons residing with the victim, or members

1 of the victim's immediate family.

2 Sec. 98. Section 717D.1, Code 2003, is amended to read as
3 follows:

4 717D.1 DEFINITIONS.

5 As used in this chapter:

6 1. "Animal" means a nonhuman vertebrate.

7 2. "Contest animal" means a bull, bear, chicken, or dog.

8 3. "Contest device" means equipment designed to enhance a
9 contest animal's entertainment value during training or a
10 contest event, including a device to improve the contest
11 animal's competitiveness.

12 4. "Contest event" means a function organized for the
13 entertainment or profit of spectators where a contest animal
14 is injured, tormented, or killed, if the contest animal is a
15 bull involved in a bullfight or bull baiting, a bear involved
16 in bear baiting, a chicken involved in cock fighting, or a dog
17 involved in dog fighting.

18 5. "Establishment" means the location where a contest
19 event occurs or is to occur, regardless of whether a contest
20 animal is present at the establishment or the contest animal
21 is witnessed by means of an electronic signal transmitted to
22 the location.

23 6. "Livestock" means the same as defined in section 717.1.

24 7. "Local authority" means the same as defined in section
25 717B.1.

26 8. "Promoter" means a person who charges admission for
27 entry into an establishment or organizes, holds, advertises,
28 or otherwise conducts a contest event.

29 9. "Spectator" means a person who attends an establishment
30 for purposes of witnessing a contest event.

31 10. "Trainer" means a person who trains a contest animal
32 for purposes of engaging in a contest event, regardless of
33 where the contest event is located. A trainer includes a
34 person who uses a contest device.

35 11. "Transporter" means a person who moves a contest

1 animal for delivery to a training location or a contest event
2 location.

3 Sec. 99. Section 802.5, Code 2003, is amended to read as
4 follows:

5 802.5 EXTENSION FOR FRAUD, FIDUCIARY BREACH.

6 If the period periods prescribed in sections 802.3 and
7 802.4 ~~has~~ have expired, prosecution may nevertheless be
8 commenced for any offense a material element of which is
9 either fraud or a breach of fiduciary obligation within one
10 year after discovery of the offense by an aggrieved party or
11 by a person who has legal duty to represent an aggrieved party
12 and who is not a party to the offense, but in no case shall
13 this provision extend the period of limitation otherwise
14 applicable by more than three years.

15 Sec. 100. Section 805.8A, subsection 3, paragraph e, Code
16 2003, is amended to read as follows:

17 e. For a violation of section 321.430, the scheduled
18 violation fine is thirty-five dollars.

19 Sec. 101. Section 805.8A, subsection 4, paragraph b, Code
20 2003, is amended to read as follows:

21 b. For a violation of section 321.216, the scheduled
22 violation fine is seventy-five dollars.

23 Sec. 102. Section 805.8A, subsection 10, paragraph b, Code
24 2003, is amended to read as follows:

25 b. For a violation under section 321.372, subsection 3,
26 the scheduled violation fine is one hundred dollars.

27 Sec. 103. Section 809A.14, subsection 4, unnumbered
28 paragraph 1, Code 2003, is amended to read as follows:

29 Notice of the issuance of a temporary restraining order and
30 an opportunity for a hearing shall be given to persons known
31 to have an interest in the property. A hearing shall be held
32 at the earliest possible date in accordance with R.C.P.--326
33 rule of civil procedure 1.1507, and shall be limited to the
34 following issues:

35 Sec. 104. Section 907B.2, Article I, subsection 7, Code

1 2003, is amended to read as follows:

2 7. MEMBER. "Member" means the commissioner of a
3 compacting state or a designee, who shall be a person
4 officially connected with the commissioner.

5 Sec. 105. Section 907B.2, Article IV, subsection 10, Code
6 2003, is amended to read as follows:

7 10. To accept any and all donations and grants of money,
8 equipment, supplies, materials, and services, and to receive,
9 utilize, and dispose of the same.

10 Sec. 106. Section 907B.2, Article VII, subsection 7,
11 paragraph j, Code 2003, is amended to read as follows:

12 j. Mediation, arbitration and dispute resolution. The
13 existing rules governing the operation of the previous compact
14 superseded by this Act compact shall be null and void twelve
15 months after the first meeting of the interstate commission
16 created hereunder.

17 Sec. 107. 2002 Iowa Acts, chapter 1017, section 4, is
18 amended to read as follows:

19 SEC. 4. Section 331.602, subsection 13, Code Supplement
20 2001, is amended by striking the subsection.

21 Sec. 108. 2002 Iowa Acts, chapter 1093, section 3, is
22 amended by striking the section and inserting in lieu thereof
23 the following:

24 SEC. 3. Section 166D.10, subsection 4, paragraph b,
25 subparagraph (2), subparagraph subdivision (a), unnumbered
26 paragraph 1, Code 2001, is amended to read as follows:

27 Except as provided in this subparagraph, the owner of swine
28 shall vaccinate the swine with a modified-live differentiable
29 vaccine, prior to moving swine into the stage II county. A
30 ~~statistical-sampling-of-the-swine-moved-into-a-herd-as~~
31 ~~provided-in-this-subparagraph-shall-be-tested-using-a~~
32 ~~differentiable-test-within-thirty-days-after-the-swine-is~~
33 ~~moved-to-a-herd-in-this-state.--If-a-swine-reacts-positively~~
34 ~~to-the-test, the herd is an infected herd.~~ A person is not
35 required to vaccinate swine prior to moving swine into the

1 stage II county ~~or-test-the-swine-after-the-swine-has-been~~
2 ~~moved-to-a-herd-in-the-stage-II-county~~, if one of the
3 following applies:

4 Sec. 109. 2002 Iowa Acts, chapter 1119, section 108, is
5 amended to read as follows:

6 SEC. 108. Section 229.26, Code Supplement 2001, is amended
7 by striking the words "third edition,".

8 Sec. 110. 2002 Iowa Acts, chapter 1132, section 9, is
9 amended by striking the section and inserting in lieu thereof
10 the following:

11 SEC. 9. Section 368.11, unnumbered paragraph 4, Code
12 Supplement 2001, is amended to read as follows:

13 At least ~~ten~~ fourteen business days before a petition for
14 involuntary annexation is filed as provided in this section,
15 the petitioner shall make its intention known by sending a
16 letter of intent by certified mail to the council of each city
17 whose urbanized area contains a portion of the territory, the
18 board of supervisors of each county which contains a portion
19 of the territory, the regional planning authority of the
20 territory involved, each affected public utility, and to each
21 property owner listed in the petition. The written
22 notification shall include notice that the petitioners shall
23 hold a public meeting on the petition for involuntary
24 annexation prior to the filing of the petition.

25 Sec. 111. 2002 Iowa Acts, chapter 1140, section 28, is
26 amended by striking the section and inserting in lieu thereof
27 the following:

28 SEC. 28. Section 285.12, Code Supplement 2001, is amended
29 to read as follows:

30 285.12 DISPUTES -- HEARINGS AND APPEALS.

31 In the event of a disagreement between a school patron and
32 the board of the school district, the patron if dissatisfied
33 with the decision of the district board, may appeal ~~the-same~~
34 to the area education agency board, notifying the secretary of
35 the district in writing within ten days of the decision of the

1 board and by filing an affidavit of appeal with the agency
2 board within the ten-day period. The affidavit of appeal
3 shall include the reasons for the appeal and points at issue.
4 The secretary of the local board on receiving notice of appeal
5 shall certify all papers to the agency board which shall hear
6 the appeal within ten days of the receipt of the papers and
7 decide it within three days of the conclusion of the hearing
8 and shall immediately notify all parties of its decision.
9 Either party may appeal the decision of the agency board to
10 the director of the department of education by notifying the
11 opposite party and the agency administrator in writing within
12 five days after receipt of notice of the decision of the
13 agency board and by filing with the director of the department
14 of education an affidavit of appeal, reasons for appeal, and
15 the facts involved in the disagreement within five days after
16 receipt of notice of the decision of the agency board. The
17 agency administrator shall, within ten days of said receipt of
18 the notice, file with the director all records and papers
19 pertaining to the case, including action of the agency board.
20 The director shall hear the appeal within fifteen days of the
21 filing of the records in the director's office, notifying all
22 parties and the agency administrator of the date and time of
23 hearing. The director shall ~~forthwith-decide-the-same-and~~
24 notify all parties of the decision and return all papers with
25 a copy of the decision to the agency administrator. The
26 decision of the director shall be subject to judicial review
27 in accordance with ~~the-terms-of-the-Iowa-administrative~~
28 ~~procedure-Act~~ chapter 17A. Pending final order made by the
29 director, upon any appeal prosecuted to such director, the
30 order of the agency board from which the appeal is taken shall
31 be operative and be in full force and effect.

32 Sec. 112. 2002 Iowa Acts, chapter 1149, section 2, is
33 amended by striking the section and inserting in lieu thereof
34 the following:

35 SEC. 2. Section 137F.6, Code 2001, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 7. For a farmers market where potentially
3 hazardous food is sold or distributed, one seasonal license
4 fee of one hundred dollars for each vendor on a countywide
5 basis.

6 Sec. 113. 2002 Iowa Acts, chapter 1175, section 41, the
7 bill section amending clause, is amended to read as follows:

8 Section 546.10, subsection 3, unnumbered paragraph 2, if
9 enacted by 2002 Iowa Acts, Senate File 2326, section 32, is
10 amended to read as follows:

11 Sec. 114. 2001 Iowa Acts, chapter 55, section 31, is
12 amended by striking the section and inserting in lieu thereof
13 the following:

14 SEC. 31. Section 502.102, subsection 11, paragraph c,
15 subparagraphs (3) and (4), Code 2001, are amended to read as
16 follows:

17 (3) An attorney licensed to practice law in this state, a
18 certified public accountant licensed pursuant to chapter 542E
19 542D, a professional engineer licensed pursuant to chapter
20 542B, or a certified teacher, if the person's performance of
21 these services is solely incidental to the practice of the
22 person's profession.

23 (4) An attorney licensed to practice law in this state or
24 a certified public accountant licensed pursuant to chapter
25 542E 542D who does not do any of the following:

26 (a) Exercise investment discretion regarding the assets of
27 a client or maintain custody of the assets of a client for the
28 purpose of investing the assets, except when the person is
29 acting as a bona fide fiduciary in a capacity such as an
30 executor, administrator, trustee, estate or trust agent,
31 guardian, or conservator.

32 (b) Accept or receive directly or indirectly any
33 commission, fee, or other remuneration contingent upon the
34 purchase or sale of any specific security by a client of such
35 person.

1 (c) Provide advice regarding the purchase or sale of
2 specific securities. However, this subparagraph subdivision
3 (c) shall not apply when the advice about specific securities
4 is based on a financial statement analysis or tax
5 considerations that are reasonably related to and in
6 connection with the person's profession.

7 Sec. 115. Sections 513C.3, 514E.1, 514I.1 through 514I.9,
8 and 514I.11, Code 2003, are amended by striking the term
9 "HAWK-I" and inserting in lieu thereof the term "hawk-i". The
10 Code editor is directed to replace the term "HAWK-I" with the
11 term "hawk-i" in any other statute contained in the 2003 Code
12 or which is amended or enacted in other legislation enacted
13 during the 2003 Session of the 80th General Assembly. The
14 Code editor is further directed to make the same replacement
15 in statutes appearing in any legislation that was enacted
16 prior to the 2003 Session of the 80th General Assembly, but
17 that will be codified on or after the effective date of this
18 Act.

19 Sec. 116. RETROACTIVE APPLICABILITY AND EFFECTIVE DATES.

20 1. The amendment in this Act to section 29A.90, subsection
21 3, Code 2003, is retroactively applicable to April 22, 2002.

22 2. The section of this Act amending 2002 Iowa Acts,
23 chapter 1093, section 3, takes effect upon enactment and is
24 retroactively applicable to April 8, 2002.

25 3. The sections of this Act amending 2002 Iowa Acts,
26 chapter 1119, section 108 and 2002 Iowa Acts, chapter 1132,
27 section 9, take effect upon enactment and are retroactively
28 applicable to July 1, 2002.

29 4. The sections of this Act amending 2002 Iowa Acts,
30 chapter 1140, section 28 and 2002 Iowa Acts, chapter 1149,
31 section 2, take effect upon enactment and are retroactively
32 applicable to May 2, 2002.

33 5. This section is effective upon enactment.

34 EXPLANATION

35 This bill makes Code changes and corrections that are

1 considered to be nonsubstantive and noncontroversial, in
2 addition to style changes. Changes made include updating or
3 correcting various names of and references to public and
4 private entities and funds, correcting internal Code and
5 subject matter references, and making various grammatical
6 corrections. Code sections in which the technical,
7 grammatical, and other nonsubstantive changes are made include
8 the following:

9 Code sections 9H.1, 9H.4, 10B.1, 15E.11, 190C.1, 230A.12,
10 304A.21, 331.427, 490.1701, 504A.100, 504B.1, 504B.6, 514.1,
11 514.2, 514.5, 616.10, and 633.63: Adds references to the 1989
12 version of the Iowa Code after references to former chapter
13 504, which related to nonprofit corporations and was repealed
14 by 1990 Iowa Acts, chapter 1164, and adds, in some cases, the
15 word "chapter" before references to Code chapter 504A, the
16 current Iowa nonprofit corporation Act.

17 Code section 9H.1: Adds a chapter citation following a
18 reference to the Iowa probate code in Iowa's corporate farming
19 chapter.

20 Code section 15E.42: Substitutes a codified section number
21 for a reference to an enacted House File in a provision
22 defining the Iowa capital investment board.

23 Code section 15E.111: Updates references to the former
24 senate standing committee on small business, economic
25 development, and tourism and the former house of
26 representatives standing committee on economic development to
27 references to the senate and house standing committees on
28 economic growth.

29 Code sections 18.80, 18.81, 18.83 through 18.86, 18.88,
30 18.92, 18.102, and 18.103: Replaces "superintendent" with
31 "state printing administrator" to conform with a Code editor
32 directive contained in 1998 Iowa Acts, chapter 1164, section
33 40.

34 Code section 29A.90: Substitutes "April 22, 2002," for the
35 phrase "effective date of this division of this Act" in a

1 provision defining "military service" for purposes of
2 calculating when military personnel are granted limited relief
3 in cases involving civil suits or judgments. The bill also
4 makes the provision retroactively applicable to that date.

5 Code section 68B.39: Eliminates an obsolete date by which
6 the Iowa supreme court was required to prescribe rules
7 establishing a code of ethics for its officials and employees.

8 Code sections 70A.23, 70A.30, 97B.66, and 97B.73: Corrects
9 the name of the retirement fund TIAA-CREF in several Code
10 provisions relating to benefits for retired state officers and
11 employees.

12 Code section 80.17: Corrects the name of the division of
13 criminal investigation in provision setting out the divisions
14 of the department of public safety.

15 Code sections 80A.4, 80A.7, 99D.8A, 99E.3, 99E.9, and
16 99F.6: Standardizes the names of the state criminal history
17 repository and the national criminal history check in
18 provisions relating to license requirements and identification
19 cards for private investigators and security agencies,
20 licensure of racetracks, employment of personnel of the
21 lottery division of the department of revenue and finance, the
22 Iowa lottery board and the commissioner of the lottery, and
23 licensure of gambling boats.

24 Code section 103A.25: Treats a resolution adopting the
25 state building code as an ordinance if the resolution was
26 adopted prior to July 1, 1989, and substitutes that date for
27 the phrase referring to "this Act".

28 Code section 135.78: Removes a reference to repealed Code
29 section 135.77 and removes Code section 135.78 from the list
30 of sections referred to, substituting the words "this
31 section", regarding health facility data compiled by the
32 department of public health.

33 Code sections 141A.7, 142.4, 142.8, 321.178, and 321.189:
34 Adds a citation to Code chapter 142C to provisions referencing
35 the uniform anatomical gift Act. The provisions amended

1 relate to HIV test results and other information involved in
2 HIV-related testing, the surrender of dead bodies delivered to
3 medical schools for scientific purposes, restrictions upon the
4 transportation of dead bodies out of state, informing student
5 drivers about becoming organ donors, and a requirement that a
6 person's driver's license may include a notice that the person
7 is an organ donor under the Act.

8 Code section 142C.6, subsection 2: Conforms references to
9 entities authorized to deposit a document of anatomical gift
10 to language used earlier in the subsection.

11 Code section 147.107: Corrects terminology for the various
12 boards of examiners regarding drug dispensing, supplying, and
13 prescribing.

14 Code section 163.30: Changes reference from "chapter" to
15 "subchapter" regarding the applicability of certain
16 definitions relating to importation of swine.

17 Code sections 172D.3 and 481B.5: Changes the style of
18 citation of the federal code of regulations to be consistent
19 throughout the Code. State law exceptions for feedlots
20 complying with federal regulations, standards for margarine
21 based on federal regulations, prohibitions regarding
22 possessing or dealing in threatened or endangered species as
23 provided by federal regulations, and exemptions from state law
24 governing prize promotions for persons regulated by the
25 federal trade commission.

26 Code section 256A.3, subsection 11: Strikes a reference to
27 the Code chapter creating the family resource demonstration
28 program which was repealed in 2001.

29 Code section 260C.14: Replaces the term "state board" with
30 "director" regarding proposed community college programs to be
31 consistent with changes made in 2002 legislation.

32 Code section 261.23: Corrects a reference to the
33 registered nurse loan repayment program.

34 Code section 272.2, subsection 14, paragraph "a":
35 Substitutes correct prepositions to improve grammatical usage.

1 Code section 284.3: Strikes inconsequential phrase "as
2 enacted by this Act".

3 Code section 284.11: Corrects references to team-based
4 variable pay plan regarding the pilot program for team-based
5 variable pay for student achievement.

6 Code section 308.1: Corrects a reference to the state soil
7 conservation committee which is established in Code section
8 161A.4.

9 Code section 331.652: Uses the singular noun to refer to a
10 civil process server who is not to be considered a county
11 sheriff for certain purposes.

12 Code section 335.24: Deletes an obsolete reference to the
13 former department of water, air, and waste management in a
14 county zoning Code chapter. The department was replaced by
15 the department of natural resources in 1986.

16 Code section 421B.11: Changes "the terms of the Iowa
17 administrative procedure Act" to "chapter 17A" to make
18 references to that chapter uniform in the Code.

19 Code section 426B.1: Consolidates two paragraphs into one
20 paragraph in a provision relating to an annual appropriation
21 from the property tax relief fund to remove an unneeded fiscal
22 year destination.

23 Code section 432.1: Corrects an internal reference to a
24 subsection renumbered in 2002 relating to the insurance
25 premiums tax.

26 Code section 455B.484: Corrects two references to the
27 "waste management assistance trust fund".

28 Code sections 455B.488 and 455B.518: Substitutes
29 "department", meaning the department of natural resources, for
30 "division" and "authority", in language which referred to the
31 waste management assistance division and the waste management
32 authority within the department in 2002 eliminating Code
33 references to specific divisions within the department.

34 Code section 455H.208: Corrects reference to officials "in
35 charge" of a public water supply in a provision requiring

1 public participation in the process for enrolling and
2 remediating property in the land recycling program.

3 Code section 456A.19: Removes the definite article "the"
4 in referring to general fish and wildlife activities relating
5 to usage of funds in the fish and game protection fund.

6 Code section 456A.21: Eliminates a reference to the
7 forests and prairies division of the department of natural
8 resources and substitutes "department" for "division" to
9 conform to legislation in 2002 eliminating Code references to
10 specific divisions within the department.

11 Code section 459.102(29): Corrects punctuation relating to
12 a subordinate clause in the definition of "major water
13 source".

14 Code section 459.303(5)(a): Corrects a reference to "this
15 paragraph" to read "this subsection" in provision relating to
16 permit requirements for confinement feeding operations.

17 Code sections 459.310(1)(a) and 459.312(10)(a)(2)(b)(i):
18 Changes references to a water of "this" state to refer to a
19 water of "the" state to conform to the definition of "water of
20 the state" in Code chapter 459.

21 Code section 459.310(1)(c): Inserts "feeding" between
22 "confinement" and "operation structure". The defined term is
23 "confinement feeding operation structure".

24 Code section 459.604: Changes "department of natural
25 resources" to the defined term "department".

26 Code section 466.5: Corrects a reference to "this
27 subsection" to read "this section" in provision relating to
28 establishment of a wetland by the department of agriculture
29 and land stewardship.

30 Code section 490.825: Makes a grammatical change to
31 clarify that both the committees and the committee members are
32 subject to certain requirements.

33 Code section 490A.1508: Adds a citation to Code chapter
34 502 in a provision referencing the Iowa uniform securities Act
35 and transactions involving membership interests of a

- 1 professional limited liability company.
- 2 Code section 514.1: Substitutes the actual date, July 1,
3 1939, for the words "the effective date of this chapter".
- 4 Code sections 542.7 and 542.8: Substitutes "of" for "to"
5 in provisions relating to the licensing of public accountants
6 and public accounting firms.
- 7 Code section 544B.1: Substitutes "Practice" for "The
8 practice" in definitional section of landscape architecture
9 licensing chapter.
- 10 Code section 554.9706: Specifies that a reference to
11 "former section 554.9403" means "section 554.9403, Code 2001".
- 12 Code section 554.11103: Strikes a cross-reference to
13 repealed Code section 554.11105.
- 14 Code sections 618.5 and 618.9: Improves out-of-date
15 grammatical constructions by replacing the word "oftener" with
16 "at least" or "more than".
- 17 Code section 633.4214: Makes grammatical corrections in
18 provisions relating to fiduciary duties of trustees.
- 19 Code sections 637.601 and 637.605: Substitutes the term
20 "subchapter" for "section" with respect to the applicability
21 of definitions and the term "the person's" for "its" in
22 provisions relating to total return unitrusts.
- 23 Code section 656.2: Strikes a cross-reference to repealed
24 Code section 558.50.
- 25 Code section 709.19: Makes a grammatical correction in a
26 provision relating to no-contact orders upon a defendant's
27 release from jail or prison.
- 28 Code section 717D.1: Specifies the applicability of
29 definitions for Code chapter 717D relating to animal contest
30 events.
- 31 Code section 802.5: Makes grammatical corrections in a
32 provision relating to limitations on criminal actions.
- 33 Code section 805.8A: Substitutes the word "fine" for
34 "violation" in provision relating to motor vehicle and
35 transportation scheduled violations.

1 Code section 809A.14: Updates a reference to a rule of
2 civil procedure. The rules of civil procedure were renumbered
3 effective February 15, 2002, as part of the publication of the
4 fourth edition of those rules. Former rule 326 is now rule
5 1.1507.

6 Code section 907B.2: Improves grammatical construction and
7 substitutes the word "compact" for "Act" in provision relating
8 to the interstate compact for adult offender supervision.

9 2002 Iowa Acts, chapters 1017 and 1119: Amends the lead-in
10 to two bill sections which incorrectly cite Code 2001 or Code
11 Supplement 2001.

12 2002 Iowa Acts, chapter 1093, section 3: Changes the lead-
13 in of this Act's provision to reflect that only unnumbered
14 paragraph 1 was amended, rather than all of subparagraph
15 subdivision (a). This section of the bill takes effect upon
16 enactment and is retroactively applicable to April 8, 2002.

17 2002 Iowa Acts, chapter 1132, section 9: Adds "Supplement"
18 to the lead-in. This section of the bill takes effect upon
19 enactment and is retroactively applicable to July 1, 2002.

20 2002 Iowa Acts, chapter 1140, section 28: Adds
21 "Supplement" to the lead-in. This section of the bill takes
22 effect upon enactment and is retroactively applicable to May
23 2, 2002.

24 2002 Iowa Acts, chapter 1149, section 2: Strikes
25 "Supplement" in lead-in. This section of the bill takes
26 effect upon enactment and is retroactively applicable to May
27 2, 2002.

28 2002 Iowa Acts, chapter 1175: Amends the lead-in to a bill
29 section by identifying the year and legislative session in
30 which a bill was passed by the general assembly.

31 2001 Iowa Acts, chapter 55: Amends a bill section by
32 inserting the remaining portion of a Code section
33 inadvertently omitted from the bill.

34 Capitalization change:

35 Code sections 513C.3, 514E.1, 514I.1 through 514I.9, and

1 514I.11: Strikes the capitalized version of the acronym for
2 the healthy and well kids in Iowa program and substitutes
3 lower-case version.

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AN ACT

RELATING TO NONSUBSTANTIVE CODE CORRECTIONS AND INCLUDING
EFFECTIVE AND RETROACTIVE APPLICABILITY DATE PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 9H.1, subsection 25, paragraph a, Code 2003, is amended to read as follows:

a. Corporations organized under the provisions of chapter 504, Code 1989, or chapter 504A; or

Sec. 2. Section 9H.1, subsection 33, Code 2003, is amended to read as follows:

33. "Testamentary trust" means a trust created by devising or bequeathing property in trust in a will as such terms are used in the Iowa probate code as provided in chapter 633. Testamentary trust includes a revocable trust that has not been revoked prior to the grantor's death.

Sec. 3. Section 9H.4, subsection 2, paragraph c, subparagraph (1), Code 2003, is amended to read as follows:

(1) The corporation or limited liability company must not hold the agricultural land other than as a lessee. The term of the lease must be for not more than twelve years. The corporation or limited liability company shall not renew a

lease. The corporation or limited liability company shall not enter into a lease under this paragraph, if the corporation or limited liability company has ever entered into another lease under this paragraph "c", whether or not the lease is in effect. However, this subparagraph does not apply to a domestic corporation organized under chapter 504, Code 1989, or chapter 504A.

Sec. 4. Section 9H.4, subsection 2, paragraph c, subparagraph (4), Code 2003, is amended to read as follows:

(4) The corporation or limited liability company must deliver a copy of the lease to the secretary of state. The secretary of state shall notify the lessee of receipt of the copy of the lease. However, this subparagraph does not apply to a domestic corporation organized under chapter 504, Code 1989, or chapter 504A.

Sec. 5. Section 9H.4, subsection 3, Code 2003, is amended to read as follows:

3. Agricultural land, including leasehold interests, acquired by a nonprofit corporation organized under the provisions of chapters 504, Code 1989, and 504A including land acquired and operated by or for a state university for research, experimental, demonstration, foundation seed increase or test purposes and land acquired and operated by or for nonprofit corporations organized specifically for research, experimental, demonstration, foundation seed increase or test purposes in support of or in conjunction with a state university.

Sec. 6. Section 10B.1, subsection 9, paragraph a, Code 2003, is amended to read as follows:

a. A corporation organized under the provisions of former chapter 504, Code 1989, or chapter 504A.

Sec. 7. Section 15E.11, Code 2003, is amended to read as follows:

15E.11 CORPORATION FOR RECEIVING AND DISBURSING FUNDS.

The Iowa development commission is hereby authorized to form a corporation under the provisions of former chapter 504, Code 1989, for the purpose of receiving and disbursing funds from public or private sources to be used to further the overall development and well-being of the state.

Sec. 8. Section 15E.42, subsection 2, Code 2003, is amended to read as follows:

2. "Board" means the Iowa capital investment board, ~~if created in House File 2078 as enacted by the Seventy-ninth General Assembly~~ created in section 15E.63.

Sec. 9. Section 15E.111, subsection 8, Code 2003, is amended to read as follows:

8. The department of economic development and the office of renewable fuels and coproducts shall prepare a report each six months detailing the progress of the department and other agencies provided in this section. The office of renewable fuels and coproducts, the department of natural resources, and Iowa state university may contribute a summary of their activities. The report shall be delivered to the secretary of the senate and the chief clerk of the house; the legislative service bureau; the chairpersons and ranking members of the senate standing committee on agriculture; the senate standing committee on ~~small-business, economic development, and tourism growth~~; the house of representatives standing committee on agriculture; and the house of representatives standing committee on economic development growth.

Sec. 10. Section 18.80, Code 2003, is amended to read as follows:

18.80 RESERVE SUPPLY.

The superintendent state printing administrator shall designate, subject to the approval of the director, the number of copies of reports and publications to be held in reserve, and copies thus held in reserve shall be distributed only upon the written request of the head of the department, approved by the superintendent state printing administrator, and ordered by the director.

Sec. 11. Section 18.81, Code 2003, is amended to read as follows:

18.81 UNUSED DOCUMENTS.

The superintendent state printing administrator shall from time to time report to the director any documents in the superintendent's state printing administrator's custody deemed not needed and which have been printed five years or more, and if the report has the written approval of the head of the department from which the documents were issued, the director may condemn and order the documents sold, and the proceeds turned into the unappropriated funds of the state. If a department no longer exists, approval by the head of the department shall not be required. If the condemned documents cannot be sold the director may order them destroyed.

Sec. 12. Section 18.83, Code 2003, is amended to read as follows:

18.83 INFORMATION AS TO DOCUMENTS.

The superintendent state printing administrator shall advise the public of the publication of reports and documents and of the nature of the material therein, and give information as to the publications that are available for distribution and how to obtain them.

Sec. 13. Section 18.84, Code 2003, is amended to read as follows:

18.84 MAILING LISTS.

The superintendent state printing administrator shall require from officials or heads of departments mailing lists, or addressed labels or envelopes, for use in distribution of reports and documents. The superintendent state printing administrator shall revise such lists, eliminating duplications and adding to the lists libraries, institutions, public officials, and persons having actual use for the material. The superintendent state printing administrator shall arrange the lists so as to reduce to the minimum the postage or other cost for delivery. Requests for publications

shall be handled only upon receipt of postage by the superintendent state printing administrator from the requesting agency or department.

Sec. 14. Section 18.85, Code 2003, is amended to read as follows:

18.85 COPIES TO DEPARTMENTS.

The superintendent state printing administrator shall furnish the various officials and departments with copies of their reports needed for office use or to be distributed to persons requesting the reports. Requests for publications shall be handled only upon receipt of postage by the superintendent state printing administrator.

Sec. 15. Section 18.86, Code 2003, is amended to read as follows:

18.86 ASSEMBLY MEMBERS.

The official reports, the miscellaneous documents and other publications upon request, and the completed journals of the general assembly and ten copies of the official register, shall be sent to each member of the general assembly, and, so far as they are available, additional copies upon their request. Requests for publications shall be handled only upon receipt of postage by the superintendent state printing administrator.

Sec. 16. Section 18.88, Code 2003, is amended to read as follows:

18.88 NEWSPAPERS.

The journals of the general assembly and the official register shall be sent to each newspaper of general circulation in Iowa, and editors of newspapers in Iowa shall be entitled to other publications on request when they are available. Requests for publications shall be handled only upon receipt of postage by the superintendent state printing administrator.

Sec. 17. Section 18.92, Code 2003, is amended to read as follows:

18.92 GENERAL DISTRIBUTION.

The superintendent state printing administrator may send additional copies of publications to other state officials, individuals, institutions, libraries, or societies that may request them. Requests for publications shall be handled only upon receipt of postage by the superintendent state printing administrator.

Sec. 18. Section 18.102, Code 2003, is amended to read as follows:

18.102 INDEX TO BILLS.

The secretary of the senate and the chief clerk of the house shall throughout each legislative session compile and cause to be printed a cumulative bulletin of bills and joint resolutions which bulletin shall contain a brief history of each bill, and detailed information as to the status of legislation and shall be conveniently indexed. The bulletin shall be printed and delivered one day before the mid-term midterm recess of each legislature and thereafter twenty-five days after the end of said the recess except as may otherwise be provided by the joint rules of the general assembly. The last issue of each bulletin shall be brought down to the time of final adjournment and shall be promptly furnished to all members of the general assembly and to such others as the superintendent state printing administrator may determine.

Sec. 19. Section 18.103, Code 2003, is amended to read as follows:

18.103 ENROLLING CLERKS TO KEEP RECORDS.

The enrolling clerks of the senate and house shall, under the directions of the secretary of the senate and chief clerk of the house, respectively, keep a daily cumulative record of the information required in section 18.102 and in such manner that the same may be promptly furnished to the superintendent state printing administrator at the close of each week.

Sec. 20. Section 29A.90, subsection 3, Code 2003, is amended to read as follows:

3. "Military service" means full-time active state service or state active duty, as defined in section 29A.1, for a period of at least ninety consecutive days, commencing on or after ~~the effective date of this division of this Act~~ April 22, 2002.

Sec. 21. Section 68B.39, unnumbered paragraph 1, Code 2003, is amended to read as follows:

The supreme court of this state shall prescribe rules by ~~January 1, 1993~~, establishing a code of ethics for officials and employees of the judicial branch of this state, and the immediate family members of the officials and employees. Rules prescribed under this paragraph shall include provisions relating to the receipt or acceptance of gifts and honoraria, interests in public contracts, services against the state, and financial disclosure which are substantially similar to the requirements of this chapter.

Sec. 22. Section 70A.23, Code 2003, is amended to read as follows:

70A.23 CREDIT FOR ACCRUED SICK LEAVE.

When a state employee, excluding an employee covered under a collective bargaining agreement which provides otherwise, retires under a retirement system in the state maintained in whole or in part by public contributions or payments, the number of accrued days of active and banked sick leave of the employee shall be credited to the employee. When an employee retires, is eligible, and has applied for benefits under a retirement system authorized under chapter 97A or 97B, including the teachers insurance and annuity ~~association~~ ~~(TIAA)~~ ~~and the college~~ association-college retirement equities fund ~~(CREF)~~ (TIAA-CREF), or an employee dies on or after July 1, 1984, while the employee is in active employment but is eligible for retirement benefits under one of the listed chapters, the employee shall receive a cash payment for the employee's accumulated, unused sick leave in both the active and banked sick leave accounts, except when, in lieu of cash

payment, payment is made for monthly premiums for health or life insurance or both as provided in a collective bargaining agreement negotiated under chapter 20. An employee of the department of public safety or the department of natural resources who has earned benefits of payment of premiums under a collective bargaining agreement and who becomes a manager or supervisor and is no longer covered by the agreement shall not lose the benefits of payment of premium earned while covered by the agreement. The payment shall be calculated by multiplying the number of hours of accumulated, unused sick leave by the employee's hourly rate of pay at the time of retirement. However, the total cash payments for accumulated, unused sick leave shall not exceed two thousand dollars per employee and are payable upon retirement or death. Banked sick leave is defined as accrued sick leave in excess of ninety days.

Sec. 23. Section 70A.30, unnumbered paragraph 2, Code 2003, is amended to read as follows:

The phased retirement incentive program is a retirement system for purposes of section 20.9, but is not retirement for purposes of chapter 97A, 97B, or 602 or for the employees who are members of the teachers insurance annuity association-college retirement ~~equity~~ equities fund (TIAA-CREF).

Sec. 24. Section 80.17, subsection 3, Code 2003, is amended to read as follows:

3. Division of criminal investigation ~~and-bureau-of~~ identification.

Sec. 25. Section 80A.4, subsection 4, Code 2003, is amended to read as follows:

4. The fingerprints required by subsection 1 may be submitted by the department to the federal bureau of investigation through the state ~~central~~ criminal history repository for the purpose of a national criminal history check.

Sec. 26. Section 80A.7, subsection 5, Code 2003, is amended to read as follows:

5. An application for an identification card shall include the submission of fingerprints of the person seeking the identification card, which fingerprints may be submitted to the federal bureau of investigation through the state ~~central~~ criminal history repository for the purpose of a national criminal history ~~background~~ check. Fees associated with the processing of fingerprints shall be assessed to the employing licensee.

Sec. 27. Section 97B.66, unnumbered paragraph 1, Code 2003, is amended to read as follows:

A vested or retired member who was a member of the teachers insurance and annuity ~~association-college~~ association-college retirement ~~equity~~ equities fund (TIAA-CREF) at any time between July 1, 1967, and June 30, 1971, and who became a member of the system on July 1, 1971, upon submitting verification of service and wages earned during the applicable period of service under the teachers insurance and annuity ~~association-college~~ association-college retirement equities fund, may make employer and employee contributions to the system based upon the covered wages of the member and the covered wages and the contribution rates in effect for all or a portion of that period of service and receive credit for membership service under this system equivalent to the applicable period of membership service in the teachers insurance and annuity ~~association-college~~ association-college retirement equities fund for which the contributions have been made. In addition, a member making employer and employee contributions because of membership in the teachers insurance and annuity ~~association-college~~ association-college retirement equities fund under this section who was a member of the system on June 30, 1967, and withdrew the member's accumulated contributions because of membership on July 1, 1967, in the teachers insurance and annuity ~~association-college~~

association-college retirement equities fund, may make employee contributions to the system for all or a portion of the period of service under the system prior to July 1, 1967. A member making contributions pursuant to this section may make the contributions either for the entire applicable period of service, or for portions of the period of service, and if contributions are made for portions of the period of service, the contributions shall be in increments of one or more calendar quarters.

Sec. 28. Section 97B.73, subsection 1, paragraph a, Code 2003, is amended to read as follows:

a. A vested or retired member who has one or more full calendar years of covered wages who was in public employment comparable to employment covered under this chapter in another state or in the federal government, or who was a member of another public retirement system in this state, including but not limited to the teachers insurance and annuity ~~association~~ college association-college retirement equities fund (TIAA-CREF), but who was not retired under that system, upon submitting verification of membership and service in the other public system to the division, including proof that the member has no further claim upon a retirement benefit from that other public system, may make contributions as provided by this section to the system either for the entire period of service in the other public system, or for partial service in the other public system in increments of one or more calendar quarters. If the member wishes to transfer only a portion of the service value of another public system to this system and the other public system allows a partial withdrawal of a member's system credits, the member shall receive credit for membership service in this system equivalent to the period of service transferred from the other public system.

Sec. 29. Section 99D.8A, subsection 2, Code 2003, is amended to read as follows:

2. An applicant shall submit pictures, fingerprints, and descriptions of physical characteristics to the commission in the manner prescribed on the application forms. The fingerprints may be submitted to the federal bureau of investigation by the department of public safety through the state ~~central~~ criminal history repository for the purpose of a national criminal history check.

Sec. 30. Section 99E.3, subsection 3, Code 2003, is amended to read as follows:

3. The commissioner may employ, with the approval of the director, clerks, stenographers, inspectors, agents, and other employees pursuant to chapter 19A as necessary to carry out this chapter, except as provided in section 99E.14. The commissioner may require a background investigation to be conducted in connection with the employment of lottery employees. The board shall define, by rule, the employment categories subject to investigation. The background investigation by the division of criminal investigation of the department of public safety may include a national criminal history ~~record~~ check through the federal bureau of investigation. The screening of lottery employees through the federal bureau of investigation shall be conducted by submission of fingerprints through the state criminal history ~~record~~ repository to the federal bureau of investigation.

Sec. 31. Section 99E.9, subsection 2, Code 2003, is amended to read as follows:

2. Subject to the approval of the board, the commissioner may enter into contracts for the operation and marketing of the lottery, except that the board may by rule designate classes of contracts other than major procurements which do not require prior approval by the board. A major procurement shall be as the result of competitive bidding with the contract being awarded to the responsible vendor submitting the lowest and best proposal. However, before a contract for a major procurement is awarded, the division of criminal

investigation of the department of public safety shall conduct a thorough background investigation of the vendor to whom the contract is to be awarded. The commissioner and board shall consult with the division of criminal investigation and shall provide, by rule, for the scope of the thorough background investigations and due diligence with regard to the background investigations to be conducted in connection with major procurements. The vendor shall submit to the division of criminal investigation appropriate investigation authorizations to facilitate this investigation. The background investigation by the division of criminal investigation may include a national criminal history record check through the federal bureau of investigation. The screening of vendors or their employees through the federal bureau of investigation shall be conducted by submission of fingerprints through the state criminal history record repository to the federal bureau of investigation. As used in this subsection, "major procurement" means consulting agreements and the major procurement contract with a business organization for the printing of tickets, or for purchase or lease of equipment or services essential to the operation of a lottery game.

Sec. 32. Section 99F.6, subsection 2, Code 2003, is amended to read as follows:

2. An applicant shall submit pictures, fingerprints, and descriptions of physical characteristics to the commission in the manner prescribed on the application forms. The fingerprints may be submitted to the federal bureau of investigation by the department of public safety through the state ~~central~~ criminal history repository for the purpose of a national criminal history check.

Sec. 33. Section 103A.25, Code 2003, is amended to read as follows:

103A.25 PRIOR RESOLUTIONS.

A resolution accepting the state building code as provided in section 103A.7, which was adopted before ~~the-effective-date of-this-Act~~ July 1, 1989, is an ordinance for the purpose of this chapter.

Sec. 34. Section 135.78, Code 2003, is amended to read as follows:

135.78 DATA TO BE COMPILED.

The department shall compile all relevant financial and utilization data in order to have available the statistical information necessary to properly monitor hospital and health care facility charges and costs. Such data shall include necessary operating expenses, appropriate expenses incurred for rendering services to patients who cannot or do not pay, all properly incurred interest charges, and reasonable depreciation expenses based on the expected useful life of the property and equipment involved. The department shall also obtain from each hospital and health care facility a current rate schedule as well as any subsequent amendments or modifications of that schedule as it may require. In collection of the data required by this section and sections 135.74 to-135.78 through 135.76, the department and other state agencies shall coordinate their reporting requirements.

Sec. 35. Section 141A.7, subsection 2, paragraph a, Code 2003, is amended to read as follows:

a. The performance by a health care provider or health facility of an HIV-related test when the health care provider or health facility procures, processes, distributes, or uses a human body part donated for a purpose specified under the uniform anatomical gift Act as provided in chapter 142C, or semen provided prior to July 1, 1988, for the purpose of artificial insemination, or donations of blood, and such test is necessary to ensure medical acceptability of such gift or semen for the purposes intended.

Sec. 36. Section 142.4, unnumbered paragraph 2, Code 2003, is amended to read as follows:

This section shall not apply to bodies given under authority of the uniform anatomical gift Act as provided in chapter 142C.

Sec. 37. Section 142.8, unnumbered paragraph 2, Code 2003, is amended to read as follows:

This section shall not apply to bodies given under authority of the uniform anatomical gift Act as provided in chapter 142C.

Sec. 38. Section 142C.6, subsection 2, Code 2003, is amended to read as follows:

2. If an anatomical gift is made to a designated donee, the document of gift, or a copy, may be delivered to the donee to expedite the appropriate procedures after the death of the donor. The document of gift, or a copy, may be deposited in any hospital, organ procurement organization, bank or storage organization, or donor registry office that accepts the document of gift for safekeeping or for the facilitation of procedures after the death of the donor. If a document is deposited by a donor in a hospital, donor registry office, or bank or storage organization, the hospital, donor registry office, or bank or storage organization may forward the document to an organ procurement organization which will retain the document for facilitating procedures following the death of the donor. Upon request of a hospital, physician, or surgeon, upon or after the donor's death, the person in possession of the document of gift may allow the hospital, physician, or surgeon to examine or copy the document of gift.

Sec. 39. Section 147.107, subsection 2, unnumbered paragraph 1, Code 2003, is amended to read as follows:

A pharmacist, physician, dentist, or podiatric physician who dispenses prescription drugs, including but not limited to controlled substances, for human use, may delegate nonjudgmental dispensing functions to staff assistants only when verification of the accuracy and completeness of the prescription is determined by the pharmacist or practitioner

in the pharmacist's or practitioner's physical presence. However, the physical presence requirement does not apply when a pharmacist or practitioner is utilizing an automated dispensing system. When using an automated dispensing system the pharmacist or practitioner shall utilize an internal quality control assurance plan that ensures accuracy for dispensing. Verification of automated dispensing accuracy and completeness remains the responsibility of the pharmacist or practitioner and shall be determined in accordance with rules adopted by the boards state board of pharmacy examiners, medicine, dentistry the state board of medical examiners, the state board of dental examiners, and the state board of podiatry examiners for their respective licensees.

Sec. 40. Section 161B.1, subsection 2, Code 2003, is amended to read as follows:

2. The department of agriculture and land stewardship shall report annually to the senate standing committees committee on energy natural resources and environment and the house of representatives standing committee on environmental protection of-the-house-and-senate on the projects conducted with the agricultural energy management fund.

Sec. 41. Section 163.30, subsection 2, unnumbered paragraph 1, Code 2003, is amended to read as follows:

When used in this chapter subchapter:

Sec. 42. Section 172D.3, subsection 2, paragraph a, Code 2003, is amended to read as follows:

a. Exclusion for federally mandated requirements. This section shall apply to the department's rules except for rules required for delegation of the national pollutant discharge elimination system permit program pursuant to the federal Water Pollution Control Act, Title 33, United States Code, chapter 126, as amended, and 40 ~~Code-of-Federal-Regulations~~ C.F.R. Part pt. 124.

Sec. 43. Section 190C.1, subsection 18, Code 2003, is amended to read as follows:

18. "Regional organic association" means a corporation organized under ~~former~~ chapter 504, Code 1989, or chapter 504A which has certifying members, elects its own officers and directors, and is independent from the department.

Sec. 44. Section 230A.12, unnumbered paragraph 1, Code 2003, is amended to read as follows:

Each community mental health center established or continued in operation pursuant to section 230A.3, shall be organized under the Iowa nonprofit corporation Act appearing as chapter 504A, except that a community mental health center organized under former chapter 504 prior to July 1, 1974, and existing under the provisions of chapter 504, Code 1989, shall not be required by this chapter to adopt the Iowa nonprofit corporation Act if it is not otherwise required to do so by law. The board of directors of each such community mental health center shall enter into an agreement with the county or affiliated counties which are to be served by the center, which agreement shall include but need not be limited to the period of time for which the agreement is to be in force, what services the center is to provide for residents of the county or counties to be served, standards the center is to follow in determining whether and to what extent persons seeking services from the center shall be considered able to pay the cost of the services received, and policies regarding availability of the center's services to persons who are not residents of the county or counties served by the center. The board of directors, in addition to exercising the powers of the board of directors of a nonprofit corporation may:

Sec. 45. Section 256A.3, subsection 11, Code 2003, is amended by striking the subsection.

Sec. 46. Section 260C.14, subsection 1, Code 2003, is amended to read as follows:

1. Determine the curriculum to be offered in such school or college subject to approval of the director and ensure that all vocational offerings are competency-based, provide any

minimum competencies required by the department of education, comply with any applicable requirements in chapter 258, and are articulated with local school district vocational education programs. If an existing private educational or vocational institution within the merged area has facilities and curriculum of adequate size and quality which would duplicate the functions of the area school, the board of directors shall discuss with the institution the possibility of entering into contracts to have the existing institution offer facilities and curriculum to students of the merged area. The board of directors shall consider any proposals submitted by the private institution for providing such facilities and curriculum. The board of directors may enter into such contracts. In approving curriculum, the director shall ascertain that all courses and programs submitted for approval are needed and that the curriculum being offered by an area school does not duplicate programs provided by existing public or private facilities in the area. In determining whether duplication would actually exist, the state-board director shall consider the needs of the area and consider whether the proposed programs are competitive as to size, quality, tuition, purposes, and area coverage with existing public and private educational or vocational institutions within the merged area. If the board of directors of the merged area chooses not to enter into contracts with private institutions under this subsection, the board shall submit a list of reasons why contracts to avoid duplication were not entered into and an economic impact statement relating to the board's decision.

Sec. 47. Section 261.23, subsection 4, Code 2003, is amended to read as follows:

4. A registered nurse shall be eligible for the registered nurse loan repayment program if the registered nurse has received from an accredited school of nursing located in this state a collegiate or associate degree of nursing, a diploma

in nursing, or a graduate or equivalent degree in nursing and agrees to practice in an eligible community in this state that has agreed to provide additional funds for the registered nurse's loan repayment. The contract for the loan repayment shall stipulate the time period the registered nurse shall practice in an eligible community in this state. In addition, the contract shall stipulate that the registered nurse repay any funds paid on the registered nurse's loan by the commission if the registered nurse fails to practice in an eligible community in this state for the required period of time. For purposes of this subsection, "eligible community" means a community that agrees to match state funds provided on at least a dollar-for-dollar basis for the loan repayment of a registered nurse who practices in the community.

Sec. 48. Section 272.2, subsection 14, paragraph a, Code 2003, is amended to read as follows:

a. The board may deny a license to or revoke the license of a person upon the board's finding by a preponderance of evidence that either the person has been convicted of a crime or that there has been a founded report of child abuse against the person. Rules adopted in accordance with this paragraph shall provide that in determining whether a person should be denied a license or that a practitioner's license should be revoked, the board shall consider the nature and seriousness of the founded abuse or crime in relation to the position sought, the time elapsed since the crime was committed, the degree of rehabilitation which has taken place since the incidence of founded abuse or the commission of the crime, the likelihood that the person will commit the same abuse or crime again, and the number of founded abuses committed by or criminal convictions by of the person involved.

Sec. 49. Section 284.3, subsection 2, paragraph a, Code 2003, is amended to read as follows:

a. By July 1, 2002, for purposes of comprehensive evaluations for beginning teachers required to allow beginning

teachers to progress to career teachers, standards and criteria that are the Iowa teaching standards specified in subsection 1 and the model criteria for the Iowa teaching standards developed by the department in accordance with section 256.9, subsection 50. These standards and criteria shall be set forth in an instrument provided by the department. The comprehensive evaluation and instrument are not subject to negotiations or grievance procedures pursuant to chapter 20 or determinations made by the board of directors under section 279.14. A local school board and its certified bargaining representative may negotiate, pursuant to chapter 20, evaluation and grievance procedures for beginning teachers that are not in conflict with this chapter. If, in accordance with section 279.19, a beginning teacher appeals the determination of a school board to an adjudicator under section 279.17, the adjudicator selected shall have successfully completed training related to the Iowa teacher standards, the model criteria adopted by the state board of education in accordance with subsection 3, ~~as-enacted-by-this Act~~, and any additional training required under rules adopted by the public employment relations board in cooperation with the state board of education.

Sec. 50. Section 284.11, subsections 4, 5, and 7, Code 2003, are amended to read as follows:

4. Each participating district shall create its own design for a team-based variable pay plan linked to the district's comprehensive school improvement plan. The plan must include attendance center student performance goals, student performance levels, multiple indicators to determine progress toward attendance center goals, and a system for providing financial rewards. The team-based variable pay plan shall be approved by the local board.

5. Each district team-based variable pay plan shall be reviewed by the department. The department shall include a review of the locally established goals, targeted levels of

improvement, assessment strategies, and financial reward system.

7. The district team-based variable pay plan shall specify how the funding received by the district for purposes of this section is to be awarded to eligible staff in attendance centers that meet or exceed their goals. The district shall provide all attendance centers equal access to the available funds. Moneys shall be released by the department to the district only upon certification by the school board that an attendance center has met or exceeded its goals.

Sec. 51. Section 303A.6, subsection 3, Code 2003, is amended to read as follows:

3. Upon approving a grant, the board shall certify to the treasurer of state the amount of financial assistance payable from the ~~trust~~ grant account to the qualified organization whose grant application is approved.

Sec. 52. Section 304A.21, subsection 5, Code 2003, is amended to read as follows:

5. "Nonprofit organization" means a corporation organized under ~~former~~ chapter 504, Code 1989, or chapter 504A or which holds a permit or certificate under ~~former~~ chapter 504, Code 1989, or chapter 504A to do business or conduct affairs in this state.

Sec. 53. Section 307.27, subsection 8, Code 2003, is amended to read as follows:

8. Administer the registration of interstate ~~commerce~~ commission authority of motor carriers pursuant to chapter 327B as provided in 49 U.S.C. § 14504 and United States department of transportation regulations.

Sec. 54. Section 308.1, Code 2003, is amended to read as follows:

308.1 PLANNING COMMISSION.

The Mississippi parkway planning commission shall be composed of ten members appointed by the governor, five members to be appointed for two-year terms beginning July 1,

1959, and five members to be appointed for four-year terms beginning July 1, 1959. In addition to the above members there shall be seven advisory ex officio members who shall be as follows: One member from the state transportation commission, one member from the natural resource commission, one member from the Iowa state soil conservation ~~commission~~ committee, one member from the state historical society of Iowa, one member from the faculty of the landscape architectural division of the Iowa State University of science and technology, one member from the Iowa economic development board, and one member from the environmental protection commission. Members and ex officio members shall serve without pay, but the actual and necessary expenses of members and ex officio members may be paid if the commission so orders and if the commission has funds available for that purpose.

Sec. 55. Section 321.178, subsection 1, paragraph c, Code 2003, is amended to read as follows:

c. Instruction relating to becoming an organ donor under the uniform anatomical gift Act as provided in chapter 142C.

Sec. 56. Section 321.189, subsection 4, Code 2003, is amended to read as follows:

4. SYMBOLS. Upon the request of a licensee, the department shall indicate on the license the presence of a medical condition, that the licensee is a donor under the uniform anatomical gift ~~law~~ Act as provided in chapter 142C, or that the licensee has in effect a medical advance directive. For purposes of this subsection, a medical advance directive includes, but is not limited to, a valid durable power of attorney for health care as defined in section 144B.1. The license may contain such other information as the department may require by rule.

Sec. 57. Section 327B.1, subsections 1 through 3, Code 2003, are amended to read as follows:

1. It is unlawful for a carrier to perform an interstate transportation service for compensation upon the highways of

this state without first registering the authority obtained from the ~~interstate-commerce-commission~~ United States department of transportation or evidence that such authority is not required with the state department of transportation.

2. The department shall participate in the single state insurance registration program for regulated motor carriers as provided in 49 U.S.C. § ~~1506~~ 14504 and ~~interstate-commerce commission~~ United States department of transportation regulations.

3. Registration for carriers transporting commodities exempt from ~~interstate-commerce-commission~~ United States department of transportation regulation shall be granted without hearing upon application and payment of a twenty-five-dollar filing fee and an annual one-dollar fee per vehicle.

Sec. 58. Section 327B.7, Code 2003, is amended to read as follows:

327B.7 RECIPROCITY FOR EXEMPT COMMODITY BASE STATE REGISTRATION SYSTEM.

The department may enter into a reciprocity agreement on behalf of this state with authorized representatives of other states to become a member of an exempt commodity base state registration system for the registration, insurance verification, and fee collection for carriers hauling commodities exempt from ~~interstate-commerce-commission~~ United States department of transportation authority.

Sec. 59. Section 327C.22, Code 2003, is amended to read as follows:

327C.22 INTERSTATE FREIGHT RATES.

The department shall exercise constant diligence to ascertain the rates, charges, rules, and practices of common carriers operating in this state, in relation to the transportation of freight in interstate business. When it shall ascertain from any source or have reasonable grounds to believe that the rates charged on such interstate business or the rules or practices in relation thereto discriminate

unjustly against any of the citizens, industries, interests, or localities of the state, or place any of them at an unreasonable disadvantage as compared with those of other states, or are in violation of the laws of the United States regulating commerce, or in conflict with the rulings, orders, or regulations of the interstate-commerce-commission surface transportation board, the department shall take the necessary steps to prevent the continuance of such rates, rules, or practices.

Sec. 60. Section 327C.23, Code 2003, is amended to read as follows:

327C.23 APPLICATION TO INTERSTATE-COMMERCE-COMMISSION SURFACE TRANSPORTATION BOARD.

When any common carrier has put in force any rates, rules, or practices in relation to interstate freight business, in violation of the laws of the United States regulating commerce, or of the orders, rules, or regulations of the interstate-commerce-commission surface transportation board, or shall unjustly discriminate against any of the citizens, industries, interests, or localities of the state, the department shall present the material facts involved in such violations or discrimination to the interstate-commerce commission surface transportation board and seek relief therefrom, and, if deemed necessary or expedient, the department shall prosecute any charge growing out of such violation or discrimination, at the expense of the state, before the interstate-commerce-commission surface transportation board.

Sec. 61. Section 327D.67, unnumbered paragraph 2, Code 2003, is amended to read as follows:

The form of every schedule shall be prescribed by the department and shall conform, in the case of common carriers, as nearly as may be to the form prescribed by the interstate commerce-commission United States department of transportation.

Sec. 62. Section 327D.72, Code 2003, is amended to read as follows:

327D.72 INTERSTATE COMMERCE SCHEDULES.

When schedules and classifications required by the ~~interstate-commerce-commission~~ United States department of transportation contain in whole or in part the information required by the provisions of this chapter, the posting and filing of a copy of such schedules and classifications with the ~~interstate-commerce-commission~~ United States department of transportation shall be deemed a compliance with the filing requirements of this chapter insofar as such schedules and classifications contain the information required by this chapter, and any additional or different information may be posted and filed in a supplementary schedule.

Sec. 63. Section 327D.200, Code 2003, is amended to read as follows:

327D.200 INCONSISTENCY WITH FEDERAL LAW -- RAILROADS.

If any provision of this chapter is inconsistent or conflicts with federal laws, rules or regulations applicable to railway corporations subject to the jurisdiction of the ~~federal-interstate-commerce-commission~~ surface transportation board, the department shall suspend the provision, but only to the extent necessary to eliminate the inconsistency or conflict.

Sec. 64. Section 327D.201, Code 2003, is amended to read as follows:

327D.201 RAILROAD INTRASTATE RATES -- RULES.

The department may issue rules relating to the regulation of railroad intrastate rates, classifications, rules and practices in accordance with the standards and procedures of the ~~federal-interstate-commerce-commission~~ surface transportation board applicable to rail carriers.

Sec. 65. Section 327G.61, subsection 2, Code 2003, is amended to read as follows:

2. "Spur track" means a railroad track located wholly within the state connected to a main or branch line of a railroad and used to originate or terminate traffic at one or more industries or a railroad track not subject to the jurisdiction of the interstate-commerce-commission surface transportation board. A spur track shall not include a railroad line used to provide line-haul or intercity transportation.

Sec. 66. Section 327G.78, unnumbered paragraph 1, Code 2003, is amended to read as follows:

Subject to sections 327G.77 and 6A.16, when a railroad corporation, its trustee, or its successor in interest has interests in real property adjacent to a railroad right-of-way that are abandoned by order of the interstate-commerce commission surface transportation board, reorganization court, bankruptcy court, or the department, or when a railroad corporation, its trustee, or its successor in interest seeks to sell its interests in that property under any other circumstance, the railroad corporation, its trustee, or its successor in interest shall extend a written offer to sell at a fair market value price to the persons holding leases, licenses, or permits upon those properties, allowing sixty days from the time of receipt for a written response. If a disagreement arises between the parties concerning the price or other terms of the sale transaction, either or both parties may make written application to the department to resolve the disagreement. The application shall be made within sixty days from the time an initial written response is served upon the railroad corporation, trustee, or successor in interest by the person wishing to purchase the property. The department shall notify the department of inspections and appeals which shall hear the controversy and make a final determination of the fair market value of the property and the other terms of the transaction which were in dispute, within ninety days after the application is filed. The determination is subject to

review by the department and the department's decision is the final agency action. All correspondence shall be by certified mail.

Sec. 67. Section 331.427, subsection 2, paragraph k, Code 2003, is amended to read as follows:

k. For the use of a nonprofit historical society organized under chapter 504, Code 1989, or chapter 504A, a city-owned historical project, or both.

Sec. 68. Section 331.652, subsection 8, paragraph d, Code 2003, is amended to read as follows:

d. ~~Civil~~ A civil process ~~servers~~ server shall not be considered to be a sheriff or a deputy sheriff for purposes of this chapter or chapter 97B or 341A.

Sec. 69. Section 335.24, Code 2003, is amended to read as follows:

335.24 CONFLICT WITH OTHER REGULATIONS.

If the regulations made under this chapter require a greater width or size of yards, courts or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the regulations made under this chapter govern. If any other statute or local ordinance or regulation requires a greater width or size of yards, courts or other open spaces, or requires a lower height of building or a less number of stories, or a greater percentage of lot to be left unoccupied, or imposes other higher standards than are required by the regulations made under this chapter, the other statute or local ordinance or regulation governs. If a regulation proposed or made under this chapter relates to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream, prior approval of the department of water, air and waste management natural resources is required to establish, amend, supplement, change,

or modify the regulation or to grant any variation or exception from the regulation.

Sec. 70. Section 384.63, subsection 3, Code 2003, is amended to read as follows:

3. When a private improvement is constructed on a lot subject to a deficiency, during the period of amortization, the council shall, by resolution, assess a pro rata portion of the deficiency on that lot, in the same proportion to the total deficiency on that lot as the number of future installments of special assessments remaining to be paid is to the total number of installments of assessments for the project, subject to the twenty-five percent limitation of section 384.62. A deficiency assessment becomes a lien on the property and is payable in the same manner, and subject to the same interests as the other special assessments. The council shall direct the clerk to certify a deficiency assessment to the county treasurer, and to send a notice of the deficiency assessment by mail to each owner, as provided in section 384.60, ~~subsection-5,~~ but publication of the notice is not required.

Sec. 71. Section 421B.11, unnumbered paragraph 3, Code 2003, is amended to read as follows:

Judicial review of the actions of the director may be sought in accordance with ~~the terms of the Iowa administrative procedure Act~~ chapter 17A, and section 422.55.

Sec. 72. Section 426B.1, subsection 2, Code 2003, is amended to read as follows:

2. There is appropriated on July 1 of each fiscal year to the property tax relief fund ~~for the indicated fiscal years~~ from the general fund of the state ~~the following amounts:~~

~~For the fiscal year beginning July 1, 1997, and succeeding fiscal years,~~ ninety-five million dollars.

Sec. 73. Section 432.1, subsection 5, Code 2003, is amended to read as follows:

5. Except as provided in subsection 4 6, the premium tax shall be paid on or before March 1 of the year following the calendar year for which the tax is due. The commissioner may suspend or revoke the license of a company or association that fails to pay its premium tax on or before the due date.

Sec. 74. Section 435.26, subsection 1, paragraph a, Code 2003, is amended to read as follows:

a. A mobile home or manufactured home which is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes. A home, after conversion to real estate, is eligible for the homestead tax credit and the military service tax exemption as provided in sections 425.2 and 426A.11.

Sec. 75. Section 455B.484, subsections 2 and 3, Code 2003, are amended to read as follows:

2. Seek, receive, and accept funds in the form of appropriations, grants, awards, wills, bequests, endowments, and gifts for deposit into the waste management assistance trust fund to be used for programs relating to the duties of the department under this part.

3. Administer and coordinate the ~~land-quality-and~~ waste management assistance trust fund created under this part.

Sec. 76. Section 455B.488, Code 2003, is amended to read as follows:

455B.488 HOUSEHOLD HAZARDOUS WASTE COLLECTION AND DISPOSITION.

The ~~division~~ department shall develop, sponsor, and assist in conducting local, regional, or statewide programs for the receipt or collection and proper management of hazardous wastes from households and farms. In conducting such events the ~~division~~ department may establish limits on the types and amounts of wastes that will be collected, and may establish a fee system for acceptance of wastes in quantities exceeding the limits established pursuant to this section.

Sec. 77. Section 455B.518, subsection 4, Code 2003, is amended to read as follows:

4. A toxics pollution prevention plan developed under this section shall be reviewed by the ~~authority~~ department for completeness, adequacy, and accuracy.

Sec. 78. Section 455H.208, Code 2003, is amended to read as follows:

455H.208 PUBLIC PARTICIPATION.

Public participation shall be a required component of the process for participants for all sites enrolled in the land recycling program. The required level of public participation shall vary depending on the conditions existing at a site. At a minimum, the department shall notify all adjacent property owners, occupants of adjacent property, and the city or county in which the property is located of a site's enrollment in the land recycling program and of the scope of work described in the participation agreement, and give the notified parties the opportunity to obtain updates regarding the status of activities relating to the enrolled site in the land recycling program. The notification shall not be required before the participant has had the opportunity to collect basic information characterizing the nature and extent of the contamination, but the notification shall be required in a timely manner allowing appropriate parties to have input in the formulation of the response action. If contaminants from the enrolled site have migrated off the enrolled site or are likely to migrate off the enrolled site, as determined by the department, the department shall notify by direct mailing all potentially affected parties, including the city or county in which the potentially affected property is located, and officials in charge of any potentially impacted public water supply and the notified parties shall be given opportunity to comment on proposed response actions. The department may require the participant of an enrolled site to publish public notice in a local newspaper if widespread interest in the site

exists or is likely to exist as determined by the department. The department shall consider reasonable comments from potentially affected parties in determining whether to approve or disapprove a proposed response action or site closure.

Sec. 79. Section 456A.19, unnumbered paragraphs 1 and 2, Code 2003, are amended to read as follows:

All funds accruing to the fish and game protection fund, except an equitable portion of the administration fund, shall be expended solely in carrying on the fish and wildlife activities. Expenditures incurred by the department in carrying on the activities shall be only on authorization by the general assembly.

The department shall by October 1 of each year submit to the department of management for transmission to the general assembly a detailed estimate of the amount required by the department during the succeeding year for carrying on the fish and wildlife activities. The estimate shall be in the same general form and detail as required by law in estimates submitted by other state departments.

Sec. 80. Section 456A.21, subsections 1 and 2, Code 2003, are amended to read as follows:

1. A forestry management and enhancement fund is created in the state treasury under the department's control. The fund is composed of moneys deposited into the fund pursuant to section 456A.20, moneys appropriated by the general assembly, and moneys available to and obtained or accepted by the ~~division~~ or the department from the United States or private sources for placement in the fund.

2. Moneys in the fund are subject to an annual audit by the auditor of state. The fund is subject to warrants written by the director of revenue and finance, drawn upon the written requisition of the ~~division~~ department.

Sec. 81. Section 456A.21, subsection 3, paragraph a, Code 2003, is amended to read as follows:

a. Four forestry technicians who shall serve regions of the state as designated by the division department.

Sec. 82. Section 459.102, subsection 29, Code 2003, is amended to read as follows:

29. "Major water source" means a water source that is a lake, reservoir, river, or stream located within the territorial limits of the state, or any marginal river area adjacent to the state, if the water source is capable of supporting a floating vessel capable of carrying one or more persons during a total of a six-month period in one out of ten years, excluding periods of flooding, which has been identified by rules adopted by the commission.

Sec. 83. Section 459.303, subsection 5, paragraph a, unnumbered paragraph 1, Code 2003, is amended to read as follows:

A confinement feeding operation meets threshold requirements under this paragraph subsection if the confinement feeding operation after construction of a proposed confinement feeding operation structure would have a minimum animal unit capacity of the following:

Sec. 84. Section 459.310, subsection 1, paragraph a, Code 2003, is amended to read as follows:

a. A confinement feeding operation structure shall not be constructed closer than five hundred feet away from the surface intake of an agricultural drainage well. A confinement feeding operation structure shall not be constructed closer than one thousand feet from a wellhead, cistern of an agricultural drainage well, or known sinkhole. However, the department may adopt rules requiring an increased separation distance under this paragraph in order to protect the integrity of a water of this the state. The increased separation distance shall not be more than two thousand feet. If the department exercises its discretion to increase the separation distance requirement, the department shall not approve an application for the construction of a confinement

feeding operation structure within that separation distance as provided in section 459.303.

Sec. 85. Section 459.310, subsection 1, paragraph c, subparagraph (2), Code 2003, is amended to read as follows:

(2) A major water source shall not be constructed, expanded, or diverted, if the major water source as constructed, expanded, or diverted is closer than one thousand feet from a confinement feeding operation structure.

Sec. 86. Section 459.312, subsection 10, paragraph a, subparagraph (2), subparagraph subdivision (b), subparagraph subdivision part (i), Code 2003, is amended to read as follows:

(i) The development of a comprehensive state nutrient budget for the maximum volume, frequency, and concentration of nutrients for each watershed that addresses all significant sources of nutrients in a water of ~~this~~ the state on a watershed basis.

Sec. 87. Section 459.604, subsection 1, unnumbered paragraph 2, Code 2003, is amended to read as follows:

This subsection shall not apply unless the department of ~~natural-resources~~ has previously notified the person of the person's classification as a habitual violator. The department shall notify persons classified as habitual violators of their classification, additional restrictions imposed upon the persons pursuant to their classification, and special civil penalties that may be imposed upon the persons. The notice shall be sent to the persons by certified mail.

Sec. 88. Section 466.5, subsection 4, unnumbered paragraph 1, Code 2003, is amended to read as follows:

When establishing a wetland under this ~~subsection~~ section, the department of agriculture and land stewardship shall be governed by the following requirements:

Sec. 89. Section 481B.5, subsections 2 through 4, Code 2003, are amended to read as follows:

2. The United States list of endangered or threatened native fish and wildlife as contained in ~~the Code of Federal Regulations, Title 50, part~~ 50 C.F.R. pt. 17 as amended to December 30, 1991.

3. The United States list of endangered or threatened plants as contained in ~~the Code of Federal Regulations, Title 50, part~~ 50 C.F.R. pt. 17 as amended to December 30, 1991.

4. The United States list of endangered or threatened foreign fish and wildlife as contained in ~~the Code of Federal Regulations, Title 50, part~~ 50 C.F.R. pt. 17 as amended to December 30, 1991.

Sec. 90. Section 490.825, subsection 3, Code 2003, is amended to read as follows:

3. Sections 490.820 through 490.824 apply both to committees of the board and to ~~their~~ committee members.

Sec. 91. Section 490.1701, subsection 1, Code 2003, is amended to read as follows:

1. Except as provided in this subsection or chapter 504, Code 1989, or chapter 504A, this chapter does not apply to or affect entities subject to chapter 504, Code 1989, or chapter 504A. Such entities continue to be governed by all laws of this state applicable to them before December 31, 1989, as those laws are amended. This chapter does not derogate or limit the powers to which such entities are entitled.

Sec. 92. Section 490A.1508, Code 2003, is amended to read as follows:

490A.1508 ISSUANCE OF MEMBERSHIP INTERESTS.

Membership interests of a professional limited liability company shall be issued only to individuals who are licensed to practice in any state a profession which the professional limited liability company is authorized to practice.

Membership interests of a professional limited liability company shall not at any time be issued in, transferred into, or held in joint tenancy, tenancy in common, or any other form of joint ownership or co-ownership. The Iowa uniform

securities Act as provided in chapter 502 shall not be applicable to nor govern any transaction relating to any membership interests of a professional limited liability company.

Sec. 93. Section 504A.100, subsection 2, Code 2003, is amended to read as follows:

2. This chapter shall not apply to any domestic corporation heretofore organized or existing under the provisions of chapter 504, ~~of the~~ Code 1989, nor, for a period of two years from and after July 4, 1965, to any foreign corporation holding a permit under the provisions of said chapter on the said date, unless such domestic or foreign corporation shall voluntarily elect to adopt the provisions of this chapter and shall comply with the procedure prescribed by the provisions of subsection 3 of this section.

Sec. 94. Section 504B.1, Code 2003, is amended to read as follows:

504B.1 CORPORATIONS APPLICABLE.

This chapter shall apply to every corporation organized under chapter 504, Code 1989, or chapter 504A, which corporation is deemed to be a private foundation as defined in section 509 of the Internal Revenue Code, which is incorporated in the state of Iowa after December 31, 1969, and as to any such corporation organized in this state before January 1, 1970, it shall apply only for its federal taxable years beginning on or after January 1, 1972.

Sec. 95. Section 504B.6, unnumbered paragraph 1, Code 2003, is amended to read as follows:

Nothing in this chapter shall limit the power of any nonprofit corporation organized under chapter 504, Code 1989, or organized under chapter 504A:

Sec. 96. Section 514.1, unnumbered paragraph 1, Code 2003, is amended to read as follows:

A corporation organized under ~~former~~ chapter 504, Code 1989, or chapter 504A for the purpose of establishing,

maintaining, and operating a nonprofit hospital service plan, whereby hospital service may be provided by the corporation or by a hospital with which it has a contract for service, to the public who become subscribers to this plan under a contract which entitles each subscriber to hospital service; or a corporation organized for the purpose of establishing, maintaining, and operating a plan whereby health care service may be provided at the expense of this corporation, by licensed physicians and surgeons, dentists, podiatric physicians, osteopathic physicians, osteopathic physicians and surgeons or chiropractors, to subscribers under contract, entitling each subscriber to health care service, as provided in the contract; or a corporation organized for the purpose of establishing, maintaining, and operating a nonprofit pharmaceutical service plan or optometric service plan, whereby pharmaceutical or optometric service may be provided by this corporation or by a licensed pharmacy with which it has a contract for service, to the public who become subscribers to this plan under a contract which entitles each subscriber to pharmaceutical or optometric service; shall be governed by this chapter and is exempt from all other provisions of the insurance laws of this state, unless specifically designated in this chapter, not only in governmental relations with the state but for every other purpose, and additions enacted after ~~the-effective-date-of this-chapter~~ July 1, 1939, shall not apply to these corporations unless they are expressly designated in the additions.

Sec. 97. Section 514.2, Code 2003, is amended to read as follows:

514.2 INCORPORATION.

Persons desiring to form a nonprofit hospital service corporation, or a nonprofit medical service corporation, or a nonprofit pharmaceutical or optometric service corporation shall incorporate under the provisions of chapter 504, Code

1989, or chapter 504A, as supplemented and amended herein and any acts amendatory thereof.

Sec. 98. Section 514.5, unnumbered paragraph 1, Code 2003, is amended to read as follows:

A hospital service corporation organized under ~~former~~ chapter 504, Code 1989, or chapter 504A may enter into contracts for the rendering of hospital service to any of its subscribers with hospitals maintained and operated by the state or any of its political subdivisions, or by any corporation, association, or individual. Such hospital service corporation may also contract with an ambulatory surgical facility to provide surgical services to the corporation's subscribers. Hospital service is meant to include bed and board, general nursing care, use of the operating room, use of the delivery room, ordinary medications and dressings and other customary routine care. Ambulatory surgical facility means a facility constructed and operated for the specific purpose of providing surgery to patients admitted to and discharged from the facility within the same day.

Sec. 99. Section 537.1303, subsection 10, Code 2003, is amended to read as follows:

10. "Pursuant to a credit card". Section 537.1301, subsection ~~17~~ 16.

Sec. 100. Section 542.7, subsection 8, unnumbered paragraph 1, Code 2003, is amended to read as follows:

The board, by rule, shall require as a condition ~~to~~ of renewal of a permit to practice as a certified public accounting firm, that an applicant undergo, no more frequently than once every three years, a peer review conducted in such manner as the board specifies. The review shall include a verification that any individual in the firm who is responsible for supervising attest and compilation services and who signs or authorizes someone to sign the accountant's report on a financial statement on behalf of the firm meets

the competency requirements set forth in the professional standards for such services.

Sec. 101. Section 542.8, subsection 17, Code 2003, is amended to read as follows:

17. The board, by rule, shall require as a condition ~~to~~ of renewal of a permit to practice as a licensed public accounting firm, that an applicant undergo, no more frequently than once every three years, a peer review conducted in such manner as the board specifies. The review shall include verification that any individual in the firm who is responsible for supervising compilation services and who signs or authorizes someone to sign the accountant's report on a financial statement on behalf of the firm meets the competency requirements set forth in the professional standards for such services. Such rules shall include reasonable provision for compliance by an applicant showing that the applicant, within the preceding three years, has undergone a peer review that is a satisfactory equivalent to the peer review required under this subsection. An applicant's completion of a peer review program endorsed or supported by the national society of accountants, or other substantially similar review as determined by the board, satisfies the requirements of this subsection.

Sec. 102. Section 544B.1, subsection 2, Code 2003, is amended to read as follows:

2. ~~The-~~practice "Practice of landscape architecture" means the performance of professional services such as consultations, investigations, reconnaissance, research, planning, design, or responsible supervision in connection with projects involving the arranging of land and the elements thereon for public and private use and enjoyment, including the alignment of roadways and the location of buildings, service areas, parking areas, walkways, steps, ramps, pools and other structures, and the grading of the land, surface and subsoil drainage, erosion control, planting, reforestation,

and the preservation of the natural landscape and aesthetic values, in accordance with accepted professional standards of public health, welfare, and safety. This practice shall include the location and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined in this chapter but shall not include the design of structures or facilities with separate and self-contained purposes for habitation or industry, or the design of public streets and highways, utilities, storm and sanitary sewers, and sewage treatment facilities, such as are ordinarily included in the practice of engineering or architecture; and shall not include the making of land surveys or final land plats for official approval or recording. Nothing contained in this chapter shall be construed as authorizing a professional landscape architect to engage in the practice of architecture, engineering, or land surveying.

Sec. 103. Section 554.9706, subsection 2, paragraph a, Code 2003, is amended to read as follows:

a. if the initial financing statement is filed before July 1, 2001, for the period provided in former section 554.9403, Code 2001, with respect to a financing statement; and

Sec. 104. Section 554.11103, Code 2003, is amended to read as follows:

554.11103 **TRANSITION TO THIS CHAPTER AS AMENDED -- GENERAL RULE.**

Transactions validly entered into after July 4, 1966, and before January 1, 1975, which were subject to the provisions of this chapter prior to amendment and which would be subject to this chapter as amended if they had been entered into on or after January 1, 1975, and the rights, duties and interests flowing from such transactions remain valid after January 1, 1975, and may be terminated, completed, consummated or enforced as required or permitted by this chapter as amended. Security interests arising out of such transactions which are perfected on January 1, 1975, shall remain perfected until

they lapse or are terminated as provided in this chapter as amended, and may be continued as permitted by this chapter as amended, ~~except as stated in section 554.11105.~~

Sec. 105. Section 616.10, Code 2003, is amended to read as follows:

616.10 INSURANCE COMPANIES.

Insurance companies may be sued in any county in which their principal place of business is kept, or in which the contract of insurance was made, or in which the loss insured against occurred, or, in case of insurance against death or disability, in the county of the domicile of the insured at the time the loss occurred, or in the county of plaintiff's residence. As used in this section the term "insurance companies" includes nonprofit hospital service corporations and nonprofit medical service corporations which have incorporated under the provisions of chapter 504, Code 1989, or chapter 504A.

Sec. 106. Section 618.5, Code 2003, is amended to read as follows:

618.5 PERMISSIBLE SELECTION.

Publications may be made in a newspaper published at least once a week ~~or oftener.~~

Sec. 107. Section 618.9, Code 2003, is amended to read as follows:

618.9 DAYS OF PUBLICATION.

When the publication is in a newspaper which is published ~~oftener than~~ more than once a week, the succeeding publications of such notice shall be on the same day of the week as the first publication. This section shall not apply to any notice for the publication of which provision inconsistent herewith is specially made.

Sec. 108. Section 633.63, subsection 3, Code 2003, is amended to read as follows:

3. A private nonprofit corporation organized under chapter 504, Code 1989, or chapter 504A is qualified to act as a

guardian, as defined in section 633.3, subsection 20, or a conservator, as defined in section 633.3, subsection 7, where the assets subject to the conservatorship at the time when such corporation is appointed conservator are less than or equal to seventy-five thousand dollars and the corporation does not possess a proprietary or legal interest in an organization which provides direct services to the individual.

Sec. 109. Section 633.4214, subsection 3, paragraph c, Code 2003, is amended to read as follows:

c. This subsection does not apply to the following:

(1) A power held by the settlor's spouse who is the trustee of a trust for which a marital deduction, as defined in section 2056(b)(5) or 2523(e) of the Internal Revenue Code of 1986, that was previously allowed.

(2) A trust that may be revoked or amended by the settlor.

(3) A trust, if contributions to the trust which qualify for an annual exclusion under section 2503(c) of the Internal Revenue Code of 1986.

Sec. 110. Section 637.601, unnumbered paragraph 1, Code 2003, is amended to read as follows:

For purposes of this section subchapter:

Sec. 111. Section 637.605, subsection 2, Code 2003, is amended to read as follows:

2. The trustee appoints a disinterested person who, in its the person's sole discretion, but acting in a fiduciary capacity, determines for the trustee the method to be used in determining the fair market value of the trust, and which assets, if any, are to be excluded in determining the unitrust amount.

Sec. 112. Section 656.2, subsection 2, paragraph a, unnumbered paragraph 11, Code 2003, is amended to read as follows:

The request for notice shall be indexed ~~pursuant to section~~ 558-50.

Sec. 113. Section 709.19, subsection 1, Code 2003, is amended to read as follows:

1. Upon the filing of an affidavit by a victim, or a parent or guardian on behalf of a minor who is a victim, of a crime of that is a sexual offense in violation of section 709.2, 709.3, 709.4, 709.8, 709.9, 709.11, 709.12, 709.14, 709.15, or 709.16, which that states that the presence of or contact with the defendant whose release from jail or prison is imminent or who has been released from jail or prison continues to pose a threat to the safety of the victim, persons residing with the victim, or members of the victim's immediate family, the court shall enter a temporary no-contact order which shall require the defendant to have no contact with the victim, persons residing with the victim, or members of the victim's immediate family.

Sec. 114. Section 717D.1, Code 2003, is amended to read as follows:

717D.1 DEFINITIONS.

As used in this chapter:

1. "Animal" means a nonhuman vertebrate.
2. "Contest animal" means a bull, bear, chicken, or dog.
3. "Contest device" means equipment designed to enhance a contest animal's entertainment value during training or a contest event, including a device to improve the contest animal's competitiveness.
4. "Contest event" means a function organized for the entertainment or profit of spectators where a contest animal is injured, tormented, or killed, if the contest animal is a bull involved in a bullfight or bull baiting, a bear involved in bear baiting, a chicken involved in cock fighting, or a dog involved in dog fighting.
5. "Establishment" means the location where a contest event occurs or is to occur, regardless of whether a contest animal is present at the establishment or the contest animal is witnessed by means of an electronic signal transmitted to the location.

6. "Livestock" means the same as defined in section 717.1.

7. "Local authority" means the same as defined in section 717B.1.

8. "Promoter" means a person who charges admission for entry into an establishment or organizes, holds, advertises, or otherwise conducts a contest event.

9. "Spectator" means a person who attends an establishment for purposes of witnessing a contest event.

10. "Trainer" means a person who trains a contest animal for purposes of engaging in a contest event, regardless of where the contest event is located. A trainer includes a person who uses a contest device.

11. "Transporter" means a person who moves a contest animal for delivery to a training location or a contest event location.

Sec. 115. Section 802.5, Code 2003, is amended to read as follows:

802.5 EXTENSION FOR FRAUD, FIDUCIARY BREACH.

If the ~~period~~ periods prescribed in sections 802.3 and 802.4 ~~has~~ have expired, prosecution may nevertheless be commenced for any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has legal duty to represent an aggrieved party and who is not a party to the offense, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years.

Sec. 116. Section 805.8A, subsection 3, paragraph e, Code 2003, is amended to read as follows:

e. For a violation of section 321.430, the scheduled violation fine is thirty-five dollars.

Sec. 117. Section 805.8A, subsection 4, paragraph b, Code 2003, is amended to read as follows:

b. For a violation of section 321.216, the scheduled violation fine is seventy-five dollars.

Sec. 118. Section 805.8A, subsection 10, paragraph b, Code 2003, is amended to read as follows:

b. For a violation under section 321.372, subsection 3, the scheduled ~~violation~~ fine is one hundred dollars.

Sec. 119. Section 809A.14, subsection 4, unnumbered paragraph 1, Code 2003, is amended to read as follows:

Notice of the issuance of a temporary restraining order and an opportunity for a hearing shall be given to persons known to have an interest in the property. A hearing shall be held at the earliest possible date in accordance with R.C.P.--326 rule of civil procedure 1.1507, and shall be limited to the following issues:

Sec. 120. Section 907B.2, Article I, subsection 7, Code 2003, is amended to read as follows:

7. MEMBER. "Member" means the commissioner of a compacting state or a designee, who shall be a person officially connected with the commissioner.

Sec. 121. Section 907B.2, Article IV, subsection 10, Code 2003, is amended to read as follows:

10. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same.

Sec. 122. Section 907B.2, Article VII, subsection 7, paragraph j, Code 2003, is amended to read as follows:

j. Mediation, arbitration and dispute resolution. The existing rules governing the operation of the previous compact superseded by this ~~Act~~ compact shall be null and void twelve months after the first meeting of the interstate commission created hereunder.

Sec. 123. 2002 Iowa Acts, chapter 1017, section 4, is amended to read as follows:

SEC. 4. Section 331.602, subsection 13, Code Supplement 2001, is amended by striking the subsection.

Sec. 124. 2002 Iowa Acts, chapter 1093, section 3, is amended by striking the section and inserting in lieu thereof the following:

SEC. 3. Section 166D.10, subsection 4, paragraph b, subparagraph (2), subparagraph subdivision (a), unnumbered paragraph 1, Code 2001, is amended to read as follows:

Except as provided in this subparagraph, the owner of swine shall vaccinate the swine with a modified-live differentiable vaccine, prior to moving swine into the stage II county. ~~A statistical-sampling-of-the-swine-moved-into-a-herd-as provided-in-this-subparagraph-shall-be-tested-using-a differentiable-test-within-thirty-days-after-the-swine-is moved-to-a-herd-in-this-state.--If-a-swine-reacts-positively to-the-test,-the-herd-is-an-infected-herd.~~ A person is not required to vaccinate swine prior to moving swine into the stage II county ~~or-test-the-swine-after-the-swine-has-been moved-to-a-herd-in-the-stage-II-county,~~ if one of the following applies:

Sec. 125. 2002 Iowa Acts, chapter 1119, section 108, is amended to read as follows:

SEC. 108. Section 229.26, Code Supplement 2001, is amended by striking the words "third edition,".

Sec. 126. 2002 Iowa Acts, chapter 1132, section 9, is amended by striking the section and inserting in lieu thereof the following:

SEC. 9. Section 368.11, unnumbered paragraph 4, Code Supplement 2001, is amended to read as follows:

At least ~~ten~~ fourteen business days before a petition for involuntary annexation is filed as provided in this section, the petitioner shall make its intention known by sending a letter of intent by certified mail to the council of each city whose urbanized area contains a portion of the territory, the board of supervisors of each county which contains a portion of the territory, the regional planning authority of the territory involved, each affected public utility, and to each property owner listed in the petition. The written notification shall include notice that the petitioners shall hold a public meeting on the petition for involuntary annexation prior to the filing of the petition.

Sec. 127. 2002 Iowa Acts, chapter 1140, section 28, is amended by striking the section and inserting in lieu thereof the following:

SEC. 28. Section 285.12, Code Supplement 2001, is amended to read as follows:

285.12 DISPUTES -- HEARINGS AND APPEALS.

In the event of a disagreement between a school patron and the board of the school district, the patron if dissatisfied with the decision of the district board, may appeal ~~the same~~ to the area education agency board, notifying the secretary of the district in writing within ten days of the decision of the board and by filing an affidavit of appeal with the agency board within the ten-day period. The affidavit of appeal shall include the reasons for the appeal and points at issue. The secretary of the local board on receiving notice of appeal shall certify all papers to the agency board which shall hear the appeal within ten days of the receipt of the papers and decide it within three days of the conclusion of the hearing and shall immediately notify all parties of its decision. Either party may appeal the decision of the agency board to the director of the department of education by notifying the opposite party and the agency administrator in writing within five days after receipt of notice of the decision of the agency board and by filing with the director of the department of education an affidavit of appeal, reasons for appeal, and the facts involved in the disagreement within five days after receipt of notice of the decision of the agency board. The agency administrator shall, within ten days of said receipt of the notice, file with the director all records and papers pertaining to the case, including action of the agency board. The director shall hear the appeal within fifteen days of the filing of the records in the director's office, notifying all parties and the agency administrator of the date and time of hearing. The director shall ~~forthwith decide the same and~~ notify all parties of the decision and return all papers with

a copy of the decision to the agency administrator. The decision of the director shall be subject to judicial review in accordance with ~~the-terms-of-the-Iowa-administrative~~ procedure-Act chapter 17A. Pending final order made by the director, upon any appeal prosecuted to such director, the order of the agency board from which the appeal is taken shall be operative and be in full force and effect.

Sec. 128. 2002 Iowa Acts, chapter 1149, section 2, is amended by striking the section and inserting in lieu thereof the following:

SEC. 2. Section 137F.6, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 7. For a farmers market where potentially hazardous food is sold or distributed, one seasonal license fee of one hundred dollars for each vendor on a countywide basis.

Sec. 129. 2002 Iowa Acts, chapter 1175, section 41, the bill section amending clause, is amended to read as follows:

Section 546.10, subsection 3, unnumbered paragraph 2, if enacted by 2002 Iowa Acts, Senate File 2326, section 32, is amended to read as follows:

Sec. 130. 2001 Iowa Acts, chapter 55, section 31, is amended by striking the section and inserting in lieu thereof the following:

SEC. 31. Section 502.102, subsection 11, paragraph c, subparagraphs (3) and (4), Code 2001, are amended to read as follows:

(3) An attorney licensed to practice law in this state, a certified public accountant licensed pursuant to chapter ~~542E~~ 542D, a professional engineer licensed pursuant to chapter 542B, or a certified teacher, if the person's performance of these services is solely incidental to the practice of the person's profession.

(4) An attorney licensed to practice law in this state or a certified public accountant licensed pursuant to chapter ~~542E~~ 542D who does not do any of the following:

(a) Exercise investment discretion regarding the assets of a client or maintain custody of the assets of a client for the purpose of investing the assets, except when the person is acting as a bona fide fiduciary in a capacity such as an executor, administrator, trustee, estate or trust agent, guardian, or conservator.

(b) Accept or receive directly or indirectly any commission, fee, or other remuneration contingent upon the purchase or sale of any specific security by a client of such person.

(c) Provide advice regarding the purchase or sale of specific securities. However, this subparagraph subdivision (c) shall not apply when the advice about specific securities is based on a financial statement analysis or tax considerations that are reasonably related to and in connection with the person's profession.

Sec. 131. Sections 513C.3, 514E.1, 514I.1 through 514I.9, and 514I.11, Code 2003, are amended by striking the term "HAWK-I" and inserting in lieu thereof the term "hawk-i". The Code editor is directed to replace the term "HAWK-I" with the term "hawk-i" in any other statute contained in the 2003 Code or which is amended or enacted in other legislation enacted during the 2003 Session of the 80th General Assembly. The Code editor is further directed to make the same replacement in statutes appearing in any legislation that was enacted prior to the 2003 Session of the 80th General Assembly, but that will be codified on or after the effective date of this Act.

Sec. 132. **RETROACTIVE APPLICABILITY AND EFFECTIVE DATES.**

- ✓1. The amendment in this Act to section 29A.90, subsection 3, Code 2003, is retroactively applicable to April 22, 2002.
- ✓2. The section of this Act amending 2002 Iowa Acts, chapter 1093, section 3, takes effect upon enactment and is retroactively applicable to April 8, 2002.

- ✓ 3. The sections of this Act amending 2002 Iowa Acts, chapter 1119, section 108 and 2002 Iowa Acts, chapter 1132, section 9, take effect upon enactment and are retroactively applicable to July 1, 2002.
- ✓ 4. The sections of this Act amending 2002 Iowa Acts, chapter 1140, section 28 and 2002 Iowa Acts, chapter 1149, section 2, take effect upon enactment and are retroactively applicable to May 2, 2002.
5. This section is effective upon enactment.

CHRISTOPHER C. RANTS
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 171, Eightieth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2003

THOMAS J. VILSACK
Governor