

FEB 11 2004  
Place On Calendar

HOUSE FILE 2208  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 549)

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:

HF 2208

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1 Section 1. Section 2B.10, Code Supplement 2003, is amended  
2 to read as follows:

3 2B.10 ~~SESSION-LAWS~~ IOWA ACTS.

4 1. The arrangement of the Acts and resolutions, and the  
5 size, style, type, binding, general arrangement, and tables of  
6 the ~~session-laws~~ Iowa Acts shall be printed and published in  
7 the manner determined by the Iowa Code editor in accordance  
8 with the policies set by the legislative council as provided  
9 in section 2.42.

10 2. Chapters of the first regular session shall be numbered  
11 from one and chapters of the second regular session shall be  
12 numbered from one thousand one.

13 3. A list of elective state officers and deputies, supreme  
14 court justices, judges of the court of appeals, and members of  
15 the general assembly shall be published annually with the  
16 ~~session-laws~~ Iowa Acts.

17 4. A statement of the condition of the state treasury  
18 shall be included, as provided by the Constitution of the  
19 State of Iowa. The statement shall be furnished by the  
20 director of the department of administrative services.

21 5. The enrolling clerks of the house and senate shall  
22 arrange for the Iowa Code editor to receive suitable copies of  
23 all Acts and resolutions as soon as they are enrolled.

24 6. A notation of the filing of an estimate of a state  
25 mandate prepared by the legislative services agency pursuant  
26 to section 25B.5 shall be included in the ~~session-laws~~ Iowa  
27 Acts with the text of an enacted bill or joint resolution  
28 containing the state mandate.

29 Sec. 2. Section 2B.17, subsection 2, Code Supplement 2003,  
30 is amended to read as follows:

31 2. The ~~session-laws~~ Acts of each general assembly shall be  
32 known as "Acts of the .. General Assembly, .. Session,  
33 Chapter (or File No.) .., Section .." (inserting the  
34 appropriate numbers) and shall be cited as ".. Iowa Acts,  
35 chapter .., section .." (inserting the appropriate year,

1 chapter, and section number).

2 Sec. 3. Section 3.3, Code 2003, is amended to read as  
3 follows:

4 3.3 HEADNOTES AND HISTORICAL REFERENCES.

5 Proper headnotes may be placed at the beginning of a  
6 section of a bill, and at the end of the section there may be  
7 placed a reference to the section number of the Code, or any  
8 ~~session-law~~ Iowa Act from which the matter of the bill was  
9 taken, but, except as provided in the Uniform Commercial Code,  
10 section 554.1109, neither said headnotes nor said historical  
11 references shall be considered as a part of the law as  
12 enacted.

13 Sec. 4. Section 7J.1, subsection 1, Code Supplement 2003,  
14 is amended to read as follows:

15 1. DESIGNATION OF CHARTER AGENCIES -- PURPOSE. The  
16 governor may, by executive order, designate state departments  
17 or agencies, as described in section 7E.5, or the Iowa lottery  
18 authority established in chapter 99G, other than the  
19 department of administrative services, ~~if the department is~~  
20 ~~established in law~~, or the department of management, as a  
21 charter agency by July 1, 2003. The designation of a charter  
22 agency shall be for a period of five years which shall  
23 terminate as of June 30, 2008. The purpose of designating a  
24 charter agency is to grant the agency additional authority as  
25 provided by this chapter while reducing the total  
26 appropriations to the agency.

27 Sec. 5. Section 8.59, Code Supplement 2003, is amended to  
28 read as follows:

29 8.59 APPROPRIATIONS FREEZE.

30 Notwithstanding contrary provisions of the Code, the  
31 amounts appropriated under the applicable sections of the Code  
32 for fiscal years commencing on or after July 1, 1993, are  
33 limited to those amounts expended under those sections for the  
34 fiscal year commencing July 1, 1992. If an applicable section  
35 appropriates moneys to be distributed to different recipients

1 and the operation of this section reduces the total amount to  
2 be distributed under the applicable section, the moneys shall  
3 be prorated among the recipients. As used in this section,  
4 "applicable sections" means ~~the following~~ sections: 53.50,  
5 229.35, 230.8, 230.11, 411.20, and 663.44.

6 Sec. 6. Section 8A.124, Code Supplement 2003, is amended  
7 to read as follows:

8 8A.124 ADDITIONAL PERSONNEL.

9 The department may employ, upon the approval of the  
10 department of management, such additional personnel in excess  
11 of the number of full-time equivalent positions authorized by  
12 the general assembly if such additional personnel are  
13 reasonable and necessary to perform such duties as required to  
14 meet the needs of the department to provide services to other  
15 governmental entities and as authorized by this chapter. The  
16 director shall notify in writing the department of management,  
17 the legislative fiscal committee, and the legislative services  
18 agency of any additional personnel employed pursuant to this  
19 section.

20 Sec. 7. Section 8A.402, subsection 2, paragraph c, Code  
21 Supplement 2003, is amended to read as follows:

22 c. Encourage and exercise leadership in the development of  
23 effective personnel administration within the several state  
24 agencies, and to make available the facilities of the  
25 department to this end.

26 Sec. 8. Section 8A.502, subsection 14, paragraph b,  
27 unnumbered paragraph 1, Code Supplement 2003, is amended to  
28 read as follows:

29 Modify the centralized statewide accounting system and  
30 develop, or require to be developed by the appropriate  
31 departments of state government, the **necessary** reports and  
32 procedures necessary to complete the managerial and financial  
33 reports required to comply with the federal law.

34 Sec. 9. Section 11.27, subsection 2, Code 2003, is amended  
35 to read as follows:

1 2. The results of an audit of the documents and the  
2 records of the department of management created in the-budget  
3 ~~and-financial-control-Act~~ chapter 8, which records shall be  
4 audited by the auditor; and, the results of the auditor's  
5 audit of all taxes and other revenue collected and paid into  
6 the treasury, and the sources thereof.

7 Sec. 10. Section 15.269, subsection 2, paragraph b,  
8 subparagraph (1), subparagraph subdivision (a), Code  
9 Supplement 2003, is amended to read as follows:

10 (a) Each cogeneration pilot project facility must involve  
11 two hundred megawatts or less of electricity, in combination  
12 with one or more other cogeneration pilot project facilities.

13 Sec. 11. Section 28.4, subsection 12, paragraph d,  
14 subparagraph (1), Code Supplement 2003, is amended to read as  
15 follows:

16 (1) Moneys for the healthy opportunities for parents to  
17 experience success -- healthy families Iowa program under  
18 section 135.106 by the fiscal year beginning July 1, 2000, and  
19 ending June 30, 2001.

20 Sec. 12. Section 29A.1, subsection 1, Code 2003, is  
21 amended to read as follows:

22 1. "Active-state State military service" means training or  
23 operational duty or other service authorized and performed  
24 under the provisions of 32 U.S.C. or other federal law or  
25 regulation as part of the Iowa army national guard or Iowa air  
26 national guard and paid for with federal funds.

27 Sec. 13. Section 29A.8A, Code 2003, is amended to read as  
28 follows:

29 29A.8A ACTIVE-STATE STATE MILITARY SERVICE.

30 If federal funding and authorization exist for this  
31 purpose, the governor may order to active state military  
32 service the military forces of the Iowa army national guard or  
33 Iowa air national guard as the governor may deem appropriate  
34 for the purposes of homeland security, homeland defense, or  
35 other duty. A state employee shall take either a full day's

1 leave or eight hours of compensatory time on a day in which  
2 the state employee receives a full day's pay from federal  
3 funds for national guard duty.

4 Sec. 14. Section 29A.28, subsections 1 and 3, Code  
5 Supplement 2003, are amended to read as follows:

6 1. All officers and employees of the state, or a  
7 subdivision thereof, or a municipality other than employees  
8 employed temporarily for six months or less, who are members  
9 of the national guard, organized reserves or any component  
10 part of the military, naval, or air forces or nurse corps of  
11 this state or nation, or who are or may be otherwise inducted  
12 into the military service of this state or of the United  
13 States, shall, when ordered by proper authority to state  
14 active duty, ~~active~~ state military service, or federal  
15 service, be entitled to a leave of absence from such civil  
16 employment for the period of state active duty, ~~active~~ state  
17 military service, or federal service, without loss of status  
18 or efficiency rating, and without loss of pay during the first  
19 thirty days of such leave of absence. Where state active  
20 duty, ~~active~~ state military service, or federal service is for  
21 a period less than thirty days, a leave of absence under this  
22 section shall only be required for those days that the civil  
23 employee would normally perform services for the state,  
24 subdivision of the state, or a municipality.

25 3. Upon returning from a leave of absence under this  
26 section, an employee shall be entitled to return to the same  
27 position and classification held by the employee at the time  
28 of entry into state active duty, ~~active~~ state military  
29 service, or federal service or to the position and  
30 classification that the employee would have been entitled to  
31 if the continuous civil service of the employee had not been  
32 interrupted by state active duty, ~~active~~ state military  
33 service, or federal service. Under this subsection,  
34 "position" includes the geographical location of the position.

35 Sec. 15. Section 29A.90, subsection 3, Code Supplement

1 2003, is amended to read as follows:

2 3. "Military service" means full-time **active** state  
3 military service or state active duty, as defined in section  
4 29A.1, for a period of at least ninety consecutive days,  
5 commencing on or after April 22, 2002.

6 Sec. 16. Section 29B.13, unnumbered paragraph 1, Code  
7 2003, is amended to read as follows:

8 Under regulations as may be prescribed under this code a  
9 person subject to this code who is on **active** state military  
10 service or state active duty who is accused of an offense  
11 against civil authority may be delivered, upon request, to the  
12 civil authority for trial.

13 Sec. 17. Section 72.5, subsection 2, Code 2003, is amended  
14 to read as follows:

15 2. In connection with development of a statewide building  
16 energy efficiency rating system, pursuant to section 473.40,  
17 the director of the department of natural resources in  
18 consultation with the department of management, state building  
19 code ~~director~~ commissioner, and state fire marshal, shall  
20 develop standards and methods to evaluate design development  
21 documents and construction documents based upon the energy  
22 efficiency rating system for public buildings, and other life  
23 cycle cost factors, to facilitate fair and uniform comparisons  
24 between design proposals and informed decision making by  
25 public bodies.

26 Sec. 18. Section 80.35, Code Supplement 2003, is amended  
27 to read as follows:

28 80.35 TRANSITION.

29 Persons employed by the department of **administrative**  
30 general services as capitol security force officers shall be  
31 transferred to the division of capitol security of the  
32 department of public safety on July 1, 1976. Persons  
33 transferred pursuant to this section shall retain their  
34 positions as capitol police officers, shall not be subject to  
35 the requirements and conditions of section 80.15, and shall

1 remain under the Iowa public employees' retirement system.  
2 Persons employed after July 1, 1976, by the department of  
3 public safety as capitol police officers within the division  
4 of capitol police shall be subject to the requirements and  
5 conditions of section 80.15, except those requirements  
6 relating to age, and shall be subject to the Iowa public  
7 employees' retirement system. The minimum age for persons  
8 employed by the division of capitol police shall be eighteen.

9 Sec. 19. Section 80B.5, Code 2003, is amended to read as  
10 follows:

11 80B.5 ADMINISTRATION.

12 The administration of ~~the-Iowa-law-enforcement-academy-and~~  
13 ~~council-Act~~ this chapter shall be vested in the office of the  
14 governor. A director of the academy and such staff as may be  
15 necessary for it to function shall be employed pursuant to the  
16 Iowa merit system.

17 Sec. 20. Section 80B.11E, subsection 4, Code Supplement  
18 2003, is amended to read as follows:

19 4. An individual who has not been hired by a law  
20 enforcement agency must be hired by a law enforcement agency  
21 within eighteen months of completing the appropriate  
22 coursework at the law enforcement academy in order to obtain  
23 certification pursuant to this ~~section~~ chapter.

24 Sec. 21. Section 96.7, subsection 12, paragraph a, Code  
25 Supplement 2003, is amended to read as follows:

26 a. An employer other than a governmental entity or a  
27 nonprofit organization, subject to this chapter, shall pay an  
28 administrative contribution surcharge equal in amount to one-  
29 tenth of one percent of federal taxable wages, as defined in  
30 section 96.19, subsection 37, paragraph "b", subject to the  
31 surcharge formula to be developed by the department under this  
32 paragraph. The department shall develop a surcharge formula  
33 that provides a target revenue level of no greater than six  
34 million five hundred twenty-five thousand dollars for calendar  
35 years 2003, 2004, and 2005 and a target revenue level of no

1 greater than three million two hundred sixty-two thousand five  
2 hundred dollars for calendar year 2006 and each subsequent  
3 calendar year. The department shall reduce the administrative  
4 contribution surcharge established for any calendar year  
5 proportionate to any federal government funding that provides  
6 an increased allocation of moneys for workforce development  
7 offices, under the federal employment services financing  
8 reform legislation. Any administrative contribution surcharge  
9 revenue that is collected in calendar year 2003, 2004, or 2005  
10 in excess of six million five hundred twenty-five thousand  
11 dollars or in calendar year 2006 or a subsequent calendar year  
12 in excess of three million two hundred sixty-two thousand five  
13 hundred dollars shall be deducted from the amount to be  
14 collected in the subsequent calendar year 2003 before the  
15 department establishes the administrative contribution  
16 surcharge. The department shall recompute the amount as a  
17 percentage of taxable wages, as defined in section 96.19,  
18 subsection 37, and shall add the percentage surcharge to the  
19 employer's contribution rate determined under this section.  
20 The percentage surcharge shall be capped at a maximum of seven  
21 dollars per employee. The department shall adopt rules  
22 prescribing the manner in which the surcharge will be  
23 collected. Interest shall accrue on all unpaid surcharges  
24 under this subsection at the same rate as on regular  
25 contributions and shall be collectible in the same manner.  
26 Interest accrued and collected under this paragraph and  
27 interest earned and credited to the fund under paragraph "b"  
28 shall be used by the department only for the purposes set  
29 forth in paragraph "c".

30 Sec. 22. Section 99B.9, subsection 1, unnumbered paragraph  
31 1, Code Supplement 2003, is amended to read as follows:

32 Except as otherwise permitted by section 99B.3, 99B.5,  
33 99B.6, 99B.7, 99B.8, 99B.11, or 99B.12A, it is unlawful to  
34 permit gambling on any premises owned, leased, rented, or  
35 otherwise occupied by a person other than a government,

1 governmental agency, or governmental subdivision, unless all  
2 of the following are complied with:

3 Sec. 23. Section 99D.24, subsection 4, unnumbered  
4 paragraph 1, Code 2003, is amended to read as follows:

5 A person commits a class "D" felony and, in addition, shall  
6 be barred for life from racetracks under the ~~jurisdiction~~  
7 jurisdiction of the commission, if the person does any of the  
8 following:

9 Sec. 24. Section 99G.8, subsection 9, Code Supplement  
10 2003, is amended to read as follows:

11 9. Board members shall be considered to hold public office  
12 and shall give bond ~~as-such~~ as required in chapter 64.

13 Sec. 25. Section 99G.10, subsection 8, Code Supplement  
14 2003, is amended to read as follows:

15 8. A background investigation shall be conducted by the  
16 department of public safety, division of criminal  
17 investigation, on each applicant who has reached the final  
18 selection process prior to employment by the authority. For  
19 positions not designated as sensitive by the board, the  
20 investigation may consist of a state criminal history  
21 background check, work history, and financial review. The  
22 board shall identify those sensitive positions of the  
23 authority which require full background investigations, which  
24 positions shall include, at a minimum, any officer of the  
25 authority, and any employee with operational management  
26 responsibilities, security duties, or system maintenance or  
27 programming responsibilities related to the authority's data  
28 processing or network hardware, software, communication, or  
29 related systems. In addition to a work history and financial  
30 review, a full background investigation may include a national  
31 criminal history ~~record~~ check through the federal bureau of  
32 investigation. The screening of employees through the federal  
33 bureau of investigation shall be conducted by submission of  
34 fingerprints through the state criminal history ~~record~~  
35 repository to the federal bureau of investigation. The

1 results of background investigations conducted pursuant to  
2 this section shall not be considered public records under  
3 chapter 22.

4 Sec. 26. Section 99G.33, Code Supplement 2003, is amended  
5 to read as follows:

6 99G.33 LAW ENFORCEMENT INVESTIGATIONS.

7 The department of public safety, division of criminal  
8 investigation, shall be the primary state agency responsible  
9 for investigating criminal violations under this chapter. The  
10 chief executive officer shall contract with the department of  
11 public safety for investigative services, including the  
12 employment of special agents and support personnel, and  
13 procurement of necessary equipment to carry out the  
14 responsibilities of the division of criminal investigation  
15 under the terms of the agreement contract and this chapter.

16 Sec. 27. Section 100.35, unnumbered paragraph 2, Code  
17 2003, is amended to read as follows:

18 Rules by the fire marshal affecting the construction of new  
19 buildings, additions to buildings or rehabilitation of  
20 existing buildings and related to fire protection, shall be  
21 substantially in accord with the provisions of the nationally  
22 recognized building and related codes adopted as the state  
23 building code pursuant to section 103A.7 or with codes adopted  
24 by a local subdivision which are in substantial accord with  
25 the codes comprising the state building code.

26 Sec. 28. Section 100.38, Code 2003, is amended to read as  
27 follows:

28 100.38 CONFLICTING STATUTES.

29 Provisions of this chapter in conflict with the state  
30 building code, as adopted pursuant to section 103A.7, shall  
31 not apply where the state building code has been adopted or  
32 when the state building code applies throughout the state.

33 Sec. 29. Section 100.39, unnumbered paragraph 3, Code  
34 2003, is amended to read as follows:

35 Plans and installation of systems shall be approved by the

1 state fire marshal, a designee of the state fire marshal, or  
2 local authorities having jurisdiction. Except where local  
3 fire protection regulations are more stringent, the provisions  
4 of this section shall be applicable to all buildings, whether  
5 privately or publicly owned. The definition of terms shall be  
6 in conformity, insofar as possible, with definitions found in  
7 the state building code adopted pursuant to section 103A.7.

8 Sec. 30. Section 100B.8, Code Supplement 2003, is amended  
9 to read as follows:

10 100B.8 EMPLOYEES.

11 Employees of the fire service institute at Iowa state  
12 university on July 1, 2000, may elect to transfer to the  
13 department of public safety in a position and at a pay range  
14 commensurate with their duties as determined by the department  
15 of ~~administrative-services~~ personnel, the department of public  
16 safety, and the employee's certified collective bargaining  
17 representative.

18 Sec. 31. Section 124.401, subsection 1, paragraph b,  
19 subparagraph (8), Code Supplement 2003, is amended to read as  
20 follows:

21 (8) More than five grams but not more than five kilograms  
22 of amphetamine, its salts, isomers, or salts of isomers, or  
23 any compound, mixture, or preparation which contains any  
24 quantity of or detectable amount of amphetamine, its salts,  
25 isomers, and salts of isomers.

26 Sec. 32. Section 135.18, Code 2003, is amended to read as  
27 follows:

28 135.18 CONFLICTING STATUTES.

29 Provisions of this chapter in conflict with the state  
30 building code, as adopted pursuant to section 103A.7, shall  
31 not apply where the state building code has been adopted or  
32 when the state building code applies throughout the state.

33 Sec. 33. Section 135.142, subsection 2, Code Supplement  
34 2003, is amended to read as follows:

35 2. If a public health disaster exists or there is

1 reasonable cause to believe that a public health disaster is  
2 imminent and if the public health disaster or belief that a  
3 public health disaster is imminent results in a statewide or  
4 regional shortage or threatened shortage of any product  
5 described under subsection 1, whether or not such product has  
6 been purchased by the department, the department may control,  
7 restrict, and regulate by rationing and using quotas,  
8 prohibitions on shipments, allocation, or other means, the  
9 use, sale, dispensing, distribution, or transportation of the  
10 relevant product necessary to protect the public health,  
11 safety, and welfare of the people of this state. The  
12 department shall collaborate with persons who have control of  
13 the products when reasonably possible.

14 Sec. 34. Section 135.106, Code 2003, is amended to read as  
15 follows:

16 135.106 HEALTHY FAMILIES IOWA-PROGRAM PROGRAMS --  
17 ESTABLISHED.

18 1. The Iowa department of public health shall establish a  
19 healthy opportunities for parents to experience success  
20 (HOPES)--healthy families Iowa (HFI) program to provide  
21 services to families and children during the prenatal through  
22 preschool years. The program shall be designed to do all of  
23 the following:

- 24 a. Promote optimal child health and development.
- 25 b. Improve family coping skills and functioning.
- 26 c. Promote positive parenting skills and intrafamilial  
27 interaction.
- 28 d. Prevent child abuse and neglect and infant mortality  
29 and morbidity.

30 2. The HOPES HOPES-HFI program shall be developed by the  
31 Iowa department of public health, and may be implemented, in  
32 whole or in part, by contracting with a nonprofit child abuse  
33 prevention organization, local nonprofit certified home health  
34 program or other local nonprofit organizations, and shall  
35 include, but is not limited to, all of the following

1 components:

2 a. Identification of barriers to positive birth outcomes,  
3 encouragement of collaboration and cooperation among providers  
4 of health care, social and human services, and other services  
5 to pregnant women and infants, and encouragement of pregnant  
6 women and women of childbearing age to seek health care and  
7 other services which promote positive birth outcomes.

8 b. Provision of community-based home-visiting family  
9 support to pregnant women and new parents who are identified  
10 through a standardized screening process to be at high risk  
11 for problems with successfully parenting their child.

12 c. Provision by family support workers of individual  
13 guidance, information, and access to health care and other  
14 services through care coordination and community outreach,  
15 including transportation.

16 d. Provision of systematic screening, prenatally or upon  
17 the birth of a child, to identify high-risk families.

18 e. Interviewing by a HOPES HOPES-HFI program worker or  
19 hospital social worker of families identified as high risk and  
20 encouragement of acceptance of family support services.

21 f. Provision of services including, but not limited to,  
22 home visits, support services, and instruction in child care  
23 and development.

24 g. Individualization of the intensity and scope of  
25 services based upon the family's needs, goals, and level of  
26 risk.

27 h. Assistance by a family support worker to participating  
28 families in creating a link to a "medical home" in order to  
29 promote preventive health care.

30 i. Evaluation and reporting on the program, including an  
31 evaluation of the program's success in reducing participants'  
32 risk factors and provision of services and recommendations for  
33 changes in or expansion of the program.

34 j. Provision of continuous follow-up contact with a family  
35 served by the program until identified children reach age

1 three or age four in cases of continued high need or until the  
2 family attains its individualized goals for health,  
3 functioning, and self-sufficiency.

4 k. Provision or employment of family support workers who  
5 have experience as a parent, knowledge of health care  
6 services, social and human services, or related community  
7 services and have participated in a structured training  
8 program.

9 l. Provision of a training program that meets established  
10 standards for the education of family support workers. The  
11 structured training program shall include at a minimum the  
12 fundamentals of child health and development, dynamics of  
13 child abuse and neglect, and principles of effective parenting  
14 and parenting education.

15 m. Provision of crisis child care through utilization of  
16 existing child care services to participants in the program.

17 n. Program criteria shall include a required match of one  
18 dollar provided by the organization contracting to deliver  
19 services for each two dollars provided by the state grant.  
20 This requirement shall not restrict the department from  
21 providing unmatched grant funds to communities to plan new or  
22 expanded programs for HOPES HOPES-HFI. The department shall  
23 establish a limit on the amount of administrative costs that  
24 can be supported with state funds.

25 o. Involvement with the community assessment and planning  
26 process in the community served by HOPES HOPES-HFI programs to  
27 enhance collaboration and integration of family support  
28 programs.

29 p. Collaboration, to the greatest extent possible, with  
30 other family support programs funded or operated by the state.

31 q. Utilization of private party, third party, and medical  
32 assistance for reimbursement to defray the costs of services  
33 provided by the program to the extent possible.

34 3. It is the intent of the general assembly to provide  
35 communities with the discretion and authority to redesign

1 existing local programs and services targeted at and assisting  
2 families expecting babies and families with children who are  
3 newborn through five years of age. The Iowa department of  
4 public health, department of human services, department of  
5 education, and other state agencies and programs, as  
6 appropriate, shall provide technical assistance and support to  
7 communities desiring to redesign their local programs and  
8 shall facilitate the consolidation of existing state funding  
9 appropriated and made available to the community for family  
10 support services. Funds which are consolidated in accordance  
11 with this subsection shall be used to support the redesigned  
12 service delivery system. In redesigning services, communities  
13 are encouraged to implement a single uniform family risk  
14 assessment mechanism and shall demonstrate the potential for  
15 improved outcomes for children and families. Requests by  
16 local communities for the redesigning of services shall be  
17 submitted to the Iowa department of public health, department  
18 of human services, and department of education, and are  
19 subject to the approval of the Iowa empowerment board in  
20 consultation with the departments, based on the innovation  
21 zone principles established in section 8A.2, Code 1997.

22 Sec. 35. Section 135B.17, unnumbered paragraph 2, Code  
23 2003, is amended to read as follows:

24 Provisions of this chapter in conflict with the state  
25 building code, as adopted pursuant to section 103A.7, shall  
26 not apply where the state building code has been adopted or  
27 when the state building code applies throughout the state.

28 Sec. 36. Section 135C.28, Code 2003, is amended to read as  
29 follows:

30 135C.28 CONFLICTING STATUTES.

31 Provisions of this chapter in conflict with the state  
32 building code, as adopted pursuant to section 103A.7, shall  
33 not apply where the state building code has been adopted or  
34 when the state building code applies throughout the state.

35 Sec. 37. Section 137C.31, Code 2003, is amended to read as

1 follows:

2 137C.31 CONFLICTS WITH STATE BUILDING CODE.

3 Provisions of the Iowa hotel sanitation code in conflict  
4 with the state building code, as adopted pursuant to section  
5 103A.7, shall not apply where the state building code has been  
6 adopted or when the state building code applies throughout the  
7 state.

8 Sec. 38. Section 137D.6, Code 2003, is amended to read as  
9 follows:

10 137D.6 CONFLICTS WITH STATE BUILDING CODE.

11 Provisions of this chapter, including standards for home  
12 food establishments adopted by the department, in conflict  
13 with the state building code, as adopted pursuant to section  
14 103A.7, shall not apply where the state building code has been  
15 adopted or when the state building code applies throughout the  
16 state.

17 Sec. 39. Section 137F.16, Code 2003, is amended to read as  
18 follows:

19 137F.16 CONFLICTS WITH STATE BUILDING CODE.

20 Provisions of this chapter in conflict with the state  
21 building code, as adopted pursuant to section 103A.7, shall  
22 not apply where the state building code has been adopted or  
23 when the state building code applies throughout the state.

24 Sec. 40. Section 145A.16, subsection 4, Code 2003, is  
25 amended to read as follows:

26 4. Donations and gifts which may be accepted by the  
27 hospital trustees and expended in accordance with the terms of  
28 the gift without compliance with the local budget law, chapter  
29 24.

30 Sec. 41. Section 167.11, unnumbered paragraph 2, Code  
31 2003, is amended to read as follows:

32 This section shall not apply where the state building code,  
33 as adopted pursuant to section 103A.7, has been adopted or  
34 when the state building code applies throughout the state.

35 Sec. 42. Section 232.71D, subsection 3, paragraph i,

1 subparagraph (5), Code 2003, is amended to read as follows:

2 (5) Medical assistance home and community-based services  
3 waiver for persons with mental retardation residential program  
4 regulated by the department of human services and the  
5 department of inspections and appeals.

6 Sec. 43. Section 237A.29, subsection 3, paragraph a, Code  
7 Supplement 2003, is amended to read as follows:

8 a. If a child care provider is subject to sanctions under  
9 subsection 2, within five business days of the date the  
10 sanctions ~~were~~ are imposed, the provider shall submit to the  
11 department the names and addresses of children receiving child  
12 care from the provider. The department shall send information  
13 to the parents of the children regarding the provider's  
14 actions leading to the imposition of the sanctions and the  
15 nature of the sanctions imposed.

16 Sec. 44. Section 249A.12, subsection 2, Code Supplement  
17 2003, is amended to read as follows:

18 2. A county shall reimburse the department on a monthly  
19 basis for that portion of the cost of assistance provided  
20 under this section to a recipient with legal settlement in the  
21 county, which is not paid from federal funds, if the  
22 recipient's placement has been approved by the appropriate  
23 review organization as medically necessary and appropriate.  
24 The department's goal for the maximum time period for  
25 submission of a claim to a county is not more than sixty days  
26 following the submission of the claim by the provider of the  
27 service to the department. The department's goal for  
28 completion and crediting of a county for cost settlement for  
29 the actual costs of a service under a home and community-based  
30 services waiver ~~service~~ is within two hundred seventy days of  
31 the close of a fiscal year for which cost reports are due from  
32 providers. The department shall place all reimbursements from  
33 counties in the appropriation for medical assistance, and may  
34 use the reimbursed funds in the same manner and for any  
35 purpose for which the appropriation for medical assistance may

1 be used.

2 Sec. 45. Section 249A.12, subsection 5, paragraph a,  
3 unnumbered paragraph 1, Code Supplement 2003, is amended to  
4 read as follows:

5 The mental health and developmental disabilities commission  
6 shall recommend to the department the actions necessary to  
7 assist in the transition of individuals being served in an  
8 intermediate care facility for persons with mental  
9 retardation, who are appropriate for the transition, to  
10 services funded under a medical assistance ~~waiver-for~~ home and  
11 community-based services waiver for persons with mental  
12 retardation in a manner which maximizes the use of existing  
13 public and private facilities. The actions may include but  
14 are not limited to submitting any of the following or a  
15 combination of any of the following as a request for a  
16 revision of the medical assistance ~~waiver-for~~ home and  
17 community-based services waiver for persons with mental  
18 retardation in effect as of June 30, 1996:

19 Sec. 46. Section 249A.12, subsection 5, paragraph a,  
20 subparagraph (1), Code Supplement 2003, is amended to read as  
21 follows:

22 (1) Allow for the transition of intermediate care  
23 facilities for persons with mental retardation licensed under  
24 chapter 135C as of June 30, 1996, to services funded under the  
25 medical assistance ~~waiver-for~~ home and community-based  
26 services waiver for persons with mental retardation. The  
27 request shall be for inclusion of additional persons under the  
28 waiver associated with the transition.

29 Sec. 47. Section 249A.30, Code 2003, is amended to read as  
30 follows:

31 249A.30 HOME AND COMMUNITY-BASED SERVICES WAIVER SERVICES  
32 -- SERVICE PROVIDER REIMBURSEMENT.

33 1. The base reimbursement rate for a provider of services  
34 under a medical assistance program home and community-based  
35 services waiver for persons with mental retardation shall be

1 recalculated at least every three years to adjust for the  
2 changes in costs during the immediately preceding three-year  
3 period.

4 2. The annual inflation factor used to adjust such a  
5 provider's reimbursement rate for a fiscal year shall not  
6 exceed the percentage increase in the employment cost index  
7 for private industry compensation issued by the federal  
8 department of labor, bureau of labor statistics, for the most  
9 recently completed calendar year.

10 Sec. 48. Section 249H.3, subsections 1 and 4, Code 2003,  
11 are amended to read as follows:

12 1. "Affordable" means rates for payment of services which  
13 do not exceed the rates established for providers of medical  
14 and health services under the medical assistance program with  
15 eligibility for an individual equal to the eligibility for  
16 medical assistance pursuant to section 249A.3. In relation to  
17 services provided by a provider of services under a home and  
18 community-based services waiver, "affordable" means that the  
19 total monthly cost of the services provided under the home and  
20 community-based services waiver ~~services-provided~~ does not  
21 exceed the cost for that level of care as established by rule  
22 by the department of human services, pursuant to chapter 17A,  
23 in consultation with the department of elder affairs.

24 4. "Long-term care alternatives" means those services  
25 specified as services under the medical assistance ~~program-as~~  
26 home and community-based services waiver ~~services~~ for elder  
27 persons or adults with disabilities, elder group homes  
28 certified under chapter 231B, assisted-living programs  
29 certified under chapter 231C, and the PACE program.

30 Sec. 49. Section 249H.5, subsection 2, paragraph c,  
31 subparagraphs (2) and (3), Code 2003, are amended to read as  
32 follows:

33 (2) Expenses incurred in administration of medical  
34 assistance home and community-based services waivers and the  
35 PACE program due to implementation of the senior living trust

1 fund.

2 (3) Expenses incurred due to increased service delivery  
3 provided under medical assistance home and community-based  
4 services waivers as a result of nursing facility conversions  
5 and long-term care service development, for the fiscal period  
6 beginning July 1, 2000, and ending on or before June 30, 2005.

7 Sec. 50. Section 249H.5, subsection 2, paragraph e, Code  
8 2003, is amended to read as follows:

9 e. To the department of human services an amount  
10 necessary, annually, for additional expenses incurred relative  
11 to implementation of the senior living program in assisting  
12 home and community-based services waiver consumers with rent  
13 expenses pursuant to the state supplementary assistance  
14 program.

15 Sec. 51. Section 255.13, Code Supplement 2003, is amended  
16 to read as follows:

17 255.13 ATTENDANT -- PHYSICIAN -- COMPENSATION.

18 If the physician appointed to examine the patient certifies  
19 that an attendant is needed to accompany the patient to the  
20 hospital ~~is necessary~~, and the university hospital attendant  
21 and ambulance service is not available, the county general  
22 assistance director may appoint an attendant who shall receive  
23 not exceeding two dollars per day for the time thus  
24 necessarily employed and actual necessary ~~traveling~~ expenses  
25 for travel by the most feasible route to the hospital whether  
26 by ambulance, train, or automobile; but if such appointee is a  
27 relative of the patient or a member of the patient's immediate  
28 family, or receives a salary or other compensation from the  
29 public for the appointee's services, no such per diem  
30 compensation shall be paid. The physician appointed to make  
31 the examination and report shall receive three dollars for  
32 each examination and report so made and the physician's actual  
33 necessary expenses incurred in making such examination, but if  
34 the physician receives a salary or other compensation from the  
35 public for the physician's full-time services, no such

1 receipts credited to the general fund of the state during a  
2 fiscal year that exceeds by two percent or more the total  
3 sales and use tax receipts credited to the general fund of the  
4 state during the previous fiscal year.

5 Sec. 59. Section 305.9, subsection 1, paragraph k, Code  
6 Supplement 2003, is amended to read as follows:

7 k. Manage the state archives and develop operating  
8 procedures for the transfer, accessioning accession,  
9 arrangement, description, preservation, protection, and public  
10 access of those records the commission identifies as having  
11 permanent value.

12 Sec. 60. Section 322B.2, subsection 8, Code 2003, is  
13 amended to read as follows:

14 8. "Modular home" means a factory-built structure which is  
15 manufactured to be used as a place of human habitation, is  
16 constructed to comply with the Iowa state building code for  
17 modular factory-built structures, as adopted pursuant to  
18 section 103A.7, and displays a seal issued by the state  
19 building code commissioner.

20 Sec. 61. Section 322F.1, subsection 1, Code Supplement  
21 2003, is amended to read as follows:

22 1. "Agricultural equipment" means a device, part of a  
23 device, or an attachment ~~of~~ to a device designed to be  
24 principally used for an agricultural purpose. "Agricultural  
25 equipment" includes but is not limited to equipment associated  
26 with livestock or crop production, horticulture, or  
27 floriculture. "Agricultural equipment" includes but is not  
28 limited to tractors; trailers; combines; tillage, planting,  
29 and cultivating implements; ~~baiters~~ balers; irrigation  
30 implements; and all-terrain vehicles.

31 Sec. 62. Section 322F.7, subsection 7, paragraph a,  
32 subparagraph (1), Code Supplement 2003, is amended to read as  
33 follows:

34 (1) For a dealership agreement governing equipment other  
35 than outdoor power equipment, takes action terminating,

1 canceling, or failing to renew the dealership agreement, or  
2 substantially changes the competitive circumstances intended  
3 by the dealership agreement, due to the results of conditions  
4 beyond the dealer's control, including drought, flood, labor  
5 disputes, or economic recession.

6 Sec. 63. Section 331.440A, subsection 6, paragraph c,  
7 subparagraph (1), Code 2003, is amended to read as follows:

8 (1) State and federal medical assistance funding for  
9 services under a home and community-based waiver services  
10 waiver to persons with mental retardation.

11 Sec. 64. Section 384.38, subsection 2, Code 2003, is  
12 amended to read as follows:

13 2. Upon petition as provided in section 384.41, subsection  
14 1, a city may assess to private property affected by public  
15 improvements within three miles of the city's boundaries the  
16 cost of construction and repair of public improvements within  
17 that area. The right-of-way of a railway company shall not be  
18 assessed unless the company joins as a petitioner for said  
19 improvements. In the petition the property owners shall waive  
20 the limitation provided in section 384.62 that an assessment  
21 may shall not exceed twenty-five percent of the value of the  
22 lot. The petition shall contain a statement that the owners  
23 agree to pay the city an amount equal to five percent of the  
24 cost of the improvements, to cover administrative expenses  
25 incurred by the city. This amount may be added to the cost of  
26 the improvements. Before the council may adopt the resolution  
27 of necessity, the preliminary resolution, preliminary plans  
28 and specifications, plat, schedule, and estimate of cost must  
29 be submitted to, and receive written approval from, the board  
30 of supervisors of any county which contains part of the  
31 property, and the city development board established in  
32 section 368.9.

33 Sec. 65. Section 422.7, subsection 38, Code Supplement  
34 2003, is amended to read as follows:

35 38. Subtract, to the extent not otherwise excluded, the

1     Sec. 70. Section 435.1, subsection 7, Code 2003, is  
2 amended to read as follows:

3     7. "Modular home" means a factory-built structure which is  
4 manufactured to be used as a place of human habitation, is  
5 constructed to comply with the Iowa state building code for  
6 modular factory-built structures, as adopted pursuant to  
7 section 103A.7, and must display the seal issued by the state  
8 building code commissioner. If a modular home is placed in a  
9 manufactured home community or mobile home park, the home is  
10 subject to the annual tax as required by section 435.22. If a  
11 modular home is placed outside a manufactured home community  
12 or a mobile home park, the home shall be considered real  
13 property and is to be assessed and taxed as real estate.

14     Sec. 71. Section 441.23, Code Supplement 2003, is amended  
15 to read as follows:

16     441.23 NOTICE OF VALUATION.

17     If there has been an increase or decrease in the valuation  
18 of the property, or upon the written request of the person  
19 assessed, the assessor shall, at the time of making the  
20 assessment, inform the person assessed, in writing, of the  
21 valuation put upon the taxpayer's property, and notify the  
22 person, that if the person feels aggrieved, to appear before  
23 the board of review and show why the assessment should be  
24 changed. However, if the valuation of a class of property is  
25 uniformly decreased, the assessor may notify the affected  
26 property owners by publication in the official newspapers of  
27 the county. The owners of real property shall be notified not  
28 later than April 15 of any adjustment of the real property  
29 assessment.

30     Sec. 72. Section 453D.5, subsection 3, Code Supplement  
31 2003, is amended to read as follows:

32     3. The attorney general may require at any time from a  
33 nonparticipating manufacturer proof from the financial  
34 institution in which the nonparticipatory nonparticipating  
35 manufacturer has established a qualified escrow fund for the

1 purpose of compliance with chapter 453C, of the amount of  
2 money in the qualified escrow fund, exclusive of interest, the  
3 amount and date of each deposit into the qualified escrow  
4 fund, and the amount and date of each withdrawal from the  
5 qualified escrow fund.

6 Sec. 73. Section 455B.172, subsection 5, unnumbered  
7 paragraph 2, Code 2003, is amended to read as follows:

8 The department shall by rule adopt standards for the  
9 commercial cleaning of private sewage disposal facilities,  
10 including but not limited to septic tanks and pits used to  
11 collect waste in livestock confinement structures, and for the  
12 disposal of waste from the facilities. The standards shall  
13 not be in conflict with the state building code adopted  
14 pursuant to section 103A.7. A person shall not commercially  
15 clean such facilities or dispose of waste from such facilities  
16 unless the person has been issued a license by the department.  
17 The department shall be exclusively responsible for adopting  
18 the standards and issuing licenses. However, county boards of  
19 health shall enforce the standards and licensing requirements  
20 established by the department. Application for the license  
21 shall be made in the manner provided by the department.  
22 Licenses expire one year from the date of issue unless revoked  
23 and may be renewed in the manner provided by the department.  
24 The license or license renewal fee is twenty-five dollars. A  
25 person violating this section or the rules adopted pursuant to  
26 this section, is subject to a civil penalty of not more than  
27 twenty-five dollars. Each day that a violation continues  
28 constitutes a separate offense. However, the total civil  
29 penalty shall not exceed five hundred dollars per year. The  
30 penalty shall be assessed for a violation occurring ten days  
31 following written notice of the violation delivered to the  
32 person by the department or a county board of health. Moneys  
33 collected by the department or a county board of health from  
34 the imposition of civil penalties shall be deposited in the  
35 general fund of the state.

1     Sec. 74. Section 455D.19, subsection 4, unnumbered  
2 paragraph 2, Code 2003, is amended to read as follows:  
3     Concentration levels of lead, cadmium, mercury, and  
4 hexavalent chromium shall be determined using ASTM (American  
5 standard-of society for testing and materials) international  
6 test methods, as revised, or United States environmental  
7 protection agency test methods for evaluating solid waste, S-W  
8 846, as revised.

9     Sec. 75. Section 455H.204, subsection 2, paragraph d, Code  
10 2003, is amended to read as follows:

11     d. Risk-based corrective action assessment principles  
12 which identify risks presented to the public health and safety  
13 or the environment by each released hazardous substance in a  
14 manner that will protect the public health and safety or the  
15 environment using a tiered procedure consistent with the ASTM  
16 (American society for testing of-materials<sup>1</sup> and materials)  
17 international standards applied to nonpetroleum and petroleum  
18 hazardous substances.

19     Sec. 76. Section 459.102, subsection 12, paragraph a, Code  
20 Supplement 2003, is amended to read as follows:

21     a. A manager of a commercial manure service. As used in  
22 this paragraph a "manager" is a person who is actively  
23 involved in the operation of a commercial manure service and  
24 takes an important part in making management decisions  
25 substantially contributing to or affecting the success of the  
26 commercial manure service.

27     Sec. 77. Section 459.401, subsection 2, paragraph a,  
28 subparagraph (3), Code Supplement 2003, is amended to read as  
29 follows:

30     (3) Educational program fees required to be paid by  
31 commercial manure service representatives or confinement site  
32 manure applicators pursuant to section 459.400.

33     Sec. 78. Section 496C.16, Code Supplement 2003, is amended  
34 to read as follows:

35     496C.16 MANAGEMENT.

1 All directors of a professional corporation and all  
2 officers of a professional corporation, except assistant  
3 officers, shall at all times be individuals who are licensed  
4 to practice in this state a profession which the corporation  
5 is authorized to practice. However, upon the occurrence of  
6 any event that requires the corporation either to be dissolved  
7 or to elect to adopt the provisions of the Iowa business  
8 corporation Act, chapter 490, as provided in section 496C.19,  
9 provided the corporation ceases to practice the profession  
10 that the corporation is authorized to practice, as provided in  
11 section 496C.19, then individuals who are not licensed to  
12 practice in this state a profession that the corporation is  
13 authorized to practice may be appointed as officers and  
14 directors for the sole purpose of carrying out the dissolution  
15 of the corporation or, if applicable, the voluntary election  
16 of the corporation to adopt the provisions of the Iowa  
17 business corporation Act, as provided in section 496C.19.

18 Sec. 79. Section 497.33, Code Supplement 2003, is amended  
19 to read as follows:

20 497.33 PERSONAL LIABILITY.

21 Except as otherwise provided in this chapter, a director,  
22 officer, employee, or member of the corporation is not liable  
23 on the corporation's debts or obligations and a director,  
24 officer, member, or other volunteer is not personally liable  
25 in that capacity, for a claim based upon any action taken, or  
26 any failure to take action in the discharge of the person's  
27 duties, except for the amount of a financial benefit received  
28 by the person to which the person is not entitled, an  
29 intentional infliction of harm on the association corporation  
30 or its members, or an intentional violation of criminal law.

31 Sec. 80. Section 499B.3, unnumbered paragraph 2, Code  
32 2003, is amended to read as follows:

33 If the declaration is to convert an existing structure, the  
34 declarant shall file the declaration of the horizontal  
35 property regime with the city in which the regime is located

1 or with the county if not located within a city at least sixty  
2 days before being recorded in the office of the county  
3 recorder to enable the city or county, as applicable, to  
4 establish that the converted structure meets appropriate  
5 building code requirements as provided in section 499B.20.  
6 However, if the city or county, as applicable, does not have a  
7 building code, the declarant shall file the declaration with  
8 the state building code commissioner instead of the applicable  
9 city or county at least sixty days before the recording of the  
10 declaration to enable the commissioner to establish that the  
11 converted structure meets the state building code, as adopted  
12 pursuant to section 103A.7.

13 Sec. 81. Section 499B.20, Code 2003, is amended to read as  
14 follows:

15 499B.20 CONVERSIONS TO MEET BUILDING CODES.

16 After April 25, 2000, an existing structure shall not be  
17 converted to a horizontal property regime unless the converted  
18 structure meets local city or county, as applicable, building  
19 code requirements in effect on the date of conversion or the  
20 state building code requirements, as adopted pursuant to  
21 section 103A.7, if the local city or county does not have a  
22 building code. For purposes of this section, if the structure  
23 is located in a city, the city building code applies and if  
24 the structure is located in the unincorporated area of the  
25 county, the county building code applies.

26 Sec. 82. Section 504A.29, subsection 1, Code 2003, is  
27 amended to read as follows:

28 1. The name of the corporation and the chapter of the Code  
29 or ~~session-laws~~ Iowa Acts under which incorporated.

30 Sec. 83. Section 504A.39, subsection 4, paragraph e, Code  
31 2003, is amended to read as follows:

32 e. Any other provisions, not inconsistent with law or the  
33 purposes which the corporation is authorized to pursue, which  
34 are to be set forth in articles of incorporation; except that  
35 it shall not be necessary to set forth in the restated

1 articles of incorporation any of the corporate powers  
2 enumerated in this chapter nor any statement with respect to  
3 the chapter of the Code or ~~session-laws~~ Iowa Acts under which  
4 the corporation was incorporated, its registered office,  
5 registered agent, directors, or incorporators, or the date on  
6 which its corporate existence began.

7 Sec. 84. Section 504C.1, subsection 3, paragraph a, Code  
8 2003, is amended to read as follows:

9 a. Design, modify, or construct a specific housing  
10 facility to provide appropriate services and support to the  
11 residents of the specific housing facility. Local  
12 requirements shall not be more restrictive than the rules  
13 adopted for a family home, as defined in section 335.25 or  
14 414.22, and the state building code requirements for single-  
15 family or multiple-family housing, as adopted pursuant to  
16 section 103A.7.

17 Sec. 85. Section 508.31A, subsection 2, paragraph a,  
18 subparagraph (2), subparagraph subdivision (b), Code  
19 Supplement 2003, is amended to read as follows:

20 (b) Activities of an organization exempt from taxation  
21 pursuant to section ~~501e~~ 501(c) of the Internal Revenue Code,  
22 or any similar organization in any foreign country.

23 Sec. 86. Section 508.38, subsection 11, Code Supplement  
24 2003, is amended to read as follows:

25 11. After July 1, 2003, a company may elect either to  
26 apply the provisions of this section as it existed prior to  
27 July 1, 2003, or to apply the provisions of this section as  
28 ~~enacted~~ amended by 2003 Acts, ch 91, § 8--~~10~~ 10, to annuity  
29 contracts on a contract form-by-form basis before ~~the-second~~  
30 ~~anniversary-of-the-effective-date-of-2003-Acts,-ch-91,-§-8--10~~  
31 July 1, 2005. In all other instances, this section shall  
32 become operative with respect to annuity contracts issued by  
33 the company two years after July 1, 2003.

34 Sec. 87. Section 514.2, Code Supplement 2003, is amended  
35 to read as follows:

1 514.2 INCORPORATION.

2 Persons desiring to form a nonprofit hospital service  
3 corporation, or a nonprofit medical service corporation, or a  
4 nonprofit pharmaceutical or optometric service corporation  
5 shall ~~incorporate~~ have been incorporated under the provisions  
6 of chapter 504, Code 1989, or shall incorporate under the  
7 provisions of chapter 504A, as supplemented and amended herein  
8 and any acts amendatory thereof.

9 Sec. 88. Section 533C.202, subsection 2, paragraph e, Code  
10 Supplement 2003, is amended to read as follows:

11 e. A list of other states in which the applicant is  
12 licensed to engage in money transmission or provide other  
13 money services and of any license revocations, suspensions, or  
14 other disciplinary action taken against the applicant in  
15 another state.

16 Sec. 89. Section 533C.301, subsection 1, unnumbered  
17 paragraph 1, Code Supplement 2003, is amended to read as  
18 follows:

19 A person shall not engage in currency exchange or  
20 advertise, solicit, or hold itself out as providing currency  
21 exchange for which the person receives revenues equal to or  
22 greater than five percent of total revenues unless the person:

23 Sec. 90. Section 544A.28, unnumbered paragraph 4, Code  
24 2003, is amended to read as follows:

25 A public official charged with the enforcement of the state  
26 building code, as adopted pursuant to section 103A.7, or a  
27 municipal or county building code, shall not accept or approve  
28 any technical submissions involving the practice of  
29 architecture unless the technical submissions have been  
30 stamped with the architect's seal as required by this section  
31 or unless the applicant has certified on the technical  
32 submission to the applicability of a specific exception under  
33 section 544A.18 permitting the preparation of technical  
34 submissions by a person not registered under this chapter. A  
35 building permit issued with respect to technical submissions

1 which do not conform to the requirements of this section is  
2 invalid.

3 Sec. 91. Section 554.10105, unnumbered paragraph 1, Code  
4 2003, is amended to read as follows:

5 The secretary of state, the secretary's employees or  
6 agents, are hereby exempted from all personal liability as a  
7 result of errors or omissions in the performance of any duty  
8 required by the Uniform Commercial Code, as provided in this  
9 chapter 554, except in cases of willful negligence.

10 Sec. 92. Section 570A.5, unnumbered paragraph 1, Code  
11 Supplement 2003, is amended to read as follows:

12 Except as provided in this section, an agricultural supply  
13 ~~dealer's~~ dealer lien that is effective or perfected as  
14 provided in section 570A.4 shall be subject to the rules of  
15 priority as provided in section 554.9322. For an agricultural  
16 supply ~~dealer's~~ dealer lien that is perfected under section  
17 570A.4, all of the following shall apply:

18 Sec. 93. Section 570A.5, subsections 1 and 2, Code  
19 Supplement 2003, are amended to read as follows:

20 1. The lien shall have priority over a lien or security  
21 interest that applies subsequent to the time that the  
22 agricultural supply ~~dealer's~~ dealer lien is perfected.

23 2. Except as provided in section 570A.2, subsection 3, the  
24 lien shall have equal priority to a lien or security interest  
25 which is perfected prior to the time that the agricultural  
26 supply ~~dealer's~~ dealer lien is perfected. However, a  
27 landlord's lien that is perfected pursuant to section 570.1  
28 shall have priority over a conflicting agricultural supply  
29 ~~dealer's~~ dealer lien as provided in section 570.1, and a  
30 harvester's lien that is perfected pursuant to section 571.3  
31 shall have priority over a conflicting agricultural supply  
32 ~~dealer's~~ dealer lien as provided in section 571.3A.

33 Sec. 94. Section 570A.6, Code Supplement 2003, is amended  
34 to read as follows:

35 570A.6 ENFORCEMENT OF LIEN.

1 An agricultural supply dealer may enforce an agricultural  
2 supply ~~dealer's~~ dealer lien in the manner provided for  
3 agricultural liens pursuant to chapter 554, article 9, part 6.

4 Sec. 95. Section 591.17, unnumbered paragraph 1, Code  
5 2003, is amended to read as follows:

6 In all instances where corporations not for pecuniary  
7 profit have heretofore adopted renewal articles of  
8 incorporation or articles of reincorporation and there has  
9 been a failure to set forth therein the time of the annual  
10 meeting or the time of the annual meeting of the trustees or  
11 directors and such renewal articles of incorporation or  
12 articles of reincorporation are otherwise complete and in  
13 compliance with the law as set forth in section 504.1, Code  
14 1989, such renewal articles of incorporation or articles of  
15 reincorporation are hereby legalized and validated and shall  
16 be held to have the same force and effect as though all of  
17 such provisions had been complied with in all respects.

18 Sec. 96. Section 598B.106, Code 2003, is amended to read  
19 as follows:

20 598B.106 EFFECT OF CHILD-CUSTODY DETERMINATION.

21 A child-custody determination made by a court of this state  
22 that had ~~jurisdiction~~ jurisdiction under this chapter binds  
23 all persons who have been served in accordance with the laws  
24 of this state, or notified in accordance with section  
25 598B.108, or who have submitted to the jurisdiction of the  
26 court, and who have been given an opportunity to be heard. As  
27 to those persons, the determination is conclusive as to all  
28 decided issues of law and fact except to the extent the  
29 determination is modified.

30 Sec. 97. Section 602.11112, Code 2003, is amended to read  
31 as follows:

32 602.11112 FIFTH JUDICIAL ELECTION DISTRICT.

33 The provisions of section 602.6109, Code 2003, relating to  
34 the division of the fifth judicial district into judicial  
35 election districts 5A, 5B, and 5C take effect January 1, 1985.

1     Sec. 98. Section 602.11115, subsection 3, Code Supplement  
2 2003, is amended to read as follows:

3     3. To commence coverage under the judicial retirement  
4 system pursuant to article 9, part 1, retroactive to the date  
5 the district associate judge became a district associate judge  
6 or a full-time judicial magistrate, whichever was earlier, and  
7 to cease to be a member of the Iowa public employees'  
8 retirement system, effective July 1, 1984. The department of  
9 administrative-services personnel shall transmit by January 1,  
10 1985, to the state court administrator for deposit in the  
11 judicial retirement fund the district associate judge's  
12 accumulated contributions as defined in section 97B.1A,  
13 subsection 2 for the judge's period of membership service as a  
14 district associate judge or full-time judicial magistrate, or  
15 both. Before July 1, 1986, or at retirement previous to that  
16 date, a district associate judge who becomes a member of the  
17 judicial retirement system pursuant to this subsection shall  
18 contribute to the judicial retirement fund an amount equal to  
19 the difference between four percent of the district associate  
20 judge's total basic salary for the entire period of service  
21 before July 1, 1984, as a district associate judge or judicial  
22 magistrate, or both, and the district associate judge's  
23 accumulated contributions transmitted by the department of  
24 administrative-services personnel to the state court  
25 administrator pursuant to this subsection. The district  
26 associate judge's contribution shall not be limited to the  
27 amount specified in section 602.9104, subsection 1. The state  
28 court administrator shall credit a district associate judge  
29 with service under the judicial retirement system for the  
30 period of service for which contributions at the four percent  
31 level are made.

32     Sec. 99. Section 633.707, subsection 3, Code 2003, is  
33 amended to read as follows:

34     3. "Institutionalized individual" means an individual  
35 receiving nursing facility services, a level of care in any

1 institution equivalent to nursing facility services, or home  
2 and community-based services under the medical assistance home  
3 and community-based services waiver program.

4 Sec. 100. Section 633.709, subsection 3, paragraphs a, b,  
5 c, and e, Code 2003, are amended to read as follows:

6 a. For a beneficiary who meets the medical assistance  
7 level of care requirements for services in an intermediate  
8 care facility for persons with mental retardation and who  
9 either resides in an intermediate care facility for persons  
10 with mental retardation or is eligible for services under the  
11 medical assistance home and community-based services waiver  
12 **services** except that the beneficiary's income exceeds the  
13 allowable maximum, the applicable rate is the maximum monthly  
14 medical assistance payment rate for services in an  
15 intermediate care facility for persons with mental  
16 retardation.

17 b. For a beneficiary who meets the medical assistance  
18 level of care requirements for hospital-based, medicare-  
19 certified, skilled nursing facility care and who either  
20 resides in a hospital-based, medicare-certified, skilled  
21 nursing facility or is eligible for services under the medical  
22 assistance home and community-based services waiver **services**  
23 except that the beneficiary's income exceeds the allowable  
24 maximum, the applicable rate is the statewide average charge  
25 to private-pay patients for hospital-based, MEDICARE-  
26 certified, skilled nursing facility care.

27 c. For a beneficiary who meets the medical assistance  
28 level of care requirements for nonhospital-based, Medicare-  
29 certified, skilled nursing facility care and who either  
30 resides in a nonhospital-based, Medicare-certified, skilled  
31 nursing facility or is eligible for services under the medical  
32 assistance home and community-based services waiver **services**  
33 except that the beneficiary's income exceeds the allowable  
34 maximum, the applicable rate is the statewide average charge  
35 to private-pay patients for nonhospital-based, Medicare-

1 certified, skilled nursing facility care.

2 e. For a beneficiary who meets the medical assistance  
3 level of care requirements for services in a state mental  
4 health institute and who either resides in a state mental  
5 health institute or is eligible for services under a medical  
6 assistance home and community-based services waiver services  
7 except that the beneficiary's income exceeds the allowable  
8 maximum, the applicable rate is the statewide average charge  
9 for state mental health institute care.

10 Sec. 101. Section 669.14, subsection 5, Code Supplement  
11 2003, is amended to read as follows:

12 5. Any claim by an employee of the state which is covered  
13 by the Iowa workers' compensation law or the Iowa occupational  
14 disease law, chapter 85A.

15 Sec. 102. Section 709.15, subsection 1, paragraph g, Code  
16 Supplement 2003, is amended to read as follows:

17 g. "Student" means a person who is currently enrolled in  
18 or attending a public or nonpublic elementary or secondary  
19 school, or who was a student enrolled in or who attended a  
20 public or nonpublic elementary or secondary school within  
21 thirty days of any violation of subsection 3.

22 Sec. 103. 2003 Iowa Acts, chapter 91, section 10, the  
23 portion of which amends section 508.38, subsection 11, Code  
24 2003, is amended to read as follows:

25 11. After the effective date of this section of this Act,  
26 a company may elect either to apply the provisions of this  
27 section as it existed prior to the effective date of this  
28 section of this Act or to apply the provisions of this section  
29 as enacted by this Act to annuity contracts on a contract  
30 form-by-form basis before the second anniversary of the  
31 effective date of this section of this Act. In all other  
32 instances, this section shall become operative with respect to  
33 annuity contracts issued by the company two years after the  
34 effective date of this section of this Act.

35 Sec. 104. 2003 Iowa Acts, chapter 143, section 17,

1 subsection 2, is amended to read as follows:

2 2. The section of this Act amending section 123.183 and  
3 relating to the deposit of revenue collected from the wine  
4 gallonage tax in the grape and wine development fund is  
5 retroactively applicable to July 1, 2002. The revenue  
6 collected during the fiscal year beginning on July 1, 2002,  
7 and ending on June 30, 2003, from the wine gallonage tax on  
8 wine imported into this state at wholesale and sold in this  
9 state at wholesale as provided in section 123.183 that is in  
10 excess of the revenue collected from such tax during the  
11 fiscal year beginning July 1, 2001, and ending on June 30,  
12 2002, shall be deposited in the grape and wine development  
13 fund as created in section ~~75-5~~ 175A.5. However, not more  
14 than seventy-five thousand dollars from such tax shall be  
15 deposited into the fund.

16 Sec. 105. Section 423.3, subsection 33, as enacted by 2003  
17 Iowa Acts, 1st Extraordinary Session, chapter 2, section 96,  
18 is amended to read as follows:

19 33. The sales price of mementos and other items relating  
20 to Iowa history and historic sites, the general assembly, and  
21 the state capitol, sold by the legislative ~~service-bureau~~  
22 services agency and its legislative information office on the  
23 premises of property under the control of the legislative  
24 council, at the state capitol, and on other state property.

25 Sec. 106. CODE EDITOR DIRECTIVE -- ASTM INTERNATIONAL.  
26 The Code editor is directed to change references to the  
27 American society for testing and materials to references to  
28 ASTM international in the following Code and Code supplement  
29 sections, and in any other Code sections amended or enacted  
30 during the 80th General Assembly, second session, or during  
31 prior sessions of the General Assembly, consistent with the  
32 reference changes made relating to the same organization in  
33 this Act: 159A.2, 214A.1, 214A.2, 359A.18, 452A.2, 455B.173,  
34 455B.474, 455D.19, and 459.307.

35 Sec. 107. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.

1 The section of this Act amending 2003 Iowa Acts, chapter 91,  
2 section 10, being deemed of immediate importance, takes effect  
3 upon enactment and applies retroactively to July 1, 2003.

4 EXPLANATION

5 This bill makes Code changes and corrections that are  
6 considered to be nonsubstantive and noncontroversial, in  
7 addition to style changes. Changes made include updating or  
8 correcting various names of and references to public and  
9 private entities and funds, correcting internal Code and  
10 subject matter references, and making various grammatical  
11 corrections. Code sections in which the technical,  
12 grammatical, and other nonsubstantive changes are made include  
13 the following:

14 Code sections 2B.10, 2B.17, and 3.3: Substitutes the term  
15 "Iowa Acts" for "session laws" to correspond to current  
16 language.

17 Code section 7J.1: Deletes the phrase ", if the department  
18 is established in law," following a reference to the  
19 department of administrative services. The department of  
20 administrative services was established in 2003 Iowa Acts,  
21 chapter 145.

22 Code section 8.59: Simplifies the punctuation of a  
23 sentence within the section to adjust hypertext linkages for  
24 the computerized version of the Iowa Code.

25 Code section 8A.124: Makes a grammatical correction in a  
26 provision relating to additional personnel employed by the  
27 department of administrative services.

28 Code section 8A.402: Makes a grammatical correction in a  
29 provision relating to state government human resources duties  
30 of the department of administrative services.

31 Code section 8A.502: Deletes a redundant use of the word  
32 "necessary" in a provision requiring the department of  
33 administrative services to develop certain reports and  
34 procedures.

35 Code section 11.27: Substitutes for a name reference to

1 the budget and financial control Act, the numerical reference  
2 for that same Act.

3 Code section 15.269: Corrects a reference to the defined  
4 term "cogeneration pilot project facilities".

5 Code sections 28.4 and 135.106: Corrects references to the  
6 healthy opportunities for parents to experience success --  
7 healthy families Iowa program to reflect the correct name of  
8 the program.

9 Code sections 29A.1, 29A.8A, 29A.28, 29A.90, 29B.13,  
10 260C.14, 261.9, 262.9, and 422.7: Changes a term used to  
11 describe certain state military duty at the request of the  
12 department of public defense to avoid an unfortunate acronym.

13 Code section 72.5: Corrects a reference to the title  
14 assigned to the head of the administrative unit responsible  
15 for administration of the state building code.

16 Code section 80.35: Changes a reference from the  
17 department of administrative services to the department of  
18 general services, a predecessor agency to the department of  
19 administrative services, to reflect that the transfer of  
20 employees referenced in the Code section occurred with the  
21 department of general services prior to the creation of the  
22 new department.

23 Code section 80B.5: Substitutes the words "this chapter"  
24 for a reference by Act name for Code chapter 80B.

25 Code section 96.7: Deletes an incorrect reference to the  
26 year 2003 following the phrase "subsequent calendar year".  
27 The reference should have been stricken in the 2003  
28 legislation extending the unemployment compensation surcharge  
29 for several years.

30 Code section 99B.9: Adds the term "governmental" prior to  
31 "subdivision" to enhance readability.

32 Code section 99D.24: Corrects the spelling of the word  
33 jurisdiction in a provision relating to the racing and gaming  
34 commission.

35 Code section 99G.8, subsection 9: Eliminates unnecessary

1 language to enhance readability.

2 Code section 99G.10: Standardizes the names of the  
3 national criminal history check and the state criminal history  
4 repository in a provision relating to background  
5 investigations of Iowa lottery authority personnel. Similar  
6 standardization was accomplished in 2003 legislation.

7 Code section 99G.33: Changes the term "agreement" to  
8 "contract" to provide consistency with the prior reference in  
9 the section to contracting for investigative services.

10 Code sections 100.35, 100.38, 100.39, 135.18, 135B.17,  
11 135C.28, 137C.31, 137D.6, 137F.16, 167.11, 322B.2, 422E.5,  
12 435.1, 455B.172, 499B.3, 499B.20, 504C.1, and 544A.28: Adds  
13 references to Code section 103A.7 following references to the  
14 state building code.

15 Code section 100B.8: Changes a reference from the  
16 department of administrative services to the department of  
17 personnel, a predecessor agency to the department of  
18 administrative services, to reflect that the transfer of  
19 employees referenced in the Code section occurred with the  
20 department of personnel prior to the creation of the new  
21 department.

22 Code section 124.401: Makes a grammatical correction in a  
23 provision relating to certain prohibited acts involving  
24 controlled substances.

25 Code section 135.142: Makes a grammatical correction in a  
26 provision relating to shortages of health care supplies during  
27 a public health disaster.

28 Code sections 145A.16 and 260C.18: Adds a chapter number  
29 reference to the descriptive reference to the short title of  
30 Code chapter 24. The short title, "local budget law", is  
31 contained in Code section 24.1.

32 Code sections 159A.2, 214A.1, 214A.2, 359A.18, 452A.2,  
33 455B.173, 455B.474, 455D.19, and 459.307: Corrects references  
34 to the organization formerly known as the American society for  
35 testing and materials, now known as ASTM international, in a

1 manner which is consistent with changes made in Code sections  
2 455D.19 and 455H.204 in this bill.

3 Code sections 232.71D, 249A.12, 249A.30, 249H.3, 249H.5,  
4 331.440A, 633.707, and 633.709: Corrects various references  
5 to home and community-based services waivers under the medical  
6 assistance program. The correct name for the waiver is the  
7 "home and community-based services waiver".

8 Code section 237A.29: Makes a grammatical correction in a  
9 provision providing sanctions for obtaining public funding for  
10 provision of child care by fraudulent means.

11 Code section 255.13: Makes a grammatical correction in a  
12 provision relating to attendants appointed to accompany  
13 indigent persons to the hospital.

14 Code section 256A.3: Changes the manner in which certain  
15 programs for at-risk children, who are three or four years in  
16 age, are described to eliminate a technical issue encountered  
17 in the desktop publication process for this Code section.

18 Code section 285.10: Rewords a provision relating to  
19 purchases of buses by schools to provide proper transition  
20 between the lead-in paragraph and a subsequent paragraph.

21 Code section 292.4: Corrects a reference to the "grow Iowa  
22 values fund", the proper name of the fund. The bill also  
23 substitutes "section 15G.108" for a reference to the 2003  
24 legislation creating the fund.

25 Code section 305.9: Makes a grammatical correction in a  
26 provision relating to the responsibilities of the department  
27 of cultural affairs.

28 Code section 322F.1: Makes grammatical corrections in a  
29 provision providing definitions for Code chapter 322F,  
30 relating to equipment dealership agreements.

31 Code section 322F.7: Makes a grammatical correction in a  
32 provision delineating specific violations of Code chapter  
33 322F, relating to equipment dealership agreements.

34 Code section 384.38: Makes a grammatical correction in a  
35 provision relating to costs a city may assess to private

1 property.

2 Code section 422.42: Substitutes a reference to Code  
3 section 170.1 for a reference to Code section 189A.2. Code  
4 section 170.1 contains the actual definition for "farm deer",  
5 while Code section 189A.2 merely references that definition.

6 Code section 422E.3A: Makes a grammatical correction in a  
7 provision relating to division of receipts from the local  
8 sales and services tax for school infrastructure purposes.

9 Code section 426A.7: Eliminates the clause "As soon as  
10 practicable after the effective date of this chapter," from a  
11 provision requiring the department of revenue to forward  
12 certain sample forms to county auditors. Code chapter 426A  
13 has been effective for a number of years.

14 Code section 441.23: Makes a grammatical correction in a  
15 provision relating to adjustments in real property valuation  
16 assessments.

17 Code section 453D.5: Substitutes "nonparticipating  
18 manufacturer" for "nonparticipatory manufacturer" to agree  
19 with other uses of the term in the Code section.

20 Code section 455D.19: Corrects a reference to the  
21 organization formerly known as the American society for  
22 testing and materials, now known as ASTM international, in a  
23 provision relating to the testing of solid waste packaging  
24 materials for heavy metal content.

25 Code section 455H.204: Corrects a reference to the  
26 organization formerly known as the American society of testing  
27 and materials, now known as ASTM international, in language  
28 regarding standards for site-specific cleanup in areas  
29 contaminated by certain hazardous substances.

30 Code section 459.102: Makes a grammatical correction in a  
31 provision defining "commercial manure service representative"  
32 for purposes of Code chapter 459, the animal agriculture  
33 compliance Act.

34 Code section 459.401: Corrects a reference to the defined  
35 term "commercial manure service representative".

1 Code section 496C.16: Adds a number reference to Code  
2 chapter 490 following a reference to the Iowa business  
3 corporation Act.

4 Code section 497.33: Substitutes "corporation" for  
5 "association" to agree with other uses of the term in the Code  
6 section.

7 Code sections 504A.29 and 504A.39: Substitutes the term  
8 "Iowa Acts" for "session laws" to correspond to current  
9 language.

10 Code section 508.31A: Corrects a reference to section  
11 501(c) of the Internal Revenue Code.

12 Code section 508.38: Clarifies that the Code section was  
13 amended, rather than enacted, by 2003 Iowa Acts, chapter 91,  
14 section 10. The bill substitutes "July 1, 2005" for "the  
15 second anniversary of the effective date of 2003 Acts, ch 91,  
16 § 8-10".

17 Code section 514.2: Makes grammatical corrections in a  
18 provision relating to incorporation of certain nonprofit  
19 medical service organizations.

20 Code sections 533C.202 and 533C.301: Makes grammatical  
21 changes in language contained in two provisions in the uniform  
22 money services Act enacted in 2003 Acts, chapter 96.

23 Code section 554.10105: Eliminates a self-reference  
24 contained in this section within Code chapter 554, the Iowa  
25 version of the uniform commercial Code.

26 Code sections 570A.5 and 570A.6: Substitutes the defined  
27 term "agricultural supply dealer lien" for the term  
28 "agricultural supply dealer's lien" in several places.

29 Code section 591.17: Inserts "Code 1989," after a  
30 reference to Code section 504.1, which was repealed in 1990.

31 Code section 598B.106: Corrects the spelling of the word  
32 jurisdiction in a provision relating to the effect of a  
33 determination of child-custody made by a court of this state  
34 that had jurisdiction over the matter.

35 Code section 602.11112: Inserts ", Code 2003," after a

1 reference to the provisions in Code section 602.6109 relating  
2 to the division of the fifth judicial district. Code section  
3 602.6109 was amended in 2003, thereby eliminating the  
4 described provisions.

5 Code section 602.11115: Changes a reference from the  
6 department of administrative services to the department of  
7 personnel, a predecessor agency to the department of  
8 administrative services, to reflect that the transfer of  
9 retirement contributions referenced in the Code section  
10 occurred with the department of personnel prior to the  
11 creation of the new department.

12 Code section 669.14: Adds a chapter number reference to a  
13 reference to the short title for Code chapter 85A. The short  
14 title for Code chapter 85A is contained in Code section 85A.1.

15 Code section 709.15: Makes a grammatical correction in the  
16 definition of "student" for purposes of a provision relating  
17 to sexual exploitation by a counselor, therapist, or school  
18 employee.

19 2003 Iowa Acts, chapter 91, section 10: Clarifies  
20 references to the "effective date of this Act" to refer to the  
21 "effective date of this section of this Act" as the section  
22 has a different effective date than the rest of the Act. This  
23 provision takes effect upon enactment and applies  
24 retroactively to July 1, 2003.

25 2003 Iowa Acts, chapter 143, section 17: Substitutes  
26 "175A.5" for "175.5" in a provision referring to the creation  
27 of the grape and wine development fund.

28 2003 Iowa Acts, First Extraordinary Session, chapter 2,  
29 section 96: Substitutes "legislative services agency" for  
30 "legislative service bureau" in a provision exempting certain  
31 items sold by the agency and its legislative information  
32 office from the sales tax.

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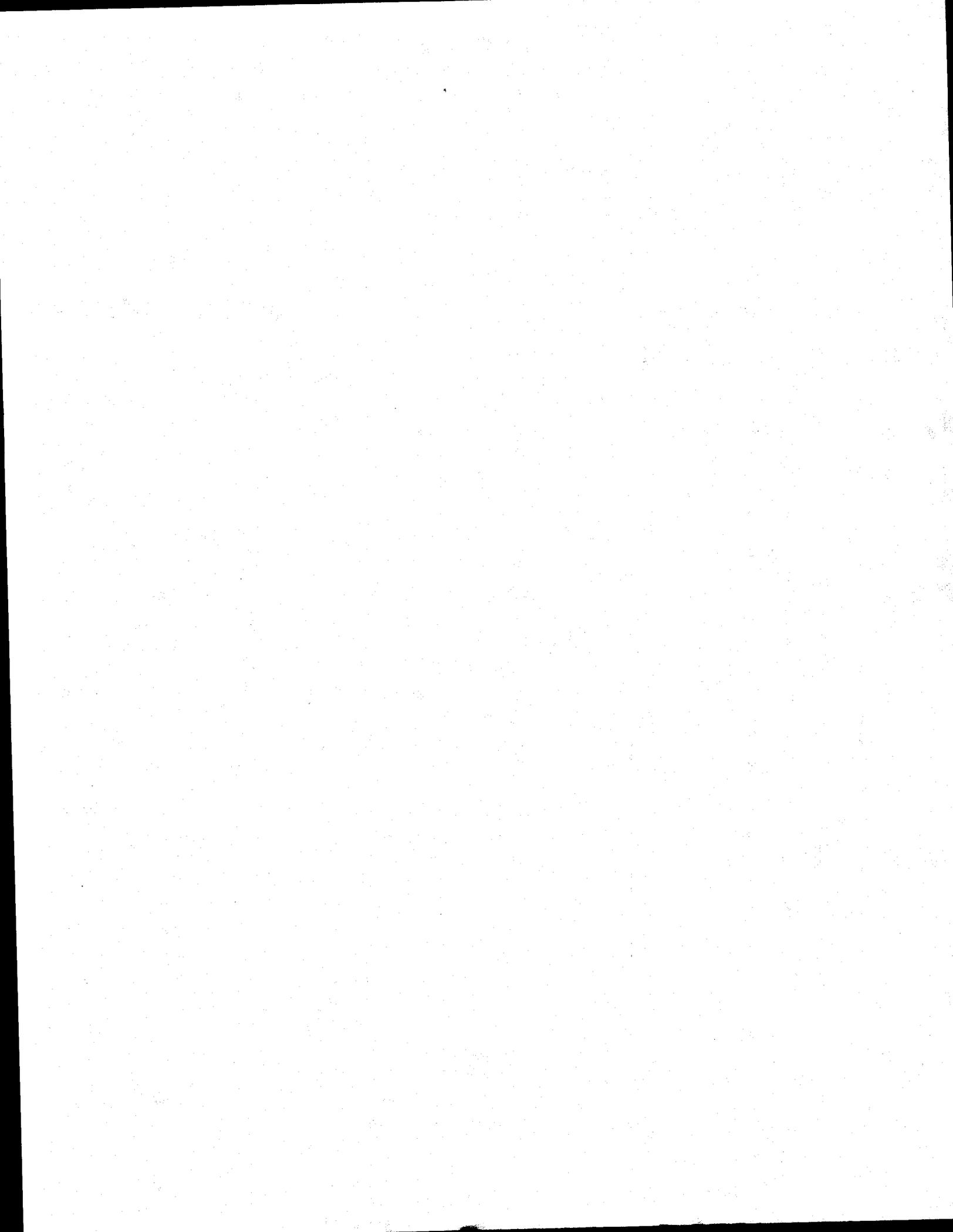
## HOUSE FILE 2208

## H-8014

- 1 Amend House File 2208 as follows:
- 2 1. Page 8, by inserting after line 29, the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 97B.66, unnumbered paragraph 2,
- 5 Code Supplement 2003, is amended to read as follows:
- 6 The contributions paid by the vested or retired
- 7 member shall be equal to the accumulated contributions
- 8 as defined in section 97B.1A, subsection 2, by the
- 9 member for the applicable period of service, and the
- 10 employer contribution for the applicable period of
- 11 service under the ~~teachers insurance and annuity~~
- 12 ~~association college retirement equities fund teachers~~
- 13 ~~insurance and annuity association-college retirement~~
- 14 ~~equities fund (TIAA-CREF)~~, that would have been or had
- 15 been contributed by the vested or retired member and
- 16 the employer, if applicable, plus interest on the
- 17 contributions that would have accrued for the
- 18 applicable period from the date the previous
- 19 applicable period of service commenced under this
- 20 retirement system or from the date the service of the
- 21 member in the teachers insurance and annuity
- 22 association-college retirement equities fund (TIAA-
- 23 CREF) commenced to the date of payment of the
- 24 contributions by the member as provided in section
- 25 97B.70."
- 26 2. Page 26, line 20, by inserting after the word
- 27 "Code" the following: "Supplement".
- 28 3. Page 32, by striking lines 23 through 33.
- 29 4. Page 37, lines 18 and 19, by striking the word
- 30 "medicare-certified" and inserting the following:
- 31 "~~medicare-certified~~ Medicare-certified".
- 32 5. Page 37, line 20, by striking the word
- 33 "medicare-certified" and inserting the following:
- 34 "~~medicare-certified~~ Medicare-certified".
- 35 6. Page 37, lines 25 and 26, by striking the word
- 36 "MEDICARE-certified" and inserting the following:
- 37 "~~MEDICARE-certified~~ Medicare-certified".
- 38 7. By renumbering as necessary.

By Committee on Judiciary  
MADDOX of Polk, Chairperson

H-8014 FILED FEBRUARY 11, 2004



HOUSE FILE 2208  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 549)

(As Amended and Passed by the House February 19, 2004)

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:

4

5

House Amendments \_\_\_\_\_

6

Deleted Language \*

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1 Section 1. Section 2B.10, Code Supplement 2003, is amended  
2 to read as follows:

3 2B.10 ~~SESSION-LAWS~~ IOWA ACTS.

4 1. The arrangement of the Acts and resolutions, and the  
5 size, style, type, binding, general arrangement, and tables of  
6 the ~~session-laws~~ Iowa Acts shall be printed and published in  
7 the manner determined by the Iowa Code editor in accordance  
8 with the policies set by the legislative council as provided  
9 in section 2.42.

10 2. Chapters of the first regular session shall be numbered  
11 from one and chapters of the second regular session shall be  
12 numbered from one thousand one.

13 3. A list of elective state officers and deputies, supreme  
14 court justices, judges of the court of appeals, and members of  
15 the general assembly shall be published annually with the  
16 ~~session-laws~~ Iowa Acts.

17 4. A statement of the condition of the state treasury  
18 shall be included, as provided by the Constitution of the  
19 State of Iowa. The statement shall be furnished by the  
20 director of the department of administrative services.

21 5. The enrolling clerks of the house and senate shall  
22 arrange for the Iowa Code editor to receive suitable copies of  
23 all Acts and resolutions as soon as they are enrolled.

24 6. A notation of the filing of an estimate of a state  
25 mandate prepared by the legislative services agency pursuant  
26 to section 25B.5 shall be included in the ~~session-laws~~ Iowa  
27 Acts with the text of an enacted bill or joint resolution  
28 containing the state mandate.

29 Sec. 2. Section 2B.17, subsection 2, Code Supplement 2003,  
30 is amended to read as follows:

31 2. The ~~session-laws~~ Acts of each general assembly shall be  
32 known as "Acts of the .. General Assembly, .. Session,  
33 Chapter (or File No.) .., Section .." (inserting the  
34 appropriate numbers) and shall be cited as ".. Iowa Acts,  
35 chapter .., section .." (inserting the appropriate year,

1 chapter, and section number).

2 Sec. 3. Section 3.3, Code 2003, is amended to read as  
3 follows:

4 3.3 HEADNOTES AND HISTORICAL REFERENCES.

5 Proper headnotes may be placed at the beginning of a  
6 section of a bill, and at the end of the section there may be  
7 placed a reference to the section number of the Code, or any  
8 ~~session-law~~ Iowa Act from which the matter of the bill was  
9 taken, but, except as provided in the Uniform Commercial Code,  
10 section 554.1109, neither said headnotes nor said historical  
11 references shall be considered as a part of the law as  
12 enacted.

13 Sec. 4. Section 7J.1, subsection 1, Code Supplement 2003,  
14 is amended to read as follows:

15 1. DESIGNATION OF CHARTER AGENCIES -- PURPOSE. The  
16 governor may, by executive order, designate state departments  
17 or agencies, as described in section 7E.5, or the Iowa lottery  
18 authority established in chapter 99G, other than the  
19 department of administrative services, ~~if the department is~~  
20 ~~established in law~~, or the department of management, as a  
21 charter agency by July 1, 2003. The designation of a charter  
22 agency shall be for a period of five years which shall  
23 terminate as of June 30, 2008. The purpose of designating a  
24 charter agency is to grant the agency additional authority as  
25 provided by this chapter while reducing the total  
26 appropriations to the agency.

27 Sec. 5. Section 8.59, Code Supplement 2003, is amended to  
28 read as follows:

29 8.59 APPROPRIATIONS FREEZE.

30 Notwithstanding contrary provisions of the Code, the  
31 amounts appropriated under the applicable sections of the Code  
32 for fiscal years commencing on or after July 1, 1993, are  
33 limited to those amounts expended under those sections for the  
34 fiscal year commencing July 1, 1992. If an applicable section  
35 appropriates moneys to be distributed to different recipients

1 and the operation of this section reduces the total amount to  
2 be distributed under the applicable section, the moneys shall  
3 be prorated among the recipients. As used in this section,  
4 "applicable sections" means ~~the following~~ sections: 53.50,  
5 229.35, 230.8, 230.11, 411.20, and 663.44.

6 Sec. 6. Section 8A.124, Code Supplement 2003, is amended  
7 to read as follows:

8 8A.124 ADDITIONAL PERSONNEL.

9 The department may employ, upon the approval of the  
10 department of management, ~~such~~ additional personnel in excess  
11 of the number of full-time equivalent positions authorized by  
12 the general assembly if such additional personnel are  
13 reasonable and necessary to perform such duties as required to  
14 meet the needs of the department to provide services to other  
15 governmental entities and as authorized by this chapter. The  
16 director shall notify in writing the department of management,  
17 the legislative fiscal committee, and the legislative services  
18 agency of any additional personnel employed pursuant to this  
19 section.

20 Sec. 7. Section 8A.402, subsection 2, paragraph c, Code  
21 Supplement 2003, is amended to read as follows:

22 c. Encourage and exercise leadership in the development of  
23 effective personnel administration within the several state  
24 agencies, and ~~to~~ make available the facilities of the  
25 department to this end.

26 Sec. 8. Section 8A.502, subsection 14, paragraph b,  
27 unnumbered paragraph 1, Code Supplement 2003, is amended to  
28 read as follows:

29 Modify the centralized statewide accounting system and  
30 develop, or require to be developed by the appropriate  
31 departments of state government, the **necessary** reports and  
32 procedures necessary to complete the managerial and financial  
33 reports required to comply with the federal law.

34 Sec. 9. Section 11.27, subsection 2, Code 2003, is amended  
35 to read as follows:

1        2. The results of an audit of the documents and the  
2 records of the department of management created in ~~the-budget~~  
3 ~~and-financial-control-Act~~ chapter 8, which records shall be  
4 audited by the auditor; and, the results of the auditor's  
5 audit of all taxes and other revenue collected and paid into  
6 the treasury, and the sources thereof.

7        Sec. 10. Section 15.269, subsection 2, paragraph b,  
8 subparagraph (1), subparagraph subdivision (a), Code  
9 Supplement 2003, is amended to read as follows:

10        (a) Each cogeneration pilot project facility must involve  
11 two hundred megawatts or less of electricity, in combination  
12 with one or more other cogeneration pilot project facilities.

13        Sec. 11. Section 28.4, subsection 12, paragraph d,  
14 subparagraph (1), Code Supplement 2003, is amended to read as  
15 follows:

16        (1) Moneys for the healthy opportunities for parents to  
17 experience success -- healthy families Iowa program under  
18 section 135.106 by the fiscal year beginning July 1, 2000, and  
19 ending June 30, 2001.

20        Sec. 12. Section 29A.1, subsection 1, Code 2003, is  
21 amended to read as follows:

22        1. "Active-state State military service" means training or  
23 operational duty or other service authorized and performed  
24 under the provisions of 32 U.S.C. or other federal law or  
25 regulation as part of the Iowa army national guard or Iowa air  
26 national guard and paid for with federal funds.

27        Sec. 13. Section 29A.8A, Code 2003, is amended to read as  
28 follows:

29        29A.8A ACTIVE-STATE STATE MILITARY SERVICE.

30        If federal funding and authorization exist for this  
31 purpose, the governor may order to active state military  
32 service the military forces of the Iowa army national guard or  
33 Iowa air national guard as the governor may deem appropriate  
34 for the purposes of homeland security, homeland defense, or  
35 other duty. A state employee shall take either a full day's

1 leave or eight hours of compensatory time on a day in which  
2 the state employee receives a full day's pay from federal  
3 funds for national guard duty.

4 Sec. 14. Section 29A.28, subsections 1 and 3, Code  
5 Supplement 2003, are amended to read as follows:

6 1. All officers and employees of the state, or a  
7 subdivision thereof, or a municipality other than employees  
8 employed temporarily for six months or less, who are members  
9 of the national guard, organized reserves or any component  
10 part of the military, naval, or air forces or nurse corps of  
11 this state or nation, or who are or may be otherwise inducted  
12 into the military service of this state or of the United  
13 States, shall, when ordered by proper authority to state  
14 active duty, ~~active state~~ military service, or federal  
15 service, be entitled to a leave of absence from such civil  
16 employment for the period of state active duty, ~~active state~~  
17 military service, or federal service, without loss of status  
18 or efficiency rating, and without loss of pay during the first  
19 thirty days of such leave of absence. Where state active  
20 duty, ~~active state~~ military service, or federal service is for  
21 a period less than thirty days, a leave of absence under this  
22 section shall only be required for those days that the civil  
23 employee would normally perform services for the state,  
24 subdivision of the state, or a municipality.

25 3. Upon returning from a leave of absence under this  
26 section, an employee shall be entitled to return to the same  
27 position and classification held by the employee at the time  
28 of entry into state active duty, ~~active state~~ military  
29 service, or federal service or to the position and  
30 classification that the employee would have been entitled to  
31 if the continuous civil service of the employee had not been  
32 interrupted by state active duty, ~~active state~~ military  
33 service, or federal service. Under this subsection,  
34 "position" includes the geographical location of the position.

35 Sec. 15. Section 29A.90, subsection 3, Code Supplement

1 2003, is amended to read as follows:

2 3. "Military service" means full-time **active state**  
3 military service or state active duty, as defined in section  
4 29A.1, for a period of at least ninety consecutive days,  
5 commencing on or after April 22, 2002.

6 Sec. 16. Section 29B.13, unnumbered paragraph 1, Code  
7 2003, is amended to read as follows:

8 Under regulations as may be prescribed under this code a  
9 person subject to this code who is on **active state** military  
10 service or state active duty who is accused of an offense  
11 against civil authority may be delivered, upon request, to the  
12 civil authority for trial.

13 Sec. 17. Section 72.5, subsection 2, Code 2003, is amended  
14 to read as follows:

15 2. In connection with development of a statewide building  
16 energy efficiency rating system, pursuant to section 473.40,  
17 the director of the department of natural resources in  
18 consultation with the department of management, state building  
19 code ~~director~~ commissioner, and state fire marshal, shall  
20 develop standards and methods to evaluate design development  
21 documents and construction documents based upon the energy  
22 efficiency rating system for public buildings, and other life  
23 cycle cost factors, to facilitate fair and uniform comparisons  
24 between design proposals and informed decision making by  
25 public bodies.

26 Sec. 18. Section 80.35, Code Supplement 2003, is amended  
27 to read as follows:

28 80.35 TRANSITION.

29 Persons employed by the department of **administrative**  
30 general services as capitol security force officers shall be  
31 transferred to the division of capitol security of the  
32 department of public safety on July 1, 1976. Persons  
33 transferred pursuant to this section shall retain their  
34 positions as capitol police officers, shall not be subject to  
35 the requirements and conditions of section 80.15, and shall

1 remain under the Iowa public employees' retirement system.  
2 Persons employed after July 1, 1976, by the department of  
3 public safety as capitol police officers within the division  
4 of capitol police shall be subject to the requirements and  
5 conditions of section 80.15, except those requirements  
6 relating to age, and shall be subject to the Iowa public  
7 employees' retirement system. The minimum age for persons  
8 employed by the division of capitol police shall be eighteen.

9 Sec. 19. Section 80B.5, Code 2003, is amended to read as  
10 follows:

11 80B.5 ADMINISTRATION.

12 The administration of ~~the Iowa law enforcement academy and~~  
13 ~~council-Aet~~ this chapter shall be vested in the office of the  
14 governor. A director of the academy and such staff as may be  
15 necessary for it to function shall be employed pursuant to the  
16 Iowa merit system.

17 Sec. 20. Section 80B.11E, subsection 4, Code Supplement  
18 2003, is amended to read as follows:

19 4. An individual who has not been hired by a law  
20 enforcement agency must be hired by a law enforcement agency  
21 within eighteen months of completing the appropriate  
22 coursework at the law enforcement academy in order to obtain  
23 certification pursuant to this ~~section~~ chapter.

24 Sec. 21. Section 96.7, subsection 12, paragraph a, Code  
25 Supplement 2003, is amended to read as follows:

26 a. An employer other than a governmental entity or a  
27 nonprofit organization, subject to this chapter, shall pay an  
28 administrative contribution surcharge equal in amount to one-  
29 tenth of one percent of federal taxable wages, as defined in  
30 section 96.19, subsection 37, paragraph "b", subject to the  
31 surcharge formula to be developed by the department under this  
32 paragraph. The department shall develop a surcharge formula  
33 that provides a target revenue level of no greater than six  
34 million five hundred twenty-five thousand dollars for calendar  
35 years 2003, 2004, and 2005 and a target revenue level of no

1 greater than three million two hundred sixty-two thousand five  
2 hundred dollars for calendar year 2006 and each subsequent  
3 calendar year. The department shall reduce the administrative  
4 contribution surcharge established for any calendar year  
5 proportionate to any federal government funding that provides  
6 an increased allocation of moneys for workforce development  
7 offices, under the federal employment services financing  
8 reform legislation. Any administrative contribution surcharge  
9 revenue that is collected in calendar year 2003, 2004, or 2005  
10 in excess of six million five hundred twenty-five thousand  
11 dollars or in calendar year 2006 or a subsequent calendar year  
12 in excess of three million two hundred sixty-two thousand five  
13 hundred dollars shall be deducted from the amount to be  
14 collected in the subsequent calendar year ~~2003~~ before the  
15 department establishes the administrative contribution  
16 surcharge. The department shall recompute the amount as a  
17 percentage of taxable wages, as defined in section 96.19,  
18 subsection 37, and shall add the percentage surcharge to the  
19 employer's contribution rate determined under this section.  
20 The percentage surcharge shall be capped at a maximum of seven  
21 dollars per employee. The department shall adopt rules  
22 prescribing the manner in which the surcharge will be  
23 collected. Interest shall accrue on all unpaid surcharges  
24 under this subsection at the same rate as on regular  
25 contributions and shall be collectible in the same manner.  
26 Interest accrued and collected under this paragraph and  
27 interest earned and credited to the fund under paragraph "b"  
28 shall be used by the department only for the purposes set  
29 forth in paragraph "c".

30 Sec. 22. Section 97B.66, unnumbered paragraph 2, Code  
31 Supplement 2003, is amended to read as follows:

32 The contributions paid by the vested or retired member  
33 shall be equal to the accumulated contributions as defined in  
34 section 97B.1A, subsection 2, by the member for the applicable  
35 period of service, and the employer contribution for the

1 applicable period of service under the teachers-insurance-and  
2 annuity-association-college-retirement-equities-fund teachers  
3 insurance and annuity association-college retirement equities  
4 fund (TIAA-CREF), that would have been or had been contributed  
5 by the vested or retired member and the employer, if  
6 applicable, plus interest on the contributions that would have  
7 accrued for the applicable period from the date the previous  
8 applicable period of service commenced under this retirement  
9 system or from the date the service of the member in the  
10 teachers insurance and annuity association-college retirement  
11 equities fund (TIAA-CREF) commenced to the date of payment of  
12 the contributions by the member as provided in section 97B.70.

13 Sec. 23. Section 99B.9, subsection 1, unnumbered paragraph  
14 1, Code Supplement 2003, is amended to read as follows:

15 Except as otherwise permitted by section 99B.3, 99B.5,  
16 99B.6, 99B.7, 99B.8, 99B.11, or 99B.12A, it is unlawful to  
17 permit gambling on any premises owned, leased, rented, or  
18 otherwise occupied by a person other than a government,  
19 governmental agency, or governmental subdivision, unless all  
20 of the following are complied with:

21 Sec. 24. Section 99D.24, subsection 4, unnumbered  
22 paragraph 1, Code 2003, is amended to read as follows:

23 A person commits a class "D" felony and, in addition, shall  
24 be barred for life from racetracks under the jurisdiction  
25 jurisdiction of the commission, if the person does any of the  
26 following:

27 Sec. 25. Section 99G.8, subsection 9, Code Supplement  
28 2003, is amended to read as follows:

29 9. Board members shall be considered to hold public office  
30 and shall give bond ~~as-such~~ as required in chapter 64.

31 Sec. 26. Section 99G.10, subsection 8, Code Supplement  
32 2003, is amended to read as follows:

33 8. A background investigation shall be conducted by the  
34 department of public safety, division of criminal  
35 investigation, on each applicant who has reached the final

1 selection process prior to employment by the authority. For  
2 positions not designated as sensitive by the board, the  
3 investigation may consist of a state criminal history  
4 background check, work history, and financial review. The  
5 board shall identify those sensitive positions of the  
6 authority which require full background investigations, which  
7 positions shall include, at a minimum, any officer of the  
8 authority, and any employee with operational management  
9 responsibilities, security duties, or system maintenance or  
10 programming responsibilities related to the authority's data  
11 processing or network hardware, software, communication, or  
12 related systems. In addition to a work history and financial  
13 review, a full background investigation may include a national  
14 criminal history ~~record~~ check through the federal bureau of  
15 investigation. The screening of employees through the federal  
16 bureau of investigation shall be conducted by submission of  
17 fingerprints through the state criminal history ~~record~~  
18 repository to the federal bureau of investigation. The  
19 results of background investigations conducted pursuant to  
20 this section shall not be considered public records under  
21 chapter 22.

22 Sec. 27. Section 99G.33, Code Supplement 2003, is amended  
23 to read as follows:

24 99G.33 LAW ENFORCEMENT INVESTIGATIONS.

25 The department of public safety, division of criminal  
26 investigation, shall be the primary state agency responsible  
27 for investigating criminal violations under this chapter. The  
28 chief executive officer shall contract with the department of  
29 public safety for investigative services, including the  
30 employment of special agents and support personnel, and  
31 procurement of necessary equipment to carry out the  
32 responsibilities of the division of criminal investigation  
33 under the terms of the agreement contract and this chapter.

34 Sec. 28. Section 100.35, unnumbered paragraph 2, Code  
35 2003, is amended to read as follows:

1 Rules by the fire marshal affecting the construction of new  
2 buildings, additions to buildings or rehabilitation of  
3 existing buildings and related to fire protection, shall be  
4 substantially in accord with the provisions of the nationally  
5 recognized building and related codes adopted as the state  
6 building code pursuant to section 103A.7 or with codes adopted  
7 by a local subdivision which are in substantial accord with  
8 the codes comprising the state building code.

9 Sec. 29. Section 100.38, Code 2003, is amended to read as  
10 follows:

11 100.38 CONFLICTING STATUTES.

12 Provisions of this chapter in conflict with the state  
13 building code, as adopted pursuant to section 103A.7, shall  
14 not apply where the state building code has been adopted or  
15 when the state building code applies throughout the state.

16 Sec. 30. Section 100.39, unnumbered paragraph 3, Code  
17 2003, is amended to read as follows:

18 Plans and installation of systems shall be approved by the  
19 state fire marshal, a designee of the state fire marshal, or  
20 local authorities having jurisdiction. Except where local  
21 fire protection regulations are more stringent, the provisions  
22 of this section shall be applicable to all buildings, whether  
23 privately or publicly owned. The definition of terms shall be  
24 in conformity, insofar as possible, with definitions found in  
25 the state building code adopted pursuant to section 103A.7.

26 Sec. 31. Section 100B.8, Code Supplement 2003, is amended  
27 to read as follows:

28 100B.8 EMPLOYEES.

29 Employees of the fire service institute at Iowa state  
30 university on July 1, 2000, may elect to transfer to the  
31 department of public safety in a position and at a pay range  
32 commensurate with their duties as determined by the department  
33 of ~~administrative-services~~ personnel, the department of public  
34 safety, and the employee's certified collective bargaining  
35 representative.

1     Sec. 32. Section 124.401, subsection 1, paragraph b,  
2 subparagraph (8), Code Supplement 2003, is amended to read as  
3 follows:

4     (8) More than five grams but not more than five kilograms  
5 of amphetamine, its salts, isomers, or salts of isomers, or  
6 any compound, mixture, or preparation which contains any  
7 quantity of or detectable amount of amphetamine, its salts,  
8 isomers, and salts of isomers.

9     Sec. 33. Section 135.18, Code 2003, is amended to read as  
10 follows:

11     135.18 CONFLICTING STATUTES.

12     Provisions of this chapter in conflict with the state  
13 building code, as adopted pursuant to section 103A.7, shall  
14 not apply where the state building code has been adopted or  
15 when the state building code applies throughout the state.

16     Sec. 34. Section 135.142, subsection 2, Code Supplement  
17 2003, is amended to read as follows:

18     2. If a public health disaster exists or there is  
19 reasonable cause to believe that a public health disaster is  
20 imminent and if the public health disaster or belief that a  
21 public health disaster is imminent results in a statewide or  
22 regional shortage or threatened shortage of any product  
23 described under subsection 1, whether or not such product has  
24 been purchased by the department, the department may control,  
25 restrict, and regulate by rationing and using quotas,  
26 prohibitions on shipments, allocation, or other means, the  
27 use, sale, dispensing, distribution, or transportation of the  
28 relevant product necessary to protect the public health,  
29 safety, and welfare of the people of this state. The  
30 department shall collaborate with persons who have control of  
31 the products when reasonably possible.

32     Sec. 35. Section 135.106, Code 2003, is amended to read as  
33 follows:

34     135.106 HEALTHY FAMILIES ~~IOWA-PROGRAM~~ PROGRAMS --  
35 ESTABLISHED.

1 1. The Iowa department of public health shall establish a  
2 healthy opportunities for parents to experience success  
3 (HOPES)--healthy families Iowa (HFI) program to provide  
4 services to families and children during the prenatal through  
5 preschool years. The program shall be designed to do all of  
6 the following:

- 7 a. Promote optimal child health and development.
- 8 b. Improve family coping skills and functioning.
- 9 c. Promote positive parenting skills and intrafamilial  
10 interaction.
- 11 d. Prevent child abuse and neglect and infant mortality  
12 and morbidity.

13 2. The HOPES HOPES-HFI program shall be developed by the  
14 Iowa department of public health, and may be implemented, in  
15 whole or in part, by contracting with a nonprofit child abuse  
16 prevention organization, local nonprofit certified home health  
17 program or other local nonprofit organizations, and shall  
18 include, but is not limited to, all of the following  
19 components:

- 20 a. Identification of barriers to positive birth outcomes,  
21 encouragement of collaboration and cooperation among providers  
22 of health care, social and human services, and other services  
23 to pregnant women and infants, and encouragement of pregnant  
24 women and women of childbearing age to seek health care and  
25 other services which promote positive birth outcomes.
- 26 b. Provision of community-based home-visiting family  
27 support to pregnant women and new parents who are identified  
28 through a standardized screening process to be at high risk  
29 for problems with successfully parenting their child.
- 30 c. Provision by family support workers of individual  
31 guidance, information, and access to health care and other  
32 services through care coordination and community outreach,  
33 including transportation.
- 34 d. Provision of systematic screening, prenatally or upon  
35 the birth of a child, to identify high-risk families.

- 1 e. Interviewing by a HOPES HOPES-HFI program worker or  
2 hospital social worker of families identified as high risk and  
3 encouragement of acceptance of family support services.
- 4 f. Provision of services including, but not limited to,  
5 home visits, support services, and instruction in child care  
6 and development.
- 7 g. Individualization of the intensity and scope of  
8 services based upon the family's needs, goals, and level of  
9 risk.
- 10 h. Assistance by a family support worker to participating  
11 families in creating a link to a "medical home" in order to  
12 promote preventive health care.
- 13 i. Evaluation and reporting on the program, including an  
14 evaluation of the program's success in reducing participants'  
15 risk factors and provision of services and recommendations for  
16 changes in or expansion of the program.
- 17 j. Provision of continuous follow-up contact with a family  
18 served by the program until identified children reach age  
19 three or age four in cases of continued high need or until the  
20 family attains its individualized goals for health,  
21 functioning, and self-sufficiency.
- 22 k. Provision or employment of family support workers who  
23 have experience as a parent, knowledge of health care  
24 services, social and human services, or related community  
25 services and have participated in a structured training  
26 program.
- 27 l. Provision of a training program that meets established  
28 standards for the education of family support workers. The  
29 structured training program shall include at a minimum the  
30 fundamentals of child health and development, dynamics of  
31 child abuse and neglect, and principles of effective parenting  
32 and parenting education.
- 33 m. Provision of crisis child care through utilization of  
34 existing child care services to participants in the program.
- 35 n. Program criteria shall include a required match of one

1 dollar provided by the organization contracting to deliver  
2 services for each two dollars provided by the state grant.  
3 This requirement shall not restrict the department from  
4 providing unmatched grant funds to communities to plan new or  
5 expanded programs for HOPES HOPES-HFI. The department shall  
6 establish a limit on the amount of administrative costs that  
7 can be supported with state funds.

8 o. Involvement with the community assessment and planning  
9 process in the community served by HOPES HOPES-HFI programs to  
10 enhance collaboration and integration of family support  
11 programs.

12 p. Collaboration, to the greatest extent possible, with  
13 other family support programs funded or operated by the state.

14 q. Utilization of private party, third party, and medical  
15 assistance for reimbursement to defray the costs of services  
16 provided by the program to the extent possible.

17 3. It is the intent of the general assembly to provide  
18 communities with the discretion and authority to redesign  
19 existing local programs and services targeted at and assisting  
20 families expecting babies and families with children who are  
21 newborn through five years of age. The Iowa department of  
22 public health, department of human services, department of  
23 education, and other state agencies and programs, as  
24 appropriate, shall provide technical assistance and support to  
25 communities desiring to redesign their local programs and  
26 shall facilitate the consolidation of existing state funding  
27 appropriated and made available to the community for family  
28 support services. Funds which are consolidated in accordance  
29 with this subsection shall be used to support the redesigned  
30 service delivery system. In redesigning services, communities  
31 are encouraged to implement a single uniform family risk  
32 assessment mechanism and shall demonstrate the potential for  
33 improved outcomes for children and families. Requests by  
34 local communities for the redesigning of services shall be  
35 submitted to the Iowa department of public health, department

1 of human services, and department of education, and are  
2 subject to the approval of the Iowa empowerment board in  
3 consultation with the departments, based on the innovation  
4 zone principles established in section 8A.2, Code 1997.

5 Sec. 36. Section 135B.17, unnumbered paragraph 2, Code  
6 2003, is amended to read as follows:

7 Provisions of this chapter in conflict with the state  
8 building code, as adopted pursuant to section 103A.7, shall  
9 not apply where the state building code has been adopted or  
10 when the state building code applies throughout the state.

11 Sec. 37. Section 135C.28, Code 2003, is amended to read as  
12 follows:

13 135C.28 CONFLICTING STATUTES.

14 Provisions of this chapter in conflict with the state  
15 building code, as adopted pursuant to section 103A.7, shall  
16 not apply where the state building code has been adopted or  
17 when the state building code applies throughout the state.

18 Sec. 38. Section 137C.31, Code 2003, is amended to read as  
19 follows:

20 137C.31 CONFLICTS WITH STATE BUILDING CODE.

21 Provisions of the Iowa hotel sanitation code in conflict  
22 with the state building code, as adopted pursuant to section  
23 103A.7, shall not apply where the state building code has been  
24 adopted or when the state building code applies throughout the  
25 state.

26 Sec. 39. Section 137D.6, Code 2003, is amended to read as  
27 follows:

28 137D.6 CONFLICTS WITH STATE BUILDING CODE.

29 Provisions of this chapter, including standards for home  
30 food establishments adopted by the department, in conflict  
31 with the state building code, as adopted pursuant to section  
32 103A.7, shall not apply where the state building code has been  
33 adopted or when the state building code applies throughout the  
34 state.

35 Sec. 40. Section 137F.16, Code 2003, is amended to read as

1 follows:

2 137F.16 CONFLICTS WITH STATE BUILDING CODE.

3 Provisions of this chapter in conflict with the state  
4 building code, as adopted pursuant to section 103A.7, shall  
5 not apply where the state building code has been adopted or  
6 when the state building code applies throughout the state.

7 Sec. 41. Section 145A.16, subsection 4, Code 2003, is  
8 amended to read as follows:

9 4. Donations and gifts which may be accepted by the  
10 hospital trustees and expended in accordance with the terms of  
11 the gift without compliance with the local budget law, chapter  
12 24.

13 Sec. 42. Section 167.11, unnumbered paragraph 2, Code  
14 2003, is amended to read as follows:

15 This section shall not apply where the state building code,  
16 as adopted pursuant to section 103A.7, has been adopted or  
17 when the state building code applies throughout the state.

18 Sec. 43. Section 232.71D, subsection 3, paragraph i,  
19 subparagraph (5), Code 2003, is amended to read as follows:

20 (5) Medical assistance home and community-based services  
21 waiver for persons with mental retardation residential program  
22 regulated by the department of human services and the  
23 department of inspections and appeals.

24 Sec. 44. Section 237A.29, subsection 3, paragraph a, Code  
25 Supplement 2003, is amended to read as follows:

26 a. If a child care provider is subject to sanctions under  
27 subsection 2, within five business days of the date the  
28 sanctions ~~were~~ are imposed, the provider shall submit to the  
29 department the names and addresses of children receiving child  
30 care from the provider. The department shall send information  
31 to the parents of the children regarding the provider's  
32 actions leading to the imposition of the sanctions and the  
33 nature of the sanctions imposed.

34 Sec. 45. Section 249A.12, subsection 2, Code Supplement  
35 2003, is amended to read as follows:

1     2. A county shall reimburse the department on a monthly  
2 basis for that portion of the cost of assistance provided  
3 under this section to a recipient with legal settlement in the  
4 county, which is not paid from federal funds, if the  
5 recipient's placement has been approved by the appropriate  
6 review organization as medically necessary and appropriate.  
7 The department's goal for the maximum time period for  
8 submission of a claim to a county is not more than sixty days  
9 following the submission of the claim by the provider of the  
10 service to the department. The department's goal for  
11 completion and crediting of a county for cost settlement for  
12 the actual costs of a service under a home and community-based  
13 services waiver service is within two hundred seventy days of  
14 the close of a fiscal year for which cost reports are due from  
15 providers. The department shall place all reimbursements from  
16 counties in the appropriation for medical assistance, and may  
17 use the reimbursed funds in the same manner and for any  
18 purpose for which the appropriation for medical assistance may  
19 be used.

20     Sec. 46. Section 249A.12, subsection 5, paragraph a,  
21 unnumbered paragraph 1, Code Supplement 2003, is amended to  
22 read as follows:

23     The mental health and developmental disabilities commission  
24 shall recommend to the department the actions necessary to  
25 assist in the transition of individuals being served in an  
26 intermediate care facility for persons with mental  
27 retardation, who are appropriate for the transition, to  
28 services funded under a medical assistance ~~waiver-for~~ home and  
29 community-based services waiver for persons with mental  
30 retardation in a manner which maximizes the use of existing  
31 public and private facilities. The actions may include but  
32 are not limited to submitting any of the following or a  
33 combination of any of the following as a request for a  
34 revision of the medical assistance ~~waiver-for~~ home and  
35 community-based services waiver for persons with mental

1 retardation in effect as of June 30, 1996:

2 Sec. 47. Section 249A.12, subsection 5, paragraph a,  
3 subparagraph (1), Code Supplement 2003, is amended to read as  
4 follows:

5 (1) Allow for the transition of intermediate care  
6 facilities for persons with mental retardation licensed under  
7 chapter 135C as of June 30, 1996, to services funded under the  
8 medical assistance ~~waiver-for~~ home and community-based  
9 services waiver for persons with mental retardation. The  
10 request shall be for inclusion of additional persons under the  
11 waiver associated with the transition.

12 Sec. 48. Section 249A.30, Code 2003, is amended to read as  
13 follows:

14 249A.30 HOME AND COMMUNITY-BASED SERVICES WAIVER ~~SERVICES~~  
15 -- SERVICE PROVIDER REIMBURSEMENT.

16 1. The base reimbursement rate for a provider of services  
17 under a medical assistance program home and community-based  
18 services waiver for persons with mental retardation shall be  
19 recalculated at least every three years to adjust for the  
20 changes in costs during the immediately preceding three-year  
21 period.

22 2. The annual inflation factor used to adjust such a  
23 provider's reimbursement rate for a fiscal year shall not  
24 exceed the percentage increase in the employment cost index  
25 for private industry compensation issued by the federal  
26 department of labor, bureau of labor statistics, for the most  
27 recently completed calendar year.

28 Sec. 49. Section 249H.3, subsections 1 and 4, Code 2003,  
29 are amended to read as follows:

30 1. "Affordable" means rates for payment of services which  
31 do not exceed the rates established for providers of medical  
32 and health services under the medical assistance program with  
33 eligibility for an individual equal to the eligibility for  
34 medical assistance pursuant to section 249A.3. In relation to  
35 services provided by a provider of services under a home and

1 community-based services waiver, "affordable" means that the  
2 total monthly cost of the services provided under the home and  
3 community-based services waiver ~~services-provided~~ does not  
4 exceed the cost for that level of care as established by rule  
5 by the department of human services, pursuant to chapter 17A,  
6 in consultation with the department of elder affairs.

7 4. "Long-term care alternatives" means those services  
8 specified as services under the medical assistance ~~program-as~~  
9 home and community-based services waiver ~~services~~ for elder  
10 persons or adults with disabilities, elder group homes  
11 certified under chapter 231B, assisted-living programs  
12 certified under chapter 231C, and the PACE program.

13 Sec. 50. Section 249H.5, subsection 2, paragraph c,  
14 subparagraphs (2) and (3), Code 2003, are amended to read as  
15 follows:

16 (2) Expenses incurred in administration of medical  
17 assistance home and community-based services waivers and the  
18 PACE program due to implementation of the senior living trust  
19 fund.

20 (3) Expenses incurred due to increased service delivery  
21 provided under medical assistance home and community-based  
22 services waivers as a result of nursing facility conversions  
23 and long-term care service development, for the fiscal period  
24 beginning July 1, 2000, and ending on or before June 30, 2005.

25 Sec. 51. Section 249H.5, subsection 2, paragraph e, Code  
26 2003, is amended to read as follows:

27 e. To the department of human services an amount  
28 necessary, annually, for additional expenses incurred relative  
29 to implementation of the senior living program in assisting  
30 home and community-based services waiver consumers with rent  
31 expenses pursuant to the state supplementary assistance  
32 program.

33 Sec. 52. Section 255.13, Code Supplement 2003, is amended  
34 to read as follows:

35 255.13 ATTENDANT -- PHYSICIAN -- COMPENSATION.

1 If the physician appointed to examine the patient certifies  
2 that an attendant is needed to accompany the patient to the  
3 hospital ~~is-necessary~~, and the university hospital attendant  
4 and ambulance service is not available, the county general  
5 assistance director may appoint an attendant who shall receive  
6 not exceeding two dollars per day for the time thus  
7 necessarily employed and actual necessary ~~traveling~~ expenses  
8 for travel by the most feasible route to the hospital whether  
9 by ambulance, train, or automobile; but if such appointee is a  
10 relative of the patient or a member of the patient's immediate  
11 family, or receives a salary or other compensation from the  
12 public for the appointee's services, no such per diem  
13 compensation shall be paid. The physician appointed to make  
14 the examination and report shall receive three dollars for  
15 each examination and report so made and the physician's actual  
16 necessary expenses incurred in making such examination, but if  
17 the physician receives a salary or other compensation from the  
18 public for the physician's full-time services, no such  
19 examination fee shall be paid. The actual, necessary expenses  
20 of transporting and caring for the patient shall be paid as  
21 provided in this chapter.

22 Sec. 53. Section 256A.3, subsection 7, Code Supplement  
23 2003, is amended to read as follows:

24 7. Encourage the establishment of regional councils  
25 designed to facilitate the development on a regional basis of  
26 programs for at-risk ~~three-year-~~ three-year-old and at-risk  
27 four-year-old children.

28 Sec. 54. Section 260C.14, subsection 20, unnumbered  
29 paragraph 1, Code Supplement 2003, is amended to read as  
30 follows:

31 Adopt a policy to offer not less than the following options  
32 to a student who is a member of the Iowa national guard or  
33 reserve forces of the United States and who is ordered to  
34 ~~active state~~ military service or federal service or duty:

35 Sec. 55. Section 260C.18, subsection 6, Code 2003, is

1 amended to read as follows:

2 6. Donations and gifts which may be accepted by the  
3 governing board and expended in accordance with the terms of  
4 the gift without compliance with the local budget law, chapter  
5 24.

6 Sec. 56. Section 261.9, subsection 1, paragraph g,  
7 unnumbered paragraph 1, Code Supplement 2003, is amended to  
8 read as follows:

9 Adopts a policy to offer not less than the following  
10 options to a student who is a member of the Iowa national  
11 guard or reserve forces of the United States and who is  
12 ordered to ~~active~~ state military service or federal service or  
13 duty:

14 Sec. 57. Section 262.9, subsection 29, unnumbered  
15 paragraph 1, Code Supplement 2003, is amended to read as  
16 follows:

17 Direct the institutions of higher education under its  
18 control to adopt a policy to offer not less than the following  
19 options to a student who is a member of the Iowa national  
20 guard or reserve forces of the United States and who is  
21 ordered to ~~active~~ state military service or federal service or  
22 duty:

23 Sec. 58. Section 285.10, subsection 7, paragraph b, Code  
24 Supplement 2003, is amended to read as follows:

25 b. ~~May-purchase~~ By purchasing buses and ~~enter~~ entering  
26 into contracts to pay for such buses over a five-year period  
27 as follows: one-fourth of the cost when the bus is delivered  
28 and the balance in equal annual installments, plus simple  
29 interest due. The interest rate shall be the lowest rate  
30 available and shall not exceed the rate in effect under  
31 section 74A.2. The bus shall serve as security for balance  
32 due. Competitive bids on comparable equipment shall be  
33 requested on all school bus purchases and shall be based upon  
34 minimum construction standards established by the department  
35 of education. Bids shall be requested unless the bus is a

1 used or demonstrator bus.

2 Sec. 59. Section 292.4, Code Supplement 2003, is amended  
3 to read as follows:

4 292.4 APPROPRIATION.

5 There is appropriated from the general fund of the state  
6 from moneys credited to the general fund of the state as a  
7 result of the state entering into the streamlined sales and  
8 use tax agreement to the secure an advanced vision for  
9 education fund created in section 422E.3A, the sum of five  
10 million dollars for each fiscal year of the fiscal period  
11 beginning July 1, 2004, and ending June 30, 2014. The  
12 appropriation in this section shall be made after the  
13 appropriation from the same source to the grow Iowa values  
14 fund created in ~~2003-Iowa-Acts, First-Extraordinary-Session,~~  
15 ~~chapter-17-or-another-Act~~ section 15G.108. For purposes of  
16 this section, "moneys credited to the general fund of the  
17 state as a result of entering into the streamlined sales and  
18 use tax agreement" means the amount of sales and use tax  
19 receipts credited to the general fund of the state during a  
20 fiscal year that exceeds by two percent or more the total  
21 sales and use tax receipts credited to the general fund of the  
22 state during the previous fiscal year.

23 Sec. 60. Section 305.9, subsection 1, paragraph k, Code  
24 Supplement 2003, is amended to read as follows:

25 k. Manage the state archives and develop operating  
26 procedures for the transfer, ~~accessioning~~ accession,  
27 arrangement, description, preservation, protection, and public  
28 access of those records the commission identifies as having  
29 permanent value.

30 Sec. 61. Section 322B.2, subsection 8, Code 2003, is  
31 amended to read as follows:

32 8. "Modular home" means a factory-built structure which is  
33 manufactured to be used as a place of human habitation, is  
34 constructed to comply with the Iowa state building code for  
35 modular factory-built structures, as adopted pursuant to

1 section 103A.7, and displays a seal issued by the state  
2 building code commissioner.

3 Sec. 62. Section 322F.1, subsection 1, Code Supplement  
4 2003, is amended to read as follows:

5 1. "Agricultural equipment" means a device, part of a  
6 device, or an attachment ~~of~~ to a device designed to be  
7 principally used for an agricultural purpose. "Agricultural  
8 equipment" includes but is not limited to equipment associated  
9 with livestock or crop production, horticulture, or  
10 floriculture. "Agricultural equipment" includes but is not  
11 limited to tractors; trailers; combines; tillage, planting,  
12 and cultivating implements; ~~batters~~ balers; irrigation  
13 implements; and all-terrain vehicles.

14 Sec. 63. Section 322F.7, subsection 7, paragraph a,  
15 subparagraph (1), Code Supplement 2003, is amended to read as  
16 follows:

17 (1) For a dealership agreement governing equipment other  
18 than outdoor power equipment, takes action terminating,  
19 canceling, or failing to renew the dealership agreement, or  
20 substantially changes the competitive circumstances intended  
21 by the dealership agreement, due to the results of conditions  
22 beyond the dealer's control, including drought, flood, labor  
23 disputes, or economic recession.

24 Sec. 64. Section 331.440A, subsection 6, paragraph c,  
25 subparagraph (1), Code 2003, is amended to read as follows:

26 (1) State and federal medical assistance funding for  
27 services under a home and community-based waiver services  
28 waiver to persons with mental retardation.

29 Sec. 65. Section 384.38, subsection 2, Code 2003, is  
30 amended to read as follows:

31 2. Upon petition as provided in section 384.41, subsection  
32 1, a city may assess to private property affected by public  
33 improvements within three miles of the city's boundaries the  
34 cost of construction and repair of public improvements within  
35 that area. The right-of-way of a railway company shall not be

1 assessed unless the company joins as a petitioner for said  
2 improvements. In the petition the property owners shall waive  
3 the limitation provided in section 384.62 that an assessment  
4 ~~may~~ shall not exceed twenty-five percent of the value of the  
5 lot. The petition shall contain a statement that the owners  
6 agree to pay the city an amount equal to five percent of the  
7 cost of the improvements, to cover administrative expenses  
8 incurred by the city. This amount may be added to the cost of  
9 the improvements. Before the council may adopt the resolution  
10 of necessity, the preliminary resolution, preliminary plans  
11 and specifications, plat, schedule, and estimate of cost must  
12 be submitted to, and receive written approval from, the board  
13 of supervisors of any county which contains part of the  
14 property, and the city development board established in  
15 section 368.9.

16 Sec. 66. Section 422.7, subsection 38, Code Supplement  
17 2003, is amended to read as follows:

18 38. Subtract, to the extent not otherwise excluded, the  
19 amount of withdrawals from qualified retirement plan accounts  
20 made during the tax year if the taxpayer or taxpayer's spouse  
21 is a member of the Iowa national guard or reserve forces of  
22 the United States who is ordered to ~~active~~ state military  
23 service or federal service or duty. In addition, a penalty  
24 for such withdrawals shall not be assessed by the state.

25 Sec. 67. Section 422.42, subsection 4, Code 2003, is  
26 amended to read as follows:

27 4. "Farm deer" means the same as defined in section ~~189A-2~~  
28 170.1.

29 Sec. 68. Section 422E.3A, subsection 2, paragraph b,  
30 subparagraph (3), Code Supplement 2003, is amended to read as  
31 follows:

32 (3) A school district that is located in whole or in part  
33 in a county that voted on and approved the continuation of the  
34 local sales and services tax for school infrastructure  
35 purposes on or after April 1, 2003, ~~the-local-sales-and~~

1 ~~services-tax-for-school-infrastructure-purposes~~ shall receive  
2 an amount equal to its pro rata share of the local sales and  
3 services tax receipts as provided in section 422E.3,  
4 subsection 5, paragraph "d", not to exceed its guaranteed  
5 school infrastructure amount. However, if the school  
6 district's pro rata share is less than its guaranteed school  
7 infrastructure amount, the district shall receive an  
8 additional amount equal to its supplemental school  
9 infrastructure amount.

10 Sec. 69. Section 422E.5, subsection 3, Code 2003, is  
11 amended to read as follows:

12 3. Top priority in awarding program grants shall be the  
13 making of school infrastructure improvements relating to fire  
14 and personal safety. School districts eligible for program  
15 grants shall have received an order or citation from the state  
16 fire marshal, or a fire department chief or fire prevention  
17 officer, for one or more fire safety violations regarding a  
18 school facility, or in the opinion of the state fire marshal  
19 shall be regarded as operating facilities subject to  
20 significant fire safety deficiencies. Grant awards shall also  
21 be available for defects or violations of the state building  
22 code, as adopted pursuant to section 103A.7, revealed during  
23 an inspection of school facilities by a local building  
24 department, or for improvements consistent with the standards  
25 and specifications contained in the state building code  
26 regarding ensuring that buildings and facilities are  
27 accessible to and functional for persons with disabilities.  
28 The school budget review committee shall allocate program  
29 funds to school districts which, in its discretion, are  
30 determined to be faced with the most severe deficiencies.  
31 School districts applying for program grants shall have  
32 developed and submitted to the state fire marshal or local  
33 building department a written plan to remedy fire or safety  
34 defects within a specified time frame. Approval of the  
35 written plan by the state fire marshal or local building

1 department shall be obtained prior to receipt of a grant award  
2 by a school district.

3 Sec. 70. Section 426A.7, Code Supplement 2003, is amended  
4 to read as follows:

5 426A.7 FORMS -- RULES.

6 The director of revenue shall prescribe the form for the  
7 making of a verified statement and designation of property  
8 eligible for military service tax exemption, and the form for  
9 the supporting affidavits required herein, and such other  
10 forms as may be necessary for the proper administration of  
11 this chapter. ~~As soon as practicable after the effective date~~  
12 ~~of this chapter, and from~~ From time to time thereafter as  
13 necessary, the department of revenue shall forward to the  
14 county auditors of the several counties of the state, such  
15 prescribed sample forms. The director of revenue shall have  
16 the power and authority to prescribe rules, not inconsistent  
17 with the provisions of this chapter, necessary to carry out  
18 and effectuate its purposes.

19 Sec. 71. Section 435.1, subsection 7, Code 2003, is  
20 amended to read as follows:

21 7. "Modular home" means a factory-built structure which is  
22 manufactured to be used as a place of human habitation, is  
23 constructed to comply with the Iowa state building code for  
24 modular factory-built structures, as adopted pursuant to  
25 section 103A.7, and must display the seal issued by the state  
26 building code commissioner. If a modular home is placed in a  
27 manufactured home community or mobile home park, the home is  
28 subject to the annual tax as required by section 435.22. If a  
29 modular home is placed outside a manufactured home community  
30 or a mobile home park, the home shall be considered real  
31 property and is to be assessed and taxed as real estate.

32 Sec. 72. Section 441.23, Code Supplement 2003, is amended  
33 to read as follows:

34 441.23 NOTICE OF VALUATION.

35 If there has been an increase or decrease in the valuation

1 of the property, or upon the written request of the person  
2 assessed, the assessor shall, at the time of making the  
3 assessment, inform the person assessed, in writing, of the  
4 valuation put upon the taxpayer's property, and notify the  
5 person, that if the person feels aggrieved, to appear before  
6 the board of review and show why the assessment should be  
7 changed. However, if the valuation of a class of property is  
8 uniformly decreased, the assessor may notify the affected  
9 property owners by publication in the official newspapers of  
10 the county. The owners of real property shall be notified not  
11 later than April 15 of any adjustment of the real property  
12 assessment.

13 Sec. 73. Section 453D.5, subsection 3, Code Supplement  
14 2003, is amended to read as follows:

15 3. The attorney general may require at any time from a  
16 nonparticipating manufacturer proof from the financial  
17 institution in which the ~~nonparticipatory~~ nonparticipating  
18 manufacturer has established a qualified escrow fund for the  
19 purpose of compliance with chapter 453C, of the amount of  
20 money in the qualified escrow fund, exclusive of interest, the  
21 amount and date of each deposit into the qualified escrow  
22 fund, and the amount and date of each withdrawal from the  
23 qualified escrow fund.

24 Sec. 74. Section 455B.172, subsection 5, unnumbered  
25 paragraph 2, Code 2003, is amended to read as follows:

26 The department shall by rule adopt standards for the  
27 commercial cleaning of private sewage disposal facilities,  
28 including but not limited to septic tanks and pits used to  
29 collect waste in livestock confinement structures, and for the  
30 disposal of waste from the facilities. The standards shall  
31 not be in conflict with the state building code adopted  
32 pursuant to section 103A.7. A person shall not commercially  
33 clean such facilities or dispose of waste from such facilities  
34 unless the person has been issued a license by the department.  
35 The department shall be exclusively responsible for adopting

1 the standards and issuing licenses. However, county boards of  
2 health shall enforce the standards and licensing requirements  
3 established by the department. Application for the license  
4 shall be made in the manner provided by the department.  
5 Licenses expire one year from the date of issue unless revoked  
6 and may be renewed in the manner provided by the department.  
7 The license or license renewal fee is twenty-five dollars. A  
8 person violating this section or the rules adopted pursuant to  
9 this section, is subject to a civil penalty of not more than  
10 twenty-five dollars. Each day that a violation continues  
11 constitutes a separate offense. However, the total civil  
12 penalty shall not exceed five hundred dollars per year. The  
13 penalty shall be assessed for a violation occurring ten days  
14 following written notice of the violation delivered to the  
15 person by the department or a county board of health. Moneys  
16 collected by the department or a county board of health from  
17 the imposition of civil penalties shall be deposited in the  
18 general fund of the state.

19 Sec. 75. Section 455D.19, subsection 4, unnumbered  
20 paragraph 2, Code 2003, is amended to read as follows:

21 Concentration levels of lead, cadmium, mercury, and  
22 hexavalent chromium shall be determined using ASTM (American  
23 standard-of society for testing and materials) international  
24 test methods, as revised, or United States environmental  
25 protection agency test methods for evaluating solid waste, S-W  
26 846, as revised.

27 Sec. 76. Section 455H.204, subsection 2, paragraph d, Code  
28 2003, is amended to read as follows:

29 d. Risk-based corrective action assessment principles  
30 which identify risks presented to the public health and safety  
31 or the environment by each released hazardous substance in a  
32 manner that will protect the public health and safety or the  
33 environment using a tiered procedure consistent with the ASTM  
34 (American society for testing of-materials<sup>1</sup> and materials)  
35 international standards applied to nonpetroleum and petroleum

1 hazardous substances.

2 Sec. 77. Section 459.102, subsection 12, paragraph a, Code  
3 Supplement 2003, is amended to read as follows:

4 a. A manager of a commercial manure service. As used in  
5 this paragraph a "manager" is a person who is actively  
6 involved in the operation of a commercial manure service and  
7 takes an important part in making management decisions  
8 substantially contributing to or affecting the success of the  
9 commercial manure service.

10 Sec. 78. Section 459.401, subsection 2, paragraph a,  
11 subparagraph (3), Code Supplement 2003, is amended to read as  
12 follows:

13 (3) Educational program fees required to be paid by  
14 commercial manure service representatives or confinement site  
15 manure applicators pursuant to section 459.400.

16 Sec. 79. Section 496C.16, Code Supplement 2003, is amended  
17 to read as follows:

18 496C.16 MANAGEMENT.

19 All directors of a professional corporation and all  
20 officers of a professional corporation, except assistant  
21 officers, shall at all times be individuals who are licensed  
22 to practice in this state a profession which the corporation  
23 is authorized to practice. However, upon the occurrence of  
24 any event that requires the corporation either to be dissolved  
25 or to elect to adopt the provisions of the Iowa business  
26 corporation Act, chapter 490, as provided in section 496C.19,  
27 provided the corporation ceases to practice the profession  
28 that the corporation is authorized to practice, as provided in  
29 section 496C.19, then individuals who are not licensed to  
30 practice in this state a profession that the corporation is  
31 authorized to practice may be appointed as officers and  
32 directors for the sole purpose of carrying out the dissolution  
33 of the corporation or, if applicable, the voluntary election  
34 of the corporation to adopt the provisions of the Iowa  
35 business corporation Act, as provided in section 496C.19.

1 Sec. 80. Section 497.33, Code Supplement 2003, is amended  
2 to read as follows:

3 497.33 PERSONAL LIABILITY.

4 Except as otherwise provided in this chapter, a director,  
5 officer, employee, or member of the corporation is not liable  
6 on the corporation's debts or obligations and a director,  
7 officer, member, or other volunteer is not personally liable  
8 in that capacity, for a claim based upon any action taken, or  
9 any failure to take action in the discharge of the person's  
10 duties, except for the amount of a financial benefit received  
11 by the person to which the person is not entitled, an  
12 intentional infliction of harm on the ~~association~~ corporation  
13 or its members, or an intentional violation of criminal law.

14 Sec. 81. Section 499B.3, unnumbered paragraph 2, Code  
15 2003, is amended to read as follows:

16 If the declaration is to convert an existing structure, the  
17 declarant shall file the declaration of the horizontal  
18 property regime with the city in which the regime is located  
19 or with the county if not located within a city at least sixty  
20 days before being recorded in the office of the county  
21 recorder to enable the city or county, as applicable, to  
22 establish that the converted structure meets appropriate  
23 building code requirements as provided in section 499B.20.  
24 However, if the city or county, as applicable, does not have a  
25 building code, the declarant shall file the declaration with  
26 the state building code commissioner instead of the applicable  
27 city or county at least sixty days before the recording of the  
28 declaration to enable the commissioner to establish that the  
29 converted structure meets the state building code, as adopted  
30 pursuant to section 103A.7.

31 Sec. 82. Section 499B.20, Code 2003, is amended to read as  
32 follows:

33 499B.20 CONVERSIONS TO MEET BUILDING CODES.

34 After April 25, 2000, an existing structure shall not be  
35 converted to a horizontal property regime unless the converted

1 structure meets local city or county, as applicable, building  
2 code requirements in effect on the date of conversion or the  
3 state building code requirements, as adopted pursuant to  
4 section 103A.7, if the local city or county does not have a  
5 building code. For purposes of this section, if the structure  
6 is located in a city, the city building code applies and if  
7 the structure is located in the unincorporated area of the  
8 county, the county building code applies.

9 Sec. 83. Section 504A.29, subsection 1, Code 2003, is  
10 amended to read as follows:

11 1. The name of the corporation and the chapter of the Code  
12 or ~~session-laws~~ Iowa Acts under which incorporated.

13 Sec. 84. Section 504A.39, subsection 4, paragraph e, Code  
14 2003, is amended to read as follows:

15 e. Any other provisions, not inconsistent with law or the  
16 purposes which the corporation is authorized to pursue, which  
17 are to be set forth in articles of incorporation; except that  
18 it shall not be necessary to set forth in the restated  
19 articles of incorporation any of the corporate powers  
20 enumerated in this chapter nor any statement with respect to  
21 the chapter of the Code or ~~session-laws~~ Iowa Acts under which  
22 the corporation was incorporated, its registered office,  
23 registered agent, directors, or incorporators, or the date on  
24 which its corporate existence began.

25 Sec. 85. Section 504C.1, subsection 3, paragraph a, Code  
26 2003, is amended to read as follows:

27 a. Design, modify, or construct a specific housing  
28 facility to provide appropriate services and support to the  
29 residents of the specific housing facility. Local  
30 requirements shall not be more restrictive than the rules  
31 adopted for a family home, as defined in section 335.25 or  
32 414.22, and the state building code requirements for single-  
33 family or multiple-family housing, as adopted pursuant to  
34 section 103A.7.

35 Sec. 86. Section 508.31A, subsection 2, paragraph a,

1 subparagraph (2), subparagraph subdivision (b), Code  
2 Supplement 2003, is amended to read as follows:

3 (b) Activities of an organization exempt from taxation  
4 pursuant to section ~~501e~~ 501(c) of the Internal Revenue Code,  
5 or any similar organization in any foreign country.

\* 6 Sec. 87. Section 514.2, Code Supplement 2003, is amended  
7 to read as follows:

8 514.2 INCORPORATION.

9 Persons desiring to form a nonprofit hospital service  
10 corporation, or a nonprofit medical service corporation, or a  
11 nonprofit pharmaceutical or optometric service corporation  
12 shall ~~incorporate~~ have been incorporated under the provisions  
13 of chapter 504, Code 1989, or shall incorporate under the  
14 provisions of chapter 504A, as supplemented and amended herein  
15 and any acts amendatory thereof.

16 Sec. 88. Section 533C.202, subsection 2, paragraph e, Code  
17 Supplement 2003, is amended to read as follows:

18 e. A list of other states in which the applicant is  
19 licensed to engage in money transmission or provide other  
20 money services and of any license revocations, suspensions, or  
21 other disciplinary action taken against the applicant in  
22 another state.

23 Sec. 89. Section 533C.301, subsection 1, unnumbered  
24 paragraph 1, Code Supplement 2003, is amended to read as  
25 follows:

26 A person shall not engage in currency exchange or  
27 advertise, solicit, or hold itself out as providing currency  
28 exchange for which the person receives revenues equal to or  
29 greater than five percent of total revenues unless the person:

30 Sec. 90. Section 544A.28, unnumbered paragraph 4, Code  
31 2003, is amended to read as follows:

32 A public official charged with the enforcement of the state  
33 building code, as adopted pursuant to section 103A.7, or a  
34 municipal or county building code, shall not accept or approve  
35 any technical submissions involving the practice of

1 architecture unless the technical submissions have been  
2 stamped with the architect's seal as required by this section  
3 or unless the applicant has certified on the technical  
4 submission to the applicability of a specific exception under  
5 section 544A.18 permitting the preparation of technical  
6 submissions by a person not registered under this chapter. A  
7 building permit issued with respect to technical submissions  
8 which do not conform to the requirements of this section is  
9 invalid.

10 Sec. 91. Section 554.10105, unnumbered paragraph 1, Code  
11 2003, is amended to read as follows:

12 The secretary of state, the secretary's employees or  
13 agents, are hereby exempted from all personal liability as a  
14 result of errors or omissions in the performance of any duty  
15 required by the Uniform Commercial Code, as provided in this  
16 chapter 554, except in cases of willful negligence.

17 Sec. 92. Section 570A.5, unnumbered paragraph 1, Code  
18 Supplement 2003, is amended to read as follows:

19 Except as provided in this section, an agricultural supply  
20 ~~dealer's~~ dealer lien that is effective or perfected as  
21 provided in section 570A.4 shall be subject to the rules of  
22 priority as provided in section 554.9322. For an agricultural  
23 supply ~~dealer's~~ dealer lien that is perfected under section  
24 570A.4, all of the following shall apply:

25 Sec. 93. Section 570A.5, subsections 1 and 2, Code  
26 Supplement 2003, are amended to read as follows:

27 1. The lien shall have priority over a lien or security  
28 interest that applies subsequent to the time that the  
29 agricultural supply ~~dealer's~~ dealer lien is perfected.

30 2. Except as provided in section 570A.2, subsection 3, the  
31 lien shall have equal priority to a lien or security interest  
32 which is perfected prior to the time that the agricultural  
33 supply ~~dealer's~~ dealer lien is perfected. However, a  
34 landlord's lien that is perfected pursuant to section 570.1  
35 shall have priority over a conflicting agricultural supply

1 dealer's dealer lien as provided in section 570.1, and a  
2 harvester's lien that is perfected pursuant to section 571.3  
3 shall have priority over a conflicting agricultural supply  
4 dealer's dealer lien as provided in section 571.3A.

5 Sec. 94. Section 570A.6, Code Supplement 2003, is amended  
6 to read as follows:

7 570A.6 ENFORCEMENT OF LIEN.

8 An agricultural supply dealer may enforce an agricultural  
9 supply dealer's dealer lien in the manner provided for  
10 agricultural liens pursuant to chapter 554, article 9, part 6.

11 Sec. 95. Section 591.17, unnumbered paragraph 1, Code  
12 2003, is amended to read as follows:

13 In all instances where corporations not for pecuniary  
14 profit have heretofore adopted renewal articles of  
15 incorporation or articles of reincorporation and there has  
16 been a failure to set forth therein the time of the annual  
17 meeting or the time of the annual meeting of the trustees or  
18 directors and such renewal articles of incorporation or  
19 articles of reincorporation are otherwise complete and in  
20 compliance with the law as set forth in section 504.1, Code  
21 1989, such renewal articles of incorporation or articles of  
22 reincorporation are hereby legalized and validated and shall  
23 be held to have the same force and effect as though all of  
24 such provisions had been complied with in all respects.

25 Sec. 96. Section 598B.106, Code 2003, is amended to read  
26 as follows:

27 598B.106 EFFECT OF CHILD-CUSTODY DETERMINATION.

28 A child-custody determination made by a court of this state  
29 that had ~~jurisdiction~~ jurisdiction under this chapter binds  
30 all persons who have been served in accordance with the laws  
31 of this state, or notified in accordance with section  
32 598B.108, or who have submitted to the jurisdiction of the  
33 court, and who have been given an opportunity to be heard. As  
34 to those persons, the determination is conclusive as to all  
35 decided issues of law and fact except to the extent the

1 determination is modified.

2 Sec. 97. Section 602.11112, Code 2003, is amended to read  
3 as follows:

4 602.11112 FIFTH JUDICIAL ELECTION DISTRICT.

5 The provisions of section 602.6109, Code 2003, relating to  
6 the division of the fifth judicial district into judicial  
7 election districts 5A, 5B, and 5C take effect January 1, 1985.

8 Sec. 98. Section 602.11115, subsection 3, Code Supplement  
9 2003, is amended to read as follows:

10 3. To commence coverage under the judicial retirement  
11 system pursuant to article 9, part 1, retroactive to the date  
12 the district associate judge became a district associate judge  
13 or a full-time judicial magistrate, whichever was earlier, and  
14 to cease to be a member of the Iowa public employees'  
15 retirement system, effective July 1, 1984. The department of  
16 ~~administrative-services~~ personnel shall transmit by January 1,  
17 1985, to the state court administrator for deposit in the  
18 judicial retirement fund the district associate judge's  
19 accumulated contributions as defined in section 97B.1A,  
20 subsection 2 for the judge's period of membership service as a  
21 district associate judge or full-time judicial magistrate, or  
22 both. Before July 1, 1986, or at retirement previous to that  
23 date, a district associate judge who becomes a member of the  
24 judicial retirement system pursuant to this subsection shall  
25 contribute to the judicial retirement fund an amount equal to  
26 the difference between four percent of the district associate  
27 judge's total basic salary for the entire period of service  
28 before July 1, 1984, as a district associate judge or judicial  
29 magistrate, or both, and the district associate judge's  
30 accumulated contributions transmitted by the department of  
31 ~~administrative-services~~ personnel to the state court  
32 administrator pursuant to this subsection. The district  
33 associate judge's contribution shall not be limited to the  
34 amount specified in section 602.9104, subsection 1. The state  
35 court administrator shall credit a district associate judge

1 with service under the judicial retirement system for the  
2 period of service for which contributions at the four percent  
3 level are made.

4 Sec. 99. Section 633.707, subsection 3, Code 2003, is  
5 amended to read as follows:

6 3. "Institutionalized individual" means an individual  
7 receiving nursing facility services, a level of care in any  
8 institution equivalent to nursing facility services, or home  
9 and community-based services under the medical assistance home  
10 and community-based services waiver program.

11 Sec. 100. Section 633.709, subsection 3, paragraphs a, b,  
12 c, and e, Code 2003, are amended to read as follows:

13 a. For a beneficiary who meets the medical assistance  
14 level of care requirements for services in an intermediate  
15 care facility for persons with mental retardation and who  
16 either resides in an intermediate care facility for persons  
17 with mental retardation or is eligible for services under the  
18 medical assistance home and community-based services waiver  
19 ~~services~~ except that the beneficiary's income exceeds the  
20 allowable maximum, the applicable rate is the maximum monthly  
21 medical assistance payment rate for services in an  
22 intermediate care facility for persons with mental  
23 retardation.

24 b. For a beneficiary who meets the medical assistance  
25 level of care requirements for hospital-based, ~~medicare-~~  
26 certified Medicare-certified, skilled nursing facility care  
27 and who either resides in a hospital-based, medicare-certified  
28 Medicare-certified, skilled nursing facility or is eligible  
29 for services under the medical assistance home and community-  
30 based services waiver ~~services~~ except that the beneficiary's  
31 income exceeds the allowable maximum, the applicable rate is  
32 the statewide average charge to private-pay patients for  
33 hospital-based, MEDICARE-certified Medicare-certified, skilled  
34 nursing facility care.

35 c. For a beneficiary who meets the medical assistance

1 level of care requirements for nonhospital-based, Medicare-  
2 certified, skilled nursing facility care and who either  
3 resides in a nonhospital-based, Medicare-certified, skilled  
4 nursing facility or is eligible for services under the medical  
5 assistance home and community-based services waiver services  
6 except that the beneficiary's income exceeds the allowable  
7 maximum, the applicable rate is the statewide average charge  
8 to private-pay patients for nonhospital-based, Medicare-  
9 certified, skilled nursing facility care.

10 e. For a beneficiary who meets the medical assistance  
11 level of care requirements for services in a state mental  
12 health institute and who either resides in a state mental  
13 health institute or is eligible for services under a medical  
14 assistance home and community-based services waiver services  
15 except that the beneficiary's income exceeds the allowable  
16 maximum, the applicable rate is the statewide average charge  
17 for state mental health institute care.

18 Sec. 101. Section 669.14, subsection 5, Code Supplement  
19 2003, is amended to read as follows:

20 5. Any claim by an employee of the state which is covered  
21 by the Iowa workers' compensation law or the Iowa occupational  
22 disease law, chapter 85A.

23 Sec. 102. Section 709.15, subsection 1, paragraph g, Code  
24 Supplement 2003, is amended to read as follows:

25 g. "Student" means a person who is currently enrolled in  
26 or attending a public or nonpublic elementary or secondary  
27 school, or who was a student enrolled in or who attended a  
28 public or nonpublic elementary or secondary school within  
29 thirty days of any violation of subsection 3.

30 Sec. 103. 2003 Iowa Acts, chapter 91, section 10, the  
31 portion of which amends section 508.38, subsection 11, Code  
32 2003, is amended to read as follows:

33 11. After the effective date of this section of this Act,  
34 a company may elect either to apply the provisions of this  
35 section as it existed prior to the effective date of this

1 section of this Act or to apply the provisions of this section  
2 as enacted by this Act to annuity contracts on a contract  
3 form-by-form basis before the second anniversary of the  
4 effective date of this section of this Act. In all other  
5 instances, this section shall become operative with respect to  
6 annuity contracts issued by the company two years after the  
7 effective date of this section of this Act.

8 Sec. 104. 2003 Iowa Acts, chapter 143, section 17,  
9 subsection 2, is amended to read as follows:

10 2. The section of this Act amending section 123.183 and  
11 relating to the deposit of revenue collected from the wine  
12 gallonage tax in the grape and wine development fund is  
13 retroactively applicable to July 1, 2002. The revenue  
14 collected during the fiscal year beginning on July 1, 2002,  
15 and ending on June 30, 2003, from the wine gallonage tax on  
16 wine imported into this state at wholesale and sold in this  
17 state at wholesale as provided in section 123.183 that is in  
18 excess of the revenue collected from such tax during the  
19 fiscal year beginning July 1, 2001, and ending on June 30,  
20 2002, shall be deposited in the grape and wine development  
21 fund as created in section ~~175.5~~ 175A.5. However, not more  
22 than seventy-five thousand dollars from such tax shall be  
23 deposited into the fund.

24 Sec. 105. Section 423.3, subsection 33, as enacted by 2003  
25 Iowa Acts, 1st Extraordinary Session, chapter 2, section 96,  
26 is amended to read as follows:

27 33. The sales price of mementos and other items relating  
28 to Iowa history and historic sites, the general assembly, and  
29 the state capitol, sold by the legislative ~~service-bureau~~  
30 services agency and its legislative information office on the  
31 premises of property under the control of the legislative  
32 council, at the state capitol, and on other state property.

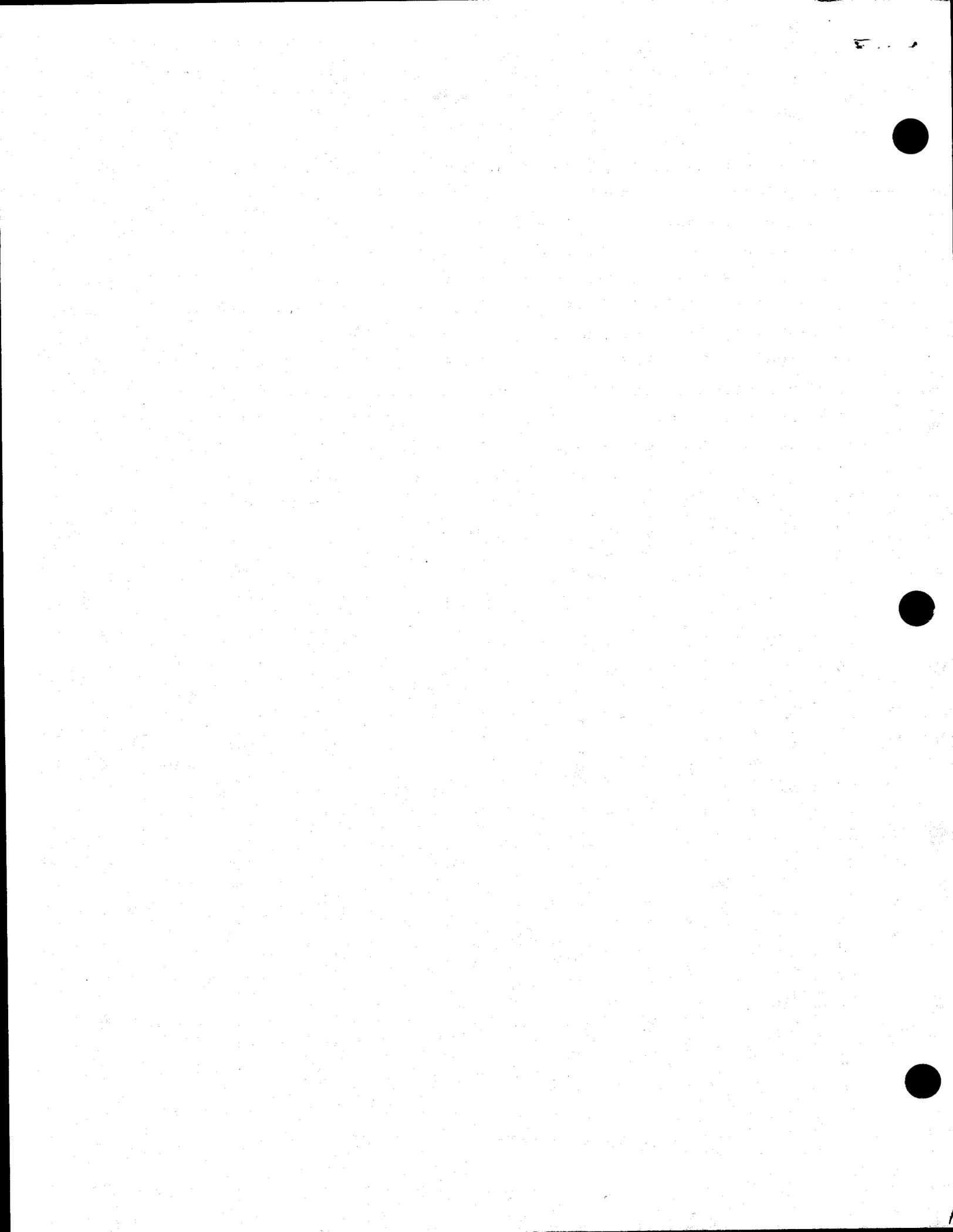
33 Sec. 106. CODE EDITOR DIRECTIVE -- ASTM INTERNATIONAL.  
34 The Code editor is directed to change references to the  
35 American society for testing and materials to references to

1 ASTM international in the following Code and Code supplement  
2 sections, and in any other Code sections amended or enacted  
3 during the 80th General Assembly, second session, or during  
4 prior sessions of the General Assembly, consistent with the  
5 reference changes made relating to the same organization in  
6 this Act: 159A.2, 214A.1, 214A.2, 359A.18, 452A.2, 455B.173,  
7 455B.474, 455D.19, and 459.307.

8 Sec. 107. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.

9 The section of this Act amending 2003 Iowa Acts, chapter 91,  
10 section 10, being deemed of immediate importance, takes effect  
11 upon enactment and applies retroactively to July 1, 2003.

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Eichhorn, Ch  
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Succeeded By  
SF **2208**

**HSB 549**

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 2B.10, Code Supplement 2003, is amended  
2 to read as follows:

3 2B.10 ~~SESSION-LAWS~~ IOWA ACTS.

4 1. The arrangement of the Acts and resolutions, and the  
5 size, style, type, binding, general arrangement, and tables of  
6 the ~~session-laws~~ Iowa Acts shall be printed and published in  
7 the manner determined by the Iowa Code editor in accordance  
8 with the policies set by the legislative council as provided  
9 in section 2.42.

10 2. Chapters of the first regular session shall be numbered  
11 from one and chapters of the second regular session shall be  
12 numbered from one thousand one.

13 3. A list of elective state officers and deputies, supreme  
14 court justices, judges of the court of appeals, and members of  
15 the general assembly shall be published annually with the  
16 ~~session-laws~~ Iowa Acts.

17 4. A statement of the condition of the state treasury  
18 shall be included, as provided by the Constitution of the  
19 State of Iowa. The statement shall be furnished by the  
20 director of the department of administrative services.

21 5. The enrolling clerks of the house and senate shall  
22 arrange for the Iowa Code editor to receive suitable copies of  
23 all Acts and resolutions as soon as they are enrolled.

24 6. A notation of the filing of an estimate of a state  
25 mandate prepared by the legislative services agency pursuant  
26 to section 25B.5 shall be included in the ~~session-laws~~ Iowa  
27 Acts with the text of an enacted bill or joint resolution  
28 containing the state mandate.

29 Sec. 2. Section 2B.17, subsection 2, Code Supplement 2003,  
30 is amended to read as follows:

31 2. The ~~session-laws~~ Acts of each general assembly shall be  
32 known as "Acts of the .. General Assembly, .. Session,  
33 Chapter (or File No.) .., Section .." (inserting the  
34 appropriate numbers) and shall be cited as ".. Iowa Acts,  
35 chapter .., section .." (inserting the appropriate year,

1 chapter, and section number).

2 Sec. 3. Section 3.3, Code 2003, is amended to read as  
3 follows:

4 3.3 HEADNOTES AND HISTORICAL REFERENCES.

5 Proper headnotes may be placed at the beginning of a  
6 section of a bill, and at the end of the section there may be  
7 placed a reference to the section number of the Code, or any  
8 ~~session-law~~ Iowa Act from which the matter of the bill was  
9 taken, but, except as provided in the Uniform Commercial Code,  
10 section 554.1109, neither said headnotes nor said historical  
11 references shall be considered as a part of the law as  
12 enacted.

13 Sec. 4. Section 7J.1, subsection 1, Code Supplement 2003,  
14 is amended to read as follows:

15 1. DESIGNATION OF CHARTER AGENCIES -- PURPOSE. The  
16 governor may, by executive order, designate state departments  
17 or agencies, as described in section 7E.5, or the Iowa lottery  
18 authority established in chapter 99G, other than the  
19 department of administrative services, ~~if the department is~~  
20 ~~established in law,~~ or the department of management, as a  
21 charter agency by July 1, 2003. The designation of a charter  
22 agency shall be for a period of five years which shall  
23 terminate as of June 30, 2008. The purpose of designating a  
24 charter agency is to grant the agency additional authority as  
25 provided by this chapter while reducing the total  
26 appropriations to the agency.

27 Sec. 5. Section 8.59, Code Supplement 2003, is amended to  
28 read as follows:

29 8.59 APPROPRIATIONS FREEZE.

30 Notwithstanding contrary provisions of the Code, the  
31 amounts appropriated under the applicable sections of the Code  
32 for fiscal years commencing on or after July 1, 1993, are  
33 limited to those amounts expended under those sections for the  
34 fiscal year commencing July 1, 1992. If an applicable section  
35 appropriates moneys to be distributed to different recipients

1 and the operation of this section reduces the total amount to  
2 be distributed under the applicable section, the moneys shall  
3 be prorated among the recipients. As used in this section,  
4 "applicable sections" means ~~the following~~ sections: 53.50,  
5 229.35, 230.8, 230.11, 411.20, and 663.44.

6 Sec. 6. Section 8A.124, Code Supplement 2003, is amended  
7 to read as follows:

8 8A.124 ADDITIONAL PERSONNEL.

9 The department may employ, upon the approval of the  
10 department of management, such additional personnel in excess  
11 of the number of full-time equivalent positions authorized by  
12 the general assembly if such additional personnel are  
13 reasonable and necessary to perform such duties as required to  
14 meet the needs of the department to provide services to other  
15 governmental entities and as authorized by this chapter. The  
16 director shall notify in writing the department of management,  
17 the legislative fiscal committee, and the legislative services  
18 agency of any additional personnel employed pursuant to this  
19 section.

20 Sec. 7. Section 8A.402, subsection 2, paragraph c, Code  
21 Supplement 2003, is amended to read as follows:

22 c. Encourage and exercise leadership in the development of  
23 effective personnel administration within the several state  
24 agencies, and to make available the facilities of the  
25 department to this end.

26 Sec. 8. Section 8A.502, subsection 14, paragraph b,  
27 unnumbered paragraph 1, Code Supplement 2003, is amended to  
28 read as follows:

29 Modify the centralized statewide accounting system and  
30 develop, or require to be developed by the appropriate  
31 departments of state government, the necessary reports and  
32 procedures necessary to complete the managerial and financial  
33 reports required to comply with the federal law.

34 Sec. 9. Section 11.27, subsection 2, Code 2003, is amended  
35 to read as follows:

1 2. The results of an audit of the documents and the  
2 records of the department of management created in the-budget  
3 and-financial-control-Act chapter 8, which records shall be  
4 audited by the auditor; and, the results of the auditor's  
5 audit of all taxes and other revenue collected and paid into  
6 the treasury, and the sources thereof.

7 Sec. 10. Section 15.269, subsection 2, paragraph b,  
8 subparagraph (1), subparagraph subdivision (a), Code  
9 Supplement 2003, is amended to read as follows:

10 (a) Each cogeneration pilot project facility must involve  
11 two hundred megawatts or less of electricity, in combination  
12 with one or more other cogeneration pilot project facilities.

13 Sec. 11. Section 28.4, subsection 12, paragraph d,  
14 subparagraph (1), Code Supplement 2003, is amended to read as  
15 follows:

16 (1) Moneys for the healthy opportunities for parents to  
17 experience success -- healthy families Iowa program under  
18 section 135.106 by the fiscal year beginning July 1, 2000, and  
19 ending June 30, 2001.

20 Sec. 12. Section 29A.1, subsection 1, Code 2003, is  
21 amended to read as follows:

22 1. "Active-state State military service" means training or  
23 operational duty or other service authorized and performed  
24 under the provisions of 32 U.S.C. or other federal law or  
25 regulation as part of the Iowa army national guard or Iowa air  
26 national guard and paid for with federal funds.

27 Sec. 13. Section 29A.8A, Code 2003, is amended to read as  
28 follows:

29 29A.8A ACTIVE-STATE STATE MILITARY SERVICE.

30 If federal funding and authorization exist for this  
31 purpose, the governor may order to active state military  
32 service the military forces of the Iowa army national guard or  
33 Iowa air national guard as the governor may deem appropriate  
34 for the purposes of homeland security, homeland defense, or  
35 other duty. A state employee shall take either a full day's

1 leave or eight hours of compensatory time on a day in which  
2 the state employee receives a full day's pay from federal  
3 funds for national guard duty.

4 Sec. 14. Section 29A.28, subsections 1 and 3, Code  
5 Supplement 2003, are amended to read as follows:

6 1. All officers and employees of the state, or a  
7 subdivision thereof, or a municipality other than employees  
8 employed temporarily for six months or less, who are members  
9 of the national guard, organized reserves or any component  
10 part of the military, naval, or air forces or nurse corps of  
11 this state or nation, or who are or may be otherwise inducted  
12 into the military service of this state or of the United  
13 States, shall, when ordered by proper authority to state  
14 active duty, ~~active state~~ military service, or federal  
15 service, be entitled to a leave of absence from such civil  
16 employment for the period of state active duty, ~~active state~~  
17 military service, or federal service, without loss of status  
18 or efficiency rating, and without loss of pay during the first  
19 thirty days of such leave of absence. Where state active  
20 duty, ~~active state~~ military service, or federal service is for  
21 a period less than thirty days, a leave of absence under this  
22 section shall only be required for those days that the civil  
23 employee would normally perform services for the state,  
24 subdivision of the state, or a municipality.

25 3. Upon returning from a leave of absence under this  
26 section, an employee shall be entitled to return to the same  
27 position and classification held by the employee at the time  
28 of entry into state active duty, ~~active state~~ military  
29 service, or federal service or to the position and  
30 classification that the employee would have been entitled to  
31 if the continuous civil service of the employee had not been  
32 interrupted by state active duty, ~~active state~~ military  
33 service, or federal service. Under this subsection,  
34 "position" includes the geographical location of the position.

35 Sec. 15. Section 29A.90, subsection 3, Code Supplement

1 2003, is amended to read as follows:

2 3. "Military service" means full-time active state  
3 military service or state active duty, as defined in section  
4 29A.1, for a period of at least ninety consecutive days,  
5 commencing on or after April 22, 2002.

6 Sec. 16. Section 29B.13, unnumbered paragraph 1, Code  
7 2003, is amended to read as follows:

8 Under regulations as may be prescribed under this code a  
9 person subject to this code who is on active state military  
10 service or state active duty who is accused of an offense  
11 against civil authority may be delivered, upon request, to the  
12 civil authority for trial.

13 Sec. 17. Section 72.5, subsection 2, Code 2003, is amended  
14 to read as follows:

15 2. In connection with development of a statewide building  
16 energy efficiency rating system, pursuant to section 473.40,  
17 the director of the department of natural resources in  
18 consultation with the department of management, state building  
19 code ~~director~~ commissioner, and state fire marshal, shall  
20 develop standards and methods to evaluate design development  
21 documents and construction documents based upon the energy  
22 efficiency rating system for public buildings, and other life  
23 cycle cost factors, to facilitate fair and uniform comparisons  
24 between design proposals and informed decision making by  
25 public bodies.

26 Sec. 18. Section 80.35, Code Supplement 2003, is amended  
27 to read as follows:

28 80.35 TRANSITION.

29 Persons employed by the department of administrative  
30 general services as capitol security force officers shall be  
31 transferred to the division of capitol security of the  
32 department of public safety on July 1, 1976. Persons  
33 transferred pursuant to this section shall retain their  
34 positions as capitol police officers, shall not be subject to  
35 the requirements and conditions of section 80.15, and shall

1 remain under the Iowa public employees' retirement system.  
2 Persons employed after July 1, 1976, by the department of  
3 public safety as capitol police officers within the division  
4 of capitol police shall be subject to the requirements and  
5 conditions of section 80.15, except those requirements  
6 relating to age, and shall be subject to the Iowa public  
7 employees' retirement system. The minimum age for persons  
8 employed by the division of capitol police shall be eighteen.

9 Sec. 19. Section 80B.5, Code 2003, is amended to read as  
10 follows:

11 80B.5 ADMINISTRATION.

12 The administration of ~~the Iowa law enforcement academy and~~  
13 ~~council~~ Act this chapter shall be vested in the office of the  
14 governor. A director of the academy and such staff as may be  
15 necessary for it to function shall be employed pursuant to the  
16 Iowa merit system.

17 Sec. 20. Section 80B.11E, subsection 4, Code Supplement  
18 2003, is amended to read as follows:

19 4. An individual who has not been hired by a law  
20 enforcement agency must be hired by a law enforcement agency  
21 within eighteen months of completing the appropriate  
22 coursework at the law enforcement academy in order to obtain  
23 certification pursuant to this section chapter.

24 Sec. 21. Section 96.7, subsection 12, paragraph a, Code  
25 Supplement 2003, is amended to read as follows:

26 a. An employer other than a governmental entity or a  
27 nonprofit organization, subject to this chapter, shall pay an  
28 administrative contribution surcharge equal in amount to one-  
29 tenth of one percent of federal taxable wages, as defined in  
30 section 96.19, subsection 37, paragraph "b", subject to the  
31 surcharge formula to be developed by the department under this  
32 paragraph. The department shall develop a surcharge formula  
33 that provides a target revenue level of no greater than six  
34 million five hundred twenty-five thousand dollars for calendar  
35 years 2003, 2004, and 2005 and a target revenue level of no

1 greater than three million two hundred sixty-two thousand five  
2 hundred dollars for calendar year 2006 and each subsequent  
3 calendar year. The department shall reduce the administrative  
4 contribution surcharge established for any calendar year  
5 proportionate to any federal government funding that provides  
6 an increased allocation of moneys for workforce development  
7 offices, under the federal employment services financing  
8 reform legislation. Any administrative contribution surcharge  
9 revenue that is collected in calendar year 2003, 2004, or 2005  
10 in excess of six million five hundred twenty-five thousand  
11 dollars or in calendar year 2006 or a subsequent calendar year  
12 in excess of three million two hundred sixty-two thousand five  
13 hundred dollars shall be deducted from the amount to be  
14 collected in the subsequent calendar year ~~2003~~ before the  
15 department establishes the administrative contribution  
16 surcharge. The department shall recompute the amount as a  
17 percentage of taxable wages, as defined in section 96.19,  
18 subsection 37, and shall add the percentage surcharge to the  
19 employer's contribution rate determined under this section.  
20 The percentage surcharge shall be capped at a maximum of seven  
21 dollars per employee. The department shall adopt rules  
22 prescribing the manner in which the surcharge will be  
23 collected. Interest shall accrue on all unpaid surcharges  
24 under this subsection at the same rate as on regular  
25 contributions and shall be collectible in the same manner.  
26 Interest accrued and collected under this paragraph and  
27 interest earned and credited to the fund under paragraph "b"  
28 shall be used by the department only for the purposes set  
29 forth in paragraph "c".

30 Sec. 22. Section 99B.9, subsection 1, unnumbered paragraph  
31 1, Code Supplement 2003, is amended to read as follows:

32 Except as otherwise permitted by section 99B.3, 99B.5,  
33 99B.6, 99B.7, 99B.8, 99B.11, or 99B.12A, it is unlawful to  
34 permit gambling on any premises owned, leased, rented, or  
35 otherwise occupied by a person other than a government,

1 governmental agency, or governmental subdivision, unless all  
2 of the following are complied with:

3 Sec. 23. Section 99D.24, subsection 4, unnumbered  
4 paragraph 1, Code 2003, is amended to read as follows:

5 A person commits a class "D" felony and, in addition, shall  
6 be barred for life from racetracks under the jurisdiction  
7 jurisdiction of the commission, if the person does any of the  
8 following:

9 Sec. 24. Section 99G.8, subsection 9, Code Supplement  
10 2003, is amended to read as follows:

11 9. Board members shall be considered to hold public office  
12 and shall give bond ~~as-such~~ as required in chapter 64.

13 Sec. 25. Section 99G.10, subsection 8, Code Supplement  
14 2003, is amended to read as follows:

15 8. A background investigation shall be conducted by the  
16 department of public safety, division of criminal  
17 investigation, on each applicant who has reached the final  
18 selection process prior to employment by the authority. For  
19 positions not designated as sensitive by the board, the  
20 investigation may consist of a state criminal history  
21 background check, work history, and financial review. The  
22 board shall identify those sensitive positions of the  
23 authority which require full background investigations, which  
24 positions shall include, at a minimum, any officer of the  
25 authority, and any employee with operational management  
26 responsibilities, security duties, or system maintenance or  
27 programming responsibilities related to the authority's data  
28 processing or network hardware, software, communication, or  
29 related systems. In addition to a work history and financial  
30 review, a full background investigation may include a national  
31 criminal history ~~record~~ check through the federal bureau of  
32 investigation. The screening of employees through the federal  
33 bureau of investigation shall be conducted by submission of  
34 fingerprints through the state criminal history ~~record~~  
35 repository to the federal bureau of investigation. The

1 results of background investigations conducted pursuant to  
2 this section shall not be considered public records under  
3 chapter 22.

4 Sec. 26. Section 99G.33, Code Supplement 2003, is amended  
5 to read as follows:

6 99G.33 LAW ENFORCEMENT INVESTIGATIONS.

7 The department of public safety, division of criminal  
8 investigation, shall be the primary state agency responsible  
9 for investigating criminal violations under this chapter. The  
10 chief executive officer shall contract with the department of  
11 public safety for investigative services, including the  
12 employment of special agents and support personnel, and  
13 procurement of necessary equipment to carry out the  
14 responsibilities of the division of criminal investigation  
15 under the terms of the agreement contract and this chapter.

16 Sec. 27. Section 100.35, unnumbered paragraph 2, Code  
17 2003, is amended to read as follows:

18 Rules by the fire marshal affecting the construction of new  
19 buildings, additions to buildings or rehabilitation of  
20 existing buildings and related to fire protection, shall be  
21 substantially in accord with the provisions of the nationally  
22 recognized building and related codes adopted as the state  
23 building code pursuant to section 103A.7 or with codes adopted  
24 by a local subdivision which are in substantial accord with  
25 the codes comprising the state building code.

26 Sec. 28. Section 100.38, Code 2003, is amended to read as  
27 follows:

28 100.38 CONFLICTING STATUTES.

29 Provisions of this chapter in conflict with the state  
30 building code, as adopted pursuant to section 103A.7, shall  
31 not apply where the state building code has been adopted or  
32 when the state building code applies throughout the state.

33 Sec. 29. Section 100.39, unnumbered paragraph 3, Code  
34 2003, is amended to read as follows:

35 Plans and installation of systems shall be approved by the

1 state fire marshal, a designee of the state fire marshal, or  
2 local authorities having jurisdiction. Except where local  
3 fire protection regulations are more stringent, the provisions  
4 of this section shall be applicable to all buildings, whether  
5 privately or publicly owned. The definition of terms shall be  
6 in conformity, insofar as possible, with definitions found in  
7 the state building code adopted pursuant to section 103A.7.

8 Sec. 30. Section 100B.8, Code Supplement 2003, is amended  
9 to read as follows:

10 100B.8 EMPLOYEES.

11 Employees of the fire service institute at Iowa state  
12 university on July 1, 2000, may elect to transfer to the  
13 department of public safety in a position and at a pay range  
14 commensurate with their duties as determined by the department  
15 of ~~administrative-services~~ personnel, the department of public  
16 safety, and the employee's certified collective bargaining  
17 representative.

18 Sec. 31. Section 124.401, subsection 1, paragraph b,  
19 subparagraph (8), Code Supplement 2003, is amended to read as  
20 follows:

21 (8) More than five grams but not more than five kilograms  
22 of amphetamine, its salts, isomers, or salts of isomers, or  
23 any compound, mixture, or preparation which contains any  
24 quantity of or detectable amount of amphetamine, its salts,  
25 isomers, and salts of isomers.

26 Sec. 32. Section 135.18, Code 2003, is amended to read as  
27 follows:

28 135.18 CONFLICTING STATUTES.

29 Provisions of this chapter in conflict with the state  
30 building code, as adopted pursuant to section 103A.7, shall  
31 not apply where the state building code has been adopted or  
32 when the state building code applies throughout the state.

33 Sec. 33. Section 135.142, subsection 2, Code Supplement  
34 2003, is amended to read as follows:

35 2. If a public health disaster exists or there is

1 reasonable cause to believe that a public health disaster is  
 2 imminent and if the public health disaster or belief that a  
 3 public health disaster is imminent results in a statewide or  
 4 regional shortage or threatened shortage of any product  
 5 described under subsection 1, whether or not such product has  
 6 been purchased by the department, the department may control,  
 7 restrict, and regulate by rationing and using quotas,  
 8 prohibitions on shipments, allocation, or other means, the  
 9 use, sale, dispensing, distribution, or transportation of the  
 10 relevant product necessary to protect the public health,  
 11 safety, and welfare of the people of this state. The  
 12 department shall collaborate with persons who have control of  
 13 the products when reasonably possible.

14 Sec. 34. Section 135.106, Code 2003, is amended to read as  
 15 follows:

16 135.106 ~~HEALTHY FAMILIES IOWA-PROGRAM~~ PROGRAMS --  
 17 ESTABLISHED.

18 1. The Iowa department of public health shall establish a  
 19 healthy opportunities for parents to experience success  
 20 (HOPES)--healthy families Iowa (HFI) program to provide  
 21 services to families and children during the prenatal through  
 22 preschool years. The program shall be designed to do all of  
 23 the following:

- 24 a. Promote optimal child health and development.
- 25 b. Improve family coping skills and functioning.
- 26 c. Promote positive parenting skills and intrafamilial
- 27 interaction.
- 28 d. Prevent child abuse and neglect and infant mortality
- 29 and morbidity.

30 2. The HOPES HOPES-HFI program shall be developed by the  
 31 Iowa department of public health, and may be implemented, in  
 32 whole or in part, by contracting with a nonprofit child abuse  
 33 prevention organization, local nonprofit certified home health  
 34 program or other local nonprofit organizations, and shall  
 35 include, but is not limited to, all of the following

1 components:

2 a. Identification of barriers to positive birth outcomes,  
3 encouragement of collaboration and cooperation among providers  
4 of health care, social and human services, and other services  
5 to pregnant women and infants, and encouragement of pregnant  
6 women and women of childbearing age to seek health care and  
7 other services which promote positive birth outcomes.

8 b. Provision of community-based home-visiting family  
9 support to pregnant women and new parents who are identified  
10 through a standardized screening process to be at high risk  
11 for problems with successfully parenting their child.

12 c. Provision by family support workers of individual  
13 guidance, information, and access to health care and other  
14 services through care coordination and community outreach,  
15 including transportation.

16 d. Provision of systematic screening, prenatally or upon  
17 the birth of a child, to identify high-risk families.

18 e. Interviewing by a HOPES HOPES-HFI program worker or  
19 hospital social worker of families identified as high risk and  
20 encouragement of acceptance of family support services.

21 f. Provision of services including, but not limited to,  
22 home visits, support services, and instruction in child care  
23 and development.

24 g. Individualization of the intensity and scope of  
25 services based upon the family's needs, goals, and level of  
26 risk.

27 h. Assistance by a family support worker to participating  
28 families in creating a link to a "medical home" in order to  
29 promote preventive health care.

30 i. Evaluation and reporting on the program, including an  
31 evaluation of the program's success in reducing participants'  
32 risk factors and provision of services and recommendations for  
33 changes in or expansion of the program.

34 j. Provision of continuous follow-up contact with a family  
35 served by the program until identified children reach age

1 three or age four in cases of continued high need or until the  
2 family attains its individualized goals for health,  
3 functioning, and self-sufficiency.

4 k. Provision or employment of family support workers who  
5 have experience as a parent, knowledge of health care  
6 services, social and human services, or related community  
7 services and have participated in a structured training  
8 program.

9 l. Provision of a training program that meets established  
10 standards for the education of family support workers. The  
11 structured training program shall include at a minimum the  
12 fundamentals of child health and development, dynamics of  
13 child abuse and neglect, and principles of effective parenting  
14 and parenting education.

15 m. Provision of crisis child care through utilization of  
16 existing child care services to participants in the program.

17 n. Program criteria shall include a required match of one  
18 dollar provided by the organization contracting to deliver  
19 services for each two dollars provided by the state grant.  
20 This requirement shall not restrict the department from  
21 providing unmatched grant funds to communities to plan new or  
22 expanded programs for HOPES HOPES-HFI. The department shall  
23 establish a limit on the amount of administrative costs that  
24 can be supported with state funds.

25 o. Involvement with the community assessment and planning  
26 process in the community served by HOPES HOPES-HFI programs to  
27 enhance collaboration and integration of family support  
28 programs.

29 p. Collaboration, to the greatest extent possible, with  
30 other family support programs funded or operated by the state.

31 q. Utilization of private party, third party, and medical  
32 assistance for reimbursement to defray the costs of services  
33 provided by the program to the extent possible.

34 3. It is the intent of the general assembly to provide  
35 communities with the discretion and authority to redesign

1 existing local programs and services targeted at and assisting  
2 families expecting babies and families with children who are  
3 newborn through five years of age. The Iowa department of  
4 public health, department of human services, department of  
5 education, and other state agencies and programs, as  
6 appropriate, shall provide technical assistance and support to  
7 communities desiring to redesign their local programs and  
8 shall facilitate the consolidation of existing state funding  
9 appropriated and made available to the community for family  
10 support services. Funds which are consolidated in accordance  
11 with this subsection shall be used to support the redesigned  
12 service delivery system. In redesigning services, communities  
13 are encouraged to implement a single uniform family risk  
14 assessment mechanism and shall demonstrate the potential for  
15 improved outcomes for children and families. Requests by  
16 local communities for the redesigning of services shall be  
17 submitted to the Iowa department of public health, department  
18 of human services, and department of education, and are  
19 subject to the approval of the Iowa empowerment board in  
20 consultation with the departments, based on the innovation  
21 zone principles established in section 8A.2, Code 1997.

22 Sec. 35. Section 135B.17, unnumbered paragraph 2, Code  
23 2003, is amended to read as follows:

24 Provisions of this chapter in conflict with the state  
25 building code, as adopted pursuant to section 103A.7, shall  
26 not apply where the state building code has been adopted or  
27 when the state building code applies throughout the state.

28 Sec. 36. Section 135C.28, Code 2003, is amended to read as  
29 follows:

30 135C.28 CONFLICTING STATUTES.

31 Provisions of this chapter in conflict with the state  
32 building code, as adopted pursuant to section 103A.7, shall  
33 not apply where the state building code has been adopted or  
34 when the state building code applies throughout the state.

35 Sec. 37. Section 137C.31, Code 2003, is amended to read as

1 follows:

2 137C.31 CONFLICTS WITH STATE BUILDING CODE.

3 Provisions of the Iowa hotel sanitation code in conflict  
4 with the state building code, as adopted pursuant to section  
5 103A.7, shall not apply where the state building code has been  
6 adopted or when the state building code applies throughout the  
7 state.

8 Sec. 38. Section 137D.6, Code 2003, is amended to read as  
9 follows:

10 137D.6 CONFLICTS WITH STATE BUILDING CODE.

11 Provisions of this chapter, including standards for home  
12 food establishments adopted by the department, in conflict  
13 with the state building code, as adopted pursuant to section  
14 103A.7, shall not apply where the state building code has been  
15 adopted or when the state building code applies throughout the  
16 state.

17 Sec. 39. Section 137F.16, Code 2003, is amended to read as  
18 follows:

19 137F.16 CONFLICTS WITH STATE BUILDING CODE.

20 Provisions of this chapter in conflict with the state  
21 building code, as adopted pursuant to section 103A.7, shall  
22 not apply where the state building code has been adopted or  
23 when the state building code applies throughout the state.

24 Sec. 40. Section 145A.16, subsection 4, Code 2003, is  
25 amended to read as follows:

26 4. Donations and gifts which may be accepted by the  
27 hospital trustees and expended in accordance with the terms of  
28 the gift without compliance with the local budget law, chapter  
29 24.

30 Sec. 41. Section 167.11, unnumbered paragraph 2, Code  
31 2003, is amended to read as follows:

32 This section shall not apply where the state building code,  
33 as adopted pursuant to section 103A.7, has been adopted or  
34 when the state building code applies throughout the state.

35 Sec. 42. Section 232.71D, subsection 3, paragraph i,

1 subparagraph (5), Code 2003, is amended to read as follows:

2 (5) Medical assistance home and community-based services  
3 waiver for persons with mental retardation residential program  
4 regulated by the department of human services and the  
5 department of inspections and appeals.

6 Sec. 43. Section 237A.29, subsection 3, paragraph a, Code  
7 Supplement 2003, is amended to read as follows:

8 a. If a child care provider is subject to sanctions under  
9 subsection 2, within five business days of the date the  
10 sanctions ~~were~~ are imposed, the provider shall submit to the  
11 department the names and addresses of children receiving child  
12 care from the provider. The department shall send information  
13 to the parents of the children regarding the provider's  
14 actions leading to the imposition of the sanctions and the  
15 nature of the sanctions imposed.

16 Sec. 44. Section 249A.12, subsection 2, Code Supplement  
17 2003, is amended to read as follows:

18 2. A county shall reimburse the department on a monthly  
19 basis for that portion of the cost of assistance provided  
20 under this section to a recipient with legal settlement in the  
21 county, which is not paid from federal funds, if the  
22 recipient's placement has been approved by the appropriate  
23 review organization as medically necessary and appropriate.  
24 The department's goal for the maximum time period for  
25 submission of a claim to a county is not more than sixty days  
26 following the submission of the claim by the provider of the  
27 service to the department. The department's goal for  
28 completion and crediting of a county for cost settlement for  
29 the actual costs of a service under a home and community-based  
30 services waiver ~~service~~ is within two hundred seventy days of  
31 the close of a fiscal year for which cost reports are due from  
32 providers. The department shall place all reimbursements from  
33 counties in the appropriation for medical assistance, and may  
34 use the reimbursed funds in the same manner and for any  
35 purpose for which the appropriation for medical assistance may

1 be used.

2 Sec. 45. Section 249A.12, subsection 5, paragraph a,  
3 unnumbered paragraph 1, Code Supplement 2003, is amended to  
4 read as follows:

5 The mental health and developmental disabilities commission  
6 shall recommend to the department the actions necessary to  
7 assist in the transition of individuals being served in an  
8 intermediate care facility for persons with mental  
9 retardation, who are appropriate for the transition, to  
10 services funded under a medical assistance ~~waiver-for~~ home and  
11 community-based services waiver for persons with mental  
12 retardation in a manner which maximizes the use of existing  
13 public and private facilities. The actions may include but  
14 are not limited to submitting any of the following or a  
15 combination of any of the following as a request for a  
16 revision of the medical assistance ~~waiver-for~~ home and  
17 community-based services waiver for persons with mental  
18 retardation in effect as of June 30, 1996:

19 Sec. 46. Section 249A.12, subsection 5, paragraph a,  
20 subparagraph (1), Code Supplement 2003, is amended to read as  
21 follows:

22 (1) Allow for the transition of intermediate care  
23 facilities for persons with mental retardation licensed under  
24 chapter 135C as of June 30, 1996, to services funded under the  
25 medical assistance ~~waiver-for~~ home and community-based  
26 services waiver for persons with mental retardation. The  
27 request shall be for inclusion of additional persons under the  
28 waiver associated with the transition.

29 Sec. 47. Section 249A.30, Code 2003, is amended to read as  
30 follows:

31 249A.30 HOME AND COMMUNITY-BASED SERVICES WAIVER ~~SERVICES~~  
32 -- SERVICE PROVIDER REIMBURSEMENT.

33 1. The base reimbursement rate for a provider of services  
34 under a medical assistance program home and community-based  
35 services waiver for persons with mental retardation shall be

1 recalculated at least every three years to adjust for the  
2 changes in costs during the immediately preceding three-year  
3 period.

4 2. The annual inflation factor used to adjust such a  
5 provider's reimbursement rate for a fiscal year shall not  
6 exceed the percentage increase in the employment cost index  
7 for private industry compensation issued by the federal  
8 department of labor, bureau of labor statistics, for the most  
9 recently completed calendar year.

10 Sec. 48. Section 249H.3, subsections 1 and 4, Code 2003,  
11 are amended to read as follows:

12 1. "Affordable" means rates for payment of services which  
13 do not exceed the rates established for providers of medical  
14 and health services under the medical assistance program with  
15 eligibility for an individual equal to the eligibility for  
16 medical assistance pursuant to section 249A.3. In relation to  
17 services provided by a provider of services under a home and  
18 community-based services waiver, "affordable" means that the  
19 total monthly cost of the services provided under the home and  
20 community-based services waiver ~~services-provided~~ does not  
21 exceed the cost for that level of care as established by rule  
22 by the department of human services, pursuant to chapter 17A,  
23 in consultation with the department of elder affairs.

24 4. "Long-term care alternatives" means those services  
25 specified as services under the medical assistance ~~program-as~~  
26 home and community-based services waiver ~~services~~ for elder  
27 persons or adults with disabilities, elder group homes  
28 certified under chapter 231B, assisted-living programs  
29 certified under chapter 231C, and the PACE program.

30 Sec. 49. Section 249H.5, subsection 2, paragraph c,  
31 subparagraphs (2) and (3), Code 2003, are amended to read as  
32 follows:

33 (2) Expenses incurred in administration of medical  
34 assistance home and community-based services waivers and the  
35 PACE program due to implementation of the senior living trust

1 fund.

2 (3) Expenses incurred due to increased service delivery  
3 provided under medical assistance home and community-based  
4 services waivers as a result of nursing facility conversions  
5 and long-term care service development, for the fiscal period  
6 beginning July 1, 2000, and ending on or before June 30, 2005.

7 Sec. 50. Section 249H.5, subsection 2, paragraph e, Code  
8 2003, is amended to read as follows:

9 e. To the department of human services an amount  
10 necessary, annually, for additional expenses incurred relative  
11 to implementation of the senior living program in assisting  
12 home and community-based services waiver consumers with rent  
13 expenses pursuant to the state supplementary assistance  
14 program.

15 Sec. 51. Section 255.13, Code Supplement 2003, is amended  
16 to read as follows:

17 255.13 ATTENDANT -- PHYSICIAN -- COMPENSATION.

18 If the physician appointed to examine the patient certifies  
19 that an attendant is needed to accompany the patient to the  
20 hospital is-necessary, and the university hospital attendant  
21 and ambulance service is not available, the county general  
22 assistance director may appoint an attendant who shall receive  
23 not exceeding two dollars per day for the time thus  
24 necessarily employed and actual necessary traveling expenses  
25 for travel by the most feasible route to the hospital whether  
26 by ambulance, train, or automobile; but if such appointee is a  
27 relative of the patient or a member of the patient's immediate  
28 family, or receives a salary or other compensation from the  
29 public for the appointee's services, no such per diem  
30 compensation shall be paid. The physician appointed to make  
31 the examination and report shall receive three dollars for  
32 each examination and report so made and the physician's actual  
33 necessary expenses incurred in making such examination, but if  
34 the physician receives a salary or other compensation from the  
35 public for the physician's full-time services, no such

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1 examination fee shall be paid. The actual, necessary expenses  
2 of transporting and caring for the patient shall be paid as  
3 provided in this chapter.

4 Sec. 52. Section 256A.3, subsection 7, Code Supplement  
5 2003, is amended to read as follows:

6 7. Encourage the establishment of regional councils  
7 designed to facilitate the development on a regional basis of  
8 programs for at-risk ~~three-year-~~ three-year-old and at-risk  
9 four-year-old children.

10 Sec. 53. Section 260C.14, subsection 20, unnumbered  
11 paragraph 1, Code Supplement 2003, is amended to read as  
12 follows:

13 Adopt a policy to offer not less than the following options  
14 to a student who is a member of the Iowa national guard or  
15 reserve forces of the United States and who is ordered to  
16 ~~active~~ state military service or federal service or duty:

17 Sec. 54. Section 260C.18, subsection 6, Code 2003, is  
18 amended to read as follows:

19 6. Donations and gifts which may be accepted by the  
20 governing board and expended in accordance with the terms of  
21 the gift without compliance with the local budget law, chapter  
22 24.

23 Sec. 55. Section 261.9, subsection 1, paragraph g,  
24 unnumbered paragraph 1, Code Supplement 2003, is amended to  
25 read as follows:

26 Adopts a policy to offer not less than the following  
27 options to a student who is a member of the Iowa national  
28 guard or reserve forces of the United States and who is  
29 ordered to ~~active~~ state military service or federal service or  
30 duty:

31 Sec. 56. Section 262.9, subsection 29, unnumbered  
32 paragraph 1, Code Supplement 2003, is amended to read as  
33 follows:

34 Direct the institutions of higher education under its  
35 control to adopt a policy to offer not less than the following

1 options to a student who is a member of the Iowa national  
2 guard or reserve forces of the United States and who is  
3 ordered to active state military service or federal service or  
4 duty:

5 Sec. 57. Section 285.10, subsection 7, paragraph b, Code  
6 Supplement 2003, is amended to read as follows:

7 b. ~~May-purchase~~ By purchasing buses and ~~enter~~ entering  
8 into contracts to pay for such buses over a five-year period  
9 as follows: one-fourth of the cost when the bus is delivered  
10 and the balance in equal annual installments, plus simple  
11 interest due. The interest rate shall be the lowest rate  
12 available and shall not exceed the rate in effect under  
13 section 74A.2. The bus shall serve as security for balance  
14 due. Competitive bids on comparable equipment shall be  
15 requested on all school bus purchases and shall be based upon  
16 minimum construction standards established by the department  
17 of education. Bids shall be requested unless the bus is a  
18 used or demonstrator bus.

19 Sec. 58. Section 292.4, Code Supplement 2003, is amended  
20 to read as follows:

21 292.4 APPROPRIATION.

22 There is appropriated from the general fund of the state  
23 from moneys credited to the general fund of the state as a  
24 result of the state entering into the streamlined sales and  
25 use tax agreement to the secure an advanced vision for  
26 education fund created in section 422E.3A, the sum of five  
27 million dollars for each fiscal year of the fiscal period  
28 beginning July 1, 2004, and ending June 30, 2014. The  
29 appropriation in this section shall be made after the  
30 appropriation from the same source to the grow Iowa values  
31 ~~fund created in 2003-Iowa-Acts, First-Extraordinary-Session,~~  
32 ~~chapter-17-or-another-Act~~ section 15G.108. For purposes of  
33 this section, "moneys credited to the general fund of the  
34 state as a result of entering into the streamlined sales and  
35 use tax agreement" means the amount of sales and use tax

1 receipts credited to the general fund of the state during a  
2 fiscal year that exceeds by two percent or more the total  
3 sales and use tax receipts credited to the general fund of the  
4 state during the previous fiscal year.

5 Sec. 59. Section 305.9, subsection 1, paragraph k, Code  
6 Supplement 2003, is amended to read as follows:

7 k. Manage the state archives and develop operating  
8 procedures for the transfer, accessioning accession,  
9 arrangement, description, preservation, protection, and public  
10 access of those records the commission identifies as having  
11 permanent value.

12 Sec. 60. Section 322B.2, subsection 8, Code 2003, is  
13 amended to read as follows:

14 8. "Modular home" means a factory-built structure which is  
15 manufactured to be used as a place of human habitation, is  
16 constructed to comply with the Iowa state building code for  
17 modular factory-built structures, as adopted pursuant to  
18 section 103A.7, and displays a seal issued by the state  
19 building code commissioner.

20 Sec. 61. Section 322F.1, subsection 1, Code Supplement  
21 2003, is amended to read as follows:

22 1. "Agricultural equipment" means a device, part of a  
23 device, or an attachment of to a device designed to be  
24 principally used for an agricultural purpose. "Agricultural  
25 equipment" includes but is not limited to equipment associated  
26 with livestock or crop production, horticulture, or  
27 floriculture. "Agricultural equipment" includes but is not  
28 limited to tractors; trailers; combines; tillage, planting,  
29 and cultivating implements; ~~batters~~ balers; irrigation  
30 implements; and all-terrain vehicles.

31 Sec. 62. Section 322F.7, subsection 7, paragraph a,  
32 subparagraph (1), Code Supplement 2003, is amended to read as  
33 follows:

34 (1) For a dealership agreement governing equipment other  
35 than outdoor power equipment, takes action terminating,

1 canceling, or failing to renew the dealership agreement, or  
2 substantially changes the competitive circumstances intended  
3 by the dealership agreement, due to the results of conditions  
4 beyond the dealer's control, including drought, flood, labor  
5 disputes, or economic recession.

6 Sec. 63. Section 331.440A, subsection 6, paragraph c,  
7 subparagraph (1), Code 2003, is amended to read as follows:

8 (1) State and federal medical assistance funding for  
9 services under a home and community-based waiver services  
10 waiver to persons with mental retardation.

11 Sec. 64. Section 384.38, subsection 2, Code 2003, is  
12 amended to read as follows:

13 2. Upon petition as provided in section 384.41, subsection  
14 1, a city may assess to private property affected by public  
15 improvements within three miles of the city's boundaries the  
16 cost of construction and repair of public improvements within  
17 that area. The right-of-way of a railway company shall not be  
18 assessed unless the company joins as a petitioner for said  
19 improvements. In the petition the property owners shall waive  
20 the limitation provided in section 384.62 that an assessment  
21 may shall not exceed twenty-five percent of the value of the  
22 lot. The petition shall contain a statement that the owners  
23 agree to pay the city an amount equal to five percent of the  
24 cost of the improvements, to cover administrative expenses  
25 incurred by the city. This amount may be added to the cost of  
26 the improvements. Before the council may adopt the resolution  
27 of necessity, the preliminary resolution, preliminary plans  
28 and specifications, plat, schedule, and estimate of cost must  
29 be submitted to, and receive written approval from, the board  
30 of supervisors of any county which contains part of the  
31 property, and the city development board established in  
32 section 368.9.

33 Sec. 65. Section 422.7, subsection 38, Code Supplement  
34 2003, is amended to read as follows:

35 38. Subtract, to the extent not otherwise excluded, the

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1 amount of withdrawals from qualified retirement plan accounts  
2 made during the tax year if the taxpayer or taxpayer's spouse  
3 is a member of the Iowa national guard or reserve forces of  
4 the United States who is ordered to ~~active~~ state military  
5 service or federal service or duty. In addition, a penalty  
6 for such withdrawals shall not be assessed by the state.

7 Sec. 66. Section 422.42, subsection 4, Code 2003, is  
8 amended to read as follows:

9 4. "Farm deer" means the same as defined in section ~~189A-2~~  
10 170.1.

11 Sec. 67. Section 422E.3A, subsection 2, paragraph b,  
12 subparagraph (3), Code Supplement 2003, is amended to read as  
13 follows:

14 (3) A school district that is located in whole or in part  
15 in a county that voted on and approved the continuation of the  
16 local sales and services tax for school infrastructure  
17 purposes on or after April 1, 2003, ~~the-local-sales-and~~  
18 ~~services-tax-for-school-infrastructure-purposes~~ shall receive  
19 an amount equal to its pro rata share of the local sales and  
20 services tax receipts as provided in section 422E.3,  
21 subsection 5, paragraph "d", not to exceed its guaranteed  
22 school infrastructure amount. However, if the school  
23 district's pro rata share is less than its guaranteed school  
24 infrastructure amount, the district shall receive an  
25 additional amount equal to its supplemental school  
26 infrastructure amount.

27 Sec. 68. Section 422E.5, subsection 3, Code 2003, is  
28 amended to read as follows:

29 3. Top priority in awarding program grants shall be the  
30 making of school infrastructure improvements relating to fire  
31 and personal safety. School districts eligible for program  
32 grants shall have received an order or citation from the state  
33 fire marshal, or a fire department chief or fire prevention  
34 officer, for one or more fire safety violations regarding a  
35 school facility, or in the opinion of the state fire marshal

1 shall be regarded as operating facilities subject to  
 2 significant fire safety deficiencies. Grant awards shall also  
 3 be available for defects or violations of the state building  
 4 code, as adopted pursuant to section 103A.7, revealed during  
 5 an inspection of school facilities by a local building  
 6 department, or for improvements consistent with the standards  
 7 and specifications contained in the state building code  
 8 regarding ensuring that buildings and facilities are  
 9 accessible to and functional for persons with disabilities.  
 10 The school budget review committee shall allocate program  
 11 funds to school districts which, in its discretion, are  
 12 determined to be faced with the most severe deficiencies.  
 13 School districts applying for program grants shall have  
 14 developed and submitted to the state fire marshal or local  
 15 building department a written plan to remedy fire or safety  
 16 defects within a specified time frame. Approval of the  
 17 written plan by the state fire marshal or local building  
 18 department shall be obtained prior to receipt of a grant award  
 19 by a school district.

20 Sec. 69. Section 426A.7, Code 2003, is amended to read as  
 21 follows:

22 426A.7 FORMS -- RULES.

23 The director of revenue shall prescribe the form for the  
 24 making of a verified statement and designation of property  
 25 eligible for military service tax exemption, and the form for  
 26 the supporting affidavits required herein, and such other  
 27 forms as may be necessary for the proper administration of  
 28 this chapter. ~~As-soon-as-practicable-after-the-effective-date~~  
 29 ~~of-this-chapter,--and-from~~ From time to time thereafter as  
 30 necessary, the department of revenue shall forward to the  
 31 county auditors of the several counties of the state, such  
 32 prescribed sample forms. The director of revenue shall have  
 33 the power and authority to prescribe rules, not inconsistent  
 34 with the provisions of this chapter, necessary to carry out  
 35 and effectuate its purposes.

1     Sec. 70. Section 435.1, subsection 7, Code 2003, is  
2 amended to read as follows:

3     7. "Modular home" means a factory-built structure which is  
4 manufactured to be used as a place of human habitation, is  
5 constructed to comply with the Iowa state building code for  
6 modular factory-built structures, as adopted pursuant to  
7 section 103A.7, and must display the seal issued by the state  
8 building code commissioner. If a modular home is placed in a  
9 manufactured home community or mobile home park, the home is  
10 subject to the annual tax as required by section 435.22. If a  
11 modular home is placed outside a manufactured home community  
12 or a mobile home park, the home shall be considered real  
13 property and is to be assessed and taxed as real estate.

14     Sec. 71. Section 441.23, Code Supplement 2003, is amended  
15 to read as follows:

16     441.23 NOTICE OF VALUATION.

17     If there has been an increase or decrease in the valuation  
18 of the property, or upon the written request of the person  
19 assessed, the assessor shall, at the time of making the  
20 assessment, inform the person assessed, in writing, of the  
21 valuation put upon the taxpayer's property, and notify the  
22 person, that if the person feels aggrieved, to appear before  
23 the board of review and show why the assessment should be  
24 changed. However, if the valuation of a class of property is  
25 uniformly decreased, the assessor may notify the affected  
26 property owners by publication in the official newspapers of  
27 the county. The owners of real property shall be notified not  
28 later than April 15 of any adjustment of the real property  
29 assessment.

30     Sec. 72. Section 453D.5, subsection 3, Code Supplement  
31 2003, is amended to read as follows:

32     3. The attorney general may require at any time from a  
33 nonparticipating manufacturer proof from the financial  
34 institution in which the nonparticipatory nonparticipating  
35 manufacturer has established a qualified escrow fund for the

1 purpose of compliance with chapter 453C, of the amount of  
2 money in the qualified escrow fund, exclusive of interest, the  
3 amount and date of each deposit into the qualified escrow  
4 fund, and the amount and date of each withdrawal from the  
5 qualified escrow fund.

6 Sec. 73. Section 455B.172, subsection 5, unnumbered  
7 paragraph 2, Code 2003, is amended to read as follows:

8 The department shall by rule adopt standards for the  
9 commercial cleaning of private sewage disposal facilities,  
10 including but not limited to septic tanks and pits used to  
11 collect waste in livestock confinement structures, and for the  
12 disposal of waste from the facilities. The standards shall  
13 not be in conflict with the state building code adopted  
14 pursuant to section 103A.7. A person shall not commercially  
15 clean such facilities or dispose of waste from such facilities  
16 unless the person has been issued a license by the department.  
17 The department shall be exclusively responsible for adopting  
18 the standards and issuing licenses. However, county boards of  
19 health shall enforce the standards and licensing requirements  
20 established by the department. Application for the license  
21 shall be made in the manner provided by the department.  
22 Licenses expire one year from the date of issue unless revoked  
23 and may be renewed in the manner provided by the department.  
24 The license or license renewal fee is twenty-five dollars. A  
25 person violating this section or the rules adopted pursuant to  
26 this section, is subject to a civil penalty of not more than  
27 twenty-five dollars. Each day that a violation continues  
28 constitutes a separate offense. However, the total civil  
29 penalty shall not exceed five hundred dollars per year. The  
30 penalty shall be assessed for a violation occurring ten days  
31 following written notice of the violation delivered to the  
32 person by the department or a county board of health. Moneys  
33 collected by the department or a county board of health from  
34 the imposition of civil penalties shall be deposited in the  
35 general fund of the state.

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1 Sec. 74. Section 455D.19, subsection 4, unnumbered  
2 paragraph 2, Code 2003, is amended to read as follows:

3 Concentration levels of lead, cadmium, mercury, and  
4 hexavalent chromium shall be determined using ASTM (American  
5 standard-of society for testing and materials) international  
6 test methods, as revised, or United States environmental  
7 protection agency test methods for evaluating solid waste, S-W  
8 846, as revised.

9 Sec. 75. Section 455H.204, subsection 2, paragraph d, Code  
10 2003, is amended to read as follows:

11 d. Risk-based corrective action assessment principles  
12 which identify risks presented to the public health and safety  
13 or the environment by each released hazardous substance in a  
14 manner that will protect the public health and safety or the  
15 environment using a tiered procedure consistent with the ASTM  
16 (American society for testing of-materials+ and materials)  
17 international standards applied to nonpetroleum and petroleum  
18 hazardous substances.

19 Sec. 76. Section 459.102, subsection 12, paragraph a, Code  
20 Supplement 2003, is amended to read as follows:

21 a. A manager of a commercial manure service. As used in  
22 this paragraph a "manager" is a person who is actively  
23 involved in the operation of a commercial manure service and  
24 takes an important part in making management decisions  
25 substantially contributing to or affecting the success of the  
26 commercial manure service.

27 Sec. 77. Section 459.401, subsection 2, paragraph a,  
28 subparagraph (3), Code Supplement 2003, is amended to read as  
29 follows:

30 (3) Educational program fees required to be paid by  
31 commercial manure service representatives or confinement site  
32 manure applicators pursuant to section 459.400.

33 Sec. 78. Section 496C.16, Code Supplement 2003, is amended  
34 to read as follows:

35 496C.16 MANAGEMENT.

1 All directors of a professional corporation and all  
2 officers of a professional corporation, except assistant  
3 officers, shall at all times be individuals who are licensed  
4 to practice in this state a profession which the corporation  
5 is authorized to practice. However, upon the occurrence of  
6 any event that requires the corporation either to be dissolved  
7 or to elect to adopt the provisions of the Iowa business  
8 corporation Act, chapter 490, as provided in section 496C.19,  
9 provided the corporation ceases to practice the profession  
10 that the corporation is authorized to practice, as provided in  
11 section 496C.19, then individuals who are not licensed to  
12 practice in this state a profession that the corporation is  
13 authorized to practice may be appointed as officers and  
14 directors for the sole purpose of carrying out the dissolution  
15 of the corporation or, if applicable, the voluntary election  
16 of the corporation to adopt the provisions of the Iowa  
17 business corporation Act, as provided in section 496C.19.

18 Sec. 79. Section 497.33, Code Supplement 2003, is amended  
19 to read as follows:

20 497.33 PERSONAL LIABILITY.

21 Except as otherwise provided in this chapter, a director,  
22 officer, employee, or member of the corporation is not liable  
23 on the corporation's debts or obligations and a director,  
24 officer, member, or other volunteer is not personally liable  
25 in that capacity, for a claim based upon any action taken, or  
26 any failure to take action in the discharge of the person's  
27 duties, except for the amount of a financial benefit received  
28 by the person to which the person is not entitled, an  
29 intentional infliction of harm on the association corporation  
30 or its members, or an intentional violation of criminal law.

31 Sec. 80. Section 499B.3, unnumbered paragraph 2, Code  
32 2003, is amended to read as follows:

33 If the declaration is to convert an existing structure, the  
34 declarant shall file the declaration of the horizontal  
35 property regime with the city in which the regime is located

1 or with the county if not located within a city at least sixty  
2 days before being recorded in the office of the county  
3 recorder to enable the city or county, as applicable, to  
4 establish that the converted structure meets appropriate  
5 building code requirements as provided in section 499B.20.  
6 However, if the city or county, as applicable, does not have a  
7 building code, the declarant shall file the declaration with  
8 the state building code commissioner instead of the applicable  
9 city or county at least sixty days before the recording of the  
10 declaration to enable the commissioner to establish that the  
11 converted structure meets the state building code, as adopted  
12 pursuant to section 103A.7.

13 Sec. 81. Section 499B.20, Code 2003, is amended to read as  
14 follows:

15 499B.20 CONVERSIONS TO MEET BUILDING CODES.

16 After April 25, 2000, an existing structure shall not be  
17 converted to a horizontal property regime unless the converted  
18 structure meets local city or county, as applicable, building  
19 code requirements in effect on the date of conversion or the  
20 state building code requirements, as adopted pursuant to  
21 section 103A.7, if the local city or county does not have a  
22 building code. For purposes of this section, if the structure  
23 is located in a city, the city building code applies and if  
24 the structure is located in the unincorporated area of the  
25 county, the county building code applies.

26 Sec. 82. Section 504A.29, subsection 1, Code 2003, is  
27 amended to read as follows:

28 1. The name of the corporation and the chapter of the Code  
29 or ~~session-laws~~ Iowa Acts under which incorporated.

30 Sec. 83. Section 504A.39, subsection 4, paragraph e, Code  
31 2003, is amended to read as follows:

32 e. Any other provisions, not inconsistent with law or the  
33 purposes which the corporation is authorized to pursue, which  
34 are to be set forth in articles of incorporation; except that  
35 it shall not be necessary to set forth in the restated

1 articles of incorporation any of the corporate powers  
2 enumerated in this chapter nor any statement with respect to  
3 the chapter of the Code or ~~session-laws~~ Iowa Acts under which  
4 the corporation was incorporated, its registered office,  
5 registered agent, directors, or incorporators, or the date on  
6 which its corporate existence began.

7 Sec. 84. Section 504C.1, subsection 3, paragraph a, Code  
8 2003, is amended to read as follows:

9 a. Design, modify, or construct a specific housing  
10 facility to provide appropriate services and support to the  
11 residents of the specific housing facility. Local  
12 requirements shall not be more restrictive than the rules  
13 adopted for a family home, as defined in section 335.25 or  
14 414.22, and the state building code requirements for single-  
15 family or multiple-family housing, as adopted pursuant to  
16 section 103A.7.

17 Sec. 85. Section 508.31A, subsection 2, paragraph a,  
18 subparagraph (2), subparagraph subdivision (b), Code  
19 Supplement 2003, is amended to read as follows:

20 (b) Activities of an organization exempt from taxation  
21 pursuant to section ~~501e~~ 501(c) of the Internal Revenue Code,  
22 or any similar organization in any foreign country.

23 Sec. 86. Section 508.38, subsection 11, Code Supplement  
24 2003, is amended to read as follows:

25 11. After July 1, 2003, a company may elect either to  
26 apply the provisions of this section as it existed prior to  
27 July 1, 2003, or to apply the provisions of this section as  
28 ~~enacted~~ amended by 2003 Acts, ch 91, § ~~8--10~~ 10, to annuity  
29 contracts on a contract form-by-form basis before ~~the-second~~  
30 ~~anniversary-of-the-effective-date-of-2003-Acts, ch-91, §-8--10~~  
31 July 1, 2005. In all other instances, this section shall  
32 become operative with respect to annuity contracts issued by  
33 the company two years after July 1, 2003.

34 Sec. 87. Section 514.2, Code Supplement 2003, is amended  
35 to read as follows:

1     514.2   INCORPORATION.

2     Persons desiring to form a nonprofit hospital service  
3 corporation, or a nonprofit medical service corporation, or a  
4 nonprofit pharmaceutical or optometric service corporation  
5 shall incorporate have been incorporated under the provisions  
6 of chapter 504, Code 1989, or shall incorporate under the  
7 provisions of chapter 504A, as supplemented and amended herein  
8 and any acts amendatory thereof.

9     Sec. 88. Section 533C.202, subsection 2, paragraph e, Code  
10 Supplement 2003, is amended to read as follows:

11     e. A list of other states in which the applicant is  
12 licensed to engage in money transmission or provide other  
13 money services and of any license revocations, suspensions, or  
14 other disciplinary action taken against the applicant in  
15 another state.

16     Sec. 89. Section 533C.301, subsection 1, unnumbered  
17 paragraph 1, Code Supplement 2003, is amended to read as  
18 follows:

19     A person shall not engage in currency exchange or  
20 advertise, solicit, or hold itself out as providing currency  
21 exchange for which the person receives revenues equal to or  
22 greater than five percent of total revenues unless the person:

23     Sec. 90. Section 544A.28, unnumbered paragraph 4, Code  
24 2003, is amended to read as follows:

25     A public official charged with the enforcement of the state  
26 building code, as adopted pursuant to section 103A.7, or a  
27 municipal or county building code, shall not accept or approve  
28 any technical submissions involving the practice of  
29 architecture unless the technical submissions have been  
30 stamped with the architect's seal as required by this section  
31 or unless the applicant has certified on the technical  
32 submission to the applicability of a specific exception under  
33 section 544A.18 permitting the preparation of technical  
34 submissions by a person not registered under this chapter. A  
35 building permit issued with respect to technical submissions

1 which do not conform to the requirements of this section is  
2 invalid.

3 Sec. 91. Section 554.10105, unnumbered paragraph 1, Code  
4 2003, is amended to read as follows:

5 The secretary of state, the secretary's employees or  
6 agents, are hereby exempted from all personal liability as a  
7 result of errors or omissions in the performance of any duty  
8 required by the Uniform Commercial Code, as provided in this  
9 chapter 554, except in cases of willful negligence.

10 Sec. 92. Section 570A.5, unnumbered paragraph 1, Code  
11 Supplement 2003, is amended to read as follows:

12 Except as provided in this section, an agricultural supply  
13 ~~dealer's~~ dealer lien that is effective or perfected as  
14 provided in section 570A.4 shall be subject to the rules of  
15 priority as provided in section 554.9322. For an agricultural  
16 supply ~~dealer's~~ dealer lien that is perfected under section  
17 570A.4, all of the following shall apply:

18 Sec. 93. Section 570A.5, subsections 1 and 2, Code  
19 Supplement 2003, are amended to read as follows:

20 1. The lien shall have priority over a lien or security  
21 interest that applies subsequent to the time that the  
22 agricultural supply ~~dealer's~~ dealer lien is perfected.

23 2. Except as provided in section 570A.2, subsection 3, the  
24 lien shall have equal priority to a lien or security interest  
25 which is perfected prior to the time that the agricultural  
26 supply ~~dealer's~~ dealer lien is perfected. However, a  
27 landlord's lien that is perfected pursuant to section 570.1  
28 shall have priority over a conflicting agricultural supply  
29 ~~dealer's~~ dealer lien as provided in section 570.1, and a  
30 harvester's lien that is perfected pursuant to section 571.3  
31 shall have priority over a conflicting agricultural supply  
32 ~~dealer's~~ dealer lien as provided in section 571.3A.

33 Sec. 94. Section 570A.6, Code Supplement 2003, is amended  
34 to read as follows:

35 570A.6 ENFORCEMENT OF LIEN.

1 An agricultural supply dealer may enforce an agricultural  
2 supply ~~dealer's~~ dealer lien in the manner provided for  
3 agricultural liens pursuant to chapter 554, article 9, part 6.

4 Sec. 95. Section 591.17, unnumbered paragraph 1, Code  
5 2003, is amended to read as follows:

6 In all instances where corporations not for pecuniary  
7 profit have heretofore adopted renewal articles of  
8 incorporation or articles of reincorporation and there has  
9 been a failure to set forth therein the time of the annual  
10 meeting or the time of the annual meeting of the trustees or  
11 directors and such renewal articles of incorporation or  
12 articles of reincorporation are otherwise complete and in  
13 compliance with the law as set forth in section 504.1, Code  
14 1989, such renewal articles of incorporation or articles of  
15 reincorporation are hereby legalized and validated and shall  
16 be held to have the same force and effect as though all of  
17 such provisions had been complied with in all respects.

18 Sec. 96. Section 598B.106, Code 2003, is amended to read  
19 as follows:

20 598B.106 EFFECT OF CHILD-CUSTODY DETERMINATION.

21 A child-custody determination made by a court of this state  
22 that had ~~jurisdiction~~ jurisdiction under this chapter binds  
23 all persons who have been served in accordance with the laws  
24 of this state, or notified in accordance with section  
25 598B.108, or who have submitted to the jurisdiction of the  
26 court, and who have been given an opportunity to be heard. As  
27 to those persons, the determination is conclusive as to all  
28 decided issues of law and fact except to the extent the  
29 determination is modified.

30 Sec. 97. Section 602.11112, Code 2003, is amended to read  
31 as follows:

32 602.11112 FIFTH JUDICIAL ELECTION DISTRICT.

33 The provisions of section 602.6109, Code 2003, relating to  
34 the division of the fifth judicial district into judicial  
35 election districts 5A, 5B, and 5C take effect January 1, 1985.

1 Sec. 98. Section 602.11115, subsection 3, Code Supplement  
2 2003, is amended to read as follows:

3 3. To commence coverage under the judicial retirement  
4 system pursuant to article 9, part 1, retroactive to the date  
5 the district associate judge became a district associate judge  
6 or a full-time judicial magistrate, whichever was earlier, and  
7 to cease to be a member of the Iowa public employees'  
8 retirement system, effective July 1, 1984. The department of  
9 ~~administrative-services~~ personnel shall transmit by January 1,  
10 1985, to the state court administrator for deposit in the  
11 judicial retirement fund the district associate judge's  
12 accumulated contributions as defined in section 97B.1A,  
13 subsection 2 for the judge's period of membership service as a  
14 district associate judge or full-time judicial magistrate, or  
15 both. Before July 1, 1986, or at retirement previous to that  
16 date, a district associate judge who becomes a member of the  
17 judicial retirement system pursuant to this subsection shall  
18 contribute to the judicial retirement fund an amount equal to  
19 the difference between four percent of the district associate  
20 judge's total basic salary for the entire period of service  
21 before July 1, 1984, as a district associate judge or judicial  
22 magistrate, or both, and the district associate judge's  
23 accumulated contributions transmitted by the department of  
24 ~~administrative-services~~ personnel to the state court  
25 administrator pursuant to this subsection. The district  
26 associate judge's contribution shall not be limited to the  
27 amount specified in section 602.9104, subsection 1. The state  
28 court administrator shall credit a district associate judge  
29 with service under the judicial retirement system for the  
30 period of service for which contributions at the four percent  
31 level are made.

32 Sec. 99. Section 633.707, subsection 3, Code 2003, is  
33 amended to read as follows:

34 3. "Institutionalized individual" means an individual  
35 receiving nursing facility services, a level of care in any

1 institution equivalent to nursing facility services, or home  
2 and community-based services under the medical assistance home  
3 and community-based services waiver program.

4 Sec. 100. Section 633.709, subsection 3, paragraphs a, b,  
5 c, and e, Code 2003, are amended to read as follows:

6 a. For a beneficiary who meets the medical assistance  
7 level of care requirements for services in an intermediate  
8 care facility for persons with mental retardation and who  
9 either resides in an intermediate care facility for persons  
10 with mental retardation or is eligible for services under the  
11 medical assistance home and community-based services waiver  
12 **services** except that the beneficiary's income exceeds the  
13 allowable maximum, the applicable rate is the maximum monthly  
14 medical assistance payment rate for services in an  
15 intermediate care facility for persons with mental  
16 retardation.

17 b. For a beneficiary who meets the medical assistance  
18 level of care requirements for hospital-based, medicare-  
19 certified, skilled nursing facility care and who either  
20 resides in a hospital-based, medicare-certified, skilled  
21 nursing facility or is eligible for services under the medical  
22 assistance home and community-based services waiver **services**  
23 except that the beneficiary's income exceeds the allowable  
24 maximum, the applicable rate is the statewide average charge  
25 to private-pay patients for hospital-based, MEDICARE-  
26 certified, skilled nursing facility care.

27 c. For a beneficiary who meets the medical assistance  
28 level of care requirements for nonhospital-based, Medicare-  
29 certified, skilled nursing facility care and who either  
30 resides in a nonhospital-based, Medicare-certified, skilled  
31 nursing facility or is eligible for services under the medical  
32 assistance home and community-based services waiver **services**  
33 except that the beneficiary's income exceeds the allowable  
34 maximum, the applicable rate is the statewide average charge  
35 to private-pay patients for nonhospital-based, Medicare-

1 certified, skilled nursing facility care.

2 e. For a beneficiary who meets the medical assistance  
3 level of care requirements for services in a state mental  
4 health institute and who either resides in a state mental  
5 health institute or is eligible for services under a medical  
6 assistance home and community-based services waiver services  
7 except that the beneficiary's income exceeds the allowable  
8 maximum, the applicable rate is the statewide average charge  
9 for state mental health institute care.

10 Sec. 101. Section 669.14, subsection 5, Code Supplement  
11 2003, is amended to read as follows:

12 5. Any claim by an employee of the state which is covered  
13 by the Iowa workers' compensation law or the Iowa occupational  
14 disease law, chapter 85A.

15 Sec. 102. Section 709.15, subsection 1, paragraph g, Code  
16 Supplement 2003, is amended to read as follows:

17 g. "Student" means a person who is currently enrolled in  
18 or attending a public or nonpublic elementary or secondary  
19 school, or who was a student enrolled in or who attended a  
20 public or nonpublic elementary or secondary school within  
21 thirty days of any violation of subsection 3.

22 Sec. 103. 2003 Iowa Acts, chapter 91, section 10, the  
23 portion of which amends section 508.38, subsection 11, Code  
24 2003, is amended to read as follows:

25 11. After the effective date of this section of this Act,  
26 a company may elect either to apply the provisions of this  
27 section as it existed prior to the effective date of this  
28 section of this Act or to apply the provisions of this section  
29 as enacted by this Act to annuity contracts on a contract  
30 form-by-form basis before the second anniversary of the  
31 effective date of this section of this Act. In all other  
32 instances, this section shall become operative with respect to  
33 annuity contracts issued by the company two years after the  
34 effective date of this section of this Act.

35 Sec. 104. 2003 Iowa Acts, chapter 143, section 17,

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1 subsection 2, is amended to read as follows:

2 2. The section of this Act amending section 123.183 and  
3 relating to the deposit of revenue collected from the wine  
4 gallonage tax in the grape and wine development fund is  
5 retroactively applicable to July 1, 2002. The revenue  
6 collected during the fiscal year beginning on July 1, 2002,  
7 and ending on June 30, 2003, from the wine gallonage tax on  
8 wine imported into this state at wholesale and sold in this  
9 state at wholesale as provided in section 123.183 that is in  
10 excess of the revenue collected from such tax during the  
11 fiscal year beginning July 1, 2001, and ending on June 30,  
12 2002, shall be deposited in the grape and wine development  
13 fund as created in section ~~175-5~~ 175A.5. However, not more  
14 than seventy-five thousand dollars from such tax shall be  
15 deposited into the fund.

16 Sec. 105. Section 423.3, subsection 33, as enacted by 2003  
17 Iowa Acts, 1st Extraordinary Session, chapter 2, section 96,  
18 is amended to read as follows:

19 33. The sales price of mementos and other items relating  
20 to Iowa history and historic sites, the general assembly, and  
21 the state capitol, sold by the legislative ~~service-bureau~~  
22 services agency and its legislative information office on the  
23 premises of property under the control of the legislative  
24 council, at the state capitol, and on other state property.

25 Sec. 106. CODE EDITOR DIRECTIVE -- ASTM INTERNATIONAL.  
26 The Code editor is directed to change references to the  
27 American society for testing and materials to references to  
28 ASTM international in the following Code and Code supplement  
29 sections, and in any other Code sections amended or enacted  
30 during the 80th General Assembly, second session, or during  
31 prior sessions of the General Assembly, consistent with the  
32 reference changes made relating to the same organization in  
33 this Act: 159A.2, 214A.1, 214A.2, 359A.18, 452A.2, 455B.173,  
34 455B.474, 455D.19, and 459.307.

35 Sec. 107. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.

1 The section of this Act amending 2003 Iowa Acts, chapter 91,  
2 section 10, being deemed of immediate importance, takes effect  
3 upon enactment and applies retroactively to July 1, 2003.

4 EXPLANATION

5 This bill makes Code changes and corrections that are  
6 considered to be nonsubstantive and noncontroversial, in  
7 addition to style changes. Changes made include updating or  
8 correcting various names of and references to public and  
9 private entities and funds, correcting internal Code and  
10 subject matter references, and making various grammatical  
11 corrections. Code sections in which the technical,  
12 grammatical, and other nonsubstantive changes are made include  
13 the following:

14 Code sections 2B.10, 2B.17, and 3.3: Substitutes the term  
15 "Iowa Acts" for "session laws" to correspond to current  
16 language.

17 Code section 7J.1: Deletes the phrase ", if the department  
18 is established in law," following a reference to the  
19 department of administrative services. The department of  
20 administrative services was established in 2003 Iowa Acts,  
21 chapter 145.

22 Code section 8.59: Simplifies the punctuation of a  
23 sentence within the section to adjust hypertext linkages for  
24 the computerized version of the Iowa Code.

25 Code section 8A.124: Makes a grammatical correction in a  
26 provision relating to additional personnel employed by the  
27 department of administrative services.

28 Code section 8A.402: Makes a grammatical correction in a  
29 provision relating to state government human resources duties  
30 of the department of administrative services.

31 Code section 8A.502: Deletes a redundant use of the word  
32 "necessary" in a provision requiring the department of  
33 administrative services to develop certain reports and  
34 procedures.

35 Code section 11.27: Substitutes for a name reference to

1 the budget and financial control Act, the numerical reference  
2 for that same Act.

3 Code section 15.269: Corrects a reference to the defined  
4 term "cogeneration pilot project facilities".

5 Code sections 28.4 and 135.106: Corrects references to the  
6 healthy opportunities for parents to experience success --  
7 healthy families Iowa program to reflect the correct name of  
8 the program.

9 Code sections 29A.1, 29A.8A, 29A.28, 29A.90, 29B.13,  
10 260C.14, 261.9, 262.9, and 422.7: Changes a term used to  
11 describe certain state military duty at the request of the  
12 department of public defense to avoid an unfortunate acronym.

13 Code section 72.5: Corrects a reference to the title  
14 assigned to the head of the administrative unit responsible  
15 for administration of the state building code.

16 Code section 80.35: Changes a reference from the  
17 department of administrative services to the department of  
18 general services, a predecessor agency to the department of  
19 administrative services, to reflect that the transfer of  
20 employees referenced in the Code section occurred with the  
21 department of general services prior to the creation of the  
22 new department.

23 Code section 80B.5: Substitutes the words "this chapter"  
24 for a reference by Act name for Code chapter 80B.

25 Code section 96.7: Deletes an incorrect reference to the  
26 year 2003 following the phrase "subsequent calendar year".  
27 The reference should have been stricken in the 2003  
28 legislation extending the unemployment compensation surcharge  
29 for several years.

30 Code section 99B.9: Adds the term "governmental" prior to  
31 "subdivision" to enhance readability.

32 Code section 99D.24: Corrects the spelling of the word  
33 jurisdiction in a provision relating to the racing and gaming  
34 commission.

35 Code section 99G.8, subsection 9: Eliminates unnecessary

1 language to enhance readability.

2 Code section 99G.10: Standardizes the names of the  
3 national criminal history check and the state criminal history  
4 repository in a provision relating to background  
5 investigations of Iowa lottery authority personnel. Similar  
6 standardization was accomplished in 2003 legislation.

7 Code section 99G.33: Changes the term "agreement" to  
8 "contract" to provide consistency with the prior reference in  
9 the section to contracting for investigative services.

10 Code sections 100.35, 100.38, 100.39, 135.18, 135B.17,  
11 135C.28, 137C.31, 137D.6, 137F.16, 167.11, 322B.2, 422E.5,  
12 435.1, 455B.172, 499B.3, 499B.20, 504C.1, and 544A.28: Adds  
13 references to Code section 103A.7 following references to the  
14 state building code.

15 Code section 100B.8: Changes a reference from the  
16 department of administrative services to the department of  
17 personnel, a predecessor agency to the department of  
18 administrative services, to reflect that the transfer of  
19 employees referenced in the Code section occurred with the  
20 department of personnel prior to the creation of the new  
21 department.

22 Code section 124.401: Makes a grammatical correction in a  
23 provision relating to certain prohibited acts involving  
24 controlled substances.

25 Code section 135.142: Makes a grammatical correction in a  
26 provision relating to shortages of health care supplies during  
27 a public health disaster.

28 Code sections 145A.16 and 260C.18: Adds a chapter number  
29 reference to the descriptive reference to the short title of  
30 Code chapter 24. The short title, "local budget law", is  
31 contained in Code section 24.1.

32 Code sections 159A.2, 214A.1, 214A.2, 359A.18, 452A.2,  
33 455B.173, 455B.474, 455D.19, and 459.307: Corrects references  
34 to the organization formerly known as the American society for  
35 testing and materials, now known as ASTM international, in a

1 manner which is consistent with changes made in Code sections  
2 455D.19 and 455H.204 in this bill.

3 Code sections 232.71D, 249A.12, 249A.30, 249H.3, 249H.5,  
4 331.440A, 633.707, and 633.709: Corrects various references  
5 to home and community-based services waivers under the medical  
6 assistance program. The correct name for the waiver is the  
7 "home and community-based services waiver".

8 Code section 237A.29: Makes a grammatical correction in a  
9 provision providing sanctions for obtaining public funding for  
10 provision of child care by fraudulent means.

11 Code section 255.13: Makes a grammatical correction in a  
12 provision relating to attendants appointed to accompany  
13 indigent persons to the hospital.

14 Code section 256A.4: Changes the manner in which certain  
15 programs for at-risk children, who are three or four years in  
16 age, are described to eliminate a technical issue encountered  
17 in the desktop publication process for this Code section.

18 Code section 285.10: Rewords a provision relating to  
19 purchases of buses by schools to provide proper transition  
20 between the lead-in paragraph and a subsequent paragraph.

21 Code section 292.4: Corrects a reference to the "grow Iowa  
22 values fund", the proper name of the fund. The bill also  
23 substitutes "section 15G.108" for a reference to the 2003  
24 legislation creating the fund.

25 Code section 305.9: Makes a grammatical correction in a  
26 provision relating to the responsibilities of the department  
27 of cultural affairs.

28 Code section 322F.1: Makes grammatical corrections in a  
29 provision providing definitions for Code chapter 322F,  
30 relating to equipment dealership agreements.

31 Code section 322F.7: Makes a grammatical correction in a  
32 provision delineating specific violations of Code chapter  
33 322F, relating to equipment dealership agreements.

34 Code section 384.38: Makes a grammatical correction in a  
35 provision relating to costs a city may assess to private

1 property.

2 Code section 422.42: Substitutes a reference to Code  
3 section 170.1 for a reference to Code section 189A.2. Code  
4 section 170.1 contains the actual definition for "farm deer",  
5 while Code section 189A.2 merely references that definition.

6 Code section 422E.3A: Makes a grammatical correction in a  
7 provision relating to division of receipts from the local  
8 sales and services tax for school infrastructure purposes.

9 Code section 426A.7: Eliminates the clause "As soon as  
10 practicable after the effective date of this chapter," from a  
11 provision requiring the department of revenue to forward  
12 certain sample forms to county auditors. Code chapter 426A  
13 has been effective for a number of years.

14 Code section 441.23: Makes a grammatical correction in a  
15 provision relating to adjustments in real property valuation  
16 assessments.

17 Code section 453D.5: Substitutes "nonparticipating  
18 manufacturer" for "nonparticipatory manufacturer" to agree  
19 with other uses of the term in the Code section.

20 Code section 455D.19: Corrects a reference to the  
21 organization formerly known as the American society for  
22 testing and materials, now known as ASTM international, in a  
23 provision relating to the testing of solid waste packaging  
24 materials for heavy metal content.

25 Code section 455H.204: Corrects a reference to the  
26 organization formerly known as the American society of testing  
27 and materials, now known as ASTM international, in language  
28 regarding standards for site-specific cleanup in areas  
29 contaminated by certain hazardous substances.

30 Code section 459.102: Makes a grammatical correction in a  
31 provision defining "commercial manure service representative"  
32 for purposes of Code chapter 459, the animal agriculture  
33 compliance Act.

34 Code section 459.401: Corrects a reference to the defined  
35 term "commercial manure service representative".

1 Code section 496C.16: Adds a number reference to Code  
2 chapter 490 following a reference to the Iowa business  
3 corporation Act.

4 Code section 497.33: Substitutes "corporation" for  
5 "association" to agree with other uses of the term in the Code  
6 section.

7 Code sections 504A.29 and 504A.39: Substitutes the term  
8 "Iowa Acts" for "session laws" to correspond to current  
9 language.

10 Code section 508.31A: Corrects a reference to section  
11 501(c) of the Internal Revenue Code.

12 Code section 508.38: Clarifies that the Code section was  
13 amended, rather than enacted, by 2003 Iowa Acts, chapter 91,  
14 section 10. The bill substitutes "July 1, 2005" for "the  
15 second anniversary of the effective date of 2003 Acts, ch 91,  
16 § 8-10".

17 Code section 514.2: Makes grammatical corrections in a  
18 provision relating to incorporation of certain nonprofit  
19 medical service organizations.

20 Code sections 533C.201 and 533C.301: Makes grammatical  
21 changes in language contained in two provisions in the uniform  
22 money services Act enacted in 2003 Acts, chapter 96.

23 Code section 554.10105: Eliminates a self-reference  
24 contained in this section within Code chapter 554, the Iowa  
25 version of the uniform commercial Code.

26 Code sections 570A.5 and 570A.6: Substitutes the defined  
27 term "agricultural supply dealer lien" for the term  
28 "agricultural supply dealer's lien" in several places.

29 Code section 591.17: Inserts "Code 1989," after a  
30 reference to Code section 504.1, which was repealed in 1990.

31 Code section 598B.106: Corrects the spelling of the word  
32 jurisdiction in a provision relating to the effect of a  
33 determination of child-custody made by a court of this state  
34 that had jurisdiction over the matter.

35 Code section 602.11112: Inserts ", Code 2003," after a

1 reference to the provisions in Code section 602.6109 relating  
2 to the division of the fifth judicial district. Code section  
3 602.6109 was amended in 2003, thereby eliminating the  
4 described provisions.

5 Code section 602.11115: Changes a reference from the  
6 department of administrative services to the department of  
7 personnel, a predecessor agency to the department of  
8 administrative services, to reflect that the transfer of  
9 retirement contributions referenced in the Code section  
10 occurred with the department of personnel prior to the  
11 creation of the new department.

12 Code section 669.14: Adds a chapter number reference to a  
13 reference to the short title for Code chapter 85A. The short  
14 title for Code chapter 85A is contained in Code section 85A.1.

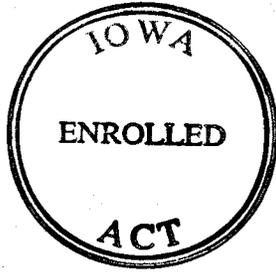
15 Code section 709.15: Makes a grammatical correction in the  
16 definition of "student" for purposes of a provision relating  
17 to sexual exploitation by a counselor, therapist, or school  
18 employee.

19 2003 Iowa Acts, chapter 91, section 10: Clarifies  
20 references to the "effective date of this Act" to refer to the  
21 "effective date of this section of this Act" as the section  
22 has a different effective date than the rest of the Act. This  
23 provision takes effect upon enactment and applies  
24 retroactively to July 1, 2003.

25 2003 Iowa Acts, chapter 143, section 17: Substitutes  
26 "175A.5" for "175.5" in a provision referring to the creation  
27 of the grape and wine development fund.

28 2003 Iowa Acts, First Extraordinary Session, chapter 2,  
29 section 96: Substitutes "legislative services agency" for  
30 "legislative service bureau" in a provision exempting certain  
31 items sold by the agency and its legislative information  
32 office from the sales tax.

33  
34  
35



HOUSE FILE 2208

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 2B.10, Code Supplement 2003, is amended  
to read as follows:

2B.10 ~~SESSION-LAWS~~ IOWA ACTS.

1. The arrangement of the Acts and resolutions, and the  
size, style, type, binding, general arrangement, and tables of  
the ~~session-laws~~ Iowa Acts shall be printed and published in  
the manner determined by the Iowa Code editor in accordance  
with the policies set by the legislative council as provided  
in section 2.42.

2. Chapters of the first regular session shall be numbered from one and chapters of the second regular session shall be numbered from one thousand one.

3. A list of elective state officers and deputies, supreme court justices, judges of the court of appeals, and members of the general assembly shall be published annually with the ~~session-laws~~ Iowa Acts.

4. A statement of the condition of the state treasury shall be included, as provided by the Constitution of the State of Iowa. The statement shall be furnished by the director of the department of administrative services.

5. The enrolling clerks of the house and senate shall arrange for the Iowa Code editor to receive suitable copies of all Acts and resolutions as soon as they are enrolled.

6. A notation of the filing of an estimate of a state mandate prepared by the legislative services agency pursuant to section 25B.5 shall be included in the ~~session-laws~~ Iowa Acts with the text of an enacted bill or joint resolution containing the state mandate.

Sec. 2. Section 2B.17, subsection 2, Code Supplement 2003, is amended to read as follows:

2. The ~~session-laws~~ Acts of each general assembly shall be known as "Acts of the .. General Assembly, .. Session, Chapter (or File No.) .., Section .." (inserting the appropriate numbers) and shall be cited as ".. Iowa Acts, chapter .., section .." (inserting the appropriate year, chapter, and section number).

Sec. 3. Section 3.3, Code 2003, is amended to read as follows:

### 3.3 HEADNOTES AND HISTORICAL REFERENCES.

Proper headnotes may be placed at the beginning of a section of a bill, and at the end of the section there may be placed a reference to the section number of the Code, or any ~~session-law~~ Iowa Act from which the matter of the bill was taken, but, except as provided in the Uniform Commercial Code,

section 554.1109, neither said headnotes nor said historical references shall be considered as a part of the law as enacted.

Sec. 4. Section 7J.1, subsection 1, Code Supplement 2003, is amended to read as follows:

1. DESIGNATION OF CHARTER AGENCIES -- PURPOSE. The governor may, by executive order, designate state departments or agencies, as described in section 7E.5, or the Iowa lottery authority established in chapter 99G, other than the department of administrative services~~,--if-the-department-is established-in-law,~~ or the department of management, as a charter agency by July 1, 2003. The designation of a charter agency shall be for a period of five years which shall terminate as of June 30, 2008. The purpose of designating a charter agency is to grant the agency additional authority as provided by this chapter while reducing the total appropriations to the agency.

Sec. 5. Section 8.59, Code Supplement 2003, is amended to read as follows:

8.59 APPROPRIATIONS FREEZE.

Notwithstanding contrary provisions of the Code, the amounts appropriated under the applicable sections of the Code for fiscal years commencing on or after July 1, 1993, are limited to those amounts expended under those sections for the fiscal year commencing July 1, 1992. If an applicable section appropriates moneys to be distributed to different recipients and the operation of this section reduces the total amount to be distributed under the applicable section, the moneys shall be prorated among the recipients. As used in this section, "applicable sections" means ~~the-following~~ sections: 53.50, 229.35, 230.8, 230.11, 411.20, and 663.44.

Sec. 6. Section 8A.124, Code Supplement 2003, is amended to read as follows:

8A.124 ADDITIONAL PERSONNEL.

The department may employ, upon the approval of the department of management, such additional personnel in excess of the number of full-time equivalent positions authorized by the general assembly if such additional personnel are reasonable and necessary to perform such duties as required to meet the needs of the department to provide services to other governmental entities and as authorized by this chapter. The director shall notify in writing the department of management, the legislative fiscal committee, and the legislative services agency of any additional personnel employed pursuant to this section.

Sec. 7. Section 8A.402, subsection 2, paragraph c, Code Supplement 2003, is amended to read as follows:

c. Encourage and exercise leadership in the development of effective personnel administration within the several state agencies, and to make available the facilities of the department to this end.

Sec. 8. Section 8A.502, subsection 14, paragraph b, unnumbered paragraph 1, Code Supplement 2003, is amended to read as follows:

Modify the centralized statewide accounting system and develop, or require to be developed by the appropriate departments of state government, the necessary reports and procedures necessary to complete the managerial and financial reports required to comply with the federal law.

Sec. 9. Section 11.27, subsection 2, Code 2003, is amended to read as follows:

2. The results of an audit of the documents and the records of the department of management created in ~~the budget and financial control Act~~ chapter 8, which records shall be audited by the auditor; and, the results of the auditor's audit of all taxes and other revenue collected and paid into the treasury, and the sources thereof.

Sec. 10. Section 15.269, subsection 2, paragraph b, subparagraph (1), subparagraph subdivision (a), Code Supplement 2003, is amended to read as follows:

(a) Each cogeneration pilot project facility must involve two hundred megawatts or less of electricity, in combination with one or more other cogeneration pilot project facilities.

Sec. 11. Section 28.4, subsection 12, paragraph d, subparagraph (1), Code Supplement 2003, is amended to read as follows:

(1) Moneys for the healthy opportunities for parents to experience success -- healthy families Iowa program under section 135.106 by the fiscal year beginning July 1, 2000, and ending June 30, 2001.

Sec. 12. Section 29A.1, subsection 1, Code 2003, is amended to read as follows:

1. ~~Active-state~~ "State military service" means training or operational duty or other service authorized and performed under the provisions of 32 U.S.C. or other federal law or regulation as part of the Iowa army national guard or Iowa air national guard and paid for with federal funds.

Sec. 13. Section 29A.8A, Code 2003, is amended to read as follows:

29A.8A ~~ACTIVE-STATE~~ STATE MILITARY SERVICE.

If federal funding and authorization exist for this purpose, the governor may order to ~~active~~ state military service the military forces of the Iowa army national guard or Iowa air national guard as the governor may deem appropriate for the purposes of homeland security, homeland defense, or other duty. A state employee shall take either a full day's leave or eight hours of compensatory time on a day in which the state employee receives a full day's pay from federal funds for national guard duty.

Sec. 14. Section 29A.28, subsections 1 and 3, Code Supplement 2003, are amended to read as follows:

1. All officers and employees of the state, or a subdivision thereof, or a municipality other than employees employed temporarily for six months or less, who are members of the national guard, organized reserves or any component

part of the military, naval, or air forces or nurse corps of this state or nation, or who are or may be otherwise inducted into the military service of this state or of the United States, shall, when ordered by proper authority to state active duty, ~~active~~ state military service, or federal service, be entitled to a leave of absence from such civil employment for the period of state active duty, ~~active~~ state military service, or federal service, without loss of status or efficiency rating, and without loss of pay during the first thirty days of such leave of absence. Where state active duty, ~~active~~ state military service, or federal service is for a period less than thirty days, a leave of absence under this section shall only be required for those days that the civil employee would normally perform services for the state, subdivision of the state, or a municipality.

3. Upon returning from a leave of absence under this section, an employee shall be entitled to return to the same position and classification held by the employee at the time of entry into state active duty, ~~active~~ state military service, or federal service or to the position and classification that the employee would have been entitled to if the continuous civil service of the employee had not been interrupted by state active duty, ~~active~~ state military service, or federal service. Under this subsection, "position" includes the geographical location of the position.

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

3. "Military service" means full-time ~~active~~ state military service or state active duty, as defined in section 29A.1, for a period of at least ninety consecutive days, commencing on or after April 22, 2002.

Sec. 16. Section 29B.13, unnumbered paragraph 1, Code 2003, is amended to read as follows:

Under regulations as may be prescribed under this code a person subject to this code who is on ~~active~~ state military

service or state active duty who is accused of an offense against civil authority may be delivered, upon request, to the civil authority for trial.

Sec. 17. Section 72.5, subsection 2, Code 2003, is amended to read as follows:

2. In connection with development of a statewide building energy efficiency rating system, pursuant to section 473.40, the director of the department of natural resources in consultation with the department of management, state building code director commissioner, and state fire marshal, shall develop standards and methods to evaluate design development documents and construction documents based upon the energy efficiency rating system for public buildings, and other life cycle cost factors, to facilitate fair and uniform comparisons between design proposals and informed decision making by public bodies.

Sec. 18. Section 80.35, Code Supplement 2003, is amended to read as follows:

80.35 TRANSITION.

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

Sec. 19. Section 80B.5, Code 2003, is amended to read as follows:

80B.5 ADMINISTRATION.

The administration of ~~the-Iowa-law-enforcement-academy-and-council-~~Act this chapter shall be vested in the office of the governor. A director of the academy and such staff as may be necessary for it to function shall be employed pursuant to the Iowa merit system.

Sec. 20. Section 80B.11E, subsection 4, Code Supplement 2003, is amended to read as follows:

4. An individual who has not been hired by a law enforcement agency must be hired by a law enforcement agency within eighteen months of completing the appropriate coursework at the law enforcement academy in order to obtain certification pursuant to this ~~section~~ chapter.

Sec. 21. Section 96.7, subsection 12, paragraph a, Code Supplement 2003, is amended to read as follows:

a. An employer other than a governmental entity or a nonprofit organization, subject to this chapter, shall pay an administrative contribution surcharge equal in amount to one-tenth of one percent of federal taxable wages, as defined in section 96.19, subsection 37, paragraph "b", subject to the surcharge formula to be developed by the department under this paragraph. The department shall develop a surcharge formula that provides a target revenue level of no greater than six million five hundred twenty-five thousand dollars for calendar years 2003, 2004, and 2005 and a target revenue level of no greater than three million two hundred sixty-two thousand five hundred dollars for calendar year 2006 and each subsequent calendar year. The department shall reduce the administrative contribution surcharge established for any calendar year proportionate to any federal government funding that provides an increased allocation of moneys for workforce development offices, under the federal employment services financing reform legislation. Any administrative contribution surcharge

revenue that is collected in calendar year 2003, 2004, or 2005 in excess of six million five hundred twenty-five thousand dollars or in calendar year 2006 or a subsequent calendar year in excess of three million two hundred sixty-two thousand five hundred dollars shall be deducted from the amount to be collected in the subsequent calendar year 2003 before the department establishes the administrative contribution surcharge. The department shall recompute the amount as a percentage of taxable wages, as defined in section 96.19, subsection 37, and shall add the percentage surcharge to the employer's contribution rate determined under this section. The percentage surcharge shall be capped at a maximum of seven dollars per employee. The department shall adopt rules prescribing the manner in which the surcharge will be collected. Interest shall accrue on all unpaid surcharges under this subsection at the same rate as on regular contributions and shall be collectible in the same manner. Interest accrued and collected under this paragraph and interest earned and credited to the fund under paragraph "b" shall be used by the department only for the purposes set forth in paragraph "c".

Sec. 22. Section 97B.66, unnumbered paragraph 2, Code Supplement 2003, is amended to read as follows:

The contributions paid by the vested or retired member shall be equal to the accumulated contributions as defined in section 97B.1A, subsection 2, by the member for the applicable period of service, and the employer contribution for the applicable period of service under the ~~teachers-insurance-and annuity-association-college-retirement-equities-fund~~ teachers insurance and annuity association-college retirement equities fund (TIAA-CREF), that would have been or had been contributed by the vested or retired member and the employer, if applicable, plus interest on the contributions that would have accrued for the applicable period from the date the previous applicable period of service commenced under this retirement

system or from the date the service of the member in the teachers insurance and annuity association-college retirement equities fund (TIAA-CREF) commenced to the date of payment of the contributions by the member as provided in section 97B.70.

Sec. 23. Section 99B.9, subsection 1, unnumbered paragraph 1, Code Supplement 2003, is amended to read as follows:

Except as otherwise permitted by section 99B.3, 99B.5, 99B.6, 99B.7, 99B.8, 99B.11, or 99B.12A, it is unlawful to permit gambling on any premises owned, leased, rented, or otherwise occupied by a person other than a government, governmental agency, or governmental subdivision, unless all of the following are complied with:

Sec. 24. Section 99D.24, subsection 4, unnumbered paragraph 1, Code 2003, is amended to read as follows:

A person commits a class "D" felony and, in addition, shall be barred for life from racetracks under the jurisdiction jurisdiction of the commission, if the person does any of the following:

Sec. 25. Section 99G.8, subsection 9, Code Supplement 2003, is amended to read as follows:

9. Board members shall be considered to hold public office and shall give bond ~~as-such~~ as required in chapter 64.

Sec. 26. Section 99G.10, subsection 8, Code Supplement 2003, is amended to read as follows:

8. A background investigation shall be conducted by the department of public safety, division of criminal investigation, on each applicant who has reached the final selection process prior to employment by the authority. For positions not designated as sensitive by the board, the investigation may consist of a state criminal history background check, work history, and financial review. The board shall identify those sensitive positions of the authority which require full background investigations, which positions shall include, at a minimum, any officer of the authority, and any employee with operational management

responsibilities, security duties, or system maintenance or programming responsibilities related to the authority's data processing or network hardware, software, communication, or related systems. In addition to a work history and financial review, a full background investigation may include a national criminal history record check through the federal bureau of investigation. The screening of 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. The results of background investigations conducted pursuant to this section shall not be considered public records under chapter 22.

Sec. 27. Section 99G.33, Code Supplement 2003, is amended to read as follows:

99G.33 LAW ENFORCEMENT INVESTIGATIONS.

The department of public safety, division of criminal investigation, shall be the primary state agency responsible for investigating criminal violations under this chapter. The chief executive officer shall contract with the department of public safety for investigative services, including the employment of special agents and support personnel, and procurement of necessary equipment to carry out the responsibilities of the division of criminal investigation under the terms of the agreement contract and this chapter.

Sec. 28. Section 100.35, unnumbered paragraph 2, Code 2003, is amended to read as follows:

Rules by the fire marshal affecting the construction of new buildings, additions to buildings or rehabilitation of existing buildings and related to fire protection, shall be substantially in accord with the provisions of the nationally recognized building and related codes adopted as the state building code pursuant to section 103A.7 or with codes adopted by a local subdivision which are in substantial accord with the codes comprising the state building code.

Sec. 29. Section 100.38, Code 2003, is amended to read as follows:

100.38 CONFLICTING STATUTES.

Provisions of this chapter in conflict with the state building code, as adopted pursuant to section 103A.7, shall not apply where the state building code has been adopted or when the state building code applies throughout the state.

Sec. 30. Section 100.39, unnumbered paragraph 3, Code 2003, is amended to read as follows:

Plans and installation of systems shall be approved by the state fire marshal, a designee of the state fire marshal, or local authorities having jurisdiction. Except where local fire protection regulations are more stringent, the provisions of this section shall be applicable to all buildings, whether privately or publicly owned. The definition of terms shall be in conformity, insofar as possible, with definitions found in the state building code adopted pursuant to section 103A.7.

Sec. 31. Section 100B.8, Code Supplement 2003, is amended to read as follows:

100B.8 EMPLOYEES.

Employees of the fire service institute at Iowa state university on July 1, 2000, may elect to transfer to the department of public safety in a position and at a pay range commensurate with their duties as determined by the department of ~~administrative-services~~ personnel, the department of public safety, and the employee's certified collective bargaining representative.

Sec. 32. Section 124.401, subsection 1, paragraph b, subparagraph (8), Code Supplement 2003, is amended to read as follows:

(8) More than five grams but not more than five kilograms of amphetamine, its salts, isomers, or salts of isomers, or any compound, mixture, or preparation which contains any quantity of or detectable amount of amphetamine, its salts, isomers, and salts of isomers.

Sec. 33. Section 135.18, Code 2003, is amended to read as follows:

135.18 CONFLICTING STATUTES.

Provisions of this chapter in conflict with the state building code, as adopted pursuant to section 103A.7, shall not apply where the state building code has been adopted or when the state building code applies throughout the state.

Sec. 34. Section 135.142, subsection 2, Code Supplement 2003, is amended to read as follows:

2. If a public health disaster exists or there is reasonable cause to believe that a public health disaster is imminent and if the public health disaster or belief that a public health disaster is imminent results in a statewide or regional shortage or threatened shortage of any product described under subsection 1, whether or not such product has been purchased by the department, the department may control, restrict, and regulate by rationing and using quotas, prohibitions on shipments, allocation, or other means, the use, sale, dispensing, distribution, or transportation of the relevant product necessary to protect the public health, safety, and welfare of the people of this state. The department shall collaborate with persons who have control of the products when reasonably possible.

Sec. 35. Section 135.106, Code 2003, is amended to read as follows:

135.106 HEALTHY FAMILIES IOWA-PROGRAM PROGRAMS -- ESTABLISHED.

1. The Iowa department of public health shall establish a healthy opportunities for parents to experience success (HOPES)--healthy families Iowa (HFI) program to provide services to families and children during the prenatal through preschool years. The program shall be designed to do all of the following:

- a. Promote optimal child health and development.
- b. Improve family coping skills and functioning.

c. Promote positive parenting skills and intrafamilial interaction.

d. Prevent child abuse and neglect and infant mortality and morbidity.

2. The HOPES HOPES-HFI program shall be developed by the Iowa department of public health, and may be implemented, in whole or in part, by contracting with a nonprofit child abuse prevention organization, local nonprofit certified home health program or other local nonprofit organizations, and shall include, but is not limited to, all of the following components:

a. Identification of barriers to positive birth outcomes, encouragement of collaboration and cooperation among providers of health care, social and human services, and other services to pregnant women and infants, and encouragement of pregnant women and women of childbearing age to seek health care and other services which promote positive birth outcomes.

b. Provision of community-based home-visiting family support to pregnant women and new parents who are identified through a standardized screening process to be at high risk for problems with successfully parenting their child.

c. Provision by family support workers of individual guidance, information, and access to health care and other services through care coordination and community outreach, including transportation.

d. Provision of systematic screening, prenatally or upon the birth of a child, to identify high-risk families.

e. Interviewing by a HOPES HOPES-HFI program worker or hospital social worker of families identified as high risk and encouragement of acceptance of family support services.

f. Provision of services including, but not limited to, home visits, support services, and instruction in child care and development.

g. Individualization of the intensity and scope of services based upon the family's needs, goals, and level of risk.

h. Assistance by a family support worker to participating families in creating a link to a "medical home" in order to promote preventive health care.

i. Evaluation and reporting on the program, including an evaluation of the program's success in reducing participants' risk factors and provision of services and recommendations for changes in or expansion of the program.

j. Provision of continuous follow-up contact with a family served by the program until identified children reach age three or age four in cases of continued high need or until the family attains its individualized goals for health, functioning, and self-sufficiency.

k. Provision or employment of family support workers who have experience as a parent, knowledge of health care services, social and human services, or related community services and have participated in a structured training program.

l. Provision of a training program that meets established standards for the education of family support workers. The structured training program shall include at a minimum the fundamentals of child health and development, dynamics of child abuse and neglect, and principles of effective parenting and parenting education.

m. Provision of crisis child care through utilization of existing child care services to participants in the program.

n. Program criteria shall include a required match of one dollar provided by the organization contracting to deliver services for each two dollars provided by the state grant. This requirement shall not restrict the department from providing unmatched grant funds to communities to plan new or expanded programs for HOPES HOPES-HFI. The department shall establish a limit on the amount of administrative costs that can be supported with state funds.

o. Involvement with the community assessment and planning process in the community served by HOPES HOPES-HFI programs to

enhance collaboration and integration of family support programs.

p. Collaboration, to the greatest extent possible, with other family support programs funded or operated by the state.

q. Utilization of private party, third party, and medical assistance for reimbursement to defray the costs of services provided by the program to the extent possible.

3. It is the intent of the general assembly to provide communities with the discretion and authority to redesign existing local programs and services targeted at and assisting families expecting babies and families with children who are newborn through five years of age. The Iowa department of public health, department of human services, department of education, and other state agencies and programs, as appropriate, shall provide technical assistance and support to communities desiring to redesign their local programs and shall facilitate the consolidation of existing state funding appropriated and made available to the community for family support services. Funds which are consolidated in accordance with this subsection shall be used to support the redesigned service delivery system. In redesigning services, communities are encouraged to implement a single uniform family risk assessment mechanism and shall demonstrate the potential for improved outcomes for children and families. Requests by local communities for the redesigning of services shall be submitted to the Iowa department of public health, department of human services, and department of education, and are subject to the approval of the Iowa empowerment board in consultation with the departments, based on the innovation zone principles established in section 8A.2, Code 1997.

Sec. 36. Section 135B.17, unnumbered paragraph 2, Code 2003, is amended to read as follows:

Provisions of this chapter in conflict with the state building code, as adopted pursuant to section 103A.7, shall not apply where the state building code has been adopted or when the state building code applies throughout the state.

Sec. 37. Section 135C.28, Code 2003, is amended to read as follows:

135C.28 CONFLICTING STATUTES.

Provisions of this chapter in conflict with the state building code, as adopted pursuant to section 103A.7, shall not apply where the state building code has been adopted or when the state building code applies throughout the state.

Sec. 38. Section 137C.31, Code 2003, is amended to read as follows:

137C.31 CONFLICTS WITH STATE BUILDING CODE.

Provisions of the Iowa hotel sanitation code in conflict with the state building code, as adopted pursuant to section 103A.7, shall not apply where the state building code has been adopted or when the state building code applies throughout the state.

Sec. 39. Section 137D.6, Code 2003, is amended to read as follows:

137D.6 CONFLICTS WITH STATE BUILDING CODE.

Provisions of this chapter, including standards for home food establishments adopted by the department, in conflict with the state building code, as adopted pursuant to section 103A.7, shall not apply where the state building code has been adopted or when the state building code applies throughout the state.

Sec. 40. Section 137F.16, Code 2003, is amended to read as follows:

137F.16 CONFLICTS WITH STATE BUILDING CODE.

Provisions of this chapter in conflict with the state building code, as adopted pursuant to section 103A.7, shall not apply where the state building code has been adopted or when the state building code applies throughout the state.

Sec. 41. Section 145A.16, subsection 4, Code 2003, is amended to read as follows:

4. Donations and gifts which may be accepted by the hospital trustees and expended in accordance with the terms of

the gift without compliance with the local budget law, chapter 24.

Sec. 42. Section 167.11, unnumbered paragraph 2, Code 2003, is amended to read as follows:

This section shall not apply where the state building code, as adopted pursuant to section 103A.7, has been adopted or when the state building code applies throughout the state.

Sec. 43. Section 232.71D, subsection 3, paragraph i, subparagraph (5), Code 2003, is amended to read as follows:

(5) Medical assistance home and community-based services waiver for persons with mental retardation residential program regulated by the department of human services and the department of inspections and appeals.

Sec. 44. Section 237A.29, subsection 3, paragraph a, Code Supplement 2003, is amended to read as follows:

a. If a child care provider is subject to sanctions under subsection 2, within five business days of the date the sanctions ~~were~~ are imposed, the provider shall submit to the department the names and addresses of children receiving child care from the provider. The department shall send information to the parents of the children regarding the provider's actions leading to the imposition of the sanctions and the nature of the sanctions imposed.

Sec. 45. Section 249A.12, subsection 2, Code Supplement 2003, is amended to read as follows:

2. A county shall reimburse the department on a monthly basis for that portion of the cost of assistance provided under this section to a recipient with legal settlement in the county, which is not paid from federal funds, if the recipient's placement has been approved by the appropriate review organization as medically necessary and appropriate. The department's goal for the maximum time period for submission of a claim to a county is not more than sixty days following the submission of the claim by the provider of the service to the department. The department's goal for

completion and crediting of a county for cost settlement for the actual costs of a service under a home and community-based services waiver service is within two hundred seventy days of the close of a fiscal year for which cost reports are due from providers. The department shall place all reimbursements from counties in the appropriation for medical assistance, and may use the reimbursed funds in the same manner and for any purpose for which the appropriation for medical assistance may be used.

Sec. 46. Section 249A.12, subsection 5, paragraph a, unnumbered paragraph 1, Code Supplement 2003, is amended to read as follows:

The mental health and developmental disabilities commission shall recommend to the department the actions necessary to assist in the transition of individuals being served in an intermediate care facility for persons with mental retardation, who are appropriate for the transition, to services funded under a medical assistance ~~waiver-for~~ home and community-based services waiver for persons with mental retardation in a manner which maximizes the use of existing public and private facilities. The actions may include but are not limited to submitting any of the following or a combination of any of the following as a request for a revision of the medical assistance ~~waiver-for~~ home and community-based services waiver for persons with mental retardation in effect as of June 30, 1996:

Sec. 47. Section 249A.12, subsection 5, paragraph a, subparagraph (1), Code Supplement 2003, is amended to read as follows:

(1) Allow for the transition of intermediate care facilities for persons with mental retardation licensed under chapter 135C as of June 30, 1996, to services funded under the medical assistance ~~waiver-for~~ home and community-based services waiver for persons with mental retardation. The request shall be for inclusion of additional persons under the waiver associated with the transition.

Sec. 48. Section 249A.30, Code 2003, is amended to read as follows:

249A.30 HOME AND COMMUNITY-BASED SERVICES WAIVER ~~SERVICES~~  
-- SERVICE PROVIDER REIMBURSEMENT.

1. The base reimbursement rate for a provider of services under a medical assistance program home and community-based services waiver for persons with mental retardation shall be recalculated at least every three years to adjust for the changes in costs during the immediately preceding three-year period.

2. The annual inflation factor used to adjust such a provider's reimbursement rate for a fiscal year shall not exceed the percentage increase in the employment cost index for private industry compensation issued by the federal department of labor, bureau of labor statistics, for the most recently completed calendar year.

Sec. 49. Section 249H.3, subsections 1 and 4, Code 2003, are amended to read as follows:

1. "Affordable" means rates for payment of services which do not exceed the rates established for providers of medical and health services under the medical assistance program with eligibility for an individual equal to the eligibility for medical assistance pursuant to section 249A.3. In relation to services provided by a provider of services under a home and community-based services waiver, "affordable" means that the total monthly cost of the services provided under the home and community-based services waiver ~~services-provided~~ does not exceed the cost for that level of care as established by rule by the department of human services, pursuant to chapter 17A, in consultation with the department of elder affairs.

4. "Long-term care alternatives" means those services specified as services under the medical assistance ~~program-as~~ home and community-based services waiver ~~services~~ for elder persons or adults with disabilities, elder group homes certified under chapter 231B, assisted-living programs certified under chapter 231C, and the PACE program.

Sec. 50. Section 249H.5, subsection 2, paragraph c, subparagraphs (2) and (3), Code 2003, are amended to read as follows:

(2) Expenses incurred in administration of medical assistance home and community-based services waivers and the PACE program due to implementation of the senior living trust fund.

(3) Expenses incurred due to increased service delivery provided under medical assistance home and community-based services waivers as a result of nursing facility conversions and long-term care service development, for the fiscal period beginning July 1, 2000, and ending on or before June 30, 2005.

Sec. 51. Section 249H.5, subsection 2, paragraph e, Code 2003, is amended to read as follows:

e. To the department of human services an amount necessary, annually, for additional expenses incurred relative to implementation of the senior living program in assisting home and community-based services waiver consumers with rent expenses pursuant to the state supplementary assistance program.

Sec. 52. Section 255.13, Code Supplement 2003, is amended to read as follows:

255.13 ATTENDANT -- PHYSICIAN -- COMPENSATION.

If the physician appointed to examine the patient certifies that an attendant is needed to accompany the patient to the hospital ~~is necessary~~, and the university hospital attendant and ambulance service is not available, the county general assistance director may appoint an attendant who shall receive not exceeding two dollars per day for the time thus necessarily employed and actual necessary ~~traveling~~ expenses for travel by the most feasible route to the hospital whether by ambulance, train, or automobile; but if such appointee is a relative of the patient or a member of the patient's immediate family, or receives a salary or other compensation from the public for the appointee's services, no such per diem

compensation shall be paid. The physician appointed to make the examination and report shall receive three dollars for each examination and report so made and the physician's actual necessary expenses incurred in making such examination, but if the physician receives a salary or other compensation from the public for the physician's full-time services, no such examination fee shall be paid. The actual, necessary expenses of transporting and caring for the patient shall be paid as provided in this chapter.

Sec. 53. Section 256A.3, subsection 7, Code Supplement 2003, is amended to read as follows:

7. Encourage the establishment of regional councils designed to facilitate the development on a regional basis of programs for at-risk ~~three-year-~~ three-year-old and at-risk four-year-old children.

Sec. 54. Section 260C.14, subsection 20, unnumbered paragraph 1, Code Supplement 2003, is amended to read as follows:

Adopt a policy to offer not less than the following options to a student who is a member of the Iowa national guard or reserve forces of the United States and who is ordered to active state military service or federal service or duty:

Sec. 55. Section 260C.18, subsection 6, Code 2003, is amended to read as follows:

6. Donations and gifts which may be accepted by the governing board and expended in accordance with the terms of the gift without compliance with the local budget law, chapter 24.

Sec. 56. Section 261.9, subsection 1, paragraph g, unnumbered paragraph 1, Code Supplement 2003, is amended to read as follows:

Adopts a policy to offer not less than the following options to a student who is a member of the Iowa national guard or reserve forces of the United States and who is ordered to active state military service or federal service or duty:

Sec. 57. Section 262.9, subsection 29, unnumbered paragraph 1, Code Supplement 2003, is amended to read as follows:

Direct the institutions of higher education under its control to adopt a policy to offer not less than the following options to a student who is a member of the Iowa national guard or reserve forces of the United States and who is ordered to ~~active~~ state military service or federal service or duty:

Sec. 58. Section 285.10, subsection 7, paragraph b, Code Supplement 2003, is amended to read as follows:

b. ~~May-purchase~~ By purchasing buses and enter entering into contracts to pay for such buses over a five-year period as follows: one-fourth of the cost when the bus is delivered and the balance in equal annual installments, plus simple interest due. The interest rate shall be the lowest rate available and shall not exceed the rate in effect under section 74A.2. The bus shall serve as security for balance due. Competitive bids on comparable equipment shall be requested on all school bus purchases and shall be based upon minimum construction standards established by the department of education. Bids shall be requested unless the bus is a used or demonstrator bus.

Sec. 59. Section 292.4, Code Supplement 2003, is amended to read as follows:

292.4 APPROPRIATION.

There is appropriated from the general fund of the state from moneys credited to the general fund of the state as a result of the state entering into the streamlined sales and use tax agreement to the secure an advanced vision for education fund created in section 422E.3A, the sum of five million dollars for each fiscal year of the fiscal period beginning July 1, 2004, and ending June 30, 2014. The appropriation in this section shall be made after the appropriation from the same source to the grow Iowa values

fund created in 2003-Iowa-Acts,--First-Extraordinary-Session, chapter-17-or-another-Act section 15G.108. For purposes of this section, "moneys credited to the general fund of the state as a result of entering into the streamlined sales and use tax agreement" means the amount of sales and use tax receipts credited to the general fund of the state during a fiscal year that exceeds by two percent or more the total sales and use tax receipts credited to the general fund of the state during the previous fiscal year.

Sec. 60. Section 305.9, subsection 1, paragraph k, Code Supplement 2003, is amended to read as follows:

k. Manage the state archives and develop operating procedures for the transfer, ~~accessioning~~ accession, arrangement, description, preservation, protection, and public access of those records the commission identifies as having permanent value.

Sec. 61. Section 322B.2, subsection 8, Code 2003, is amended to read as follows:

8. "Modular home" means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, as adopted pursuant to section 103A.7, and displays a seal issued by the state building code commissioner.

Sec. 62. Section 322F.1, subsection 1, Code Supplement 2003, is amended to read as follows:

1. "Agricultural equipment" means a device, part of a device, or an attachment ~~of~~ to a device designed to be principally used for an agricultural purpose. "Agricultural equipment" includes but is not limited to equipment associated with livestock or crop production, horticulture, or floriculture. "Agricultural equipment" includes but is not limited to tractors; trailers; combines; tillage, planting, and cultivating implements; ~~bailers~~ balers; irrigation implements; and all-terrain vehicles.

Sec. 63. Section 322F.7, subsection 7, paragraph a, subparagraph (1), Code Supplement 2003, is amended to read as follows:

(1) For a dealership agreement governing equipment other than outdoor power equipment, takes action terminating, canceling, or failing to renew the dealership agreement, or substantially changes the competitive circumstances intended by the dealership agreement, due to the results of conditions beyond the dealer's control, including drought, flood, labor disputes, or economic recession.

Sec. 64. Section 331.440A, subsection 6, paragraph c, subparagraph (1), Code 2003, is amended to read as follows:

(1) State and federal medical assistance funding for services under a home and community-based waiver services waiver to persons with mental retardation.

Sec. 65. Section 384.38, subsection 2, Code 2003, is amended to read as follows:

2. Upon petition as provided in section 384.41, subsection 1, a city may assess to private property affected by public improvements within three miles of the city's boundaries the cost of construction and repair of public improvements within that area. The right-of-way of a railway company shall not be assessed unless the company joins as a petitioner for said improvements. In the petition the property owners shall waive the limitation provided in section 384.62 that an assessment may shall not exceed twenty-five percent of the value of the lot. The petition shall contain a statement that the owners agree to pay the city an amount equal to five percent of the cost of the improvements, to cover administrative expenses incurred by the city. This amount may be added to the cost of the improvements. Before the council may adopt the resolution of necessity, the preliminary resolution, preliminary plans and specifications, plat, schedule, and estimate of cost must be submitted to, and receive written approval from, the board of supervisors of any county which contains part of the

property, and the city development board established in section 368.9.

Sec. 66. Section 422.7, subsection 38, Code Supplement 2003, is amended to read as follows:

38. Subtract, to the extent not otherwise excluded, the amount of withdrawals from qualified retirement plan accounts made during the tax year if the taxpayer or taxpayer's spouse is a member of the Iowa national guard or reserve forces of the United States who is ordered to ~~active~~ state military service or federal service or duty. In addition, a penalty for such withdrawals shall not be assessed by the state.

Sec. 67. Section 422.42, subsection 4, Code 2003, is amended to read as follows:

4. "Farm deer" means the same as defined in section ~~189A-2~~ 170.1.

Sec. 68. Section 422E.3A, subsection 2, paragraph b, subparagraph (3), Code Supplement 2003, is amended to read as follows:

(3) A school district that is located in whole or in part in a county that voted on and approved the continuation of the local sales and services tax for school infrastructure purposes on or after April 1, 2003, ~~the-local-sales-and-services-tax-for-school-infrastructure-purposes~~ shall receive an amount equal to its pro rata share of the local sales and services tax receipts as provided in section 422E.3, subsection 5, paragraph "d", not to exceed its guaranteed school infrastructure amount. However, if the school district's pro rata share is less than its guaranteed school infrastructure amount, the district shall receive an additional amount equal to its supplemental school infrastructure amount.

Sec. 69. Section 422E.5, subsection 3, Code 2003, is amended to read as follows:

3. Top priority in awarding program grants shall be the making of school infrastructure improvements relating to fire

and personal safety. School districts eligible for program grants shall have received an order or citation from the state fire marshal, or a fire department chief or fire prevention officer, for one or more fire safety violations regarding a school facility, or in the opinion of the state fire marshal shall be regarded as operating facilities subject to significant fire safety deficiencies. Grant awards shall also be available for defects or violations of the state building code, as adopted pursuant to section 103A.7, revealed during an inspection of school facilities by a local building department, or for improvements consistent with the standards and specifications contained in the state building code regarding ensuring that buildings and facilities are accessible to and functional for persons with disabilities. The school budget review committee shall allocate program funds to school districts which, in its discretion, are determined to be faced with the most severe deficiencies. School districts applying for program grants shall have developed and submitted to the state fire marshal or local building department a written plan to remedy fire or safety defects within a specified time frame. Approval of the written plan by the state fire marshal or local building department shall be obtained prior to receipt of a grant award by a school district.

Sec. 70. Section 426A.7, Code Supplement 2003, is amended to read as follows:

426A.7 FORMS -- RULES.

The director of revenue shall prescribe the form for the making of a verified statement and designation of property eligible for military service tax exemption, and the form for the supporting affidavits required herein, and such other forms as may be necessary for the proper administration of this chapter. ~~As soon as practicable after the effective date of this chapter, and from~~ From time to time thereafter as necessary, the department of revenue shall forward to the

county auditors of the several counties of the state, such prescribed sample forms. The director of revenue shall have the power and authority to prescribe rules, not inconsistent with the provisions of this chapter, necessary to carry out and effectuate its purposes.

Sec. 71. Section 435.1, subsection 7, Code 2003, is amended to read as follows:

7. "Modular home" means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, as adopted pursuant to section 103A.7, and must display the seal issued by the state building code commissioner. If a modular home is placed in a manufactured home community or mobile home park, the home is subject to the annual tax as required by section 435.22. If a modular home is placed outside a manufactured home community or a mobile home park, the home shall be considered real property and is to be assessed and taxed as real estate.

Sec. 72. Section 441.23, Code Supplement 2003, is amended to read as follows:

441.23 NOTICE OF VALUATION.

If there has been an increase or decrease in the valuation of the property, or upon the written request of the person assessed, the assessor shall, at the time of making the assessment, inform the person assessed, in writing, of the valuation put upon the taxpayer's property, and notify the person, that if the person feels aggrieved, to appear before the board of review and show why the assessment should be changed. However, if the valuation of a class of property is uniformly decreased, the assessor may notify the affected property owners by publication in the official newspapers of the county. The owners of real property shall be notified not later than April 15 of any adjustment of the real property assessment.

Sec. 73. Section 453D.5, subsection 3, Code Supplement 2003, is amended to read as follows:

3. The attorney general may require at any time from a nonparticipating manufacturer proof from the financial institution in which the ~~nonparticipatory~~ nonparticipating manufacturer has established a qualified escrow fund for the purpose of compliance with chapter 453C, of the amount of money in the qualified escrow fund, exclusive of interest, the amount and date of each deposit into the qualified escrow fund, and the amount and date of each withdrawal from the qualified escrow fund.

Sec. 74. Section 455B.172, subsection 5, unnumbered paragraph 2, Code 2003, is amended to read as follows:

The department shall by rule adopt standards for the commercial cleaning of private sewage disposal facilities, including but not limited to septic tanks and pits used to collect waste in livestock confinement structures, and for the disposal of waste from the facilities. The standards shall not be in conflict with the state building code adopted pursuant to section 103A.7. A person shall not commercially clean such facilities or dispose of waste from such facilities unless the person has been issued a license by the department. The department shall be exclusively responsible for adopting the standards and issuing licenses. However, county boards of health shall enforce the standards and licensing requirements established by the department. Application for the license shall be made in the manner provided by the department. Licenses expire one year from the date of issue unless revoked and may be renewed in the manner provided by the department. The license or license renewal fee is twenty-five dollars. A person violating this section or the rules adopted pursuant to this section, is subject to a civil penalty of not more than twenty-five dollars. Each day that a violation continues constitutes a separate offense. However, the total civil penalty shall not exceed five hundred dollars per year. The

penalty shall be assessed for a violation occurring ten days following written notice of the violation delivered to the person by the department or a county board of health. Moneys collected by the department or a county board of health from the imposition of civil penalties shall be deposited in the general fund of the state.

Sec. 75. Section 455D.19, subsection 4, unnumbered paragraph 2, Code 2003, is amended to read as follows:

Concentration levels of lead, cadmium, mercury, and hexavalent chromium shall be determined using ASTM (American standard-of society for testing and materials) international test methods, as revised, or United States environmental protection agency test methods for evaluating solid waste, S-W 846, as revised.

Sec. 76. Section 455H.204, subsection 2, paragraph d, Code 2003, is amended to read as follows:

d. Risk-based corrective action assessment principles which identify risks presented to the public health and safety or the environment by each released hazardous substance in a manner that will protect the public health and safety or the environment using a tiered procedure consistent with the ASTM (American society for testing of-materials<sup>+</sup> and materials) international standards applied to nonpetroleum and petroleum hazardous substances.

Sec. 77. Section 459.102, subsection 12, paragraph a, Code Supplement 2003, is amended to read as follows:

a. A manager of a commercial manure service. As used in this paragraph a "manager" is a person who is actively involved in the operation of a commercial manure service and takes an important part in making management decisions substantially contributing to or affecting the success of the commercial manure service.

Sec. 78. Section 459.401, subsection 2, paragraph a, subparagraph (3), Code Supplement 2003, is amended to read as follows:

(3) Educational program fees required to be paid by commercial manure service representatives or confinement site manure applicators pursuant to section 459.400.

Sec. 79. Section 496C.16, Code Supplement 2003, is amended to read as follows:

496C.16 MANAGEMENT.

All directors of a professional corporation and all officers of a professional corporation, except assistant officers, shall at all times be individuals who are licensed to practice in this state a profession which the corporation is authorized to practice. However, upon the occurrence of any event that requires the corporation either to be dissolved or to elect to adopt the provisions of the Iowa business corporation Act, chapter 490, as provided in section 496C.19, provided the corporation ceases to practice the profession that the corporation is authorized to practice, as provided in section 496C.19, then individuals who are not licensed to practice in this state a profession that the corporation is authorized to practice may be appointed as officers and directors for the sole purpose of carrying out the dissolution of the corporation or, if applicable, the voluntary election of the corporation to adopt the provisions of the Iowa business corporation Act, as provided in section 496C.19.

Sec. 80. Section 497.33, Code Supplement 2003, is amended to read as follows:

497.33 PERSONAL LIABILITY.

Except as otherwise provided in this chapter, a director, officer, employee, or member of the corporation is not liable on the corporation's debts or obligations and a director, officer, member, or other volunteer is not personally liable in that capacity, for a claim based upon any action taken, or any failure to take action in the discharge of the person's duties, except for the amount of a financial benefit received by the person to which the person is not entitled, an intentional infliction of harm on the association corporation or its members, or an intentional violation of criminal law.

Sec. 81. Section 499B.3, unnumbered paragraph 2, Code 2003, is amended to read as follows:

If the declaration is to convert an existing structure, the declarant shall file the declaration of the horizontal property regime with the city in which the regime is located or with the county if not located within a city at least sixty days before being recorded in the office of the county recorder to enable the city or county, as applicable, to establish that the converted structure meets appropriate building code requirements as provided in section 499B.20. However, if the city or county, as applicable, does not have a building code, the declarant shall file the declaration with the state building code commissioner instead of the applicable city or county at least sixty days before the recording of the declaration to enable the commissioner to establish that the converted structure meets the state building code, as adopted pursuant to section 103A.7.

Sec. 82. Section 499B.20, Code 2003, is amended to read as follows:

499B.20 CONVERSIONS TO MEET BUILDING CODES.

After April 25, 2000, an existing structure shall not be converted to a horizontal property regime unless the converted structure meets local city or county, as applicable, building code requirements in effect on the date of conversion or the state building code requirements, as adopted pursuant to section 103A.7, if the local city or county does not have a building code. For purposes of this section, if the structure is located in a city, the city building code applies and if the structure is located in the unincorporated area of the county, the county building code applies.

Sec. 83. Section 504A.29, subsection 1, Code 2003, is amended to read as follows:

1. The name of the corporation and the chapter of the Code or ~~session-laws~~ Iowa Acts under which incorporated.

Sec. 84. Section 504A.39, subsection 4, paragraph e, Code 2003, is amended to read as follows:

e. Any other provisions, not inconsistent with law or the purposes which the corporation is authorized to pursue, which are to be set forth in articles of incorporation; except that it shall not be necessary to set forth in the restated articles of incorporation any of the corporate powers enumerated in this chapter nor any statement with respect to the chapter of the Code or ~~session-laws~~ Iowa Acts under which the corporation was incorporated, its registered office, registered agent, directors, or incorporators, or the date on which its corporate existence began.

Sec. 85. Section 504C.1, subsection 3, paragraph a, Code 2003, is amended to read as follows:

a. Design, modify, or construct a specific housing facility to provide appropriate services and support to the residents of the specific housing facility. Local requirements shall not be more restrictive than the rules adopted for a family home, as defined in section 335.25 or 414.22, and the state building code requirements for single-family or multiple-family housing, as adopted pursuant to section 103A.7.

Sec. 86. Section 508.31A, subsection 2, paragraph a, subparagraph (2), subparagraph subdivision (b), Code Supplement 2003, is amended to read as follows:

(b) Activities of an organization exempt from taxation pursuant to section ~~501(c)~~ 501(c) of the Internal Revenue Code, or any similar organization in any foreign country.

Sec. 87. Section 514.2, Code Supplement 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~~ have been incorporated under the provisions

of chapter 504, Code 1989, or shall incorporate under the provisions of chapter 504A, as supplemented and amended herein and any acts amendatory thereof.

Sec. 88. Section 533C.202, subsection 2, paragraph e, Code Supplement 2003, is amended to read as follows:

e. A list of other states in which the applicant is licensed to engage in money transmission or provide other money services and of any license revocations, suspensions, or other disciplinary action taken against the applicant in another state.

Sec. 89. Section 533C.301, subsection 1, unnumbered paragraph 1, Code Supplement 2003, is amended to read as follows:

A person shall not engage in currency exchange or advertise, solicit, or hold itself out as providing currency exchange for which the person receives revenues equal to or greater than five percent of total revenues unless the person:

Sec. 90. Section 544A.28, unnumbered paragraph 4, Code 2003, is amended to read as follows:

A public official charged with the enforcement of the state building code, as adopted pursuant to section 103A.7, or a municipal or county building code, shall not accept or approve any technical submissions involving the practice of architecture unless the technical submissions have been stamped with the architect's seal as required by this section or unless the applicant has certified on the technical submission to the applicability of a specific exception under section 544A.18 permitting the preparation of technical submissions by a person not registered under this chapter. A building permit issued with respect to technical submissions which do not conform to the requirements of this section is invalid.

Sec. 91. Section 554.10105, unnumbered paragraph 1, Code 2003, is amended to read as follows:

The secretary of state, the secretary's employees or agents, are hereby exempted from all personal liability as a result of errors or omissions in the performance of any duty required by the Uniform Commercial Code, as provided in this chapter 554, except in cases of willful negligence.

Sec. 92. Section 570A.5, unnumbered paragraph 1, Code Supplement 2003, is amended to read as follows:

Except as provided in this section, an agricultural supply ~~dealer's~~ dealer lien that is effective or perfected as provided in section 570A.4 shall be subject to the rules of priority as provided in section 554.9322. For an agricultural supply ~~dealer's~~ dealer lien that is perfected under section 570A.4, all of the following shall apply:

Sec. 93. Section 570A.5, subsections 1 and 2, Code Supplement 2003, are amended to read as follows:

1. The lien shall have priority over a lien or security interest that applies subsequent to the time that the agricultural supply ~~dealer's~~ dealer lien is perfected.

2. Except as provided in section 570A.2, subsection 3, the lien shall have equal priority to a lien or security interest which is perfected prior to the time that the agricultural supply ~~dealer's~~ dealer lien is perfected. However, a landlord's lien that is perfected pursuant to section 570.1 shall have priority over a conflicting agricultural supply ~~dealer's~~ dealer lien as provided in section 570.1, and a harvester's lien that is perfected pursuant to section 571.3 shall have priority over a conflicting agricultural supply ~~dealer's~~ dealer lien as provided in section 571.3A.

Sec. 94. Section 570A.6, Code Supplement 2003, is amended to read as follows:

570A.6 ENFORCEMENT OF LIEN.

An agricultural supply dealer may enforce an agricultural supply ~~dealer's~~ dealer lien in the manner provided for agricultural liens pursuant to chapter 554, article 9, part 6.

Sec. 95. Section 591.17, unnumbered paragraph 1, Code 2003, is amended to read as follows:

In all instances where corporations not for pecuniary profit have heretofore adopted renewal articles of incorporation or articles of reincorporation and there has been a failure to set forth therein the time of the annual meeting or the time of the annual meeting of the trustees or directors and such renewal articles of incorporation or articles of reincorporation are otherwise complete and in compliance with the law as set forth in section 504.1, Code 1989, such renewal articles of incorporation or articles of reincorporation are hereby legalized and validated and shall be held to have the same force and effect as though all of such provisions had been complied with in all respects.

Sec. 96. Section 598B.106, Code 2003, is amended to read as follows:

**598B.106 EFFECT OF CHILD-CUSTODY DETERMINATION.**

A child-custody determination made by a court of this state that had ~~jurisdiction~~ jurisdiction under this chapter binds all persons who have been served in accordance with the laws of this state, or notified in accordance with section 598B.108, or who have submitted to the jurisdiction of the court, and who have been given an opportunity to be heard. As to those persons, the determination is conclusive as to all decided issues of law and fact except to the extent the determination is modified.

Sec. 97. Section 602.11112, Code 2003, is amended to read as follows:

**602.11112 FIFTH JUDICIAL ELECTION DISTRICT.**

The provisions of section 602.6109, Code 2003, relating to the division of the fifth judicial district into judicial election districts 5A, 5B, and 5C take effect January 1, 1985.

Sec. 98. Section 602.11115, subsection 3, Code Supplement 2003, is amended to read as follows:

3. To commence coverage under the judicial retirement system pursuant to article 9, part 1, retroactive to the date the district associate judge became a district associate judge or a full-time judicial magistrate, whichever was earlier, and to cease to be a member of the Iowa public employees' retirement system, effective July 1, 1984. The department of administrative-services personnel shall transmit by January 1, 1985, to the state court administrator for deposit in the judicial retirement fund the district associate judge's accumulated contributions as defined in section 97B.1A, subsection 2 for the judge's period of membership service as a district associate judge or full-time judicial magistrate, or both. Before July 1, 1986, or at retirement previous to that date, a district associate judge who becomes a member of the judicial retirement system pursuant to this subsection shall contribute to the judicial retirement fund an amount equal to the difference between four percent of the district associate judge's total basic salary for the entire period of service before July 1, 1984, as a district associate judge or judicial magistrate, or both, and the district associate judge's accumulated contributions transmitted by the department of administrative-services personnel to the state court administrator pursuant to this subsection. The district associate judge's contribution shall not be limited to the amount specified in section 602.9104, subsection 1. The state court administrator shall credit a district associate judge with service under the judicial retirement system for the period of service for which contributions at the four percent level are made.

Sec. 99. Section 633.707, subsection 3, Code 2003, is amended to read as follows:

3. "Institutionalized individual" means an individual receiving nursing facility services, a level of care in any institution equivalent to nursing facility services, or home and community-based services under the medical assistance home and community-based services waiver program.

Sec. 100. Section 633.709, subsection 3, paragraphs a, b, c, and e, Code 2003, are amended to read as follows:

a. For a beneficiary who meets the medical assistance level of care requirements for services in an intermediate care facility for persons with mental retardation and who either resides in an intermediate care facility for persons with mental retardation or is eligible for services under the medical assistance home and community-based services waiver services except that the beneficiary's income exceeds the allowable maximum, the applicable rate is the maximum monthly medical assistance payment rate for services in an intermediate care facility for persons with mental retardation.

b. For a beneficiary who meets the medical assistance level of care requirements for hospital-based, ~~medicare-~~certified Medicare-certified, skilled nursing facility care and who either resides in a hospital-based, ~~medicare-certified Medicare-certified~~, skilled nursing facility or is eligible for services under the medical assistance home and community-based services waiver ~~services~~ except that the beneficiary's income exceeds the allowable maximum, the applicable rate is the statewide average charge to private-pay patients for hospital-based, ~~MEDICARE-certified Medicare-certified~~, skilled nursing facility care.

c. For a beneficiary who meets the medical assistance level of care requirements for nonhospital-based, Medicare-certified, skilled nursing facility care and who either resides in a nonhospital-based, Medicare-certified, skilled nursing facility or is eligible for services under the medical assistance home and community-based services waiver ~~services~~ except that the beneficiary's income exceeds the allowable maximum, the applicable rate is the statewide average charge to private-pay patients for nonhospital-based, Medicare-certified, skilled nursing facility care.

e. For a beneficiary who meets the medical assistance level of care requirements for services in a state mental health institute and who either resides in a state mental health institute or is eligible for services under a medical assistance home and community-based services waiver services except that the beneficiary's income exceeds the allowable maximum, the applicable rate is the statewide average charge for state mental health institute care.

Sec. 101. Section 669.14, subsection 5, Code Supplement 2003, is amended to read as follows:

5. Any claim by an employee of the state which is covered by the Iowa workers' compensation law or the Iowa occupational disease law, chapter 85A.

Sec. 102. Section 709.15, subsection 1, paragraph g, Code Supplement 2003, is amended to read as follows:

g. "Student" means a person who is currently enrolled in or attending a public or nonpublic elementary or secondary school, or who was a student enrolled in or who attended a public or nonpublic elementary or secondary school within thirty days of any violation of subsection 3.

Sec. 103. 2003 Iowa Acts, chapter 91, section 10, the portion of which amends section 508.38, subsection 11, Code 2003, is amended to read as follows:

11. After the effective date of this section of this Act, a company may elect either to apply the provisions of this section as it existed prior to the effective date of this section of this Act or to apply the provisions of this section as enacted by this Act to annuity contracts on a contract form-by-form basis before the second anniversary of the effective date of this section of this Act. In all other instances, this section shall become operative with respect to annuity contracts issued by the company two years after the effective date of this section of this Act.

Sec. 104. 2003 Iowa Acts, chapter 143, section 17, subsection 2, is amended to read as follows:

2. The section of this Act amending section 123.183 and relating to the deposit of revenue collected from the wine gallonage tax in the grape and wine development fund is retroactively applicable to July 1, 2002. The revenue collected during the fiscal year beginning on July 1, 2002, and ending on June 30, 2003, from the wine gallonage tax on wine imported into this state at wholesale and sold in this state at wholesale as provided in section 123.183 that is in excess of the revenue collected from such tax during the fiscal year beginning July 1, 2001, and ending on June 30, 2002, shall be deposited in the grape and wine development fund as created in section ~~175.5~~ 175A.5. However, not more than seventy-five thousand dollars from such tax shall be deposited into the fund.

Sec. 105. Section 423.3, subsection 33, as enacted by 2003 Iowa Acts, 1st Extraordinary Session, chapter 2, section 96, is amended to read as follows:

33. The sales price of mementos and other items relating to Iowa history and historic sites, the general assembly, and the state capitol, sold by the legislative ~~service-bureau~~ services agency and its legislative information office on the premises of property under the control of the legislative council, at the state capitol, and on other state property.

Sec. 106. CODE EDITOR DIRECTIVE -- ASTM INTERNATIONAL. The Code editor is directed to change references to the American society for testing and materials to references to ASTM international in the following Code and Code supplement sections, and in any other Code sections amended or enacted during the 80th General Assembly, second session, or during prior sessions of the General Assembly, consistent with the reference changes made relating to the same organization in this Act: 159A.2, 214A.1, 214A.2, 359A.18, 452A.2, 455B.173, 455B.474, 455D.19, and 459.307.

Sec. 107. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. The section of this Act amending 2003 Iowa Acts, chapter 91,

section 10, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2003.

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CHRISTOPHER C. RANTS  
Speaker of the House

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JEFFREY M. LAMBERTI  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2208, Eightieth General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

Approved APR 16, 2004

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THOMAS J. VILSACK  
Governor