

FILED FEB 17 '03

SENATE FILE

**155**

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1045)

Passed Senate, Date 3/18/03 Passed House, Date 4/14/03  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
 Approved 4/21/03

**A BILL FOR**

1 An Act relating to statutory corrections which may adjust  
 2 language to reflect current practices, insert earlier  
 3 omissions, delete redundancies and inaccuracies, delete  
 4 temporary language, resolve inconsistencies and conflicts,  
 5 update ongoing provisions, or remove ambiguities, and  
 6 including effective and retroactive applicability date  
 7 provisions.

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

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SF 155

1 Section 1. Section 6B.18, subsection 2, Code 2003, is  
2 amended to read as follows:

3 2. An appeal of appraisal of damages is deemed to be  
4 perfected upon filing of a notice of appeal with the district  
5 court within thirty days from the date of mailing the notice  
6 of appraisal of damages. The notice of appeal shall be  
7 served on the adverse party, or the adverse party's agent or  
8 attorney, and any lienholders lienholder and encumbrancers  
9 encumbrancer of the property in the same manner as an original  
10 notice within thirty days from the date of filing the notice  
11 of appeal unless, for good cause shown, the court grants more  
12 than thirty days. If after reasonable diligence, the notice  
13 cannot be personally served, the court may prescribe an  
14 alternative method of service consistent with due process of  
15 law.

16 Sec. 2. Section 8D.2, subsection 5, paragraph b, Code  
17 2003, is amended to read as follows:

18 b. For the purposes of this chapter, "public agency" also  
19 includes any homeland security or defense facility established  
20 by the administrator of the emergency management division of  
21 the department of public defense or the governor or any  
22 facility connected with a security or defense system as  
23 required by the administrator of the emergency management  
24 division of the department of public defense or the governor.  
25 ~~A-facility-that-is-considered-a-public-agency-pursuant-to-this~~  
26 ~~paragraph-shall-be-authorized-to-access-the-Iowa~~  
27 ~~communications-network-strictly-for-homeland-security~~  
28 ~~communication-purposes.--Any-utilization-of-the-network-that~~  
29 ~~is-not-related-to-communications-concerning-homeland-security~~  
30 ~~is-expressly-prohibited.~~

31 Sec. 3. Section 8D.9, Code 2003, is amended by adding the  
32 following new subsection:

33 NEW SUBSECTION. 3. A facility that is considered a public  
34 agency pursuant to section 8D.2, subsection 5, paragraph "b",  
35 shall be authorized to access the Iowa communications network

1 strictly for homeland security communication purposes. Any  
2 utilization of the network that is not related to  
3 communications concerning homeland security is expressly  
4 prohibited.

5 Sec. 4. Section 10A.101, Code 2003, subsection 2, is  
6 amended by striking the subsection.

7 Sec. 5. Section 10B.4A, Code 2003, is amended to read as  
8 follows:

9 10B.4A SUSPENSION OF OTHER FILING REQUIREMENTS.

10 The secretary of state shall not prepare or distribute  
11 forms for reports or file reports otherwise required pursuant  
12 to section 9H.5A, 9I.8, or 501.103. A person required to file  
13 a report pursuant to this chapter is not required to file a  
14 report under those sections. A person required to file a  
15 report pursuant to this chapter is not required to register  
16 with the secretary of state as otherwise required in section  
17 9I.7.

18 ~~A person required to file a report pursuant to this chapter~~  
19 ~~is not required to register with the secretary of state as~~  
20 ~~otherwise required in any chapter enumerated in this section.~~

21 Sec. 6. Section 10D.2, subsection 3, paragraph a,  
22 unnumbered paragraph 1, Code 2003, is amended to read as  
23 follows:

24 A designated use must relate to producing baby chicks or  
25 fertile fertilized chicken eggs for any of the following  
26 purposes:

27 Sec. 7. Section 12C.19, subsection 1, Code 2003, is  
28 amended to read as follows:

29 1. Securities pledged pursuant to this chapter may be  
30 withdrawn on application of the pledging depository  
31 institution, and as to securities pledged by a credit union,  
32 upon approval of the public officer to whom the securities are  
33 pledged, if the deposit of securities is no longer necessary  
34 to comply with this chapter, or withdrawal is required for  
35 collection by virtue of ~~its~~ maturity or ~~for~~ exchange. The

1 depository institution shall replace securities so withdrawn  
2 for collection or exchange.

3 Sec. 8. Section 12C.23A, subsection 3, paragraph d, Code  
4 2003, is amended to read as follows:

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

31 Sec. 9. Section 14B.105, subsection 1, paragraph b, Code  
32 2003, is amended to read as follows:

33 b. The members appointed pursuant to paragraph "a",  
34 subparagraphs (3) through (7), shall serve four-year staggered  
35 terms and such appointments to the information technology

1 council are subject to the requirements of sections 69.16,  
2 69.16A, and 69.19. The four-year terms of members appointed  
3 by the governor shall be staggered as designated by the  
4 governor. ~~Members~~ The members appointed by the governor  
5 ~~pursuant to paragraph "a", subparagraphs (3) through (7),~~  
6 shall not serve consecutive four-year terms. ~~Members~~ The  
7 members appointed by the governor are subject to senate  
8 confirmation and may also be eligible to receive compensation  
9 as provided in section 7E.6. Members shall be reimbursed for  
10 actual and necessary expenses incurred in performance of the  
11 members' duties.

12 Sec. 10. Section 15.108, subsection 6, paragraph b,  
13 subparagraph (1), Code 2003, is amended to read as follows:

14 (1) Work closely with representatives of business and  
15 industry, labor organizations, ~~the council on human~~  
16 ~~investment,~~ the department of education, the department of  
17 workforce development, and educational institutions to  
18 determine the employee training needs of Iowa employers, and  
19 where possible, provide for the development of industry-  
20 specific training programs.

21 Sec. 11. Section 15E.45, subsections 1, 3, 6, and 8, Code  
22 2003, are amended to read as follows:

23 1. An investment in a community community-based seed  
24 capital fund shall qualify for a tax credit under section  
25 15E.43 provided that all requirements of sections 15E.43,  
26 15E.44, and this section are met.

27 3. a. In order for an investment in a community-based  
28 seed capital fund to qualify for a tax credit, the community-  
29 based seed capital fund in which the investment is made shall,  
30 within one hundred twenty days of the date of the first  
31 investment, notify the board of all of the following:

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

35 (2) All limited partners or members who may initially

1 qualify for the tax credits~~7-and-the~~.

2 (3) The earliest year in which the tax credits may be  
3 redeemed.

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

7 6. In the event that a community-based seed capital fund  
8 fails to meet or maintain any requirement set forth in this  
9 section, or in the event that the community-based seed capital  
10 fund has not invested at least thirty-three percent of its  
11 invested capital in no fewer than two separate qualifying  
12 businesses, measured at the end of the thirty-sixth month  
13 after commencing the fund's investing activities, the board  
14 shall rescind any tax credit certificates issued to limited  
15 partners or members and shall notify the department of revenue  
16 and finance that it has done so, and the tax credit  
17 certificates shall be null and void. However, a community-  
18 based seed capital fund may apply to the board for a one-year  
19 waiver ~~from~~ of the requirements of this subsection.

20 8. A community-based seed capital fund shall not invest in  
21 the Iowa fund of funds, if organized pursuant to ~~2002-Iowa~~  
22 ~~Acts7-House-File-20787-if-enacted~~ section 15E.65.

23 Sec. 12. Section 15E.51, subsection 4, Code 2003, is  
24 amended to read as follows:

25 4. A taxpayer shall not claim a tax credit under this  
26 section if the taxpayer is a venture capital investment fund  
27 allocation manager for the Iowa fund of funds created in  
28 section 15E.65 or an investor that receives a tax credit for  
29 an investment in a community-based seed capital fund as  
30 defined described in ~~2002-Iowa-Acts7-House-File-2271~~ section  
31 15E.45.

32 Sec. 13. Section 15E.67, Code 2003, is amended to read as  
33 follows:

34 15E.67 POWERS AND EFFECTIVENESS.

35 This division shall not be construed as a restriction or

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

15 Sec. 14. Section 15E.193C, subsection 2, unnumbered  
16 paragraph 1, Code 2003, is amended to read as follows:

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

29 Sec. 15. Section 16.15, subsection 4, Code 2003, is  
30 amended to read as follows:

31 4. Permanent financing for units to be subsidized under  
32 the housing assistance payments program may be provided by the  
33 authority, directly or indirectly, by the proceeds from the  
34 sale of bonds and notes as provided in this Act chapter, or by  
35 other moneys available to the authority, by appropriations or

1 otherwise.

2 Sec. 16. Section 16.132, subsections 5 and 6, Code 2003,  
3 are amended to read as follows:

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

25 6. The state pledges to and agrees with the holders of  
26 bonds or notes issued under the Iowa ~~sewage-treatment water~~  
27 pollution control works and drinking water facilities  
28 financing program, that the state will not limit or alter the  
29 rights and powers vested in the authority to fulfill the terms  
30 of a contract made by the authority with respect to the bonds  
31 or notes, or in any way impair the rights and remedies of the  
32 holders until the bonds or notes, together with the interest  
33 on them including interest on unpaid installments of interest,  
34 and all costs and expenses in connection with an action or  
35 proceeding by or on behalf of the holders, are fully met and



1 discharged. The authority is authorized to include this  
2 pledge and agreement of the state, as it refers to holders of  
3 bonds or notes of the authority, in a contract with the  
4 holders.

5 Sec. 17. Section 23A.2, subsection 2, unnumbered paragraph  
6 1, Code 2003, is amended to read as follows:

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

10 Sec. 18. Section 23A.2, subsection 2, paragraph c, Code  
11 2003, is amended to read as follows:

12 c. Use of vehicles owned by the institution or school for  
13 charter trips offered to the public, or to full, or part-time,  
14 or temporary students.

15 Sec. 19. Section 25B.7, subsection 3, Code 2003, is  
16 amended by striking the subsection.

17 Sec. 20. Section 28.4, subsection 12, paragraph e, Code  
18 2003, is amended by striking the paragraph.

19 Sec. 21. Section 29B.22, unnumbered paragraph 3, Code  
20 2003, is amended to read as follows:

21 Convening authorities shall at all times communicate  
22 directly with their staff judge advocates in matters relating  
23 to the administration of military justice; and the staff judge  
24 advocate of any command may communicate directly with the  
25 staff judge advocate of ~~a-superior-or-subordinate~~ any command  
26 ~~or-with-the-state-judge-advocate~~.

27 Sec. 22. Section 43.45, subsection 1, Code 2003, is  
28 amended to read as follows:

29 1. Upon the closing of the polls the precinct election  
30 officials shall immediately publicly canvass the vote. The  
31 canvass shall be conducted using the procedures established in  
32 ~~subsection-2-or-3, whichever is~~ this section which are  
33 appropriate for the voting system used in the precinct.

34 Sec. 23. Section 43.45, subsection 2, paragraph c, Code  
35 2003, is amended to read as follows:

1 c. Certify to the number of votes cast upon the ticket of  
2 each political party for each candidate for each office.

3 Sec. 24. Section 45.5, subsection 1, paragraph c, Code  
4 2003, is amended to read as follows:

5 c. A statement that the candidate is or will be a resident  
6 of the appropriate ward, city, county, school district, or  
7 legislative or other district as required by section 45.1  
8 39.27.

9 Sec. 25. Section 45.5, subsection 1, unnumbered paragraph  
10 2, Code 2003, is amended to read as follows:

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

22 Sec. 26. Section 48A.29, subsection 1, unnumbered  
23 paragraph 2, Code 2003, is amended to read as follows:

24 The notice shall be sent by forwardable mail, and shall  
25 include a postage paid preaddressed return card on which the  
26 registered voter may state the registered voter's current  
27 address. The notice shall contain a statement in  
28 substantially the following form: "Information received from  
29 the United States postal service indicates that you are no  
30 longer a resident of (residence address) in (name of county)  
31 County, Iowa. If this information is not correct, and you  
32 still live in (name of county) County, please complete and  
33 mail the attached postage paid card at least ten days before  
34 the primary or general election and at least eleven days  
35 before any other election at which you wish to vote. If the

1 information is correct, and you have moved, please contact a  
2 local official in your new area for assistance in registering  
3 there. If you do not mail in the card, you may be required to  
4 show identification ~~proving-your-residence-in-(name-of-county)~~  
5 County before being allowed to vote in (name of county)  
6 County. If you do not return the card, and you do not vote in  
7 some election in (name of county) County, Iowa, on or before  
8 (date of second general election following the date of the  
9 notice) your name will be removed from the list of voters in  
10 that county."

11 Sec. 27. Section 49.71, unnumbered paragraph 1, Code 2003,  
12 is amended to read as follows:

13 The precinct election officials, before the opening of the  
14 polls, shall cause ~~said-cards-of~~ the instructions for voters  
15 required pursuant to section 49.70 to be securely posted as  
16 follows:

17 Sec. 28. Section 56.4, subsection 1, Code 2003, is amended  
18 to read as follows:

19 1. All statements and reports required to be filed under  
20 this chapter shall be filed with the board. The board shall  
21 provide copies of all statements and reports filed under this  
22 chapter for a county, city, school, or other political  
23 subdivision ~~with~~ to the commissioner responsible under section  
24 47.2.

25 Sec. 29. Section 80.22, Code 2003, is amended to read as  
26 follows:

27 80.22 PROHIBITION ON OTHER DEPARTMENTS.

28 All other departments and bureaus of the state are hereby  
29 prohibited from employing special peace officers or conferring  
30 upon regular employees any police powers to enforce provisions  
31 of the statutes, which are specifically reserved by ~~this-Act~~  
32 1939 Iowa Acts, chapter 120, to this the department of public  
33 safety. But the commissioner of public safety shall, upon the  
34 requisition of the attorney general, from time to time assign  
35 for service in the department of justice such of its officers,

1 not to exceed six in number, as may be requisitioned by the  
2 attorney general for special service in the department of  
3 justice, and when so assigned such officers shall be under the  
4 exclusive direction and control of the attorney general.

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

7 3. Summary information concerning the demographics of the  
8 members and general statistical information concerning the  
9 system are subject to chapter 22, as well as aggregate  
10 information by category.

11 4. a. ~~However, the~~ The division's records are evidence  
12 for the purpose of proceedings before the division or any  
13 court of the amounts of wages and the periods in which they  
14 were paid, and the absence of an entry as to a member's wages  
15 in the records for any period is evidence that wages were not  
16 paid that member in the period.

17 ~~4. b.~~ Notwithstanding any provisions of chapter 22 to the  
18 contrary, the division's records may be released to any  
19 political subdivision, instrumentality, or other agency of the  
20 state solely for use in a civil or criminal law enforcement  
21 activity pursuant to the requirements of this subsection. To  
22 obtain the records, the political subdivision,  
23 instrumentality, or agency shall, in writing, certify that the  
24 activity is authorized by law, provide a written description  
25 of the information desired, and describe the law enforcement  
26 activity for which the information is sought. The division  
27 shall not be civilly or criminally liable for the release or  
28 rerelease of records in accordance with this subsection.

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

31 97B.42C RETIREMENT SYSTEM MERGER -- MUNICIPAL UTILITY  
32 RETIREMENT SYSTEM.

33 A municipal water utility or waterworks that has  
34 established a pension and annuity retirement system for its  
35 employees pursuant to chapter 412 may adopt a resolution to

1 authorize the merger of its pension and annuity retirement  
2 system with and into the Iowa public employees' retirement  
3 system. The system is authorized, but is not required, to  
4 accept such a proposal. The governing body of the municipal  
5 water utility or waterworks and the Iowa public employees'  
6 retirement system shall, acting in their fiduciary capacities,  
7 mutually determine the terms and conditions of such a merger,  
8 including any additional funds necessary to fund the service  
9 credits being transferred to the Iowa public employees'  
10 retirement system, and either party may decline the merger if  
11 they cannot agree on such terms and conditions. The ~~system~~  
12 division shall adopt such rules as it deems necessary and  
13 prudent to effectuate mergers as provided by this section.

14 Sec. 32. Section 99B.7, subsection 1, paragraph o, Code  
15 2003, is amended to read as follows:

16 o. ~~Except as provided in subsection 77-paragraph "a", a~~ A  
17 person shall not conduct, promote, administer, or assist in  
18 the conducting, promoting, or administering of a bingo  
19 occasion, unless the person regularly participates in  
20 activities of the qualified organization other than conducting  
21 bingo occasions or participates in an educational, civic,  
22 public, charitable, patriotic, or religious organization to  
23 which the net receipts are dedicated by the qualified  
24 organization.

25 Sec. 33. Section 99B.12, subsection 2, paragraph a, Code  
26 2003, is amended to read as follows:

27 a. Card and parlor games, including but not limited to  
28 poker, pinochle, pitch, gin rummy, bridge, euchre, hearts,  
29 cribbage, dominoes, checkers, chess, backgammon, pool, and  
30 darts. However, it shall be unlawful gambling for any person  
31 to engage in bookmaking, or to play any punchboard, pushcard,  
32 pull-tab, or slot machine, or to play craps, chuck-a-luck,  
33 roulette, klondike, blackjack, chemin de fer, baccarat, faro,  
34 equality, three-card monte, or any other game, except poker,  
35 which is customarily played in gambling casinos and in which

1 the house customarily provides a banker, dealer, or croupier  
2 to operate the game, or a specially designed table upon which  
3 to play ~~same~~ the game.

4 Sec. 34. Section 99F.1, Code 2003, is amended by adding  
5 the following new subsection:

6 NEW SUBSECTION. 5A. "Division" means the division of  
7 criminal investigation of the department of public safety as  
8 provided in section 80.17.

9 Sec. 35. Section 124C.1, subsection 1, Code 2003, is  
10 amended by striking the subsection.

11 Sec. 36. Section 135.11, subsection 17, Code 2003, is  
12 amended to read as follows:

13 17. Administer chapters 125, 136A, 136C, 139A, 142, 142A,  
14 144, and 147A.

15 Sec. 37. Section 137F.1, subsection 8, paragraph e, Code  
16 2003, is amended to read as follows:

17 e. Premises where a person operates a farmers market, if  
18 ~~the person does not sell or distribute potentially hazardous~~  
19 food potentially hazardous food is not sold or distributed  
20 from the premises.

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

23 In any investigation made or hearing conducted by the board  
24 on its own motion, or upon written complaint filed with the  
25 board by any person, pertaining to any alleged violation of  
26 this chapter or the accusation against any licensee or  
27 registrant, the following procedure and rules so far as  
28 material to such investigation or hearing shall obtain:

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

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

35 b. If the board shall deem the charges sufficient, if

1 true, to warrant suspension or revocation of license or  
2 registration, it shall make an order fixing the time and place  
3 for hearing thereon and requiring the licensee or registrant  
4 to appear and answer thereto, such order, together with a copy  
5 of the charges so made to be served upon the accused at least  
6 twenty days before the date fixed for hearing, either  
7 personally or by certified or registered mail, sent to the  
8 licensee's or registrant's last known post office address as  
9 shown by the records of the board.

10 d. In all such investigations and hearings pertaining to  
11 the suspension or revocation of licenses or registrations, the  
12 board and any person affected thereby may have the benefit of  
13 counsel, and upon the request of the licensee or registrant or  
14 the licensee's or registrant's counsel the board shall issue  
15 subpoenas for the attendance of such witnesses in behalf of  
16 the licensee or registrant, which subpoenas when issued shall  
17 be delivered to the licensee or registrant or the licensee's  
18 or registrant's counsel. Such subpoenas for the attendance of  
19 witnesses shall be effective if served upon the person named  
20 therein anywhere within this state, provided, that at the time  
21 of such service the fees now or hereafter provided by law for  
22 witnesses in civil cases in district court shall be paid or  
23 tendered to such person.

24 h. Pending the review and final disposition thereof by the  
25 district court, the action of the board suspending or revoking  
26 such license or registration shall not be stayed.

27 Sec. 40. Section 159.6, subsection 8, as amended by 2002  
28 Iowa Acts, chapter 1017, section 2, is amended to read as  
29 follows:

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

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

34 Sec. 42. Section 159A.3, subsection 5, Code 2003, is  
35 amended to read as follows:

1 5. The office and state entities, including the  
2 department, the committee, the Iowa department of economic  
3 development, the state department of transportation, the  
4 department of natural resources, and the state board of  
5 regents institutions, and-the-Wallace-technology-transfer  
6 foundation-of-Iowa, shall cooperate to implement this section.

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

9 173.3 CERTIFICATION OF STATE AID ASSOCIATIONS.

10 On or before November 15 of each year, the secretary of  
11 agriculture shall certify to the secretary of the state fair  
12 board the names of the various associations and societies  
13 which have qualified for state aid under the provisions of  
14 chapters ~~177~~ 176A through 178, 181, 182, 186, and 352, and  
15 which are entitled to representation in the convention as  
16 provided in section 173.2.

17 Sec. 44. Section 192.101A, unnumbered paragraph 1, Code  
18 2003, is amended to read as follows:

19 As used in this chapter, all terms shall have the same  
20 meaning as defined in the "Grade 'A' Pasteurized Milk  
21 Ordinance, ~~1999~~ 2001 Revision". However, notwithstanding the  
22 ordinance, the following definitions shall apply:

23 Sec. 45. Section 192.102, Code 2003, is amended to read as  
24 follows:

25 192.102 GRADE "A" PASTEURIZED MILK ORDINANCE.

26 The department shall adopt, by rule, the "Grade 'A'  
27 Pasteurized Milk Ordinance, ~~1999~~ 2001 Revision", including a  
28 subsequent revision of the ordinance. If the ordinance  
29 specifies that compliance with a provision of the ordinance's  
30 appendices is mandatory, the department shall also adopt that  
31 provision. The department shall not amend the ordinance,  
32 unless the department explains each amendment and reasons for  
33 the amendment in the Iowa administrative bulletin when the  
34 rules are required to be published pursuant to chapter 17A.  
35 The department shall administer this chapter consistent with



1 the provisions of the ordinance.

2 Sec. 46. Section 192.110, subsection 1, Code 2003, is  
3 amended to read as follows:

4 1. The person has a pasteurized milk and milk products  
5 sanitation compliance rating of ninety percent or more as  
6 calculated according to the rating system as contained in the  
7 federal public health service publications, "Procedures  
8 Governing the Cooperative State-Public Health Service/Food and  
9 Drug Administration Program for Certification of Interstate  
10 Milk Shippers ~~1999~~ 2001" and "Method of Making Sanitation  
11 Ratings of Milk Supplies, ~~1999~~ 2001 Revision". The applicable  
12 provisions of these publications are incorporated into this  
13 section by this reference. A copy of each publication shall  
14 be on file with the department or in the office of the person  
15 subject to an inspection contract as provided in section  
16 192.108.

17 Sec. 47. Section 229A.8A, subsection 2, paragraph g, Code  
18 2003, is amended to read as follows:

19 g. The committed person is not likely to ~~commit~~ engage in  
20 predatory acts constituting sexually violent offenses while in  
21 the program.

22 Sec. 48. Section 229A.10, subsection 1, Code 2003, is  
23 amended to read as follows:

24 1. If the director of human services determines that the  
25 person's mental abnormality has so changed that the person is  
26 not likely to ~~commit~~ engage in predatory acts ~~or that~~  
27 constitute sexually violent offenses if discharged, the  
28 director shall authorize the person to petition the court for  
29 discharge. The petition shall be served upon the court and  
30 the attorney general. The court, upon receipt of the petition  
31 for discharge, shall order a hearing within thirty days. The  
32 attorney general shall represent the state, and shall have the  
33 right to have the petitioner examined by an expert or  
34 professional person of the attorney general's choice. The  
35 hearing shall be before a jury if demanded by either the

1 petitioner or the attorney general. If the attorney general  
2 objects to the petition for discharge, the burden of proof  
3 shall be upon the attorney general to show beyond a reasonable  
4 doubt that the petitioner's mental abnormality or personality  
5 disorder remains such that the petitioner is likely to engage  
6 in predatory acts that constitute sexually violent offenses if  
7 discharged.

8 Sec. 49. Section 232.68, unnumbered paragraph 1, Code  
9 2003, is amended to read as follows:

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

14 Sec. 50. Section 232.71B, subsection 4, paragraph e, Code  
15 2003, is amended to read as follows:

16 e. An interview of the person alleged to have committed  
17 the child abuse, if the person's identity and location are  
18 known. The offer of an interview shall be made to the person  
19 prior to any consideration or determination being made that  
20 the person committed the alleged abuse. The purpose of the  
21 interview shall be to provide the person with the opportunity  
22 to explain or rebut the allegations of the child abuse report  
23 or other allegations made during the assessment. The court  
24 may waive the requirement to offer the interview only for good  
25 cause. The person offered an interview or the person's  
26 attorney may decline ~~to-be-interviewed~~ the offer of an  
27 interview of the person.

28 Sec. 51. Section 235A.13, unnumbered paragraph 1, Code  
29 2003, is amended to read as follows:

30 As used in chapter 232, division III, part 2, and sections  
31 235A.13 to ~~235A.23~~ 235A.24, unless the context otherwise  
32 requires:

33 Sec. 52. Section 236.2, Code 2003, is amended by adding  
34 the following new subsection:

35 NEW SUBSECTION. 5A. "Plaintiff" includes a person filing

1 mobile homes including appurtenances, having an overall width  
2 not to exceed fourteen feet six inches, an overall length not  
3 to exceed one hundred twenty feet zero inches, and an overall  
4 height not to exceed fifteen feet five inches may be moved on  
5 the interstate highway system and primary highways with more  
6 than one lane traveling in each direction for unlimited  
7 distances and no more than fifty miles from the point of  
8 origin on all other highways without route approval from the  
9 permit issuing authority.

10 c. All other vehicles with indivisible loads operating  
11 under this subsection shall obtain route approval from the  
12 permitting authority.

13 d. Vehicles with indivisible loads may operate under an  
14 all-systems permit in compliance with paragraph "a", "b", or  
15 "c".

16 2. Vehicles with indivisible loads, or manufactured or  
17 mobile homes including appurtenances, having an overall width  
18 not to exceed thirteen feet five inches and an overall length  
19 not to exceed one hundred twenty feet zero inches may be moved  
20 on highways specified by the permitting authority for  
21 unlimited distances if the height of the vehicle and load does  
22 not exceed fifteen feet five inches and the total gross weight  
23 of the vehicle does not exceed one hundred fifty-six thousand  
24 pounds. The vehicle owner or operator shall verify with the  
25 permitting authority prior to movement of the load that  
26 highway conditions have not changed so as to prohibit movement  
27 of the vehicle. Any cost to repair damage to highways or  
28 highway structures shall be borne by the owner or operator of  
29 the vehicle causing the damage. Permitted vehicles under this  
30 subsection shall not be allowed to travel on any portion of  
31 the interstate highway system. Vehicles with indivisible  
32 loads operating under the permit provisions of this subsection  
33 may operate under the permit provisions of subsection 1  
34 provided the vehicle and load comply with the limitations  
35 described in subsection 1.

1 Sec. 59. Section 321G.4, unnumbered paragraph 1, Code  
2 2003, is amended to read as follows:

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

13 Sec. 60. Section 321G.19, subsection 1, Code 2003, is  
14 amended to read as follows:

15 1. The owner of a rented all-terrain vehicle or snowmobile  
16 shall keep a record of the name and address of each person  
17 renting the all-terrain vehicle or snowmobile, its  
18 ~~identification~~ registration number, the departure date and  
19 time, and the expected time of return. The records shall be  
20 preserved for six months.

21 Sec. 61. Section 321G.33, subsections 1, 2, and 4, Code  
22 2003, are amended to read as follows:

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

34 2. The commission shall adopt, by rule, the procedures for  
35 application and for issuance of ~~an~~ a vehicle identification

1 number for homebuilt all-terrain vehicles or snowmobiles.

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

13 Sec. 62. Section 446.9, subsections 1 and 2, Code 2003,  
14 are amended to read as follows:

15 1. A notice of the date, time, and place of the annual tax  
16 sale shall be served upon the person in whose name the parcel  
17 subject to sale is taxed. The county treasurer shall serve  
18 the notice by sending it by regular first class mail to the  
19 person's last known address not later than May 1 of each  
20 fiscal year. The notice shall contain a description of the  
21 parcel to be sold which is clear, concise, and sufficient to  
22 distinguish the parcel to be sold from all other parcels. It  
23 shall also contain the amount of delinquent taxes for which  
24 the parcel is liable each year, the amount of the interest,  
25 and fees, and the amount of the service fee as provided in  
26 section 446.10, subsection 2, all to be incorporated as a  
27 single sum. The notice shall contain a statement that, after  
28 the sale, if the parcel is not redeemed within the period  
29 provided in chapter 447, the right to redeem expires and a  
30 deed may be issued.

31 2. Publication of the date, time, and place of the annual  
32 tax sale shall be made once by the treasurer in at least one  
33 official newspaper in the county as selected by the board of  
34 supervisors and designated by the treasurer at least one week,  
35 but not more than three weeks, before the day of sale. The



1 department and keeping of confidential information obtained by  
2 the department in the administration and enforcement of this  
3 chapter and chapter 459~~7~~-~~subchapters-I7-II7-III7-IV7-and-VI7~~.  
4 Rules adopted by the executive committee before January 1,  
5 1981, shall remain effective until modified or rescinded by  
6 action of the commission.

7 Sec. 64. Section 455B.171, subsection 15, Code 2003, is  
8 amended by striking the subsection.

9 Sec. 65. Section 455B.183, Code 2003, is amended to read  
10 as follows:

11 455B.183 WRITTEN PERMITS REQUIRED.

12 1. It is unlawful to carry on any of the following  
13 activities without first securing a written permit from the  
14 director, or from a city or county public works department if  
15 the public works department reviews the activity under this  
16 section, as required by the department:

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

1     2- b. The construction or use of any new point source for  
2 the discharge of any pollutant into any water of the state.

3     3- c. The operation of any waste disposal system or public  
4 water supply system or any part of or extension or addition to  
5 the system. This provision does not apply to a pretreatment  
6 system, the effluent of which is to be discharged directly to  
7 another disposal system for final treatment and disposal; a  
8 semipublic sewage disposal system, the construction of which  
9 has been approved by the department and which does not  
10 discharge into water of the state; or a private sewage  
11 disposal system which does not discharge into a water of the  
12 state. Sludge from a semipublic or private sewage disposal  
13 system shall be disposed of in accordance with the rules  
14 adopted by the department pursuant to chapter 17A. The  
15 exemption of this paragraph shall not apply to any industrial  
16 waste discharges.

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

30     a. The submitted plans and specifications are in  
31 substantial compliance with departmental rules and the Iowa  
32 Standards for Sewer Systems and the Iowa Standards for Water  
33 Supply Distribution Systems.

34     b. The extensions primarily serve residential consumers  
35 and will not result in an increase greater than five percent



1 of the capacity of the treatment works or serve more than two  
2 hundred fifty dwelling units or, in the case of an extension  
3 to a water supply distribution system, the extension will have  
4 a capacity of less than five percent of the system or will  
5 serve fewer than two hundred fifty dwelling units.

6 c. The proposed sewer extension will not exceed the  
7 capacity of any treatment works which received a state or  
8 federal monetary grant after 1972.

9 d. The proposed water supply distribution system extension  
10 will not exceed the production capacity of any public water  
11 supply system constructed after 1972.

12 3. After issuing a permit, the city or county public works  
13 department shall notify the director of such issuance by  
14 forwarding a copy of the permit to the director. In addition,  
15 the local agency shall submit quarterly reports to the  
16 director including such information as capacity of local  
17 treatment plants and production capacity of public water  
18 supply systems as well as other necessary information  
19 requested by the director for the purpose of implementing this  
20 chapter.

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

1 changes must be submitted to the department for a supplemental  
2 written permit. The revised plans and specifications for a  
3 public water supply system must be certified by a registered  
4 engineer as provided in subsection 1, paragraph "a".

5 5. Prior to the adoption of statewide standards, the  
6 department may delegate the authority to review plans and  
7 specifications to those governmental subdivisions if in  
8 addition to compliance with subsection 3 1, paragraph "c", the  
9 governmental subdivisions agree to comply with all state and  
10 federal regulations and submit plans for the review of plans  
11 and specifications including a complete set of local standard  
12 specifications for such improvements.

13 6. The director may suspend or revoke delegation of review  
14 and permit authority after notice and hearing as set forth in  
15 chapter 17A if the director determines that a city or county  
16 public works department has approved extensions which do not  
17 comply with design criteria, which exceed the capacity of  
18 waste treatment plants or the production capacity of public  
19 water supply systems or which otherwise violate state or  
20 federal requirements.

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

31 Sec. 66. Section 455B.187, unnumbered paragraph 1, Code  
32 2003, is amended to read as follows:

33 A contractor shall not engage in well construction or  
34 reconstruction without first ~~registering-or~~ being certified as  
35 required in this part and department rules adopted pursuant to

1 this part. ~~If a well contractor is registered prior to July~~  
2 ~~17, 1991, the well contractor shall meet the requirements of~~  
3 ~~certification by July 17, 1993. Following adoption of the~~  
4 ~~rules establishing a well contractor certification program, a~~  
5 ~~person seeking initial well contractor status shall meet the~~  
6 ~~requirements established for certification. Beginning July 17~~  
7 ~~1993, the department shall replace the registration program~~  
8 ~~with the well certification program.~~ Water wells shall not be  
9 constructed, reconstructed, or abandoned by a person except as  
10 provided in this part or rules adopted pursuant to this part.  
11 Within thirty days after construction or reconstruction of a  
12 well, a contractor shall provide well information required by  
13 rule to the department and the Iowa geological survey.

14 Sec. 67. Section 455D.11I, subsection 4, Code 2003, is  
15 amended to read as follows:

16 4. A certificate of registration shall at all times be  
17 carried and displayed in the vehicle used for transportation  
18 of waste tires and shall be shown to a representative of the  
19 department of natural resources or the state department of  
20 transportation, upon request. The state department of  
21 transportation may inspect vehicles used for the  
22 transportation of waste tires and request that the certificate  
23 of registration of the waste tire hauler be shown ~~upon~~  
24 request.

25 Sec. 68. Section 457A.2, subsection 2, Code 2003, is  
26 amended to read as follows:

27 2. "Natural and cultural resources" includes, but is not  
28 limited to, archaeological and historical resources.

29 Sec. 69. Section 459.102, subsection 18, Code 2003, is  
30 amended to read as follows:

31 18. Reserved "Department" means the department of natural  
32 resources created pursuant to section 455A.2.

33 Sec. 70. Section 459.102, subsection 40, Code 2003, is  
34 amended to read as follows:

35 40. "Restricted spray irrigation equipment" means spray

1 irrigation equipment which disperses manure through an orifice  
2 at a ~~rate~~ maximum pressure of eighty pounds per square inch or  
3 more.

4 Sec. 71. Section 459.301, subsection 1, paragraph a, Code  
5 2003, is amended to read as follows:

6 a. At least one confinement feeding operation structure  
7 must be constructed on and or after May 21, 1998.

8 Sec. 72. Section 459.303, subsection 2, Code 2003, is  
9 amended to read as follows:

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

24 Sec. 73. Section 459.309, Code 2003, is amended to read as  
25 follows:

26 459.309 SETTLED OPEN FEEDLOT EFFLUENT BASINS --  
27 CONSTRUCTION DESIGN STANDARDS.

28 If the department requires that a settled open feedlot  
29 effluent basin be constructed according to construction design  
30 standards, regardless of whether the department requires the  
31 owner to be issued a construction permit under section  
32 459.103, any construction design standards for the basin shall  
33 be established by rule as provided in chapter 17A that  
34 exclusively account for special design characteristics of open  
35 feedlots and related basins, including but not limited to the

1 dilute composition of settled open feedlot effluent as  
2 collected and stored in the basins.

3 Sec. 74. Section 459.501, subsection 2, Code 2003, is  
4 amended to read as follows:

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

21 Sec. 75. Section 462A.12, subsection 6, Code 2003, is  
22 amended to read as follows:

23 6. An owner or operator shall not permit any person under  
24 twelve years of age to operate the personal watercraft unless  
25 accompanied in or on the same personal watercraft by a  
26 responsible person of at least eighteen years of age.  
27 ~~However, commencing~~ Commencing January 1, 2003, a person who  
28 is twelve years of age or older but less than eighteen years  
29 of age shall not operate any personal watercraft unless the  
30 person has successfully completed a department-approved  
31 watercraft safety course. A person required to have a  
32 watercraft safety certificate shall carry and shall exhibit or  
33 make available the certificate upon request of an officer of  
34 the department. A violation of this subsection is a simple  
35 misdemeanor as provided in section 462A.13. However, a person

1 charged with violating this subsection shall not be convicted  
2 if the person produces in court, within a reasonable time, a  
3 department-approved certificate. The cost of a department  
4 certificate, or any duplicate, shall not exceed five dollars.

5 Sec. 76. Section 476A.23, subsection 3, paragraph b, Code  
6 2003, is amended to read as follows:

7 b. The electric power agency annually files with the  
8 utilities board, in a manner to be determined by the utilities  
9 board, information regarding sales from the electric power  
10 generating facility in sufficient detail to determine  
11 compliance with these provisions.

12 Sec. 77. Section 476A.23, subsection 3, unnumbered  
13 paragraph 2, Code 2003, is amended to read as follows:

14 The utilities board shall report to the general assembly if  
15 any of the provisions are being violated.

16 Sec. 78. Section 490.202, subsection 2, paragraphs d and  
17 f, Code 2003, are amended to read as follows:

18 d. A provision eliminating or limiting the liability of a  
19 director to the corporation or its shareholders for money  
20 damages for any action taken, or any failure to take any  
21 action, as a director, except liability for any of the  
22 following:

23 (1) The amount of a financial benefit received by a  
24 director to which the director is not entitled.

25 (2) An intentional infliction of harm on the corporation  
26 or the shareholders.

27 (3) A violation of section 490.833.

28 (4) An intentional violation of criminal law.

29 A provision shall not eliminate or limit the liability of a  
30 director for an act or omission occurring prior to the date  
31 when the provision in the articles of incorporation becomes  
32 effective.

33 ~~f.--A-provision-eliminating-or-limiting-the-liability-of-a~~  
34 ~~director-to-the-corporation-or-its-shareholders-for-money~~  
35 ~~damages-for-any-action-taken, or any failure to take any~~

1 ~~action, as a director, except liability for any of the~~  
2 ~~following:~~

3 ~~(1)--The amount of a financial benefit received by a~~  
4 ~~director to which the director is not entitled.~~

5 ~~(2)--An intentional infliction of harm on the corporation~~  
6 ~~or the shareholders.~~

7 ~~(3)--A violation of section 490.833.~~

8 ~~(4)--An intentional violation of criminal law.~~

9 ~~A provision shall not eliminate or limit the liability of a~~  
10 ~~director for an act or omission occurring prior to the date~~  
11 ~~when the provision in the articles of incorporation becomes~~  
12 ~~effective.~~

13 Sec. 79. Section 490.724, subsection 5, Code 2003, is  
14 amended to read as follows:

15 5. Corporate action based on the acceptance or rejection  
16 of a vote, consent, waiver, or proxy appointment under this  
17 ~~section or section 490.722, subsection 2,~~ is valid unless a  
18 court of competent jurisdiction determines otherwise.

19 Sec. 80. Section 490.727, subsection 2, Code 2003, is  
20 amended to read as follows:

21 2. An amendment to the articles of incorporation or bylaws  
22 that adds, changes, or deletes a greater quorum or voting  
23 requirement must meet the same quorum requirement and be  
24 adopted by the same vote and voting groups required to take  
25 action under the quorum and voting requirements then in effect  
26 or proposed to be adopted, whichever is greater.

27 Sec. 81. Section 490.831, subsection 3, paragraphs a and  
28 b, Code 2003, are amended to read as follows:

29 a. In any instance where fairness is at issue, such as  
30 consideration of the fairness of a transaction to the  
31 corporation under ~~section 490.861, subsection 2, paragraph "c"~~  
32 490.832, alter the burden of proving the fact or lack of  
33 fairness otherwise applicable.

34 b. Alter the fact or lack of liability of a director under  
35 another section of this chapter, such as the provisions

1 governing the consequences of an unlawful distribution under  
2 section 490.833 or a transactional interest under section  
3 ~~490.861~~ 490.832.

4 Sec. 82. Section 490.851, subsection 1, Code 2003, is  
5 amended to read as follows:

6 1. Except as otherwise provided in this section, a  
7 corporation may indemnify an individual who is a party to a  
8 proceeding because the individual is a director against  
9 liability incurred in the proceeding if ~~at~~ either of the  
10 following apply:

11 a. All of the following apply:

12 ~~a-~~ (1) The individual acted in good faith.

13 ~~b-~~ (2) The individual reasonably believed:

14 ~~f1~~ (a) In the case of conduct in the individual's  
15 official capacity, that the individual's conduct was in the  
16 best interests of the corporation.

17 ~~f2~~ (b) In all other cases, that the individual's conduct  
18 was at least not opposed to the best interests of the  
19 corporation.

20 ~~e-~~ (3) In the case of any criminal proceeding, the  
21 individual had no reasonable cause to believe the individual's  
22 conduct was unlawful, ~~or the~~.

23 b. The individual engaged in conduct for which broader  
24 indemnification has been made permissible or obligatory under  
25 a provision of the articles of incorporation as authorized by  
26 section 490.202, subsection 2, paragraph "e".

27 Sec. 83. Section 490.856, subsection 2, Code 2003, is  
28 amended to read as follows:

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

34 Sec. 84. Section 490.1323, subsection 3, Code 2003, is  
35 amended to read as follows:



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

7 Sec. 85. Section 490.1324, subsection 2, paragraph c, Code  
8 2003, is amended to read as follows:

9 c. A statement that shareholders described in subsection 1  
10 have the right to demand further payment under section  
11 490.1326 and that if any such shareholder does not do so  
12 within the time period specified therein, such shareholder  
13 shall be deemed to have accepted ~~such~~ the payment to the  
14 shareholder pursuant to subsection 1 in full satisfaction of  
15 the corporation's obligations under this chapter.

16 Sec. 86. Section 490.1404, subsection 1, Code 2003, is  
17 amended to read as follows:

18 1. A corporation may revoke its dissolution within one  
19 hundred twenty days of ~~its~~ the effective date of its articles  
20 of dissolution.

21 Sec. 87. Section 502.102, subsection 13, paragraph c, Code  
22 2003, is amended to read as follows:

23 c. With respect to a viatical settlement investment  
24 contract, "issuer" means a person involved in creating,  
25 transferring, or selling to an investor any interest in such a  
26 contract, including but not limited to fractional or pooled  
27 interests, but does not include an agent or a broker-dealer.

28 Sec. 88. Section 502.202, subsection 19, unnumbered  
29 paragraph 1, Code 2003, is amended to read as follows:

30 A viatical settlement investment contract, or fractional or  
31 pooled interest in such contract, provided any of the  
32 following conditions are satisfied:

33 Sec. 89. Section 508E.3A, subsection 1, paragraph b, Code  
34 2003, is amended to read as follows:

35 b. The national association of insurance commissioners,

1 the insurance division of the department of commerce, a  
2 federal or state governmental agency or bureau established to  
3 detect and prevent fraudulent insurance or viatical settlement  
4 acts, or any other organization established for such purpose,  
5 and their agents, employees, or designees.

6 Sec. 90. Section 537.1301, subsection 4, paragraph b, Code  
7 2003, is amended to read as follows:

8 b. In the case of a loan, the net amount paid to,  
9 receivable by, or paid or payable for the account of the  
10 debtor, plus the amount of any discount excluded from the  
11 finance charge under subsection 20 19, paragraph "b,"  
12 subparagraph 3, plus additional charges if permitted under  
13 paragraph "c" of this subsection.

14 Sec. 91. Section 542.13, subsection 16, paragraph d, Code  
15 2003, is amended to read as follows:

16 ~~d- 17.~~ Nothing contained in this chapter shall be  
17 construed to authorize any person engaged in the practice as a  
18 certified public accountant or licensed public accountant or  
19 any member or employee of such firm to engage in the practice  
20 of law individually or within entities licensed under this  
21 chapter.

22 Sec. 92. Section 542.19, subsection 1, paragraph a, Code  
23 2003, is amended to read as follows:

24 a. The other state's licensing or certification standards  
25 are substantially equivalent to those required by this  
26 chapter.

27 Sec. 93. Section 544B.12, Code 2003, is amended to read as  
28 follows:

29 544B.12 SEAL.

30 Every professional landscape architect shall have a seal,  
31 approved by the board, which shall contain the name of the  
32 landscape architect and the words "Professional Landscape  
33 Architect, State of Iowa", and such other words or figures as  
34 the board may deem necessary. All landscape architectural  
35 plans and specifications, prepared by such professional

1 landscape architect or under the supervision of such  
2 professional landscape architect, shall be dated and bear the  
3 legible seal of such professional landscape architect.  
4 Nothing contained in this section shall be construed to permit  
5 the seal of a professional landscape architect to serve as a  
6 substitute for the seal of a licensed architect, a licensed  
7 professional engineer, or a licensed land surveyor whenever  
8 the seal of an architect, engineer or land surveyor is  
9 required under the laws of this state.

10 Sec. 94. Section 554.9701, Code 2003, is amended to read  
11 as follows:

12 554.9701 EFFECTIVE DATE.

13 ~~This~~ The amendments to this Article takes as enacted in  
14 2000 Iowa Acts, chapter 1149, take effect on July 1, 2001, and  
15 are applicable on and after that date.

16 Sec. 95. Section 554D.118, subsection 4, Code 2003, is  
17 amended to read as follows:

18 4. Except as otherwise agreed, a person having control of  
19 a transferable record is the holder, as defined in section  
20 554.1201, of the transferable record and has the same rights  
21 and defenses as a holder of an equivalent record or writing  
22 under chapter 554, including, if the applicable statutory  
23 requirements under section 554.3302, subsection 1, section  
24 554.7501, or section ~~554-9308~~ 554.9330 are satisfied, the  
25 rights and defenses of a holder in due course, a holder to  
26 which a negotiable document of title has been duly negotiated,  
27 or a purchaser, respectively. Delivery, possession, and  
28 endorsement are not required to obtain or exercise any of the  
29 rights under this subsection.

30 Sec. 96. Section 554D.120, subsection 4, Code 2003, is  
31 amended to read as follows:

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

1     Sec. 97. Section 556.1, subsection 3, Code 2003, is  
2 amended to read as follows:

3     3. "Cooperative association" means an entity which is  
4 structured and operated on a cooperative basis, including an  
5 association of persons organized under chapter 497, 498, or  
6 499; an entity composed of entities organized under those  
7 chapters; a cooperative ~~corporation~~ organized under chapter  
8 501; a cooperative association organized under chapter 490; or  
9 any other entity recognized pursuant to 26 U.S.C. § 1381(a)  
10 which meets the definitional requirements of an association as  
11 provided in 12 U.S.C. § 1141(j)(a) or 7 U.S.C. § 291.

12     Sec. 98. Section 598.7A, subsection 5, Code 2003, is  
13 amended to read as follows:

14     5. The supreme court shall prescribe qualifications for  
15 mediators under this section ~~on or before January 17, 2001~~.  
16 The qualifications shall include but are not limited to the  
17 ethical standards to be observed by mediators. The  
18 qualifications shall not include a requirement that the  
19 mediator be licensed to practice any particular profession.

20     Sec. 99. Section 600.13, subsection 1, Code 2003, is  
21 amended to read as follows:

22     1. At the conclusion of the adoption hearing, the juvenile  
23 court or court shall do one of the following:

24     a. Issue a final adoption ~~decree~~, decree.

25     b. Issue an interlocutory adoption ~~decree~~, or, decree.

26     c. Issue a standby adoption decree pursuant to section  
27 600.14A.

28     d. Dismiss the adoption petition if the requirements of  
29 this chapter have not been met or if dismissal of the adoption  
30 petition is in the best interest of the person whose adoption  
31 has been petitioned. Upon dismissal, the juvenile court or  
32 court shall determine who is to be guardian or custodian of a  
33 minor child, including the adoption petitioner if it is in the  
34 best interest of the minor person whose adoption has been  
35 petitioned.

1 Sec. 100. Section 602.8105, subsection 1, paragraph e,  
2 Code 2003, is amended to read as follows:

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

5 Sec. 101. Section 633.4105, subsection 2, paragraph b,  
6 subparagraph (1), Code 2003, is amended to read as follows:

7 (1) By majority vote of all qualified beneficiaries, who  
8 are adults, and the representative of any minor or incompetent  
9 qualified beneficiary, as defined-by provided in section  
10 633.6303.

11 Sec. 102. Section 637.603, subsection 2, unnumbered  
12 paragraph 1, Code 2003, is amended to read as follows:

13 The trustee sends written notice of the trustee's intention  
14 to take any action described in ~~subsection-1~~ section 637.602,  
15 along with copies of such written policy and this subchapter,  
16 to all of the following persons:

17 Sec. 103. Section 637.605, subsection 3, unnumbered  
18 paragraph 1, Code 2003, is amended to read as follows:

19 The trustee sends written notice of the trustee's intention  
20 to take any action described in ~~subsection-1~~ section 637.604,  
21 along with copies of such written policy, this subchapter, and  
22 the determination of the disinterested person to all of the  
23 following persons:

24 Sec. 104. Section 717A.2, subsection 3, paragraph a, Code  
25 2003, is amended to read as follows:

26 a. A person who violates subsection 1, paragraph "a", is  
27 guilty of a class "C" felony if the injury to or death of an  
28 animal or damage to property exceeds fifty thousand dollars, a  
29 class "D" felony if the injury to or death of an animal or  
30 damage to property exceeds five hundred dollars but does not  
31 exceed fifty thousand dollars, an aggravated misdemeanor if  
32 the injury to or death of an animal or damage to property  
33 exceeds one hundred dollars but does not exceed five hundred  
34 dollars, a serious misdemeanor if the injury to or death of an  
35 animal or damage to property exceeds fifty dollars but does

1 not exceed one hundred dollars, or a simple misdemeanor if the  
2 injury to or death of an animal or damage to property does not  
3 exceed fifty dollars.

4 Sec. 105. Section 910.1, subsection 4, Code 2003, is  
5 amended to read as follows:

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

24 Sec. 106. 2002 Iowa Acts, chapter 1137, section 68,  
25 subsection 2, is amended by adding the following new  
26 unnumbered paragraph:

27 NEW UNNUMBERED PARAGRAPH. The Code editor is directed to  
28 strike section 455I.1, unnumbered paragraph 1, Code 2001, and  
29 section 455I.1, subsection 5, Code 2001.

30 Sec. 107. 2001 Iowa Acts, Second Extraordinary Session,  
31 chapter 6, section 26, is amended to read as follows:

32 SEC. 26. RETROACTIVE APPLICABILITY AND EFFECTIVE DATES.

33 1. This division of this Act is retroactively applicable  
34 to July 1, 2001, and is applicable on and after that date.

35 2. The effective date of sections 21 through 24 of this

1 division of this Act shall be the later of July 1, 2002, or  
2 upon the legislative enactment of the interstate compact for  
3 adult offender supervision by the thirty-fifth jurisdiction.  
4 The director of the department of corrections shall notify the  
5 Code editor upon the enactment of the compact by the thirty-  
6 fifth jurisdiction.

7 Sec. 108. Section 11.24, Code 2003, is repealed.

8 Sec. 109. Section 236.15B, Code 2003, is repealed.

9 Sec. 110. Section 443.23, Code 2003, is repealed.

10 Sec. 111. Section 558.1A, Code 2003, is repealed.

11 Sec. 112. AUTHORIZATION TO CODE EDITOR -- REFERENCE  
12 CHANGES.

13 1. The Code editor may add any or all of the following  
14 references in the 2003 Code Supplement or in the 2005 Code as  
15 deemed proper by the Code editor:

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

20 b. The Code editor may include the phrase "as provided in  
21 chapter 537" or ", chapter 537," following the language "Iowa  
22 consumer credit code" if the language does not provide a  
23 reference to chapter 537 or a section of that chapter.

24 c. The Code editor may include the phrase "as provided in  
25 chapter 554" or ", chapter 554," following the language  
26 "uniform commercial code" or "Iowa uniform commercial code" if  
27 the language does not provide a reference to chapter 554 or a  
28 section of that chapter.

29 d. The Code editor may include the phrase "as provided in  
30 section 103A.7" or ", section 103A.7," following the language  
31 "state building code" if the language does not provide a  
32 reference to chapter 103A or section 103A.7.

33 2. The Code editor may substitute the term "division" for  
34 the "division of criminal investigation of the department of  
35 public safety" wherever it appears in chapter 99F.

1     Sec. 113. AUTHORIZATION TO CODE EDITOR -- TRANSFER. The  
2 Code editor may transfer section 126.24 to a new chapter 708B  
3 or another chapter deemed appropriate by the Code editor.

4     Sec. 114. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

5     1. The sections of this Act amending sections 159.6 and  
6 173.3, as amended by 2002 Iowa Acts, chapter 1017, take effect  
7 July 1, 2005.

8     2. The section of this Act amending section 490.851 takes  
9 effect upon enactment and applies retroactively to January 1,  
10 2003.

11    3. The section of this Act amending section 554.9701,  
12 being deemed of immediate importance, takes effect upon  
13 enactment and applies retroactively to July 1, 2001.

14    4. The section of this Act amending 2001 Iowa Acts, Second  
15 Extraordinary Session, chapter 6, section 26, being deemed of  
16 immediate importance, takes effect upon enactment.

17   EXPLANATION

18     This bill contains statutory corrections that adjust  
19 language to reflect current practices, insert earlier  
20 omissions, delete redundancies and inaccuracies, delete  
21 temporary language, resolve inconsistencies and conflicts,  
22 update ongoing provisions, or remove ambiguities. The Code  
23 sections amended include all of the following:

24     Code section 6B.18: Clarifies that both the adverse party  
25 (or the party's representative) and any lienholder or  
26 encumbrancer must receive the notice of appraisalment under  
27 eminent domain procedures.

28     Code sections 8D.2 and 8D.9: Transfers a provision  
29 regulating the use of the Iowa communications network for  
30 homeland security use by public agencies from a definitional  
31 Code section to a Code section specifically providing for  
32 network use.

33     Code sections 10A.101 and 124C.1: Eliminates the  
34 definitions of the terms "book", "list", "record", and  
35 "schedule" in the Code chapters establishing the department of



1 inspections and appeals and providing for the cleanup of  
2 clandestine laboratory sites used to manufacture controlled  
3 substances since the Code chapters do not refer to these types  
4 of items kept by county officials.

5 Code section 10B.4A: Combines provisions which suspend  
6 certain filing requirements for foreign entities holding  
7 agricultural land in this state within the same Code section  
8 and corrects a reference to Code section 9I.7.

9 Code section 10D.2: Corrects a spelling error in a  
10 provision which authorizes a qualified enterprise to hold  
11 agricultural land for activities related to the production of  
12 baby chicks and fertilized chicken eggs.

13 Code section 12C.19: Deletes a comma to remove an  
14 ambiguity relating to applicability of certain approval  
15 requirements to withdrawal of securities from credit unions  
16 and conforms language relating to the withdrawal of securities  
17 from depositories to language contained in a succeeding  
18 sentence.

19 Code section 12C.23A: Eliminates a duplicative phrase in a  
20 provision for indemnification against losses by depositors of  
21 a closed bank.

22 Code section 14B.105: Corrects an internal reference to  
23 certain types of members in a provision which establishes the  
24 terms of office for members of the information technology  
25 council.

26 Code section 15.108: Deletes a reference to the council on  
27 human investment, which was repealed by 2000 Acts, chapter  
28 1231.

29 Code sections 15E.45, 15E.51, and 15E.67: Corrects a  
30 reference to the name of the community-based seed capital  
31 fund, corrects grammatical usages, reorganizes a provision to  
32 improve its readability, and substitutes codified section  
33 numbers for references to an enacted House File.

34 Code section 15E.193C: Uses a singular rather than a  
35 plural noun in a provision relating to financial assistance to

1 eligible businesses located in enterprise zones.

2 Code sections 16.15 and 16.132: Substitutes the word  
3 "chapter" for "Act" (referring to the authority's enabling  
4 legislation) in a provision which authorizes the use of  
5 revenue sources to support the Iowa finance authority's  
6 housing assistance payments program. Corrects terminology in  
7 an Iowa finance authority's program to support municipalities  
8 to be consistent with language in Code chapter 455B providing  
9 for an Iowa water pollution control works and drinking water  
10 facilities financing program.

11 Code section 23A.2: Corrects grammatical errors in  
12 exceptions applicable to the state board of regents and school  
13 corporations from certain private enterprise competition  
14 restrictions.

15 Code section 25B.7: Strikes a subsection determining  
16 property tax credit and exemption reimbursement amounts which  
17 by its own terms was repealed on June 30, 2002.

18 Code section 28.4: Eliminates the authority to establish a  
19 summit to consider issues of funding and services as part of  
20 the community empowerment initiative since the authority  
21 expired at the end of 2001.

22 Code section 29B.22: Eliminates a reference to the  
23 position of state judge advocate in the military justice code  
24 and conforms the language to changes made in 2002 Acts,  
25 chapter 1117.

26 Code sections 43.45, 45.5, 48A.29, and 49.71: These Code  
27 sections relate to election laws.

28 Code section 45.5: Changes an incorrect reference from  
29 Code section 45.1 to Code section 39.27, in language referring  
30 to residency requirements for candidates and conforms the  
31 statement requirements to the requirements in Code section  
32 39.27. Grammatical changes are also made in the section.

33 Code section 43.45: Corrects an internal reference to  
34 procedures used to canvass votes and eliminates an unneeded  
35 preposition.

1 Code section 48A.29: Eliminates a description of why  
2 identification must be shown if a voter registration card is  
3 not returned as the requirements are also set out in the same  
4 Code section and in Code section 48A.27.

5 Code section 49.71: Eliminates a reference to a "card of  
6 instructions" in conformity with Code section 49.70 which  
7 allows instructions to be distributed to precinct election  
8 officials for posting at election sites in other formats.

9 Code section 56.4: Substitutes the correct preposition in  
10 a provision relating to campaign finance reports which are  
11 required to be filed with the Iowa ethics and campaign  
12 disclosure board.

13 Code section 80.22: Replaces the phrase "this Act" with  
14 the appropriate reference to the 1939 Iowa Acts in a provision  
15 restricting agencies other than the department of public  
16 safety from exercising police powers.

17 Code sections 97B.17 and 97B.42C: Internally renumbers  
18 Code section 97B.17, which provides for the release of certain  
19 retirement system records which might be considered  
20 confidential. Provides that the Iowa public employees'  
21 retirement system (IPERS) division rather than the system is  
22 authorized to adopt rules necessary to effectuate mergers of  
23 municipal water utility or waterworks pension and annuity  
24 retirement systems into IPERS.

25 Code sections 99B.7, 99B.12, and 99F.1: These Code  
26 sections are organized within Code chapters providing for  
27 gambling, including games of chance or skill and raffles, and  
28 wagering on excursion boats and at racetracks. Strikes a  
29 reference in Code section 99B.7, which provides for  
30 restrictions upon persons allowed to conduct or promote a  
31 bingo occasion. The reference derives from a correction to a  
32 previously incorrect reference which was made in 2002 Acts,  
33 chapter 1068, § 7, but the language to which the reference  
34 then referred was stricken in § 10 of the same Act (now  
35 incorrect after being renumbered in the 2003 Code). Corrects

1 a reference to "game" rather than "same" in Code section  
2 99B.12, which allows playing certain card and parlor games.  
3 Adds a definition of "division" to mean the division of  
4 criminal investigation within the department of public safety  
5 to Code section 99F.1 which provides definitions for the  
6 chapter regulating excursion boats and racetracks.

7 Code section 135.11, subsection 17: Adds Code chapter  
8 142A, relating to tobacco use prevention and control, to the  
9 list of chapters administered by the department of public  
10 health. The department is the administering agency under Code  
11 chapter 142A.

12 Code section 137F.1, subsection 8, paragraph "e":  
13 Clarifies that the exclusion from the definition of "food  
14 establishment" applies if certain food is not sold or  
15 distributed from the premises.

16 Code section 153.33, subsection 5: Adds "or registrant"  
17 after "licensee" to reflect 2002 change adding dental  
18 assisting and registration of dental assistants to applicable  
19 disciplinary sections.

20 Code sections 159.6 and 173.3: Corrects internal  
21 references to Code chapter 176A, effective July 1, 2005, which  
22 were omitted when the repeal of Code chapter 176 was enacted  
23 in 2002 Iowa Acts, chapter 1017.

24 Code section 159A.3: Eliminates references to the Wallace  
25 technology transfer foundation of Iowa, which was repealed by  
26 1999 Iowa Acts, chapter 208.

27 Code sections 192.101A, 192.102, and 192.110: Updates  
28 references to reflect the latest revision of the "Grade 'A'  
29 Pasteurized Milk Ordinance". The department of agriculture  
30 and land stewardship administers the federal provisions  
31 relating to pasteurizing of milk, which have been revised.

32 Code sections 229A.8A and 229A.10: Makes terminology  
33 relating to sexually violent predators consistent with  
34 terminology used in the rest of the sections.

35 Code sections 232.68 and 235A.13: Adds Code section

1 235A.24 to list of sections to which these definitional  
2 sections apply. Code section 235A.24 was enacted in 2000.

3 Code section 232.71B: Clarifies that the attorney  
4 representing a person alleged to have committed child abuse  
5 may, on behalf of the person, decline the offer of a child  
6 abuse assessment interview by the department.

7 Code sections 236.2 and 236.3: Removes the definition of  
8 "plaintiff" relating to commencement of actions in domestic  
9 abuse cases from substantive Code section 236.3 and places the  
10 definition in Code section 236.2, the definitions section for  
11 the chapter.

12 Code section 237A.29: Substitutes the proper preposition  
13 and specifies the particular suspension referred to in  
14 language authorizing the filing of a petition for an  
15 injunction relating to obtaining public funding for child care  
16 by fraudulent means.

17 Code section 277.23, subsection 2: Provides consistency in  
18 language relating to when the number of directors on the board  
19 of a school district must be increased due to a city's  
20 population of 15,000 or more.

21 Code section 284.11, subsection 2: Harmonizes two  
22 different enactments, which amended the subsection in 2001,  
23 and relate to sharing of a single cash award under a pilot  
24 program for team-based variable pay for teachers based on  
25 student achievement.

26 Code section 321E.8: Adds "manufactured or" before the  
27 term "mobile homes" in language regarding annual permits for  
28 certain vehicles. "Manufactured or mobile homes" is the term  
29 defined in Code chapter 321E.

30 Code sections 321G.4, 321G.19, and 321G.33: Changes the  
31 term "identification" number to refer to either the  
32 "registration" or "vehicle identification" number in these  
33 Code sections to clarify which identification number is being  
34 referenced. 2002 Iowa Acts, chapter 1027, enacted Code  
35 sections 321G.5 and 321G.33, which requires the display of

1 identification numbers, but several types of identification  
2 numbers are referred to within the Code chapter.

3 Code section 446.9: Inserts several conjunctions to  
4 correct grammatical usage relating to the required content of  
5 the notice and publication for annual tax sales held by county  
6 treasurers.

7 Code section 455B.105: Changes specific references to Code  
8 chapter 459, subchapters I through IV and VI, to general  
9 references to Code chapter 459 in a provision relating to  
10 rulemaking authority of the environmental protection  
11 commission.

12 Code section 455B.171: Deletes a definition of "open  
13 feedlot" in Code chapter 455B relating to water quality. The  
14 term is no longer used in that Code chapter. Provisions  
15 relating to feedlots were transferred to Code chapter 459 in  
16 Code 2003.

17 Code section 455B.183: Internally renumbers and  
18 redesignates the Code section dealing with public water supply  
19 permits to improve readability and comprehension.

20 Code section 455B.187: Eliminates outdated provisions  
21 relating to water well contractor registration.

22 Code section 455D.11I: Deletes redundant requesting  
23 language in a provision requiring waste tire haulers to carry  
24 a certificate of registration and show such certificate upon  
25 request of the state department of transportation.

26 Code section 457A.2: Changes the defined term "natural  
27 resources" to "natural and cultural resources" to agree with  
28 usage of the term in Code chapter 457A.

29 Code section 459.102(18): Adds a definition of  
30 "department" to Code chapter 459. The definition was  
31 inadvertently omitted when provisions relating to animal  
32 agriculture compliance were transferred to the Code chapter in  
33 Code 2003.

34 Code section 459.102(40): In the definition of "restricted  
35 spray irrigation equipment", substitutes "maximum pressure"

1 for "rate" in describing the means by which manure is  
2 dispersed. A similar change was made in the 2000 Code  
3 editor's bill, 2000 Iowa Acts, chapter 1154, section 31.

4 Code section 459.301: In provision relating to one of the  
5 means for determining whether two or more confinement feeding  
6 operations are adjacent, clarifies that one of the confinement  
7 feeding operation structures must be constructed on or after a  
8 certain date rather than on and after that date.

9 Code section 459.303(2): Inserts "structure" following  
10 "confinement feeding operation" in provision relating to  
11 approval of applications for construction of confinement  
12 feeding operation structures.

13 Code section 459.309: Specifies that design standards  
14 required by the department of natural resources for settled  
15 open feedlot effluent basins are construction design  
16 standards.

17 Code section 459.501: Deletes references to inclusion of  
18 moneys received from civil penalties collected for violations  
19 of certain animal feeding operations provisions and from  
20 enforcement action settlements under Code chapter 455B in the  
21 manure storage indemnity fund. 2002 Iowa Acts, chapter 1137,  
22 directed that such moneys be deposited in the animal  
23 agriculture compliance fund.

24 Code section 462A.12: Clarifies that the requirement that  
25 a person aged 12 to 18 successfully complete a watercraft  
26 safety course before operating personal watercraft is in  
27 addition to the requirement that the person be accompanied in  
28 or on the personal watercraft by a responsible person of at  
29 least 18 years of age.

30 Code section 476A.23: Clarifies that the "board" given  
31 certain authority in provisions relating to issuance of public  
32 bonds or obligations by an electric power agency is the  
33 utilities board.

34 Code section 490.202: Deletes paragraph "f", in a  
35 provision relating to limitations on corporate director

1 liability in articles of incorporation, to eliminate language  
2 that was identical to the language in paragraph "d". Language  
3 contained in an unnumbered paragraph in paragraph "f", which  
4 is not redundant, is added to paragraph "d".

5 Code section 490.724: Deletes a reference to Code section  
6 490.722, which pertains to authorization of electronic  
7 transmissions by shareholders and shareholders' agents or  
8 attorneys-in-fact to conform the provision to the model  
9 business corporation Act.

10 Code section 490.727: Adds the words "or bylaws" in  
11 language relating to the quorum and voting requirements  
12 applicable to amendments to the bylaws which relate to quorum  
13 and voting requirements. This is consistent with the language  
14 found in Code section 490.1021, relating to the amendment of  
15 bylaws.

16 Code section 490.831: Corrects two incorrect references to  
17 Code section 490.861, which does not exist in the Code, to  
18 reflect a reference to Code section 490.832, which describes  
19 various types of transactions which constitute conflicts of  
20 interest for members of corporate boards of directors.

21 Code section 490.851: Conforms the provision to the  
22 corresponding provision section 8.51 of the Iowa business  
23 corporation Act, which is based on the model business  
24 corporation Act of the American bar association. The current  
25 Code language deviates from the model Act in that it limits  
26 the applicability of indemnification when the articles of  
27 incorporation so authorize to criminal proceedings only. The  
28 2002 amendments to Code chapter 490, contained in 2002 Iowa  
29 Acts, chapter 1154, are taken from the Iowa business  
30 corporation Act. This correction is effective upon enactment  
31 and applies retroactively to January 1, 2003.

32 Code section 490.856: Makes a grammatical change in  
33 language relating to the basis on which a corporate officer  
34 may be made a party to a proceeding.

35 Code section 490.1323: Deletes references to certain



1 requirements for a shareholder's perfection of any appraisal  
2 rights that were eliminated in the 2002 legislation revising  
3 Code chapter 490. The deletions include a reference to a  
4 requirement that the shareholder "demand payment" in order to  
5 perfect the shareholder's appraisal rights, which is not a  
6 requirement in the Code chapter, and a reference to a  
7 "dissenters' notice" that is now referred to as an "appraisal  
8 notice".

9 Code section 490.1324: Clarifies that "such payment" means  
10 the payment made to a shareholder by a corporation for the  
11 fair value of the shareholder's shares, as determined by the  
12 corporation, rather than the shareholder's demand for further  
13 payment, in a provision relating to shareholders' rights in  
14 regard to certain proposed corporate actions.

15 Code section 490.1404: Clarifies the phrase "its effective  
16 date" by specifying that a corporation may revoke its  
17 dissolution within 120 days of "the effective date of its  
18 articles of dissolution".

19 Code sections 502.102 and 502.202: Adds "investment" to  
20 the term "viatical settlement contract" in conformance with  
21 the defined term otherwise used in the sections.

22 Code section 508E.3A: Clarifies the term "insurance  
23 division" to mean the "insurance division of the department of  
24 commerce" in the Code chapter relating to viatical settlement  
25 contracts.

26 Code section 537.1301: Corrects a reference in a  
27 definition of the term "amounts financed" in the consumer  
28 credit code to correctly refer to the term "finance charges",  
29 in subsection 19 rather than to the term "gift certificate" in  
30 subsection 20.

31 Code section 542.13: Renumbers subsection 16, paragraph  
32 "d" as subsection 17 in a provision relating to the licensing  
33 of public accountants.

34 Code section 542.19: Adds words "or certification" to a  
35 provision relating to the licensing of public accountants by

1 other states.

2 Code section 544B.12: Amends a provision relating to the  
3 use of a professional landscape architect seal by specifying  
4 that "land surveyor" means "a licensed land surveyor".

5 Code section 554.9701: In relation to the effective date  
6 of amendments to the uniform commercial code, article 9,  
7 secured transactions, clarifies sentence "This Article takes  
8 effect on July 1, 2001." to mean "The amendments to this  
9 Article as enacted in 2000 Iowa Acts, chapter 1149, take  
10 effect on July 1, 2001, and are applicable on and after that  
11 date."

12 Code section 554D.118: Substitutes cross-reference to Code  
13 "section 554.9330" which relates to the priority of purchaser  
14 of chattel paper for cross-reference to Code "section  
15 554.9308" which relates to perfection of agricultural liens or  
16 security interests.

17 Code section 554D.120: Clarifies the applicability of  
18 provisions relating to the acceptance and distribution of  
19 electronic records by governmental agencies.

20 Code section 556.1: Strikes the word "corporation" in the  
21 term "cooperative corporation organized under chapter 501" as  
22 Code chapter 501 only deals with cooperative associations and  
23 not corporations.

24 Code section 598.7A: Strikes past deadline of January 1,  
25 2001, for the supreme court to prescribe qualifications for  
26 mediators.

27 Code section 600.13: Adds the correct grammatical lead-in  
28 at the beginning of subsection 1 which relates to options of  
29 the juvenile court at the conclusion of an adoption hearing.

30 Code section 602.8105: Clarifies that the particular civil  
31 court fee is for "filing and docketing" a writ of error.

32 Code section 633.4105: Corrects language qualifying cross-  
33 reference relating to the representation of minor or  
34 incompetent qualified beneficiaries to eliminate  
35 classification of section as a definitions provision.

1 Code sections 637.603 and 637.605: Corrects cross-  
2 references to actions that may be taken in provisions relating  
3 to total return unitrusts.

4 Code section 717A.2: Adds term "or death of" to the phrase  
5 "injury to an animal or damage to property" to conform with  
6 the remainder of the Code section relating to animal  
7 facilities and the killing of or injury to an animal.

8 Code section 910.1: Adds the word "or" to improve  
9 grammatical construction in a provision relating to the  
10 definition of the term "restitution".

11 2002 Iowa Acts, chapter 1137: Amends a Code editor  
12 directive in a bill to instruct the Code editor to strike two  
13 portions of a Code section which were not transferred by the  
14 bill relating to animal agriculture.

15 2001 Iowa Acts, 2nd Ex., chapter 6, section 26: Makes  
16 technical changes to the retroactive applicability and  
17 effective date provisions for amendments to Code provisions  
18 relating to tax breaks for businesses that hire persons on  
19 parole or probation to whom the interstate probation and  
20 parole compact applies. The Code provisions were amended by  
21 2001 Iowa Acts, chapter 15, and subsequently amended by 2001  
22 Iowa Acts, 2nd Ex., chapter 6: The changes in this bill make  
23 those amendments applicable and effective at the same times.

24 Repeal:

25 Code section 11.24: Eliminates, through the repeal of a  
26 short title, a reference to an Act passed by the 45th General  
27 Assembly in 1933. The original provisions have been  
28 repeatedly amended or eliminated since its enactment,  
29 rendering the original reference obsolete.

30 Code section 236.15B: Repeals the income tax checkoff for  
31 domestic abuse programs. Code section 422.12E requires that,  
32 when three income tax checkoffs are in place, the income tax  
33 checkoff receiving the least amount of revenue over a three-  
34 year period shall be repealed. This repeal is based on  
35 information relating to revenue received by the department of

1 revenue and finance.

2 Code section 443.23: Repeals a Code section defining the  
3 terms "tax list", "assessment list", "book", and "record". A  
4 provision defining similar terms was added in Code section  
5 443.23A pursuant to legislation enacted in 2000.

6 Code section 558.1A: Repeals a duplicative definition of  
7 "list", "book", "record", or "schedule" in Code chapter 558.

8 Code editor authorization: The Code editor is authorized  
9 to substitute terms or add references to popular names of Acts  
10 in the next edition of the Code Supplement or Code of Iowa.  
11 The Code editor may add appropriate chapter or section  
12 citations following stand-alone references to the Iowa  
13 administrative procedure Act, the Iowa consumer credit code,  
14 the uniform commercial code, or the state building code. The  
15 Code editor may substitute "division" for "division of  
16 criminal investigation within the department of public safety"  
17 in Code chapter 99F.

18 The Code editor is authorized to transfer Code section  
19 126.24 to a new Code chapter 708B or another chapter deemed  
20 appropriate by the Code editor. The Code section makes it a  
21 crime to possess or distribute anthrax. Chapter 126 pertains  
22 to the regulation of drugs, devices, and cosmetics.

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SENATE FILE 155

S-3041

1 Amend Senate File 155 as follows:

2 1. Page 2, by striking lines 21 through 26.

3 2. Page 10, by inserting after line 16, the  
4 following:

5 "Sec. \_\_\_\_\_. Section 49.125, Code 2003, is amended  
6 to read as follows:

7 49.125 COMPENSATION OF TRAINEES.

8 All election personnel attending such training  
9 course shall be paid for attending such course ~~for a~~  
10 ~~period not to exceed two hours~~, and shall be  
11 reimbursed for travel to and from the place where the  
12 training is given at the rate determined by the board  
13 of supervisors if the distance involved is more than  
14 five miles. The wages shall be computed at the hourly  
15 rate established pursuant to section 49.20 and payment  
16 of wages and mileage for attendance shall be made at  
17 the time that payment is made for duties performed on  
18 election day."

19 3. Page 17, line 25, by striking the word  
20 "interview" and inserting the following:

21 "interview,".

22 4. Page 17, line 26, by inserting after the word  
23 "attorney" the following: "on the person's behalf,".

24 5. Page 18, by inserting after line 9, the  
25 following:

26 "Sec. \_\_\_\_\_. Section 237A.2, subsection 1,  
27 unnumbered paragraph 1, Code 2003, is amended to read  
28 as follows:

29 A person shall not establish or operate a child  
30 care center without obtaining a license under the  
31 provisions of this chapter. A center may operate for  
32 a specified period of time, to be established by rule  
33 of the department, if application for a license has  
34 been made. If the department denies an application  
35 for an initial license, notwithstanding section ~~17A.8~~  
36 17A.18, the applicant center shall not continue to  
37 provide child care pending the outcome of an  
38 evidentiary hearing. The department shall issue a  
39 license if it determines that all of the following  
40 conditions have been met:"

41 6. Page 22, by inserting after line 12, the  
42 following:

43 "Sec. \_\_\_\_\_. Section 331.424C, Code 2003, is amended  
44 to read as follows:

45 331.424C EMERGENCY SERVICES FUND.

46 A county that is providing fire protection service  
47 or emergency medical service to a township pursuant to  
48 section 331.385 shall establish an emergency services  
49 fund and may certify taxes not to exceed sixty and  
50 three-fourths cents per one thousand dollars of the

S-3041

**S-3041**

Page 2

1 assessed value of taxable property located in the  
2 township. The county has the authority to use a  
3 portion of the taxes levied and deposited in the fund  
4 for the purpose of accumulating moneys to carry out  
5 the purposes of section 359.43, subsection 3 4."  
6 7. By renumbering as necessary.

By KEITH A. KREIMAN  
STEVE KETTERING

**S-3041** FILED MARCH 18, 2003  
ADOPTED 3/18/03

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**SENATE FILE 155**

**S-3016**

- 1 Amend Senate File 155 as follows:
- 2 1. Page 2, by striking lines 21 through 26.
- 3 2. By renumbering as necessary.

By KEITH A. KREIMAN  
STEVE KETTERING

**S-3016** FILED FEBRUARY 20, 2003

S-3016 Withdrawn 3/18/03

SENATE FILE 155

S-3026

1 Amend Senate File 155 as follows:

2 1. Page 10, by inserting after line 16, the  
3 following:

4 "Sec. \_\_\_\_ . Section 49.125, Code 2003, is amended  
5 to read as follows:

6 49.125 COMPENSATION OF TRAINEES.

7 All election personnel attending such training  
8 course shall be paid for attending such course ~~for a~~  
9 ~~period not to exceed two hours~~, and shall be  
10 reimbursed for travel to and from the place where the  
11 training is given at the rate determined by the board  
12 of supervisors if the distance involved is more than  
13 five miles. The wages shall be computed at the hourly  
14 rate established pursuant to section 49.20 and payment  
15 of wages and mileage for attendance shall be made at  
16 the time that payment is made for duties performed on  
17 election day."

18 2. Page 17, line 25, by striking the word  
19 "interview" and inserting the following:  
20 "interview,".

21 3. Page 17, line 26, by inserting after the word  
22 "attorney" the following: "on the person's behalf,".

23 4. Page 18, by inserting after line 9, the  
24 following:

25 "Sec. \_\_\_\_ . Section 237A.2, subsection 1,  
26 unnumbered paragraph 1, Code 2003, is amended to read  
27 as follows:

28 A person shall not establish or operate a child  
29 care center without obtaining a license under the  
30 provisions of this chapter. A center may operate for  
31 a specified period of time, to be established by rule  
32 of the department, if application for a license has  
33 been made. If the department denies an application  
34 for an initial license, notwithstanding section ~~17A.8~~  
35 17A.18, the applicant center shall not continue to  
36 provide child care pending the outcome of an  
37 evidentiary hearing. The department shall issue a  
38 license if it determines that all of the following  
39 conditions have been met:"

40 5. Page 22, by inserting after line 12, the  
41 following:

42 "Sec. \_\_\_\_ . Section 331.424C, Code 2003, is amended  
43 to read as follows:

44 331.424C EMERGENCY SERVICES FUND.

45 A county that is providing fire protection service  
46 or emergency medical service to a township pursuant to  
47 section 331.385 shall establish an emergency services  
48 fund and may certify taxes not to exceed sixty and  
49 three-fourths cents per one thousand dollars of the  
50 assessed value of taxable property located in the

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-1-

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Page 2

1 township. The county has the authority to use a  
2 portion of the taxes levied and deposited in the fund  
3 for the purpose of accumulating moneys to carry out  
4 the purposes of section 359.43, subsection 3 & 4."

5 6. By renumbering as necessary.

By KEITH A. KREIMAN

SENATE FILE 155  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1045)

(AS AMENDED AND PASSED BY THE SENATE MARCH 18, 2003)

\_\_\_\_\_ - New Language by the Senate

\* - Language Stricken by the Senate

Passed Senate, Date Passed 3/18/03 Passed House, Date Passed 4/14/03

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved 4/21/03

A BILL FOR

1 An Act relating to statutory corrections which may adjust  
2 language to reflect current practices, insert earlier  
3 omissions, delete redundancies and inaccuracies, delete  
4 temporary language, resolve inconsistencies and conflicts,  
5 update ongoing provisions, or remove ambiguities, and  
6 including effective and retroactive applicability date  
7 provisions.

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

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S.F. 155



1 Section 1. Section 6B.18, subsection 2, Code 2003, is  
2 amended to read as follows:

3 2. An appeal of appraisal of damages is deemed to be  
4 perfected upon filing of a notice of appeal with the district  
5 court within thirty days from the date of mailing the notice  
6 of appraisal of damages. The notice of appeal shall be  
7 served on the adverse party, or the adverse party's agent or  
8 attorney, and any lienholders lienholder and encumbrancers  
9 encumbrancer of the property in the same manner as an original  
10 notice within thirty days from the date of filing the notice  
11 of appeal unless, for good cause shown, the court grants more  
12 than thirty days. If after reasonable diligence, the notice  
13 cannot be personally served, the court may prescribe an  
14 alternative method of service consistent with due process of  
15 law.

16 Sec. 2. Section 8D.2, subsection 5, paragraph b, Code  
17 2003, is amended to read as follows:

18 b. For the purposes of this chapter, "public agency" also  
19 includes any homeland security or defense facility established  
20 by the administrator of the emergency management division of  
21 the department of public defense or the governor or any  
22 facility connected with a security or defense system as  
23 required by the administrator of the emergency management  
24 division of the department of public defense or the governor.  
25 ~~A-facility-that-is-considered-a-public-agency-pursuant-to-this~~  
26 ~~paragraph-shall-be-authorized-to-access-the-Iowa~~  
27 ~~communications-network-strictly-for-homeland-security~~  
28 ~~communication-purposes---Any-utilization-of-the-network-that~~  
29 ~~is-not-related-to-communications-concerning-homeland-security~~  
30 ~~is-expressly-prohibited-~~

31 Sec. 3. Section 8D.9, Code 2003, is amended by adding the  
32 following new subsection:

33 NEW SUBSECTION. 3. A facility that is considered a public  
34 agency pursuant to section 8D.2, subsection 5, paragraph "b",  
35 shall be authorized to access the Iowa communications network

1 strictly for homeland security communication purposes. Any  
2 utilization of the network that is not related to  
3 communications concerning homeland security is expressly  
4 prohibited.

5 Sec. 4. Section 10A.101, Code 2003, subsection 2, is  
6 amended by striking the subsection.

7 Sec. 5. Section 10B.4A, Code 2003, is amended to read as  
8 follows:

9 10B.4A SUSPENSION OF OTHER FILING REQUIREMENTS.

10 The secretary of state shall not prepare or distribute  
11 forms for reports or file reports otherwise required pursuant  
12 to section 9H.5A, 9I.8, or 501.103. A person required to file  
13 a report pursuant to this chapter is not required to file a  
14 report under those sections. A person required to file a  
15 report pursuant to this chapter is not required to register  
16 with the secretary of state as otherwise required in section  
17 9I.7.

18 ~~A person required to file a report pursuant to this chapter~~  
19 ~~is not required to register with the secretary of state as~~  
20 ~~otherwise required in any chapter enumerated in this section.~~

\* 21 Sec. 6. Section 12C.19, subsection 1, Code 2003, is  
22 amended to read as follows:

23 1. Securities pledged pursuant to this chapter may be  
24 withdrawn on application of the pledging depository  
25 institution, and as to securities pledged by a credit union,  
26 upon approval of the public officer to whom the securities are  
27 pledged, if the deposit of securities is no longer necessary  
28 to comply with this chapter, or withdrawal is required for  
29 collection by virtue of its maturity or ~~for~~ exchange. The  
30 depository institution shall replace securities so withdrawn  
31 for collection or exchange.

32 Sec. 7. Section 12C.23A, subsection 3, paragraph d, Code  
33 2003, is amended to read as follows:

34 d. If the loss of public funds is not covered by federal  
35 deposit insurance and the proceeds of the closed bank's assets

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

25 Sec. 8. Section 14B.105, subsection 1, paragraph b, Code  
26 2003, is amended to read as follows:

27 b. The members appointed pursuant to paragraph "a",  
28 subparagraphs (3) through (7), shall serve four-year staggered  
29 terms and such appointments to the information technology  
30 council are subject to the requirements of sections 69.16,  
31 69.16A, and 69.19. The four-year terms of members appointed  
32 by the governor shall be staggered as designated by the  
33 governor. ~~Members~~ The members appointed by the governor  
34 ~~pursuant-to-paragraph-"a",-subparagraphs-(3)-through-(7))~~  
35 shall not serve consecutive four-year terms. ~~Members~~ The

1 members appointed by the governor are subject to senate  
2 confirmation and may also be eligible to receive compensation  
3 as provided in section 7E.6. Members shall be reimbursed for  
4 actual and necessary expenses incurred in performance of the  
5 members' duties.

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

8 (1) Work closely with representatives of business and  
9 industry, labor organizations, ~~the-council-on-human~~  
10 ~~investment~~, the department of education, the department of  
11 workforce development, and educational institutions to  
12 determine the employee training needs of Iowa employers, and  
13 where possible, provide for the development of industry-  
14 specific training programs.

15 Sec. 10. Section 15E.45, subsections 1, 3, 6, and 8, Code  
16 2003, are amended to read as follows:

17 1. An investment in a community community-based seed  
18 capital fund shall qualify for a tax credit under section  
19 15E.43 provided that all requirements of sections 15E.43,  
20 15E.44, and this section are met.

21 3. a. In order for an investment in a community-based  
22 seed capital fund to qualify for a tax credit, the community-  
23 based seed capital fund in which the investment is made shall,  
24 within one hundred twenty days of the date of the first  
25 investment, notify the board of all of the following:

26 (1) The names, addresses, taxpayer identification numbers,  
27 equity interests issued, consideration paid for the interests,  
28 and the amount of any tax credits, ~~-of-which-all.~~

29 (2) All limited partners or members who may initially  
30 qualify for the tax credits, ~~-and-the.~~

31 (3) The earliest year in which the tax credits may be  
32 redeemed.

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

1 6. In the event that a community-based seed capital fund  
2 fails to meet or maintain any requirement set forth in this  
3 section, or in the event that the community-based seed capital  
4 fund has not invested at least thirty-three percent of its  
5 invested capital in no fewer than two separate qualifying  
6 businesses, measured at the end of the thirty-sixth month  
7 after commencing the fund's investing activities, the board  
8 shall rescind any tax credit certificates issued to limited  
9 partners or members and shall notify the department of revenue  
10 and finance that it has done so, and the tax credit  
11 certificates shall be null and void. However, a community-  
12 based seed capital fund may apply to the board for a one-year  
13 waiver ~~from~~ of the requirements of this subsection.

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

17 Sec. 11. Section 15E.51, subsection 4, Code 2003, is  
18 amended to read as follows:

19 4. A taxpayer shall not claim a tax credit under this  
20 section if the taxpayer is a venture capital investment fund  
21 allocation manager for the Iowa fund of funds created in  
22 section 15E.65 or an investor that receives a tax credit for  
23 an investment in a community-based seed capital fund as  
24 defined described in ~~2002-Iowa-Acts, House-File-2271~~ section  
25 15E.45.

26 Sec. 12. Section 15E.67, Code 2003, is amended to read as  
27 follows:

28 15E.67 POWERS AND EFFECTIVENESS.

29 This division shall not be construed as a restriction or  
30 limitation upon any power which the board might otherwise have  
31 under any other law of this state and the provisions of this  
32 division are cumulative to such powers. This division shall  
33 be construed to provide a complete, additional, and  
34 alternative method for performing the duties authorized and  
35 shall be regarded as supplemental and additional to the powers

1 conferred by any other ~~laws~~ law. The level, timing, or degree  
2 of success of the Iowa fund of funds or the investment funds  
3 in which the Iowa fund of funds invests in, or the extent to  
4 which the investment funds are invested in Iowa venture  
5 capital projects, or are successful in accomplishing any  
6 economic development objectives, shall not compromise,  
7 diminish, invalidate, or affect the provisions of any contract  
8 entered into by the board or the Iowa fund of funds.

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

11 An eligible development business includes a developer or  
12 development contractor that constructs, expands, or  
13 rehabilitates a building space within a designated enterprise  
14 zone with a minimum capital investment of at least five  
15 hundred thousand dollars. A development business is eligible  
16 to receive incentives and assistance under this section if  
17 ~~businesses~~ the business locating into the building space ~~have~~  
18 has not closed or reduced its operation in one area of the  
19 state or a city and relocated substantially the same operation  
20 in the enterprise zone. An eligible development business is  
21 eligible for one, but not both, of the following exemptions to  
22 the capital investment requirements:

23 Sec. 14. Section 16.15, subsection 4, Code 2003, is  
24 amended to read as follows:

25 4. Permanent financing for units to be subsidized under  
26 the housing assistance payments program may be provided by the  
27 authority, directly or indirectly, by the proceeds from the  
28 sale of bonds and notes as provided in this Act chapter, or by  
29 other moneys available to the authority, by appropriations or  
30 otherwise.

31 Sec. 15. Section 16.132, subsections 5 and 6, Code 2003,  
32 are amended to read as follows:

33 5. The bonds or notes issued by the authority are not an  
34 indebtedness or other liability of the state or of a political  
35 subdivision of the state within the meaning of any

1 constitutional or statutory debt limitations but are special  
2 obligations of the authority, and are payable solely from the  
3 income and receipts or other funds or property of the  
4 department, and the amounts on deposit in the revolving loan  
5 funds, and the amounts payable to the department under its  
6 loan agreements with ~~the municipalities and water systems~~  
7 eligible entities as defined in section 455B.291 to the extent  
8 that the amounts are designated in the resolution, trust  
9 agreement, or other instrument of the authority authorizing  
10 the issuance of the bonds or notes as being available as  
11 security for such bonds or notes. The authority shall not  
12 pledge the faith or credit of the state or of a political  
13 subdivision of the state to the payment of any bonds or notes.  
14 The issuance of any bonds or notes by the authority does not  
15 directly, indirectly, or contingently obligate the state or a  
16 political subdivision of the state to apply money from, or  
17 levy or pledge any form of taxation whatever to the payment of  
18 the bonds or notes.

19 6. The state pledges to and agrees with the holders of  
20 bonds or notes issued under the Iowa ~~sewage-treatment~~ water  
21 pollution control works and drinking water facilities  
22 financing program, that the state will not limit or alter the  
23 rights and powers vested in the authority to fulfill the terms  
24 of a contract made by the authority with respect to the bonds  
25 or notes, or in any way impair the rights and remedies of the  
26 holders until the bonds or notes, together with the interest  
27 on them including interest on unpaid installments of interest,  
28 and all costs and expenses in connection with an action or  
29 proceeding by or on behalf of the holders, are fully met and  
30 discharged. The authority is authorized to include this  
31 pledge and agreement of the state, as it refers to holders of  
32 bonds or notes of the authority, in a contract with the  
33 holders.

34 Sec. 16. Section 23A.2, subsection 2, unnumbered paragraph  
35 1, Code 2003, is amended to read as follows:

1 The state board of regents or a school corporation may, by  
2 rule, provide for exemption from the application of this  
3 chapter for any of the following activities:

4 Sec. 17. Section 23A.2, subsection 2, paragraph c, Code  
5 2003, is amended to read as follows:

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

9 Sec. 18. Section 25B.7, subsection 3, Code 2003, is  
10 amended by striking the subsection.

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

13 Sec. 20. Section 29B.22, unnumbered paragraph 3, Code  
14 2003, is amended to read as follows:

15 Convening authorities shall at all times communicate  
16 directly with their staff judge advocates in matters relating  
17 to the administration of military justice; and the staff judge  
18 advocate of any command may communicate directly with the  
19 staff judge advocate of ~~a-superior-or-subordinate~~ any command,  
20 ~~or-with-the-state-judge-advocate.~~

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

23 1. Upon the closing of the polls the precinct election  
24 officials shall immediately publicly canvass the vote. The  
25 canvass shall be conducted using the procedures established in  
26 ~~subsection-2-or-3,-whichever-is~~ this section which are  
27 appropriate for the voting system used in the precinct.

28 Sec. 22. Section 43.45, subsection 2, paragraph c, Code  
29 2003, is amended to read as follows:

30 c. Certify ~~to~~ the number of votes cast upon the ticket of  
31 each political party for each candidate for each office.

32 Sec. 23. Section 45.5, subsection 1, paragraph c, Code  
33 2003, is amended to read as follows:

34 c. A statement that the candidate is or will be a resident  
35 of the appropriate ward, city, county, school district, or



1 legislative or other district as required by section 45-1  
2 39.27.

3 Sec. 24. Section 45.5, subsection 1, unnumbered paragraph  
4 2, Code 2003, is amended to read as follows:

5 Signatures on a petition page shall be counted only if the  
6 required information is written or printed at the top of the  
7 page. Nomination papers on behalf of candidates for seats in  
8 the general assembly need only designate the number of the  
9 senatorial or representative district, as appropriate, and not  
10 the county or counties, in which the candidate and the  
11 petitioners reside. ~~Signature-lines-on-the~~ A signature line  
12 in a nomination petitions petition shall not be counted if the  
13 line lacks the signature of the eligible elector and the  
14 signer's address and city. The person examining the petition  
15 shall mark any deficiencies on the petition.

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

18 The notice shall be sent by forwardable mail, and shall  
19 include a postage paid preaddressed return card on which the  
20 registered voter may state the registered voter's current  
21 address. The notice shall contain a statement in  
22 substantially the following form: "Information received from  
23 the United States postal service indicates that you are no  
24 longer a resident of (residence address) in (name of county)  
25 County, Iowa. If this information is not correct, and you  
26 still live in (name of county) County, please complete and  
27 mail the attached postage paid card at least ten days before  
28 the primary or general election and at least eleven days  
29 before any other election at which you wish to vote. If the  
30 information is correct, and you have moved, please contact a  
31 local official in your new area for assistance in registering  
32 there. If you do not mail in the card, you may be required to  
33 show identification ~~proving-your-residence-in-(name-of-county)~~  
34 ~~County~~ before being allowed to vote in (name of county)  
35 County. If you do not return the card, and you do not vote in

1 some election in (name of county) County, Iowa, on or before  
2 (date of second general election following the date of the  
3 notice) your name will be removed from the list of voters in  
4 that county."

5 Sec. 26. Section 49.71, unnumbered paragraph 1, Code 2003,  
6 is amended to read as follows:

7 The precinct election officials, before the opening of the  
8 polls, shall cause ~~said-cards-of~~ the instructions for voters  
9 required pursuant to section 49.70 to be securely posted as  
10 follows:

11 Sec. 27. Section 49.125, Code 2003, is amended to read as  
12 follows:

13 49.125 COMPENSATION OF TRAINEES.

14 All election personnel attending such training course shall  
15 be paid for attending such course for-a-period-not-to-exceed  
16 two-hours, and shall be reimbursed for travel to and from the  
17 place where the training is given at the rate determined by  
18 the board of supervisors if the distance involved is more than  
19 five miles. The wages shall be computed at the hourly rate  
20 established pursuant to section 49.20 and payment of wages and  
21 mileage for attendance shall be made at the time that payment  
22 is made for duties performed on election day.

23 Sec. 28. Section 56.4, subsection 1, Code 2003, is amended  
24 to read as follows:

25 1. All statements and reports required to be filed under  
26 this chapter shall be filed with the board. The board shall  
27 provide copies of all statements and reports filed under this  
28 chapter for a county, city, school, or other political  
29 subdivision with to the commissioner responsible under section  
30 47.2.

31 Sec. 29. Section 80.22, Code 2003, is amended to read as  
32 follows:

33 80.22 PROHIBITION ON OTHER DEPARTMENTS.

34 All other departments and bureaus of the state are hereby  
35 prohibited from employing special peace officers or conferring

upon regular employees any police powers to enforce provisions  
10 31 of the statutes, which are specifically reserved by ~~this Act~~  
10 32 1939 Iowa Acts, chapter 120, to this the department of public  
10 33 safety. But the commissioner of public safety shall, upon the  
10 34 requisition of the attorney general, from time to time assign  
10 35 for service in the department of justice such of its officers,  
11 1 not to exceed six in number, as may be requisitioned by the  
11 2 attorney general for special service in the department of  
11 3 justice, and when so assigned such officers shall be under the  
11 4 exclusive direction and control of the attorney general.  
11 5 Sec. 30. Section 97B.17, subsections 3 and 4, Code 2003,  
11 6 are amended to read as follows:

11 7 3. Summary information concerning the demographics of the  
11 8 members and general statistical information concerning the  
11 9 system are subject to chapter 22, as well as aggregate  
11 10 information by category.

11 11 4. a. ~~However, the~~ The division's records are evidence  
11 12 for the purpose of proceedings before the division or any  
11 13 court of the amounts of wages and the periods in which they  
11 14 were paid, and the absence of an entry as to a member's wages  
11 15 in the records for any period is evidence that wages were not  
11 16 paid that member in the period.

11 17 4. b. Notwithstanding any provisions of chapter 22 to the  
11 18 contrary, the division's records may be released to any  
11 19 political subdivision, instrumentality, or other agency of the  
11 20 state solely for use in a civil or criminal law enforcement  
11 21 activity pursuant to the requirements of this subsection. To  
11 22 obtain the records, the political subdivision,  
11 23 instrumentality, or agency shall, in writing, certify that the  
11 24 activity is authorized by law, provide a written description  
11 25 of the information desired, and describe the law enforcement  
11 26 activity for which the information is sought. The division  
11 27 shall not be civilly or criminally liable for the release or  
11 28 rerelease of records in accordance with this subsection.

1 follows:

2 97B.42C RETIREMENT SYSTEM MERGER -- MUNICIPAL UTILITY  
3 RETIREMENT SYSTEM.

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

20 Sec. 32. Section 99B.7, subsection 1, paragraph o, Code  
21 2003, is amended to read as follows:

22 ~~o. Except as provided in subsection 77, paragraph "a" 7-a~~ A  
23 person shall not conduct, promote, administer, or assist in  
24 the conducting, promoting, or administering of a bingo  
25 occasion, unless the person regularly participates in  
26 activities of the qualified organization other than conducting  
27 bingo occasions or participates in an educational, civic,  
28 public, charitable, patriotic, or religious organization to  
29 which the net receipts are dedicated by the qualified  
30 organization.

31 Sec. 33. Section 99B.12, subsection 2, paragraph a, Code  
32 2003, is amended to read as follows:

33 a. Card and parlor games, including but not limited to  
34 poker, pinochle, pitch, gin rummy, bridge, euchre, hearts,  
35 cribbage, dominoes, checkers, chess, backgammon, pool, and

1 darts. However, it shall be unlawful gambling for any person  
2 to engage in bookmaking, or to play any punchboard, pushcard,  
3 pull-tab, or slot machine, or to play craps, chuck-a-luck,  
4 roulette, klondike, blackjack, chemin de fer, baccarat, faro,  
5 equality, three-card monte, or any other game, except poker,  
6 which is customarily played in gambling casinos and in which  
7 the house customarily provides a banker, dealer, or croupier  
8 to operate the game, or a specially designed table upon which  
9 to play ~~same~~ the game.

10 Sec. 34. Section 99F.1, Code 2003, is amended by adding  
11 the following new subsection:

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

15 Sec. 35. Section 124C.1, subsection 1, Code 2003, is  
16 amended by striking the subsection.

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

19 17. Administer chapters 125, 136A, 136C, 139A, 142, 142A,  
20 144, and 147A.

21 Sec. 37. Section 137F.1, subsection 8, paragraph e, Code  
22 2003, is amended to read as follows:

23 e. Premises where a person operates a farmers market, if  
24 ~~the person does not sell or distribute potentially hazardous~~  
25 food potentially hazardous food is not sold or distributed  
26 from the premises.

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

29 In any investigation made or hearing conducted by the board  
30 on its own motion, or upon written complaint filed with the  
31 board by any person, pertaining to any alleged violation of  
32 this chapter or the accusation against any licensee or  
33 registrant, the following procedure and rules so far as  
34 material to such investigation or hearing shall obtain:

35 Sec. 39. Section 153.33, subsection 5, paragraphs a, b, d,

1 and h, Code 2003, are amended to read as follows:

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

6 b. If the board shall deem the charges sufficient, if  
7 true, to warrant suspension or revocation of license or  
8 registration, it shall make an order fixing the time and place  
9 for hearing thereon and requiring the licensee or registrant  
10 to appear and answer thereto, such order, together with a copy  
11 of the charges so made to be served upon the accused at least  
12 twenty days before the date fixed for hearing, either  
13 personally or by certified or registered mail, sent to the  
14 licensee's or registrant's last known post office address as  
15 shown by the records of the board.

16 d. In all such investigations and hearings pertaining to  
17 the suspension or revocation of licenses or registrations, the  
18 board and any person affected thereby may have the benefit of  
19 counsel, and upon the request of the licensee or registrant or  
20 the licensee's or registrant's counsel the board shall issue  
21 subpoenas for the attendance of such witnesses in behalf of  
22 the licensee or registrant, which subpoenas when issued shall  
23 be delivered to the licensee or registrant or the licensee's  
24 or registrant's counsel. Such subpoenas for the attendance of  
25 witnesses shall be effective if served upon the person named  
26 therein anywhere within this state, provided, that at the time  
27 of such service the fees now or hereafter provided by law for  
28 witnesses in civil cases in district court shall be paid or  
29 tendered to such person.

30 h. Pending the review and final disposition thereof by the  
31 district court, the action of the board suspending or revoking  
32 such license or registration shall not be stayed.

33 Sec. 40. Section 159.6, subsection 8, as amended by 2002  
34 Iowa Acts, chapter 1017, section 2, is amended to read as  
35 follows:

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

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

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

7 5. The office and state entities, including the  
8 department, the committee, the Iowa department of economic  
9 development, the state department of transportation, the  
10 department of natural resources, and the state board of  
11 regents institutions, ~~and the Wallace-technology-transfer~~  
12 ~~foundation-of-Iowa~~, shall cooperate to implement this section.

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

15 173.3 CERTIFICATION OF STATE AID ASSOCIATIONS.

16 On or before November 15 of each year, the secretary of  
17 agriculture shall certify to the secretary of the state fair  
18 board the names of the various associations and societies  
19 which have qualified for state aid under the provisions of  
20 chapters ~~177~~ 176A through 178, 181, 182, 186, and 352, and  
21 which are entitled to representation in the convention as  
22 provided in section 173.2.

23 Sec. 44. Section 192.101A, unnumbered paragraph 1, Code  
24 2003, is amended to read as follows:

25 As used in this chapter, all terms shall have the same  
26 meaning as defined in the "Grade 'A' Pasteurized Milk  
27 Ordinance, ~~1999~~ 2001 Revision". However, notwithstanding the  
28 ordinance, the following definitions shall apply:

29 Sec. 45. Section 192.102, Code 2003, is amended to read as  
30 follows:

31 192.102 GRADE "A" PASTEURIZED MILK ORDINANCE.

32 The department shall adopt, by rule, the "Grade 'A'  
33 Pasteurized Milk Ordinance, ~~1999~~ 2001 Revision", including a  
34 subsequent revision of the ordinance. If the ordinance  
35 specifies that compliance with a provision of the ordinance's

1 appendices is mandatory, the department shall also adopt that  
2 provision. The department shall not amend the ordinance,  
3 unless the department explains each amendment and reasons for  
4 the amendment in the Iowa administrative bulletin when the  
5 rules are required to be published pursuant to chapter 17A.  
6 The department shall administer this chapter consistent with  
7 the provisions of the ordinance.

8 Sec. 46. Section 192.110, subsection 1, Code 2003, is  
9 amended to read as follows:

10 1. The person has a pasteurized milk and milk products  
11 sanitation compliance rating of ninety percent or more as  
12 calculated according to the rating system as contained in the  
13 federal public health service publications, "Procedures  
14 Governing the Cooperative State-Public Health Service/Food and  
15 Drug Administration Program for Certification of Interstate  
16 Milk Shippers ~~1999~~ 2001" and "Method of Making Sanitation  
17 Ratings of Milk Supplies, ~~1999~~ 2001 Revision". The applicable  
18 provisions of these publications are incorporated into this  
19 section by this reference. A copy of each publication shall  
20 be on file with the department or in the office of the person  
21 subject to an inspection contract as provided in section  
22 192.108.

23 Sec. 47. Section 229A.8A, subsection 2, paragraph g, Code  
24 2003, is amended to read as follows:

25 g. The committed person is not likely to ~~commit~~ engage in  
26 predatory acts constituting sexually violent offenses while in  
27 the program.

28 Sec. 48. Section 229A.10, subsection 1, Code 2003, is  
29 amended to read as follows:

30 1. If the director of human services determines that the  
31 person's mental abnormality has so changed that the person is  
32 not likely to ~~commit~~ engage in predatory acts or that  
33 constitute sexually violent offenses if discharged, the  
34 director shall authorize the person to petition the court for  
35 discharge. The petition shall be served upon the court and



1 the attorney general. The court, upon receipt of the petition  
2 for discharge, shall order a hearing within thirty days. The  
3 attorney general shall represent the state, and shall have the  
4 right to have the petitioner examined by an expert or  
5 professional person of the attorney general's choice. The  
6 hearing shall be before a jury if demanded by either the  
7 petitioner or the attorney general. If the attorney general  
8 objects to the petition for discharge, the burden of proof  
9 shall be upon the attorney general to show beyond a reasonable  
10 doubt that the petitioner's mental abnormality or personality  
11 disorder remains such that the petitioner is likely to engage  
12 in predatory acts that constitute sexually violent offenses if  
13 discharged.

14 Sec. 49. Section 232.68, unnumbered paragraph 1, Code  
15 2003, is amended to read as follows:

16 The definitions in section 235A.13 are applicable to this  
17 part 2 of division III. As used in sections 232.67 through  
18 232.77 and 235A.12 through ~~235A.23~~ 235A.24, unless the context  
19 otherwise requires:

20 Sec. 50. Section 232.71B, subsection 4, paragraph e, Code  
21 2003, is amended to read as follows:

22 e. An interview of the person alleged to have committed  
23 the child abuse, if the person's identity and location are  
24 known. The offer of an interview shall be made to the person  
25 prior to any consideration or determination being made that  
26 the person committed the alleged abuse. The purpose of the  
27 interview shall be to provide the person with the opportunity  
28 to explain or rebut the allegations of the child abuse report  
29 or other allegations made during the assessment. The court  
30 may waive the requirement to offer the interview only for good  
31 cause. The person offered an interview, or the person's  
32 attorney on the person's behalf, may ~~decline to be interviewed~~  
33 the offer of an interview of the person.

34 Sec. 51. Section 235A.13, unnumbered paragraph 1, Code  
35 2003, is amended to read as follows:

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

4 Sec. 52. Section 236.2, Code 2003, is amended by adding  
5 the following new subsection:

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

8 Sec. 53. Section 236.3, subsection 2, Code 2003, is  
9 amended to read as follows:

10 2. Name and address of the parent or guardian filing the  
11 petition, if the petition is being filed on behalf of an  
12 unemancipated minor. ~~For the purposes of this chapter,~~  
13 ~~"plaintiff" includes a person filing an action on behalf of an~~  
14 ~~unemancipated minor.~~ A mailing address may be provided by the  
15 plaintiff pursuant to section 236.10.

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

18 A person shall not establish or operate a child care center  
19 without obtaining a license under the provisions of this  
20 chapter. A center may operate for a specified period of time,  
21 to be established by rule of the department, if application  
22 for a license has been made. If the department denies an  
23 application for an initial license, notwithstanding section  
24 ~~237A.8~~ 17A.18, the applicant center shall not continue to  
25 provide child care pending the outcome of an evidentiary  
26 hearing. The department shall issue a license if it  
27 determines that all of the following conditions have been met:

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

30 d. In determining the value of the public funding obtained  
31 by fraudulent means, if the public funding is obtained by two  
32 or more acts of fraudulent means by the same person or in the  
33 same location, or is obtained by different persons by two or  
34 more acts which occur in approximately the same location or  
35 time period so that the acts of fraudulent means used to

1 obtain the public funding are attributable to a single scheme,  
2 plan, or conspiracy, these acts may be considered as a single  
3 instance of the use of fraudulent means and the value may be  
4 the total value of all moneys involved.

5 Sec. 56. Section 237A.29, subsection 3, paragraph b, Code  
6 2003, is amended to read as follows:

7 b. In addition to applying the suspension under paragraph  
8 "a", the department may request that the attorney general file  
9 a petition with the district court of the county in which the  
10 provider is located for issuance of a temporary injunction  
11 enjoining the provider from providing child care until the  
12 names and addresses are submitted to the department. The  
13 attorney general may file the petition upon receiving the  
14 request from the department. Any temporary injunction may be  
15 granted without a bond being required from the department.

16 Sec. 57. Section 277.23, subsection 2, Code 2003, is  
17 amended to read as follows:

18 2. A change from five to seven directors shall be effected  
19 in a district at the first regular election after  
20 authorization by the voters or the board, or ~~when~~ after a  
21 ~~district becomes-wholly-or-in-part-within~~ first includes all  
22 of a city of fifteen thousand or more population, ~~or-more~~ in  
23 the manner described in section 275.37.

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

26 2. All licensed practitioners employed at a participating  
27 attendance center that has demonstrated improvement in student  
28 achievement shall share in a cash awards award paid from  
29 moneys received by a school district pursuant to section  
30 284.13, subsection 1. ~~The~~ However, the school district is  
31 encouraged to extend cash awards to other staff employed at  
32 the attendance center.

33 Sec. 59. Section 321E.8, Code 2003, is amended to read as  
34 follows:

35 321E.8 ANNUAL PERMITS.

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

4 1. Vehicles with indivisible loads, or manufactured or  
5 mobile homes including appurtenances, having an overall width  
6 not to exceed sixteen feet zero inches, an overall length not  
7 to exceed one hundred twenty feet zero inches, an overall  
8 height not to exceed fifteen feet five inches, and a total  
9 gross weight not to exceed eighty thousand pounds, may be  
10 moved as follows:

11 a. Vehicles with indivisible loads, or manufactured or  
12 mobile homes including appurtenances, having an overall width  
13 not to exceed twelve feet five inches, an overall length not  
14 to exceed one hundred twenty feet zero inches, and an overall  
15 height not to exceed thirteen feet ten inches may be moved for  
16 unlimited distances without route approval from the permitting  
17 authority.

18 b. Vehicles with indivisible loads, or manufactured or  
19 mobile homes including appurtenances, having an overall width  
20 not to exceed fourteen feet six inches, an overall length not  
21 to exceed one hundred twenty feet zero inches, and an overall  
22 height not to exceed fifteen feet five inches may be moved on  
23 the interstate highway system and primary highways with more  
24 than one lane traveling in each direction for unlimited  
25 distances and no more than fifty miles from the point of  
26 origin on all other highways without route approval from the  
27 permit issuing authority.

28 c. All other vehicles with indivisible loads operating  
29 under this subsection shall obtain route approval from the  
30 permitting authority.

31 d. Vehicles with indivisible loads may operate under an  
32 all-systems permit in compliance with paragraph "a", "b", or  
33 "c".

34 2. Vehicles with indivisible loads, or manufactured or  
35 mobile homes including appurtenances, having an overall width

1 not to exceed thirteen feet five inches and an overall length  
2 not to exceed one hundred twenty feet zero inches may be moved  
3 on highways specified by the permitting authority for  
4 unlimited distances if the height of the vehicle and load does  
5 not exceed fifteen feet five inches and the total gross weight  
6 of the vehicle does not exceed one hundred fifty-six thousand  
7 pounds. The vehicle owner or operator shall verify with the  
8 permitting authority prior to movement of the load that  
9 highway conditions have not changed so as to prohibit movement  
10 of the vehicle. Any cost to repair damage to highways or  
11 highway structures shall be borne by the owner or operator of  
12 the vehicle causing the damage. Permitted vehicles under this  
13 subsection shall not be allowed to travel on any portion of  
14 the interstate highway system. Vehicles with indivisible  
15 loads operating under the permit provisions of this subsection  
16 may operate under the permit provisions of subsection 1  
17 provided the vehicle and load comply with the limitations  
18 described in subsection 1.

19 Sec. 60. Section 321G.4, unnumbered paragraph 1, Code  
20 2003, is amended to read as follows:

21 The owner of each all-terrain vehicle or snowmobile  
22 required to be numbered shall register it every two years with  
23 the county recorder of the county in which the owner resides  
24 or, if the owner is a nonresident, the owner shall register it  
25 in the county in which the all-terrain vehicle or snowmobile  
26 is principally used. The commission has supervisory  
27 responsibility over the registration of all-terrain vehicles  
28 and snowmobiles and shall provide each county recorder with  
29 registration forms and certificates and shall allocate  
30 identification registration numbers to each county.

31 Sec. 61. Section 321G.19, subsection 1, Code 2003, is  
32 amended to read as follows:

33 1. The owner of a rented all-terrain vehicle or snowmobile  
34 shall keep a record of the name and address of each person  
35 renting the all-terrain vehicle or snowmobile, its

1 identification registration number, the departure date and  
2 time, and the expected time of return. The records shall be  
3 preserved for six months.

4 Sec. 62. Section 321G.33, subsections 1, 2, and 4, Code  
5 2003, are amended to read as follows:

6 1. The department may assign a distinguishing number to an  
7 all-terrain vehicle or snowmobile when the serial number on  
8 the all-terrain vehicle or snowmobile is destroyed or  
9 obliterated and issue to the owner a special plate bearing the  
10 distinguishing number which shall be affixed to the all-  
11 terrain vehicle or snowmobile in a position to be determined  
12 by the department. The all-terrain vehicle or snowmobile  
13 shall be registered and titled under the distinguishing number  
14 in lieu of the former serial number. Every all-terrain  
15 vehicle or snowmobile shall have an a vehicle identification  
16 number assigned and affixed as required by the department.

17 2. The commission shall adopt, by rule, the procedures for  
18 application and for issuance of an a vehicle identification  
19 number for homebuilt all-terrain vehicles or snowmobiles.

20 4. A person other than a manufacturer who constructs or  
21 rebuilds an all-terrain vehicle or snowmobile for which there  
22 is no legible vehicle identification number shall submit to  
23 the department an affidavit which describes the all-terrain  
24 vehicle or snowmobile. In cooperation with the county  
25 recorder, the department shall assign an a vehicle  
26 identification number to the all-terrain vehicle or  
27 snowmobile. The applicant shall permanently affix the vehicle  
28 identification number to the all-terrain vehicle or snowmobile  
29 in a manner that such alteration, removal, or replacement of  
30 the vehicle identification number would be obvious.

31 Sec. 63. Section 331.424C, Code 2003, is amended to read  
32 as follows:

33 331.424C EMERGENCY SERVICES FUND.

34 A county that is providing fire protection service or  
35 emergency medical service to a township pursuant to section

1 331.385 shall establish an emergency services fund and may  
2 certify taxes not to exceed sixty and three-fourths cents per  
3 one thousand dollars of the assessed value of taxable property  
4 located in the township. The county has the authority to use  
5 a portion of the taxes levied and deposited in the fund for  
6 the purpose of accumulating moneys to carry out the purposes  
7 of section 359.43, subsection 3 4.

8 Sec. 64. Section 446.9, subsections 1 and 2, Code 2003,  
9 are amended to read as follows:

10 1. A notice of the date, time, and place of the annual tax  
11 sale shall be served upon the person in whose name the parcel  
12 subject to sale is taxed. The county treasurer shall serve  
13 the notice by sending it by regular first class mail to the  
14 person's last known address not later than May 1 of each  
15 fiscal year. The notice shall contain a description of the  
16 parcel to be sold which is clear, concise, and sufficient to  
17 distinguish the parcel to be sold from all other parcels. It  
18 shall also contain the amount of delinquent taxes for which  
19 the parcel is liable each year, the amount of the interest,  
20 and fees, and the amount of the service fee as provided in  
21 section 446.10, subsection 2, all to be incorporated as a  
22 single sum. The notice shall contain a statement that, after  
23 the sale, if the parcel is not redeemed within the period  
24 provided in chapter 447, the right to redeem expires and a  
25 deed may be issued.

26 2. Publication of the date, time, and place of the annual  
27 tax sale shall be made once by the treasurer in at least one  
28 official newspaper in the county as selected by the board of  
29 supervisors and designated by the treasurer at least one week,  
30 but not more than three weeks, before the day of sale. The  
31 publication shall contain a description of the parcel to be  
32 sold that is clear, concise, and sufficient to distinguish the  
33 parcel to be sold from all other parcels. All items offered  
34 for sale pursuant to section 446.18 may be indicated by an "s"  
35 or by an asterisk. The publication shall also contain the

1 name of the person in whose name the parcel to be sold is  
2 taxed, and the amount delinquent for which the parcel is  
3 liable each year, the amount of the interest, and fees, and  
4 the amount of the service fee as provided in section 446.10,  
5 subsection 2, all to be incorporated as a single sum. The  
6 publication shall contain a statement that, after the sale, if  
7 the parcel is not redeemed within the period provided in  
8 chapter 447, the right to redeem expires and a deed may be  
9 issued.

10 Sec. 65. Section 455B.105, subsection 3, Code 2003, is  
11 amended to read as follows:

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



1 action of the commission.

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

4 Sec. 67. Section 455B.183, Code 2003, is amended to read  
5 as follows:

6 455B.183 WRITTEN PERMITS REQUIRED.

7 1. It is unlawful to carry on any of the following  
8 activities without first securing a written permit from the  
9 director, or from a city or county public works department if  
10 the public works department reviews the activity under this  
11 section, as required by the department:

12 ~~1-~~ a. The construction, installation, or modification of  
13 any disposal system or public water supply system or part  
14 thereof or any extension or addition thereto except those  
15 sewer extensions and water supply distribution system  
16 extensions that are subject to review and approval by a city  
17 or county public works department pursuant to this section,  
18 the use or disposal of sewage sludge, and private sewage  
19 disposal systems. Unless federal law or regulation requires  
20 the review and approval of plans and specifications, a permit  
21 shall be issued for the construction, installation, or  
22 modification of a public water supply system or part of a  
23 system if a qualified, registered engineer certifies to the  
24 department that the plans for the system or part of the system  
25 meet the requirements of state and federal law or regulations.  
26 The permit shall state that approval is based only upon the  
27 engineer's certification that the system's design meets the  
28 requirements of all applicable state and federal laws and  
29 regulations and the review of the department shall be  
30 advisory.

31 2- b. The construction or use of any new point source for  
32 the discharge of any pollutant into any water of the state.

33 3- c. The operation of any waste disposal system or public  
34 water supply system or any part of or extension or addition to  
35 the system. This provision does not apply to a pretreatment

1 system, the effluent of which is to be discharged directly to  
2 another disposal system for final treatment and disposal; a  
3 semipublic sewage disposal system, the construction of which  
4 has been approved by the department and which does not  
5 discharge into water of the state; or a private sewage  
6 disposal system which does not discharge into a water of the  
7 state. Sludge from a semipublic or private sewage disposal  
8 system shall be disposed of in accordance with the rules  
9 adopted by the department pursuant to chapter 17A. The  
10 exemption of this paragraph shall not apply to any industrial  
11 waste discharges.

12 2. Upon adoption of standards by the commission pursuant  
13 to section 455B.173, subsections 5 to 8, plans and  
14 specifications for sewer extensions and water supply  
15 distribution system extensions covered by this section shall  
16 be submitted to the city or county public works department for  
17 approval if the local public works department employs a  
18 qualified, registered engineer who reviews the plans and  
19 specifications using the specific state standards known as the  
20 Iowa Standards for Sewer Systems and the Iowa Standards for  
21 Water Supply Distribution Systems that have been formulated  
22 and adopted by the department pursuant to section 455B.173,  
23 subsections 5 to 8. The local agency shall issue a written  
24 permit to construct if all of the following apply:

25 a. The submitted plans and specifications are in  
26 substantial compliance with departmental rules and the Iowa  
27 Standards for Sewer Systems and the Iowa Standards for Water  
28 Supply Distribution Systems.

29 b. The extensions primarily serve residential consumers  
30 and will not result in an increase greater than five percent  
31 of the capacity of the treatment works or serve more than two  
32 hundred fifty dwelling units or, in the case of an extension  
33 to a water supply distribution system, the extension will have  
34 a capacity of less than five percent of the system or will  
35 serve fewer than two hundred fifty dwelling units.

1 c. The proposed sewer extension will not exceed the  
2 capacity of any treatment works which received a state or  
3 federal monetary grant after 1972.

4 d. The proposed water supply distribution system extension  
5 will not exceed the production capacity of any public water  
6 supply system constructed after 1972.

7 3. After issuing a permit, the city or county public works  
8 department shall notify the director of such issuance by  
9 forwarding a copy of the permit to the director. In addition,  
10 the local agency shall submit quarterly reports to the  
11 director including such information as capacity of local  
12 treatment plants and production capacity of public water  
13 supply systems as well as other necessary information  
14 requested by the director for the purpose of implementing this  
15 chapter.

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

35 5. Prior to the adoption of statewide standards, the

1 department may delegate the authority to review plans and  
2 specifications to those governmental subdivisions if in  
3 addition to compliance with subsection 3 1, paragraph "c", the  
4 governmental subdivisions agree to comply with all state and  
5 federal regulations and submit plans for the review of plans  
6 and specifications including a complete set of local standard  
7 specifications for such improvements.

8 6. The director may suspend or revoke delegation of review  
9 and permit authority after notice and hearing as set forth in  
10 chapter 17A if the director determines that a city or county  
11 public works department has approved extensions which do not  
12 comply with design criteria, which exceed the capacity of  
13 waste treatment plants or the production capacity of public  
14 water supply systems or which otherwise violate state or  
15 federal requirements.

16 7. The department shall exempt any public water supply  
17 system from any requirement respecting a maximum contaminant  
18 level or any treatment technique requirement of an applicable  
19 national drinking water regulation if these regulations apply  
20 to contaminants which the department determines are harmless  
21 or beneficial to the health of consumers and if the owner of a  
22 public water supply system determines that funds are not  
23 reasonably available to provide for controlling amounts of  
24 those contaminants which are harmless or beneficial to the  
25 health of consumers.

26 Sec. 68. Section 455B.187, unnumbered paragraph 1, Code  
27 2003, is amended to read as follows:

28 A contractor shall not engage in well construction or  
29 reconstruction without first ~~registering or~~ being certified as  
30 required in this part and department rules adopted pursuant to  
31 this part. ~~If a well contractor is registered prior to July~~  
32 ~~17, 1991, the well contractor shall meet the requirements of~~  
33 ~~certification by July 17, 1993. -- Following adoption of the~~  
34 ~~rules establishing a well contractor certification program, a~~  
35 ~~person seeking initial well contractor status shall meet the~~

1 ~~requirements established for certification. Beginning July 1,~~  
2 ~~1993, the department shall replace the registration program~~  
3 ~~with the well certification program.~~ Water wells shall not be  
4 constructed, reconstructed, or abandoned by a person except as  
5 provided in this part or rules adopted pursuant to this part.  
6 Within thirty days after construction or reconstruction of a  
7 well, a contractor shall provide well information required by  
8 rule to the department and the Iowa geological survey.

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

11 4. A certificate of registration shall at all times be  
12 carried and displayed in the vehicle used for transportation  
13 of waste tires and shall be shown to a representative of the  
14 department of natural resources or the state department of  
15 transportation, upon request. The state department of  
16 transportation may inspect vehicles used for the  
17 transportation of waste tires and request that the certificate  
18 of registration of the waste tire hauler be shown ~~upon~~  
19 request.

20 Sec. 70. Section 457A.2, subsection 2, Code 2003, is  
21 amended to read as follows:

22 2. "Natural and cultural resources" includes, but is not  
23 limited to, archaeological and historical resources.

24 Sec. 71. Section 459.102, subsection 18, Code 2003, is  
25 amended to read as follows:

26 18. Reserved "Department" means the department of natural  
27 resources created pursuant to section 455A.2.

28 Sec. 72. Section 459.102, subsection 40, Code 2003, is  
29 amended to read as follows:

30 40. "Restricted spray irrigation equipment" means spray  
31 irrigation equipment which disperses manure through an orifice  
32 at a rate maximum pressure of eighty pounds per square inch or  
33 more.

34 Sec. 73. Section 459.301, subsection 1, paragraph a, Code  
35 2003, is amended to read as follows:

1 a. At least one confinement feeding operation structure  
2 must be constructed on and or after May 21, 1998.

3 Sec. 74. Section 459.303, subsection 2, Code 2003, is  
4 amended to read as follows:

5 2. The department shall issue a construction permit upon  
6 approval of an application. The department shall approve the  
7 application if the application is submitted to the county  
8 board of supervisors in the county where the proposed  
9 confinement feeding operation structure is to be located as  
10 required pursuant to section 459.304, and the application  
11 meets the requirements of this chapter. If a county submits  
12 an approved recommendation pursuant to a construction  
13 evaluation resolution filed with the department, the  
14 application must also achieve a satisfactory rating produced  
15 by the master matrix used by the board or department under  
16 section 459.304. The department shall approve the application  
17 regardless of whether the applicant is required to be issued a  
18 construction permit.

19 Sec. 75. Section 459.309, Code 2003, is amended to read as  
20 follows:

21 459.309 SETTLED OPEN FEEDLOT EFFLUENT BASINS --  
22 CONSTRUCTION DESIGN STANDARDS.

23 If the department requires that a settled open feedlot  
24 effluent basin be constructed according to construction design  
25 standards, regardless of whether the department requires the  
26 owner to be issued a construction permit under section  
27 459.103, any construction design standards for the basin shall  
28 be established by rule as provided in chapter 17A that  
29 exclusively account for special design characteristics of open  
30 feedlots and related basins, including but not limited to the  
31 dilute composition of settled open feedlot effluent as  
32 collected and stored in the basins.

33 Sec. 76. Section 459.501, subsection 2, Code 2003, is  
34 amended to read as follows:

35 2. The fund consists of moneys from indemnity fees

1 remitted by permittees to the department as provided in  
2 section 459.502; moneys from indemnity fees remitted by  
3 persons required to submit manure management plans to the  
4 department pursuant to section 459.503; sums collected on  
5 behalf of the fund by the department through legal action or  
6 settlement; moneys required to be repaid to the department by  
7 a county pursuant to this subchapter; ~~civil-penalties-assessed~~  
8 ~~and-collected-by-the-department-or-the-attorney-general~~  
9 ~~pursuant-to-chapter-455B, against-animal-feeding-operations,~~  
10 ~~moneys-paid-as-a-settlement-involving-an-enforcement-action~~  
11 ~~for-a-civil-penalty-subject-to-assessment-and-collection~~  
12 ~~against-permittees-by-the-department-or-the-attorney-general~~  
13 ~~pursuant-to-chapter-455B;~~ interest, property, and securities  
14 acquired through the use of moneys in the fund; or moneys  
15 contributed to the fund from other sources.

16 Sec. 77. Section 462A.12, subsection 6, Code 2003, is  
17 amended to read as follows:

18 6. An owner or operator shall not permit any person under  
19 twelve years of age to operate the personal watercraft unless  
20 accompanied in or on the same personal watercraft by a  
21 responsible person of at least eighteen years of age.

22 ~~However,~~ Commencing January 1, 2003, a person who  
23 is twelve years of age or older but less than eighteen years  
24 of age shall not operate any personal watercraft unless the  
25 person has successfully completed a department-approved  
26 watercraft safety course. A person required to have a  
27 watercraft safety certificate shall carry and shall exhibit or  
28 make available the certificate upon request of an officer of  
29 the department. A violation of this subsection is a simple  
30 misdemeanor as provided in section 462A.13. However, a person  
31 charged with violating this subsection shall not be convicted  
32 if the person produces in court, within a reasonable time, a  
33 department-approved certificate. The cost of a department  
34 certificate, or any duplicate, shall not exceed five dollars.

35 Sec. 78. Section 476A.23, subsection 3, paragraph b, Code

1 2003, is amended to read as follows:

2 b. The electric power agency annually files with the  
3 utilities board, in a manner to be determined by the utilities  
4 board, information regarding sales from the electric power  
5 generating facility in sufficient detail to determine  
6 compliance with these provisions.

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

9 The utilities board shall report to the general assembly if  
10 any of the provisions are being violated.

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

13 d. A provision eliminating or limiting the liability of a  
14 director to the corporation or its shareholders for money  
15 damages for any action taken, or any failure to take any  
16 action, as a director, except liability for any of the  
17 following:

18 (1) The amount of a financial benefit received by a  
19 director to which the director is not entitled.

20 (2) An intentional infliction of harm on the corporation  
21 or the shareholders.

22 (3) A violation of section 490.833.

23 (4) An intentional violation of criminal law.

24 A provision shall not eliminate or limit the liability of a  
25 director for an act or omission occurring prior to the date  
26 when the provision in the articles of incorporation becomes  
27 effective.

28 ~~f.--A-provision-eliminating-or-limiting-the-liability-of-a~~  
29 ~~director-to-the-corporation-or-its-shareholders-for-money~~  
30 ~~damages-for-any-action-taken,-or-any-failure-to-take-any~~  
31 ~~action,-as-a-director,-except-liability-for-any-of-the~~  
32 ~~following:~~

33 ~~{1}--The-amount-of-a-financial-benefit-received-by-a~~  
34 ~~director-to-which-the-director-is-not-entitled:~~

35 ~~{2}--An-intentional-infliction-of-harm-on-the-corporation~~



1 ~~or-the-shareholders-~~

2 ~~{3}--A-violation-of-section-490.833-~~

3 ~~{4}--An-intentional-violation-of-criminal-law-~~

4 ~~A-provision-shall-not-eliminate-or-limit-the-liability-of-a~~  
5 ~~director-for-an-act-or-omission-occurring-prior-to-the-date~~  
6 ~~when-the-provision-in-the-articles-of-incorporation-becomes~~  
7 ~~effective-~~

8 Sec. 81. Section 490.724, subsection 5, Code 2003, is  
9 amended to read as follows:

10 5. Corporate action based on the acceptance or rejection  
11 of a vote, consent, waiver, or proxy appointment under this  
12 section ~~or-section-490.722, subsection-2,~~ is valid unless a  
13 court of competent jurisdiction determines otherwise.

14 Sec. 82. Section 490.727, subsection 2, Code 2003, is  
15 amended to read as follows:

16 2. An amendment to the articles of incorporation or bylaws  
17 that adds, changes, or deletes a greater quorum or voting  
18 requirement must meet the same quorum requirement and be  
19 adopted by the same vote and voting groups required to take  
20 action under the quorum and voting requirements then in effect  
21 or proposed to be adopted, whichever is greater.

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

24 a. In any instance where fairness is at issue, such as  
25 consideration of the fairness of a transaction to the  
26 corporation under section ~~490.861, subsection-2, paragraph-"c"~~  
27 490.832, alter the burden of proving the fact or lack of  
28 fairness otherwise applicable.

29 b. Alter the fact or lack of liability of a director under  
30 another section of this chapter, such as the provisions  
31 governing the consequences of an unlawful distribution under  
32 section 490.833 or a transactional interest under section  
33 ~~490.861~~ 490.832.

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

1 1. Except as otherwise provided in this section, a  
2 corporation may indemnify an individual who is a party to a  
3 proceeding because the individual is a director against  
4 liability incurred in the proceeding if ~~at~~ either of the  
5 following apply:

6 a. All of the following apply:

7 ~~a-~~ (1) The individual acted in good faith.

8 ~~b-~~ (2) The individual reasonably believed:

9 ~~(1)~~ (a) In the case of conduct in the individual's  
10 official capacity, that the individual's conduct was in the  
11 best interests of the corporation.

12 ~~(2)~~ (b) In all other cases, that the individual's conduct  
13 was at least not opposed to the best interests of the  
14 corporation.

15 ~~c-~~ (3) In the case of any criminal proceeding, the  
16 individual had no reasonable cause to believe the individual's  
17 conduct was unlawful, ~~or the~~.

18 b. The individual engaged in conduct for which broader  
19 indemnification has been made permissible or obligatory under  
20 a provision of the articles of incorporation as authorized by  
21 section 490.202, subsection 2, paragraph "e".

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

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

29 Sec. 86. Section 490.1323, subsection 3, Code 2003, is  
30 amended to read as follows:

31 3. A shareholder who does not ~~demand payment or~~ execute  
32 and return the form and, in the case of certificated shares,  
33 deposit the shareholder's share certificates where required,  
34 each by the date set forth in the ~~dissenters'~~ notice described  
35 in section 490.1322, subsection 2, shall not be entitled to

1 payment ~~for-the-shareholder's-shares~~ under this division.

2 Sec. 87. Section 490.1324, subsection 2, paragraph c, Code  
3 2003, is amended to read as follows:

4 c. A statement that shareholders described in subsection 1  
5 have the right to demand further payment under section  
6 490.1326 and that if any such shareholder does not do so  
7 within the time period specified therein, such shareholder  
8 shall be deemed to have accepted such the payment to the  
9 shareholder pursuant to subsection 1 in full satisfaction of  
10 the corporation's obligations under this chapter.

11 Sec. 88. Section 490.1404, subsection 1, Code 2003, is  
12 amended to read as follows:

13 1. A corporation may revoke its dissolution within one  
14 hundred twenty days of its the effective date of its articles  
15 of dissolution.

16 Sec. 89. Section 502.102, subsection 13, paragraph c, Code  
17 2003, is amended to read as follows:

18 c. With respect to a viatical settlement investment  
19 contract, "issuer" means a person involved in creating,  
20 transferring, or selling to an investor any interest in such a  
21 contract, including but not limited to fractional or pooled  
22 interests, but does not include an agent or a broker-dealer.

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

25 A viatical settlement investment contract, or fractional or  
26 pooled interest in such contract, provided any of the  
27 following conditions are satisfied:

28 Sec. 91. Section 508E.3A, subsection 1, paragraph b, Code  
29 2003, is amended to read as follows:

30 b. The national association of insurance commissioners,  
31 the insurance division of the department of commerce, a  
32 federal or state governmental agency or bureau established to  
33 detect and prevent fraudulent insurance or viatical settlement  
34 acts, or any other organization established for such purpose,  
35 and their agents, employees, or designees.

1 Sec. 92. Section 537.1301, subsection 4, paragraph b, Code  
2 2003, is amended to read as follows:

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

9 Sec. 93. Section 542.13, subsection 16, paragraph d, Code  
10 2003, is amended to read as follows:

11 ~~d.~~ 17. Nothing contained in this chapter shall be  
12 construed to authorize any person engaged in the practice as a  
13 certified public accountant or licensed public accountant or  
14 any member or employee of such firm to engage in the practice  
15 of law individually or within entities licensed under this  
16 chapter.

17 Sec. 94. Section 542.19, subsection 1, paragraph a, Code  
18 2003, is amended to read as follows:

19 a. The other state's licensing or certification standards  
20 are substantially equivalent to those required by this  
21 chapter.

22 Sec. 95. Section 544B.12, Code 2003, is amended to read as  
23 follows:

24 544B.12 SEAL.

25 Every professional landscape architect shall have a seal,  
26 approved by the board, which shall contain the name of the  
27 landscape architect and the words "Professional Landscape  
28 Architect, State of Iowa", and such other words or figures as  
29 the board may deem necessary. All landscape architectural  
30 plans and specifications, prepared by such professional  
31 landscape architect or under the supervision of such  
32 professional landscape architect, shall be dated and bear the  
33 legible seal of such professional landscape architect.  
34 Nothing contained in this section shall be construed to permit  
35 the seal of a professional landscape architect to serve as a

1 substitute for the seal of a licensed architect, a licensed  
2 professional engineer, or a licensed land surveyor whenever  
3 the seal of an architect, engineer or land surveyor is  
4 required under the laws of this state.

5 Sec. 96. Section 554.9701, Code 2003, is amended to read  
6 as follows:

7 554.9701 EFFECTIVE DATE.

8 This The amendments to this Article takes as enacted in  
9 2000 Iowa Acts, chapter 1149, take effect on July 1, 2001, and  
10 are applicable on and after that date.

11 Sec. 97. Section 554D.118, subsection 4, Code 2003, is  
12 amended to read as follows:

13 4. Except as otherwise agreed, a person having control of  
14 a transferable record is the holder, as defined in section  
15 554.1201, of the transferable record and has the same rights  
16 and defenses as a holder of an equivalent record or writing  
17 under chapter 554, including, if the applicable statutory  
18 requirements under section 554.3302, subsection 1, section  
19 554.7501, or section ~~554-9300~~ 554.9330 are satisfied, the  
20 rights and defenses of a holder in due course, a holder to  
21 which a negotiable document of title has been duly negotiated,  
22 or a purchaser, respectively. Delivery, possession, and  
23 endorsement are not required to obtain or exercise any of the  
24 rights under this subsection.

25 Sec. 98. Section 554D.120, subsection 4, Code 2003, is  
26 amended to read as follows:

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

31 Sec. 99. Section 556.1, subsection 3, Code 2003, is  
32 amended to read as follows:

33 3. "Cooperative association" means an entity which is  
34 structured and operated on a cooperative basis, including an  
35 association of persons organized under chapter 497, 498, or

1 499; an entity composed of entities organized under those  
2 chapters; a cooperative corporation organized under chapter  
3 501; a cooperative association organized under chapter 490; or  
4 any other entity recognized pursuant to 26 U.S.C. § 1381(a)  
5 which meets the definitional requirements of an association as  
6 provided in 12 U.S.C. § 1141(j)(a) or 7 U.S.C. § 291.

7 Sec. 100. Section 598.7A, subsection 5, Code 2003, is  
8 amended to read as follows:

9 5. The supreme court shall prescribe qualifications for  
10 mediators under this section ~~on-or-before-January-17-2001~~.  
11 The qualifications shall include but are not limited to the  
12 ethical standards to be observed by mediators. The  
13 qualifications shall not include a requirement that the  
14 mediator be licensed to practice any particular profession.

15 Sec. 101. Section 600.13, subsection 1, Code 2003, is  
16 amended to read as follows:

17 1. At the conclusion of the adoption hearing, the juvenile  
18 court or court shall do one of the following:

19 a. Issue a final adoption ~~decree~~, decree.

20 b. Issue an interlocutory adoption ~~decree~~-~~or~~, decree.

21 c. Issue a standby adoption decree pursuant to section  
22 600.14A.

23 d. Dismiss the adoption petition if the requirements of  
24 this chapter have not been met or if dismissal of the adoption  
25 petition is in the best interest of the person whose adoption  
26 has been petitioned. Upon dismissal, the juvenile court or  
27 court shall determine who is to be guardian or custodian of a  
28 minor child, including the adoption petitioner if it is in the  
29 best interest of the minor person whose adoption has been  
30 petitioned.

31 Sec. 102. Section 602.8105, subsection 1, paragraph e,  
32 Code 2003, is amended to read as follows:

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

35 Sec. 103. Section 633.4105, subsection 2, paragraph b,

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

2 (1) By majority vote of all qualified beneficiaries, who  
3 are adults, and the representative of any minor or incompetent  
4 qualified beneficiary, as defined by provided in section  
5 633.6303.

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

8 The trustee sends written notice of the trustee's intention  
9 to take any action described in ~~subsection 1~~ section 637.602,  
10 along with copies of such written policy and this subchapter,  
11 to all of the following persons:

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

14 The trustee sends written notice of the trustee's intention  
15 to take any action described in ~~subsection 1~~ section 637.604,  
16 along with copies of such written policy, this subchapter, and  
17 the determination of the disinterested person to all of the  
18 following persons:

19 Sec. 106. Section 717A.2, subsection 3, paragraph a, Code  
20 2003, is amended to read as follows:

21 a. A person who violates subsection 1, paragraph "a", is  
22 guilty of a class "C" felony if the injury to or death of an  
23 animal or damage to property exceeds fifty thousand dollars, a  
24 class "D" felony if the injury to or death of an animal or  
25 damage to property exceeds five hundred dollars but does not  
26 exceed fifty thousand dollars, an aggravated misdemeanor if  
27 the injury to or death of an animal or damage to property  
28 exceeds one hundred dollars but does not exceed five hundred  
29 dollars, a serious misdemeanor if the injury to or death of an  
30 animal or damage to property exceeds fifty dollars but does  
31 not exceed one hundred dollars, or a simple misdemeanor if the  
32 injury to or death of an animal or damage to property does not  
33 exceed fifty dollars.

34 Sec. 107. Section 910.1, subsection 4, Code 2003, is  
35 amended to read as follows:

1 4. "Restitution" means payment of pecuniary damages to a  
2 victim in an amount and in the manner provided by the  
3 offender's plan of restitution. "Restitution" also includes  
4 fines, penalties, and surcharges, the contribution of funds to  
5 a local anticrime organization which provided assistance to  
6 law enforcement in an offender's case, the payment of crime  
7 victim compensation program reimbursements, payment of  
8 restitution to public agencies pursuant to section 321J.2,  
9 subsection 9, paragraph "b", court costs including  
10 correctional fees approved pursuant to section 356.7, court-  
11 appointed attorney fees ordered pursuant to section 815.9,  
12 including the expense of a public defender, and the  
13 performance of a public service by an offender in an amount  
14 set by the court when the offender cannot reasonably pay all  
15 or part of the court costs including correctional fees  
16 approved pursuant to section 356.7, or court-appointed  
17 attorney fees ordered pursuant to section 815.9, including the  
18 expense of a public defender.

19 Sec. 108. 2002 Iowa Acts, chapter 1137, section 68,  
20 subsection 2, is amended by adding the following new  
21 unnumbered paragraph:

22 NEW UNNUMBERED PARAGRAPH. The Code editor is directed to  
23 strike section 455I.1, unnumbered paragraph 1, Code 2001, and  
24 section 455I.1, subsection 5, Code 2001.

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

27 SEC. 26. RETROACTIVE APPLICABILITY AND EFFECTIVE DATES.

28 1. This division of this Act is retroactively applicable  
29 to July 1, 2001, and is applicable on and after that date.

30 2. The effective date of sections 21 through 24 of this  
31 division of this Act shall be the later of July 1, 2002, or  
32 upon the legislative enactment of the interstate compact for  
33 adult offender supervision by the thirty-fifth jurisdiction.  
34 The director of the department of corrections shall notify the  
35 Code editor upon the enactment of the compact by the thirty-



1 fifth jurisdiction.

2 Sec. 110. Section 11.24, Code 2003, is repealed.

3 Sec. 111. Section 236.15B, Code 2003, is repealed.

4 Sec. 112. Section 443.23, Code 2003, is repealed.

5 Sec. 113. Section 558.1A, Code 2003, is repealed.

6 Sec. 114. AUTHORIZATION TO CODE EDITOR -- REFERENCE  
7 CHANGES.

8 1. The Code editor may add any or all of the following  
9 references in the 2003 Code Supplement or in the 2005 Code as  
10 deemed proper by the Code editor:

11 a. The Code editor may include the phrase "as provided in  
12 chapter 17A" or ", chapter 17A," following the language "Iowa  
13 administrative procedure Act" if the language does not provide  
14 a reference to chapter 17A or a section of that chapter.

15 b. The Code editor may include the phrase "as provided in  
16 chapter 537" or ", chapter 537," following the language "Iowa  
17 consumer credit code" if the language does not provide a  
18 reference to chapter 537 or a section of that chapter.

19 c. The Code editor may include the phrase "as provided in  
20 chapter 554" or ", chapter 554," following the language  
21 "uniform commercial code" or "Iowa uniform commercial code" if  
22 the language does not provide a reference to chapter 554 or a  
23 section of that chapter.

24 d. The Code editor may include the phrase "as provided in  
25 section 103A.7" or ", section 103A.7," following the language  
26 "state building code" if the language does not provide a  
27 reference to chapter 103A or section 103A.7.

28 2. The Code editor may substitute the term "division" for  
29 the "division of criminal investigation of the department of  
30 public safety" wherever it appears in chapter 99F.

31 Sec. 115. AUTHORIZATION TO CODE EDITOR -- TRANSFER. The  
32 Code editor may transfer section 126.24 to a new chapter 708B  
33 or another chapter deemed appropriate by the Code editor.

34 Sec. 116. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

35 1. The sections of this Act amending sections 159.6 and

Kreiman  
Larson  
Ketting

Succeeded By  
SF/HF 155

SSB 1045

SENATE FILE Judiciary  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON REDFERN)

Passed Senate, Date \_\_\_\_\_

Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to statutory corrections which may adjust  
2 language to reflect current practices, insert earlier  
3 omissions, delete redundancies and inaccuracies, delete  
4 temporary language, resolve inconsistencies and conflicts,  
5 update ongoing provisions, or remove ambiguities, and  
6 including effective and retroactive applicability date  
7 provisions.

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

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1 Section 1. Section 6B.18, subsection 2, Code 2003, is  
2 amended to read as follows:

3 2. An appeal of appraisal of damages is deemed to be  
4 perfected upon filing of a notice of appeal with the district  
5 court within thirty days from the date of mailing the notice  
6 of appraisal of damages. The notice of appeal shall be  
7 served on the adverse party, or the adverse party's agent or  
8 attorney, and any lienholders lienholder and encumbrancers  
9 encumbrancer of the property in the same manner as an original  
10 notice within thirty days from the date of filing the notice  
11 of appeal unless, for good cause shown, the court grants more  
12 than thirty days. If after reasonable diligence, the notice  
13 cannot be personally served, the court may prescribe an  
14 alternative method of service consistent with due process of  
15 law.

16 Sec. 2. Section 8D.2, subsection 5, paragraph b, Code  
17 2003, is amended to read as follows:

18 b. For the purposes of this chapter, "public agency" also  
19 includes any homeland security or defense facility established  
20 by the administrator of the emergency management division of  
21 the department of public defense or the governor or any  
22 facility connected with a security or defense system as  
23 required by the administrator of the emergency management  
24 division of the department of public defense or the governor.  
25 ~~A-facility-that-is-considered-a-public-agency-pursuant-to-this~~  
26 ~~paragraph-shall-be-authorized-to-access-the-Iowa~~  
27 ~~communications-network-strictly-for-homeland-security~~  
28 ~~communication-purposes---Any-utilization-of-the-network-that~~  
29 ~~is-not-related-to-communications-concerning-homeland-security~~  
30 ~~is-expressly-prohibited-~~

31 Sec. 3. Section 8D.9, Code 2003, is amended by adding the  
32 following new subsection:

33 NEW SUBSECTION. 3. A facility that is considered a public  
34 agency pursuant to section 8D.2, subsection 5, paragraph "b",  
35 shall be authorized to access the Iowa communications network

1 strictly for homeland security communication purposes. Any  
2 utilization of the network that is not related to  
3 communications concerning homeland security is expressly  
4 prohibited.

5 Sec. 4. Section 10A.101, Code 2003, subsection 2, is  
6 amended by striking the subsection.

7 Sec. 5. Section 10B.4A, Code 2003, is amended to read as  
8 follows:

9 10B.4A SUSPENSION OF OTHER FILING REQUIREMENTS.

10 The secretary of state shall not prepare or distribute  
11 forms for reports or file reports otherwise required pursuant  
12 to section 9H.5A, 9I.8, or 501.103. A person required to file  
13 a report pursuant to this chapter is not required to file a  
14 report under those sections. A person required to file a  
15 report pursuant to this chapter is not required to register  
16 with the secretary of state as otherwise required in section  
17 9I.7.

18 ~~A person required to file a report pursuant to this chapter~~  
19 ~~is not required to register with the secretary of state as~~  
20 ~~otherwise required in any chapter enumerated in this section.~~

21 Sec. 6. Section 10D.2, subsection 3, paragraph a,  
22 unnumbered paragraph 1, Code 2003, is amended to read as  
23 follows:

24 A designated use must relate to producing baby chicks or  
25 ~~fertile~~ fertilized chicken eggs for any of the following  
26 purposes:

27 Sec. 7. Section 12C.19, subsection 1, Code 2003, is  
28 amended to read as follows:

29 1. Securities pledged pursuant to this chapter may be  
30 withdrawn on application of the pledging depository  
31 institution, and as to securities pledged by a credit union,  
32 upon approval of the public officer to whom the securities are  
33 pledged, if the deposit of securities is no longer necessary  
34 to comply with this chapter, or withdrawal is required for  
35 collection by virtue of ~~its~~ maturity or ~~for~~ exchange. The

1 depository institution shall replace securities so withdrawn  
2 for collection or exchange.

3 Sec. 8. Section 12C.23A, subsection 3, paragraph d, Code  
4 2003, is amended to read as follows:

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

31 Sec. 9. Section 13B.4, subsection 4, paragraph c,  
32 subparagraph (1), Code 2003, is amended to read as follows:

33 (1) If the charges are ~~appropriate-and~~ reasonable and  
34 necessary, approve the claim for payment.

35 Sec. 10. Section 14B.105, subsection 1, paragraph b, Code

1 2003, is amended to read as follows:

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

16 Sec. 11. Section 15.108, subsection 6, paragraph b,  
17 subparagraph (1), Code 2003, is amended to read as follows:

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

25 Sec. 12. Section 15E.45, subsections 1, 3, 6, and 8, Code  
26 2003, are amended to read as follows:

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

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

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

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

6     (3) The earliest year in which the tax credits may be  
7 redeemed.

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

11     6. In the event that a community-based seed capital fund  
12 fails to meet or maintain any requirement set forth in this  
13 section, or in the event that the community-based seed capital  
14 fund has not invested at least thirty-three percent of its  
15 invested capital in no fewer than two separate qualifying  
16 businesses, measured at the end of the thirty-sixth month  
17 after commencing the fund's investing activities, the board  
18 shall rescind any tax credit certificates issued to limited  
19 partners or members and shall notify the department of revenue  
20 and finance that it has done so, and the tax credit  
21 certificates shall be null and void. However, a community-  
22 based seed capital fund may apply to the board for a one-year  
23 waiver ~~from~~ of the requirements of this subsection.

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

27     Sec. 13. Section 15E.51, subsection 4, Code 2003, is  
28 amended to read as follows:

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

1     Sec. 14. Section 15E.67, Code 2003, is amended to read as  
2 follows:

3     15E.67 POWERS AND EFFECTIVENESS.

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

19     Sec. 15. Section 15E.193C, subsection 2, unnumbered  
20 paragraph 1, Code 2003, is amended to read as follows:

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

33     Sec. 16. Section 16.15, subsection 4, Code 2003, is  
34 amended to read as follows:

35     4. Permanent financing for units to be subsidized under



1 the housing assistance payments program may be provided by the  
2 authority, directly or indirectly, by the proceeds from the  
3 sale of bonds and notes as provided in this Act chapter, or by  
4 other moneys available to the authority, by appropriations or  
5 otherwise.

6 Sec. 17. Section 16.132, subsections 5 and 6, Code 2003,  
7 are amended to read as follows:

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

29 6. The state pledges to and agrees with the holders of  
30 bonds or notes issued under the Iowa ~~sewage-treatment~~ water  
31 pollution control works and drinking water facilities  
32 financing program, that the state will not limit or alter the  
33 rights and powers vested in the authority to fulfill the terms  
34 of a contract made by the authority with respect to the bonds  
35 or notes, or in any way impair the rights and remedies of the

1 holders until the bonds or notes, together with the interest  
2 on them including interest on unpaid installments of interest,  
3 and all costs and expenses in connection with an action or  
4 proceeding by or on behalf of the holders, are fully met and  
5 discharged. The authority is authorized to include this  
6 pledge and agreement of the state, as it refers to holders of  
7 bonds or notes of the authority, in a contract with the  
8 holders.

9 Sec. 18. Section 23A.2, subsection 2, unnumbered paragraph  
10 1, Code 2003, is amended to read as follows:

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

14 Sec. 19. Section 23A.2, subsection 2, paragraph c, Code  
15 2003, is amended to read as follows:

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

19 Sec. 20. Section 25B.7, subsection 3, Code 2003, is  
20 amended by striking the subsection.

21 Sec. 21. Section 28.4, subsection 12, paragraph e, Code  
22 2003, is amended by striking the paragraph.

23 Sec. 22. Section 29B.22, unnumbered paragraph 3, Code  
24 2003, is amended to read as follows:

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

31 Sec. 23. Section 43.45, subsection 1, Code 2003, is  
32 amended to read as follows:

33 1. Upon the closing of the polls the precinct election  
34 officials shall immediately publicly canvass the vote. The  
35 canvass shall be conducted using the procedures established in

1 ~~subsection-2-or-3,-whichever-is~~ this section which are  
2 appropriate for the voting system used in the precinct.

3 Sec. 24. Section 43.45, subsection 2, paragraph c, Code  
4 2003, is amended to read as follows:

5 c. Certify ~~to~~ the number of votes cast upon the ticket of  
6 each political party for each candidate for each office.

7 Sec. 25. Section 45.5, subsection 1, paragraph c, Code  
8 2003, is amended to read as follows:

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

13 Sec. 26. Section 45.5, subsection 1, unnumbered paragraph  
14 2, Code 2003, is amended to read as follows:

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

26 Sec. 27. Section 48A.29, subsection 3, unnumbered  
27 paragraph 2, Code 2003, is amended to read as follows:

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

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

15 Sec. 28. Section 49.71, unnumbered paragraph 1, Code 2003,  
16 is amended to read as follows:

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

21 Sec. 29. Section 56.4, subsection 1, Code 2003, is amended  
22 to read as follows:

23 1. All statements and reports required to be filed under  
24 this chapter shall be filed with the board. The board shall  
25 provide copies of all statements and reports filed under this  
26 chapter for a county, city, school, or other political  
27 subdivision ~~with~~ to the commissioner responsible under section  
28 47.2.

29 Sec. 30. Section 80.22, Code 2003, is amended to read as  
30 follows:

31 80.22 PROHIBITION ON OTHER DEPARTMENTS.

32 All other departments and bureaus of the state are hereby  
33 prohibited from employing special peace officers or conferring  
34 upon regular employees any police powers to enforce provisions  
35 of the statutes, which are specifically reserved by ~~this-Act~~

1 1939 Iowa Acts, chapter 120, to this the department of public  
2 safety. But the commissioner of public safety shall, upon the  
3 requisition of the attorney general, from time to time assign  
4 for service in the department of justice such of its officers,  
5 not to exceed six in number, as may be requisitioned by the  
6 attorney general for special service in the department of  
7 justice, and when so assigned such officers shall be under the  
8 exclusive direction and control of the attorney general.

9 Sec. 31. Section 97B.17, subsections 3 and 4, Code 2003,  
10 are amended to read as follows:

11 3. Summary information concerning the demographics of the  
12 members and general statistical information concerning the  
13 system are subject to chapter 22, as well as aggregate  
14 information by category.

15 4. a. ~~However, the~~ The division's records are evidence  
16 for the purpose of proceedings before the division or any  
17 court of the amounts of wages and the periods in which they  
18 were paid, and the absence of an entry as to a member's wages  
19 in the records for any period is evidence that wages were not  
20 paid that member in the period.

21 4. b. Notwithstanding any provisions of chapter 22 to the  
22 contrary, the division's records may be released to any  
23 political subdivision, instrumentality, or other agency of the  
24 state solely for use in a civil or criminal law enforcement  
25 activity pursuant to the requirements of this subsection. To  
26 obtain the records, the political subdivision,  
27 instrumentality, or agency shall, in writing, certify that the  
28 activity is authorized by law, provide a written description  
29 of the information desired, and describe the law enforcement  
30 activity for which the information is sought. The division  
31 shall not be civilly or criminally liable for the release or  
32 rerelease of records in accordance with this subsection.

33 Sec. 32. Section 97B.42C, Code 2003, is amended to read as  
34 follows:

35 97B.42C RETIREMENT SYSTEM MERGER -- MUNICIPAL UTILITY

## 1 RETIREMENT SYSTEM.

2 A municipal water utility or waterworks that has  
 3 established a pension and annuity retirement system for its  
 4 employees pursuant to chapter 412 may adopt a resolution to  
 5 authorize the merger of its pension and annuity retirement  
 6 system with and into the Iowa public employees' retirement  
 7 system. The system is authorized, but is not required, to  
 8 accept such a proposal. The governing body of the municipal  
 9 water utility or waterworks and the Iowa public employees'  
 10 retirement system shall, acting in their fiduciary capacities,  
 11 mutually determine the terms and conditions of such a merger,  
 12 including any additional funds necessary to fund the service  
 13 credits being transferred to the Iowa public employees'  
 14 retirement system, and either party may decline the merger if  
 15 they cannot agree on such terms and conditions. The system  
 16 division shall adopt such rules as it deems necessary and  
 17 prudent to effectuate mergers as provided by this section.

18 Sec. 33. Section 99B.7, subsection 1, paragraph o, Code  
 19 2003, is amended to read as follows:

20 o. ~~Except as provided in subsection 77, paragraph "a", a~~ A  
 21 person shall not conduct, promote, administer, or assist in  
 22 the conducting, promoting, or administering of a bingo  
 23 occasion, unless the person regularly participates in  
 24 activities of the qualified organization other than conducting  
 25 bingo occasions or participates in an educational, civic,  
 26 public, charitable, patriotic, or religious organization to  
 27 which the net receipts are dedicated by the qualified  
 28 organization.

29 Sec. 34. Section 99B.12, subsection 2, paragraph a, Code  
 30 2003, is amended to read as follows:

31 a. Card and parlor games, including but not limited to  
 32 poker, pinochle, pitch, gin rummy, bridge, euchre, hearts,  
 33 cribbage, dominoes, checkers, chess, backgammon, pool, and  
 34 darts. However, it shall be unlawful gambling for any person  
 35 to engage in bookmaking, or to play any punchboard, pushcard,

1 pull-tab, or slot machine, or to play craps, chuck-a-luck,  
2 roulette, klondike, blackjack, chemin de fer, baccarat, faro,  
3 equality, three-card monte, or any other game, except poker,  
4 which is customarily played in gambling casinos and in which  
5 the house customarily provides a banker, dealer, or croupier  
6 to operate the game, or a specially designed table upon which  
7 to play ~~same~~ the game.

8 Sec. 35. Section 99F.1, Code 2003, is amended by adding  
9 the following new subsection:

10 NEW SUBSECTION. 5A. "Division" means the division of  
11 criminal investigation of the department of public safety as  
12 provided in section 80.17.

13 Sec. 36. Section 124C.1, subsection 1, Code 2003, is  
14 amended by striking the subsection.

15 Sec. 37. Section 135.11, subsection 17, Code 2003, is  
16 amended to read as follows:

17 17. Administer chapters 125, 136A, 136C, 139A, 142, 142A,  
18 144, and 147A.

19 Sec. 38. Section 137F.1, subsection 8, paragraph e, Code  
20 2003, is amended to read as follows:

21 e. Premises where a person operates a farmers market, if  
22 ~~the person does not sell or distribute potentially hazardous~~  
23 food potentially hazardous food is not sold or distributed  
24 from the premises.

25 Sec. 39. Section 153.33, subsection 5, unnumbered  
26 paragraph 1, Code 2003, is amended to read as follows:

27 In any investigation made or hearing conducted by the board  
28 on its own motion, or upon written complaint filed with the  
29 board by any person, pertaining to any alleged violation of  
30 this chapter or the accusation against any licensee or  
31 registrant, the following procedure and rules so far as  
32 material to such investigation or hearing shall obtain:

33 Sec. 40. Section 153.33, subsection 5, paragraphs a, b, d,  
34 and h, Code 2003, are amended to read as follows:

35 a. The accusation of such person against any licensee or

1 registrant shall be reduced to writing, verified by some  
2 person familiar with the facts therein stated, and three  
3 copies thereof filed with the board.

4 b. If the board shall deem the charges sufficient, if  
5 true, to warrant suspension or revocation of license or  
6 registration, it shall make an order fixing the time and place  
7 for hearing thereon and requiring the licensee or registrant  
8 to appear and answer thereto, such order, together with a copy  
9 of the charges so made to be served upon the accused at least  
10 twenty days before the date fixed for hearing, either  
11 personally or by certified or registered mail, sent to the  
12 licensee's or registrant's last known post office address as  
13 shown by the records of the board.

14 d. In all such investigations and hearings pertaining to  
15 the suspension or revocation of licenses or registrations, the  
16 board and any person affected thereby may have the benefit of  
17 counsel, and upon the request of the licensee or registrant or  
18 the licensee's or registrant's counsel the board shall issue  
19 subpoenas for the attendance of such witnesses in behalf of  
20 the licensee or registrant, which subpoenas when issued shall  
21 be delivered to the licensee or registrant or the licensee's  
22 or registrant's counsel. Such subpoenas for the attendance of  
23 witnesses shall be effective if served upon the person named  
24 therein anywhere within this state, provided, that at the time  
25 of such service the fees now or hereafter provided by law for  
26 witnesses in civil cases in district court shall be paid or  
27 tendered to such person.

28 h. Pending the review and final disposition thereof by the  
29 district court, the action of the board suspending or revoking  
30 such license or registration shall not be stayed.

31 Sec. 41. Section 159.6, subsection 8, as amended by 2002  
32 Iowa Acts, chapter 1017, section 2, is amended to read as  
33 follows:

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



1     Sec. 42. Section 159A.3, subsection 4, Code 2003, is  
2 amended by striking the subsection.

3     Sec. 43. Section 159A.3, subsection 5, Code 2003, is  
4 amended to read as follows:

5     5. The office and state entities, including the  
6 department, the committee, the Iowa department of economic  
7 development, the state department of transportation, the  
8 department of natural resources, and the state board of  
9 regents institutions, ~~and the Wallace technology transfer~~  
10 ~~foundation of Iowa~~, shall cooperate to implement this section.

11     Sec. 44. Section 173.3, as amended by 2002 Iowa Acts,  
12 chapter 1017, section 3, is amended to read as follows:

13     173.3 CERTIFICATION OF STATE AID ASSOCIATIONS.

14     On or before November 15 of each year, the secretary of  
15 agriculture shall certify to the secretary of the state fair  
16 board the names of the various associations and societies  
17 which have qualified for state aid under the provisions of  
18 chapters ~~177~~ 176A through 178, 181, 182, 186, and 352, and  
19 which are entitled to representation in the convention as  
20 provided in section 173.2.

21     Sec. 45. Section 192.101A, unnumbered paragraph 1, Code  
22 2003, is amended to read as follows:

23     As used in this chapter, all terms shall have the same  
24 meaning as defined in the "Grade 'A' Pasteurized Milk  
25 Ordinance, ~~1999~~ 2001 Revision". However, notwithstanding the  
26 ordinance, the following definitions shall apply:

27     Sec. 46. Section 192.102, Code 2003, is amended to read as  
28 follows:

29     192.102 GRADE "A" PASTEURIZED MILK ORDINANCE.

30     The department shall adopt, by rule, the "Grade 'A'  
31 Pasteurized Milk Ordinance, ~~1999~~ 2001 Revision", including a  
32 subsequent revision of the ordinance. If the ordinance  
33 specifies that compliance with a provision of the ordinance's  
34 appendices is mandatory, the department shall also adopt that  
35 provision. The department shall not amend the ordinance,

1 unless the department explains each amendment and reasons for  
2 the amendment in the Iowa administrative bulletin when the  
3 rules are required to be published pursuant to chapter 17A.  
4 The department shall administer this chapter consistent with  
5 the provisions of the ordinance.

6 Sec. 47. Section 192.110, subsection 1, Code 2003, is  
7 amended to read as follows:

8 1. The person has a pasteurized milk and milk products  
9 sanitation compliance rating of ninety percent or more as  
10 calculated according to the rating system as contained in the  
11 federal public health service publications, "Procedures  
12 Governing the Cooperative State-Public Health Service/Food and  
13 Drug Administration Program for Certification of Interstate  
14 Milk Shippers ~~1999~~ 2001" and "Method of Making Sanitation  
15 Ratings of Milk Supplies, ~~1999~~ 2001 Revision". The applicable  
16 provisions of these publications are incorporated into this  
17 section by this reference. A copy of each publication shall  
18 be on file with the department or in the office of the person  
19 subject to an inspection contract as provided in section  
20 192.108.

21 Sec. 48. Section 229A.8A, subsection 2, paragraph g, Code  
22 2003, is amended to read as follows:

23 g. The committed person is not likely to commit predatory  
24 acts constituting sexually violent offenses while in the  
25 program.

26 Sec. 49. Section 229A.10, subsection 1, Code 2003, is  
27 amended to read as follows:

28 1. If the director of human services determines that the  
29 person's mental abnormality has so changed that the person is  
30 not likely to ~~commit~~ engage in predatory acts ~~or that~~  
31 constitute sexually violent offenses if discharged, the  
32 director shall authorize the person to petition the court for  
33 discharge. The petition shall be served upon the court and  
34 the attorney general. The court, upon receipt of the petition  
35 for discharge, shall order a hearing within thirty days. The

1 attorney general shall represent the state, and shall have the  
2 right to have the petitioner examined by an expert or  
3 professional person of the attorney general's choice. The  
4 hearing shall be before a jury if demanded by either the  
5 petitioner or the attorney general. If the attorney general  
6 objects to the petition for discharge, the burden of proof  
7 shall be upon the attorney general to show beyond a reasonable  
8 doubt that the petitioner's mental abnormality or personality  
9 disorder remains such that the petitioner is likely to engage  
10 in predatory acts that constitute sexually violent offenses if  
11 discharged.

12 Sec. 50. Section 232.68, unnumbered paragraph 1, Code  
13 2003, is amended to read as follows:

14 The definitions in section 235A.13 are applicable to this  
15 part 2 of division III. As used in sections 232.67 through  
16 232.77 and 235A.12 through ~~235A.23~~ 235A.24, unless the context  
17 otherwise requires:

18 Sec. 51. Section 232.71B, subsection 4, paragraph e, Code  
19 2003, is amended to read as follows:

20 e. An interview of the person alleged to have committed  
21 the child abuse, if the person's identity and location are  
22 known. The offer of an interview shall be made to the person  
23 prior to any consideration or determination being made that  
24 the person committed the alleged abuse. The purpose of the  
25 interview shall be to provide the person with the opportunity  
26 to explain or rebut the allegations of the child abuse report  
27 or other allegations made during the assessment. The court  
28 may waive the requirement to offer the interview only for good  
29 cause. The person offered an interview or the person's  
30 attorney may decline ~~to-be-interviewed~~ the offer of an  
31 interview of the person.

32 Sec. 52. Section 235A.13, unnumbered paragraph 1, Code  
33 2003, is amended to read as follows:

34 As used in chapter 232, division III, part 2, and sections  
35 235A.13 to ~~235A.23~~ 235A.24, unless the context otherwise

1 requires:

2 Sec. 53. Section 236.2, Code 2003, is amended by adding  
3 the following new subsection:

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

6 Sec. 54. Section 236.3, subsection 2, Code 2003, is  
7 amended to read as follows:

8 2. Name and address of the parent or guardian filing the  
9 petition, if the petition is being filed on behalf of an  
10 unemancipated minor. ~~For-the-purposes-of-this-chapter,~~  
11 ~~"plaintiff"-includes-a-person-filing-an-action-on-behalf-of-an~~  
12 ~~unemancipated-minor.~~ A mailing address may be provided by the  
13 plaintiff pursuant to section 236.10.

14 Sec. 55. Section 237A.29, subsection 2, paragraph d, Code  
15 2003, is amended to read as follows:

16 d. In determining the value of the public funding obtained  
17 by fraudulent means, if the public funding is obtained by two  
18 or more acts of fraudulent means by the same person or in the  
19 same location, or is obtained by different persons by two or  
20 more acts which occur in approximately the same location or  
21 time period so that the acts of fraudulent means used to  
22 obtain the public funding are attributable to a single scheme,  
23 plan, or conspiracy, these acts may be considered as a single  
24 instance of the use of fraudulent means and the value may be  
25 the total value of all moneys involved.

26 Sec. 56. Section 237A.29, subsection 3, paragraph b, Code  
27 2003, is amended to read as follows:

28 b. In addition to applying the suspension under paragraph  
29 "a", the department may request that the attorney general file  
30 a petition with the district court of the county in which the  
31 provider is located for issuance of a temporary injunction  
32 enjoining the provider from providing child care until the  
33 names and addresses are submitted to the department. The  
34 attorney general may file the petition upon receiving the  
35 request from the department. Any temporary injunction may be

1 granted without a bond being required from the department.

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

4 2. A change from five to seven directors shall be effected  
5 in a district at the first regular election after  
6 authorization by the voters or the board, or when after a  
7 district becomes-wholly-or-in-part-within first includes all  
8 of a city of fifteen thousand or more population, or-more in  
9 the manner described in section 275.37.

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

12 2. All licensed practitioners employed at a participating  
13 attendance center that has demonstrated improvement in student  
14 achievement shall share in a cash awards award paid from  
15 moneys received by a school district pursuant to section  
16 284.13, subsection 1. The However, the school district is  
17 encouraged to extend cash awards to other staff employed at  
18 the attendance center.

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

21 321E.8 ANNUAL PERMITS.

22 Subject to the discretion and judgment provided for in  
23 section 321E.1, annual permits shall be issued in accordance  
24 with the following provisions:

25 1. Vehicles with indivisible loads, or manufactured or  
26 mobile homes including appurtenances, having an overall width  
27 not to exceed sixteen feet zero inches, an overall length not  
28 to exceed one hundred twenty feet zero inches, an overall  
29 height not to exceed fifteen feet five inches, and a total  
30 gross weight not to exceed eighty thousand pounds, may be  
31 moved as follows:

32 a. Vehicles with indivisible loads, or manufactured or  
33 mobile homes including appurtenances, having an overall width  
34 not to exceed twelve feet five inches, an overall length not  
35 to exceed one hundred twenty feet zero inches, and an overall

1 height not to exceed thirteen feet ten inches may be moved for  
2 unlimited distances without route approval from the permitting  
3 authority.

4 b. Vehicles with indivisible loads, or manufactured or  
5 mobile homes including appurtenances, having an overall width  
6 not to exceed fourteen feet six inches, an overall length not  
7 to exceed one hundred twenty feet zero inches, and an overall  
8 height not to exceed fifteen feet five inches may be moved on  
9 the interstate highway system and primary highways with more  
10 than one lane traveling in each direction for unlimited  
11 distances and no more than fifty miles from the point of  
12 origin on all other highways without route approval from the  
13 permit issuing authority.

14 c. All other vehicles with indivisible loads operating  
15 under this subsection shall obtain route approval from the  
16 permitting authority.

17 d. Vehicles with indivisible loads may operate under an  
18 all-systems permit in compliance with paragraph "a", "b", or  
19 "c".

20 2. Vehicles with indivisible loads, or manufactured or  
21 mobile homes including appurtenances, having an overall width  
22 not to exceed thirteen feet five inches and an overall length  
23 not to exceed one hundred twenty feet zero inches may be moved  
24 on highways specified by the permitting authority for  
25 unlimited distances if the height of the vehicle and load does  
26 not exceed fifteen feet five inches and the total gross weight  
27 of the vehicle does not exceed one hundred fifty-six thousand  
28 pounds. The vehicle owner or operator shall verify with the  
29 permitting authority prior to movement of the load that  
30 highway conditions have not changed so as to prohibit movement  
31 of the vehicle. Any cost to repair damage to highways or  
32 highway structures shall be borne by the owner or operator of  
33 the vehicle causing the damage. Permitted vehicles under this  
34 subsection shall not be allowed to travel on any portion of  
35 the interstate highway system. Vehicles with indivisible

1 loads operating under the permit provisions of this subsection  
2 may operate under the permit provisions of subsection 1  
3 provided the vehicle and load comply with the limitations  
4 described in subsection 1.

5 Sec. 60. Section 321G.4, unnumbered paragraph 1, Code  
6 2003, is amended to read as follows:

7 The owner of each all-terrain vehicle or snowmobile  
8 required to be numbered shall register it every two years with  
9 the county recorder of the county in which the owner resides  
10 or, if the owner is a nonresident, the owner shall register it  
11 in the county in which the all-terrain vehicle or snowmobile  
12 is principally used. The commission has supervisory  
13 responsibility over the registration of all-terrain vehicles  
14 and snowmobiles and shall provide each county recorder with  
15 registration forms and certificates and shall allocate  
16 identification registration numbers to each county.

17 Sec. 61. Section 321G.19, subsection 1, Code 2003, is  
18 amended to read as follows:

19 1. The owner of a rented all-terrain vehicle or snowmobile  
20 shall keep a record of the name and address of each person  
21 renting the all-terrain vehicle or snowmobile, its  
22 identification registration number, the departure date and  
23 time, and the expected time of return. The records shall be  
24 preserved for six months.

25 Sec. 62. Section 321G.33, subsections 1, 2, and 4, Code  
26 2003, are amended to read as follows:

27 1. The department may assign a distinguishing number to an  
28 all-terrain vehicle or snowmobile when the serial number on  
29 the all-terrain vehicle or snowmobile is destroyed or  
30 obliterated and issue to the owner a special plate bearing the  
31 distinguishing number which shall be affixed to the all-  
32 terrain vehicle or snowmobile in a position to be determined  
33 by the department. The all-terrain vehicle or snowmobile  
34 shall be registered and titled under the distinguishing number  
35 in lieu of the former serial number. Every all-terrain

1 vehicle or snowmobile shall have an a vehicle identification  
2 number assigned and affixed as required by the department.

3 2. The commission shall adopt, by rule, the procedures for  
4 application and for issuance of an a vehicle identification  
5 number for homebuilt all-terrain vehicles or snowmobiles.

6 4. A person other than a manufacturer who constructs or  
7 rebuilds an all-terrain vehicle or snowmobile for which there  
8 is no legible vehicle identification number shall submit to  
9 the department an affidavit which describes the all-terrain  
10 vehicle or snowmobile. In cooperation with the county  
11 recorder, the department shall assign an a vehicle  
12 identification number to the all-terrain vehicle or  
13 snowmobile. The applicant shall permanently affix the vehicle  
14 identification number to the all-terrain vehicle or snowmobile  
15 in a manner that such alteration, removal, or replacement of  
16 the vehicle identification number would be obvious.

17 Sec. 63. Section 446.9, subsections 1 and 2, Code 2003,  
18 are amended to read as follows:

19 1. A notice of the date, time, and place of the annual tax  
20 sale shall be served upon the person in whose name the parcel  
21 subject to sale is taxed. The county treasurer shall serve  
22 the notice by sending it by regular first class mail to the  
23 person's last known address not later than May 1 of each  
24 fiscal year. The notice shall contain a description of the  
25 parcel to be sold which is clear, concise, and sufficient to  
26 distinguish the parcel to be sold from all other parcels. It  
27 shall also contain the amount of delinquent taxes for which  
28 the parcel is liable each year, the amount of the interest,  
29 and fees, and the amount of the service fee as provided in  
30 section 446.10, subsection 2, all to be incorporated as a  
31 single sum. The notice shall contain a statement that, after  
32 the sale, if the parcel is not redeemed within the period  
33 provided in chapter 447, the right to redeem expires and a  
34 deed may be issued.

35 2. Publication of the date, time, and place of the annual



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

19 Sec. 64. Section 455B.105, subsection 3, Code 2003, is  
20 amended to read as follows:

21 3. Adopt, modify, or repeal rules necessary to implement  
22 this chapter and chapter 459, ~~subchapters I, II, III, IV, and~~  
23 ~~V, VI,~~ and the rules deemed necessary for the effective  
24 administration of the department. When the commission  
25 proposes or adopts rules to implement a specific federal  
26 environmental program and the rules impose requirements more  
27 restrictive than the federal program being implemented  
28 requires, the commission shall identify in its notice of  
29 intended action or adopted rule preamble each rule that is  
30 more restrictive than the federal program requires and shall  
31 state the reasons for proposing or adopting the more  
32 restrictive requirement. In addition, the commission shall  
33 include with its reasoning a financial impact statement  
34 detailing the general impact upon the affected parties. It is  
35 the intent of the general assembly that the commission

1 exercise strict oversight of the operations of the department.  
2 The rules shall include departmental policy relating to the  
3 disclosure of information on a violation or alleged violation  
4 of the rules, standards, permits or orders issued by the  
5 department and keeping of confidential information obtained by  
6 the department in the administration and enforcement of this  
7 chapter and chapter 459~~7~~~~-subchapters-I~~~~7~~~~-II~~~~7~~~~-III~~~~7~~~~-IV~~~~7~~~~-and-VI~~.  
8 Rules adopted by the executive committee before January 1,  
9 1981, shall remain effective until modified or rescinded by  
10 action of the commission.

11 Sec. 65. Section 455B.171, subsection 15, Code 2003, is  
12 amended by striking the subsection.

13 Sec. 66. Section 455B.183, Code 2003, is amended to read  
14 as follows:

15 455B.183 WRITTEN PERMITS REQUIRED.

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

21 ~~1-~~ a. The construction, installation, or modification of  
22 any disposal system or public water supply system or part  
23 thereof or any extension or addition thereto except those  
24 sewer extensions and water supply distribution system  
25 extensions that are subject to review and approval by a city  
26 or county public works department pursuant to this section,  
27 the use or disposal of sewage sludge, and private sewage  
28 disposal systems. Unless federal law or regulation requires  
29 the review and approval of plans and specifications, a permit  
30 shall be issued for the construction, installation, or  
31 modification of a public water supply system or part of a  
32 system if a qualified, registered engineer certifies to the  
33 department that the plans for the system or part of the system  
34 meet the requirements of state and federal law or regulations.  
35 The permit shall state that approval is based only upon the

1 engineer's certification that the system's design meets the  
2 requirements of all applicable state and federal laws and  
3 regulations and the review of the department shall be  
4 advisory.

5     2- b. The construction or use of any new point source for  
6 the discharge of any pollutant into any water of the state.

7     3- c. The operation of any waste disposal system or public  
8 water supply system or any part of or extension or addition to  
9 the system. This provision does not apply to a pretreatment  
10 system, the effluent of which is to be discharged directly to  
11 another disposal system for final treatment and disposal; a  
12 semipublic sewage disposal system, the construction of which  
13 has been approved by the department and which does not  
14 discharge into water of the state; or a private sewage  
15 disposal system which does not discharge into a water of the  
16 state. Sludge from a semipublic or private sewage disposal  
17 system shall be disposed of in accordance with the rules  
18 adopted by the department pursuant to chapter 17A. The  
19 exemption of this paragraph shall not apply to any industrial  
20 waste discharges.

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

34     a. The submitted plans and specifications are in  
35 substantial compliance with departmental rules and the Iowa

1 Standards for Sewer Systems and the Iowa Standards for Water  
2 Supply Distribution Systems.

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

10 c. The proposed sewer extension will not exceed the  
11 capacity of any treatment works which received a state or  
12 federal monetary grant after 1972.

13 d. The proposed water supply distribution system extension  
14 will not exceed the production capacity of any public water  
15 supply system constructed after 1972.

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

25 4. Plans and specifications for all other waste disposal  
26 systems and public water supply systems, including sewer  
27 extensions and water supply distribution system extensions not  
28 reviewed by a city or county public works department under  
29 this section, shall be submitted to the department before a  
30 written permit may be issued. Plans and specifications for  
31 public water supply systems and water supply distribution  
32 system extensions must be certified by a registered engineer  
33 as provided in subsection 1, paragraph "a". The construction  
34 of any such waste disposal system or public water supply  
35 system shall be in accordance with standards formulated and

1 adopted by the department pursuant to section 455B.173,  
2 subsections 5 to 8. If it is necessary or desirable to make  
3 material changes in the plans or specifications, revised plans  
4 or specifications together with reasons for the proposed  
5 changes must be submitted to the department for a supplemental  
6 written permit. The revised plans and specifications for a  
7 public water supply system must be certified by a registered  
8 engineer as provided in subsection 1, paragraph "a".

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

17 6. The director may suspend or revoke delegation of review  
18 and permit authority after notice and hearing as set forth in  
19 chapter 17A if the director determines that a city or county  
20 public works department has approved extensions which do not  
21 comply with design criteria, which exceed the capacity of  
22 waste treatment plants or the production capacity of public  
23 water supply systems or which otherwise violate state or  
24 federal requirements.

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

35 Sec. 67. Section 455B.187, unnumbered paragraph 1, Code

1 2003, is amended to read as follows:

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

18 Sec. 68. Section 455D.11I, subsection 4, Code 2003, is  
 19 amended to read as follows:

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

29 Sec. 69. Section 457A.2, subsection 2, Code 2003, is  
 30 amended to read as follows:

31 2. "Natural and cultural resources" includes, but is not  
 32 limited to, archaeological and historical resources.

33 Sec. 70. Section 459.102, subsection 18, Code 2003, is  
 34 amended to read as follows:

35 18. Reserved "Department" means the department of natural

1 resources created pursuant to section 455A.2.

2 Sec. 71. Section 459.102, subsection 40, Code 2003, is  
3 amended to read as follows:

4 40. "Restricted spray irrigation equipment" means spray  
5 irrigation equipment which disperses manure through an orifice  
6 at a rate maximum pressure of eighty pounds per square inch or  
7 more.

8 Sec. 72. Section 459.301, subsection 1, paragraph a, Code  
9 2003, is amended to read as follows:

10 a. At least one confinement feeding operation structure  
11 must be constructed on and or after May 21, 1998.

12 Sec. 73. Section 459.303, subsection 2, Code 2003, is  
13 amended to read as follows:

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

28 Sec. 74. Section 459.309, Code 2003, is amended to read as  
29 follows:

30 459.309 SETTLED OPEN FEEDLOT EFFLUENT BASINS --  
31 CONSTRUCTION DESIGN STANDARDS.

32 If the department requires that a settled open feedlot  
33 effluent basin be constructed according to construction design  
34 standards, regardless of whether the department requires the  
35 owner to be issued a construction permit under section

1 459.103, any construction design standards for the basin shall  
2 be established by rule as provided in chapter 17A that  
3 exclusively account for special design characteristics of open  
4 feedlots and related basins, including but not limited to the  
5 dilute composition of settled open feedlot effluent as  
6 collected and stored in the basins.

7 Sec. 75. Section 459.501, subsection 2, Code 2003, is  
8 amended to read as follows:

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

25 Sec. 76. Section 462A.12, subsection 6, Code 2003, is  
26 amended to read as follows:

27 6. An owner or operator shall not permit any person under  
28 twelve years of age to operate the personal watercraft unless  
29 accompanied in or on the same personal watercraft by a  
30 responsible person of at least eighteen years of age.  
31 ~~However,-commencing~~ Commencing January 1, 2003, a person who  
32 is twelve years of age or older but less than eighteen years  
33 of age shall not operate any personal watercraft unless the  
34 person has successfully completed a department-approved  
35 watercraft safety course. A person required to have a



1 watercraft safety certificate shall carry and shall exhibit or  
2 make available the certificate upon request of an officer of  
3 the department. A violation of this subsection is a simple  
4 misdemeanor as provided in section 462A.13. However, a person  
5 charged with violating this subsection shall not be convicted  
6 if the person produces in court, within a reasonable time, a  
7 department-approved certificate. The cost of a department  
8 certificate, or any duplicate, shall not exceed five dollars.

9 Sec. 77. Section 476A.23, subsection 3, paragraph b, Code  
10 2003, is amended to read as follows:

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

16 Sec. 78. Section 476A.23, subsection 3, paragraph b,  
17 unnumbered paragraph 2, Code 2003, is amended to read as  
18 follows:

19 The utilities board shall report to the general assembly if  
20 any of the provisions are being violated.

21 Sec. 79. Section 490.202, subsection 2, paragraphs d and  
22 f, Code 2003, are amended to read as follows:

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

28 (1) The amount of a financial benefit received by a  
29 director to which the director is not entitled.

30 (2) An intentional infliction of harm on the corporation  
31 or the shareholders.

32 (3) A violation of section 490.833.

33 (4) An intentional violation of criminal law.

34 A provision shall not eliminate or limit the liability of a  
35 director for an act or omission occurring prior to the date

1 when the provision in the articles of incorporation becomes  
2 effective.

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

8 ~~(1)--The amount of a financial benefit received by a~~  
9 ~~director to which the director is not entitled.~~

10 ~~(2)--An intentional infliction of harm on the corporation~~  
11 ~~or the shareholders.~~

12 ~~(3)--A violation of section 490.833.~~

13 ~~(4)--An intentional violation of criminal law.~~

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

18 Sec. 80. Section 490.724, subsection 5, Code 2003, is  
19 amended to read as follows:

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

24 Sec. 81. Section 490.727, subsection 2, Code 2003, is  
25 amended to read as follows:

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

32 Sec. 82. Section 490.831, subsection 3, paragraphs a and  
33 b, Code 2003, are amended to read as follows:

34 a. In any instance where fairness is at issue, such as  
35 consideration of the fairness of a transaction to the

1 corporation under section ~~490.861~~~~-subsection-2~~~~-paragraph-"c"~~  
2 490.832, alter the burden of proving the fact or lack of  
3 fairness otherwise applicable.

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

9 Sec. 83. Section 490.851, subsection 1, Code 2003, is  
10 amended to read as follows:

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

16 a. All of the following apply:

17 a- (1) The individual acted in good faith.

18 b- (2) The individual reasonably believed:

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

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

25 e- (3) In the case of any criminal proceeding, the  
26 individual had no reasonable cause to believe the individual's  
27 conduct was unlawful~~-or-the~~.

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

32 Sec. 84. Section 490.856, subsection 2, Code 2003, is  
33 amended to read as follows:

34 2. The provisions of subsection 1, paragraph "b", shall  
35 apply to an officer who is also a director if the basis on

1 which the officer is made a party to a proceeding is an ~~act-or~~  
2 omission action taken or a failure to take an action solely as  
3 an officer.

4 Sec. 85. Section 490.1323, subsection 3, Code 2003, is  
5 amended to read as follows:

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

12 Sec. 86. Section 490.1324, subsection 2, paragraph c, Code  
13 2003, is amended to read as follows:

14 c. A statement that shareholders described in subsection 1  
15 have the right to demand further payment under section  
16 490.1326 and that if any such shareholder does not do so  
17 within the time period specified therein, such shareholder  
18 shall be deemed to have accepted ~~such~~ the payment to the  
19 shareholder pursuant to subsection 1 in full satisfaction of  
20 the corporation's obligations under this chapter.

21 Sec. 87. Section 490.1404, subsection 1, Code 2003, is  
22 amended to read as follows:

23 1. A corporation may revoke its dissolution within one  
24 hundred twenty days of ~~its~~ the effective date of its articles  
25 of dissolution.

26 Sec. 88. Section 502.102, subsection 13, paragraph c, Code  
27 2003, is amended to read as follows:

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

33 Sec. 89. Section 502.202, subsection 19, unnumbered  
34 paragraph 1, Code 2003, is amended to read as follows:

35 A viatical settlement investment contract, or fractional or

1 pooled interest in such contract, provided any of the  
2 following conditions are satisfied:

3 Sec. 90. Section 508E.3A, subsection 1, paragraph b, Code  
4 2003, is amended to read as follows:

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

11 Sec. 91. Section 537.1301, subsection 4, paragraph b, Code  
12 2003, is amended to read as follows:

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

19 Sec. 92. Section 542.13, subsection 16, paragraph d, Code  
20 2003, is amended to read as follows:

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

27 Sec. 93. Section 542.19, subsection 1, paragraph a, Code  
28 2003, is amended to read as follows:

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

32 Sec. 94. Section 544B.12, Code 2003, is amended to read as  
33 follows:

34 544B.12 SEAL.

35 Every professional landscape architect shall have a seal,

1 approved by the board, which shall contain the name of the  
2 landscape architect and the words "Professional Landscape  
3 Architect, State of Iowa", and such other words or figures as  
4 the board may deem necessary. All landscape architectural  
5 plans and specifications, prepared by such professional  
6 landscape architect or under the supervision of such  
7 professional landscape architect, shall be dated and bear the  
8 legible seal of such professional landscape architect.

9 Nothing contained in this section shall be construed to permit  
10 the seal of a professional landscape architect to serve as a  
11 substitute for the seal of a licensed architect, a licensed  
12 professional engineer, or a licensed land surveyor whenever  
13 the seal of an architect, engineer or land surveyor is  
14 required under the laws of this state.

15 Sec. 95. Section 554.9701, Code 2003, is amended to read  
16 as follows:

17 554.9701 EFFECTIVE DATE.

18 This The amendments to this Article takes as enacted in  
19 2000 Iowa Acts, chapter 1149, take effect on July 1, 2001, and  
20 are applicable on and after that date.

21 Sec. 96. Section 554D.118, subsection 4, Code 2003, is  
22 amended to read as follows:

23 4. Except as otherwise agreed, a person having control of  
24 a transferable record is the holder, as defined in section  
25 554.1201, of the transferable record and has the same rights  
26 and defenses as a holder of an equivalent record or writing  
27 under chapter 554, including, if the applicable statutory  
28 requirements under section 554.3302, subsection 1, section  
29 554.7501, or section ~~554.9308~~ 554.9330 are satisfied, the  
30 rights and defenses of a holder in due course, a holder to  
31 which a negotiable document of title has been duly negotiated,  
32 or a purchaser, respectively. Delivery, possession, and  
33 endorsement are not required to obtain or exercise any of the  
34 rights under this subsection.

35 Sec. 97. Section 554D.120, subsection 4, Code 2003, is

1 amended to read as follows:

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

6 Sec. 98. Section 556.1, subsection 3, Code 2003, is  
7 amended to read as follows:

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

17 Sec. 99. Section 598.7A, subsection 5, Code 2003, is  
18 amended to read as follows:

19 5. The supreme court shall prescribe qualifications for  
20 mediators under this section ~~on-or-before-January-17-2001~~.  
21 The qualifications shall include but are not limited to the  
22 ethical standards to be observed by mediators. The  
23 qualifications shall not include a requirement that the  
24 mediator be licensed to practice any particular profession.

25 Sec. 100. Section 600.13, subsection 1, Code 2003, is  
26 amended to read as follows:

27 1. At the conclusion of the adoption hearing, the juvenile  
28 court or court shall do one of the following:

29 a. Issue a final adoption ~~decree~~, decree.

30 b. Issue an interlocutory adoption ~~decree~~, decree.

31 c. Issue a standby adoption decree pursuant to section  
32 600.14A.

33 d. Dismiss the adoption petition if the requirements of  
34 this chapter have not been met or if dismissal of the adoption  
35 petition is in the best interest of the person whose adoption

1 has been petitioned. Upon dismissal, the juvenile court or  
2 court shall determine who is to be guardian or custodian of a  
3 minor child, including the adoption petitioner if it is in the  
4 best interest of the minor person whose adoption has been  
5 petitioned.

6 Sec. 101. Section 602.8105, subsection 1, paragraph e,  
7 Code 2003, is amended to read as follows:

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

10 Sec. 102. Section 633.4105, subsection 2, paragraph b,  
11 subparagraph (1), Code 2003, is amended to read as follows:

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

16 Sec. 103. Section 637.603, subsection 2, unnumbered  
17 paragraph 1, Code 2003, is amended to read as follows:

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

22 Sec. 104. Section 637.605, subsection 3, unnumbered  
23 paragraph 1, Code 2003, is amended to read as follows:

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

29 Sec. 105. Section 717A.2, subsection 3, paragraph a, Code  
30 2003, is amended to read as follows:

31 a. A person who violates subsection 1, paragraph "a", is  
32 guilty of a class "C" felony if the injury to or death of an  
33 animal or damage to property exceeds fifty thousand dollars, a  
34 class "D" felony if the injury to or death of an animal or  
35 damage to property exceeds five hundred dollars but does not



1 exceed fifty thousand dollars, an aggravated misdemeanor if  
2 the injury to or death of an animal or damage to property  
3 exceeds one hundred dollars but does not exceed five hundred  
4 dollars, a serious misdemeanor if the injury to or death of an  
5 animal or damage to property exceeds fifty dollars but does  
6 not exceed one hundred dollars, or a simple misdemeanor if the  
7 injury to or death of an animal or damage to property does not  
8 exceed fifty dollars.

9 Sec. 106. Section 910.1, subsection 4, Code 2003, is  
10 amended to read as follows:

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

29 Sec. 107. 2002 Iowa Acts, chapter 1137, section 68,  
30 subsection 2, is amended by adding the following new  
31 unnumbered paragraph:

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

35 Sec. 108. 2001 Iowa Acts, Second Extraordinary Session,

1 chapter 6, section 26, is amended to read as follows:

2 SEC. 26. RETROACTIVE APPLICABILITY AND EFFECTIVE DATES.

3 1. This division of this Act is retroactively applicable  
4 to July 1, 2001, and is applicable on and after that date.

5 2. The effective date of sections 21 through 24 of this  
6 division of this Act shall be the later of July 1, 2002, or  
7 upon the legislative enactment of the interstate compact for  
8 adult offender supervision by the thirty-fifth jurisdiction.  
9 The director of the department of corrections shall notify the  
10 Code editor upon the enactment of the compact by the thirty-  
11 fifth jurisdiction.

12 Sec. 109. 1988 Iowa Acts, chapter 1182, sections 4 and 5,  
13 are repealed.

14 Sec. 110. 1988 Iowa Acts, chapter 1182, section 6, is  
15 amended to read as follows:

16 SEC. 6. EFFECTIVE DATE. This Act takes effect July 1,  
17 1989. ~~Sections 4 and 5 take effect when the authority~~  
18 ~~determines that degradable products are available to a degree~~  
19 ~~which makes compliance reasonably possible. -- The authority~~  
20 ~~shall establish the effective date by rule adopted under~~  
21 ~~chapter 17A.~~

22 Sec. 111. Section 11.24, Code 2003, is repealed.

23 Sec. 112. Section 236.15B, Code 2003, is repealed.

24 Sec. 113. Section 443.23, Code 2003, is repealed.

25 Sec. 114. Section 558.1A, Code 2003, is repealed.

26 Sec. 115. AUTHORIZATION TO CODE EDITOR -- REFERENCE  
27 CHANGES.

28 1. The Code editor may add any or all of the following  
29 references in the 2003 Code Supplement or in the 2005 Code as  
30 deemed proper by the Code editor:

31 a. The Code editor may include the phrase "as provided in  
32 chapter 17A" or ", chapter 17A," following the language "Iowa  
33 administrative procedure Act" if the language does not provide  
34 a reference to chapter 17A or a section of that chapter.

35 b. The Code editor may include the phrase "as provided in

1 chapter 537" or ", chapter 537," following the language "Iowa  
2 consumer credit code" if the language does not provide a  
3 reference to chapter 537 or a section of that chapter.

4 c. The Code editor may include the phrase "as provided in  
5 chapter 554" or ", chapter 554," following the language  
6 "uniform commercial code" or "Iowa uniform commercial code" if  
7 the language does not provide a reference to chapter 554 or a  
8 section of that chapter.

9 d. The Code editor may include the phrase "as provided in  
10 section 103A.7" or ", section 103A.7," following the language  
11 "state building code" if the language does not provide a  
12 reference to chapter 103A or section 103A.7.

13 2. The Code editor may substitute the term "division" for  
14 the "division of criminal investigation of the department of  
15 public safety" wherever it appears in chapter 99F.

16 Sec. 116. AUTHORIZATION TO CODE EDITOR -- TRANSFER. The  
17 Code editor may transfer section 126.24 to a new chapter 708B  
18 or another chapter deemed appropriate by the Code editor.

19 Sec. 117. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

20 1. The sections of this Act amending sections 159.6 and  
21 173.3, as amended by 2002 Iowa Acts, chapter 1017, take effect  
22 July 1, 2005.

23 2. The section of this Act amending section 554.9701,  
24 being deemed of immediate importance, takes effect upon  
25 enactment and applies retroactively to July 1, 2001.

26 3. The section of this Act amending 2001 Iowa Acts, Second  
27 Extraordinary Session, chapter 6, section 26, being deemed of  
28 immediate importance, takes effect upon enactment.

29

#### EXPLANATION

30 This bill contains statutory corrections that adjust  
31 language to reflect current practices, insert earlier  
32 omissions, delete redundancies and inaccuracies, delete  
33 temporary language, resolve inconsistencies and conflicts,  
34 update ongoing provisions, or remove ambiguities. The Code  
35 sections amended include all of the following:

1 Code section 6B.18: Clarifies that both the adverse party  
2 (or the party's representative) and any lienholder or  
3 encumbrancer must receive the notice of appraisement under  
4 eminent domain procedures.

5 Code sections 8D.2 and 8D.9: Transfers a provision  
6 regulating the use of the Iowa communications network for  
7 homeland security use by public agencies from a definitional  
8 Code section to a Code section specifically providing for  
9 network use.

10 Code sections 10A.101 and 124C.1: Eliminates the  
11 definitions of the terms "book", "list", "record", and  
12 "schedule" in the Code chapters establishing the department of  
13 inspections and appeals and providing for the cleanup of  
14 clandestine laboratory sites used to manufacture controlled  
15 substances since the Code chapters do not refer to these types  
16 of items kept by county officials.

17 Code section 10B.4A: Combines provisions which suspend  
18 certain filing requirements for foreign entities holding  
19 agricultural land in this state within the same Code section  
20 and corrects a reference to Code section 9I.7.

21 Code section 10D.2: Corrects a spelling error in a  
22 provision which authorizes a qualified enterprise to hold  
23 agricultural land for activities related to the production of  
24 baby chicks and fertilized chicken eggs.

25 Code section 12C.19: Deletes a comma to remove an  
26 ambiguity relating to applicability of certain approval  
27 requirements to withdrawal of securities from credit unions  
28 and conforms language relating to the withdrawal of securities  
29 from depositories to language contained in a succeeding  
30 sentence.

31 Code section 12C.23A: Eliminates a duplicative phrase in a  
32 provision for indemnification against losses by depositors of  
33 a closed bank.

34 Code section 13B.4: Changes a reference from "appropriate  
35 and reasonable" to "reasonable and necessary" to conform to

1 other references in the same Code section to the standard used  
2 by the state public defender when reviewing and approving  
3 claims for payment of indigent defense costs.

4 Code section 14B.105: Corrects an internal reference to  
5 certain types of members in a provision which establishes the  
6 terms of office for members of the information technology  
7 council.

8 Code section 15.108: Deletes a reference to the council on  
9 human investment, which was repealed by 2000 Acts, chapter  
10 1231.

11 Code sections 15E.45, 15E.51, and 15E.67: Corrects a  
12 reference to the name of the community-based seed capital  
13 fund, corrects grammatical usages, reorganizes a provision to  
14 improve its readability, and substitutes codified section  
15 numbers for references to an enacted House File.

16 Code section 15E.193C: Uses a singular rather than a  
17 plural noun in a provision relating to financial assistance to  
18 eligible businesses located in enterprise zones.

19 Code sections 16.15 and 16.132: Substitutes the word  
20 "chapter" for "Act" (referring to the authority's enabling  
21 legislation) in a provision which authorizes the use of  
22 revenue sources to support the Iowa finance authority's  
23 housing assistance payments program. Corrects terminology in  
24 an Iowa finance authority's program to support municipalities  
25 to be consistent with language in Code chapter 455B providing  
26 for an Iowa water pollution control works and drinking water  
27 facilities financing program.

28 Code section 23A.2: Corrects grammatical errors in  
29 exceptions applicable to the state board of regents and school  
30 corporations from certain private enterprise competition  
31 restrictions.

32 Code section 25B.7: Strikes a subsection determining  
33 property tax credit and exemption reimbursement amounts which  
34 by its own terms was repealed on June 30, 2002.

35 Code section 28.4: Eliminates the authority to establish a

1 summit to consider issues of funding and services as part of  
2 the community empowerment initiative since the authority  
3 expired at the end of 2001.

4 Code section 29B.22: Eliminates a reference to the  
5 position of state judge advocate in the military justice code  
6 and conforms the language to changes made in 2002 Acts,  
7 chapter 1117.

8 Code sections 43.45, 45.5, 48A.29, and 49.71: These Code  
9 sections relate to election laws.

10 Code section 45.5: Changes an incorrect reference from  
11 Code section 45.1 to Code section 39.27, in language referring  
12 to residency requirements for candidates and conforms the  
13 statement requirements to the requirements in Code section  
14 39.27. Grammatical changes are also made in the section.

15 Code section 43.45: Corrects an internal reference to  
16 procedures used to canvass votes and eliminates an unneeded  
17 preposition.

18 Code section 48A.29: Eliminates a description of why  
19 identification must be shown if a voter registration card is  
20 not returned as the requirements are also set out in the same  
21 Code section and in Code section 48A.27.

22 Code section 49.71: Eliminates a reference to a "card of  
23 instructions" in conformity with Code section 49.70 which  
24 allows instructions to be distributed to precinct election  
25 officials for posting at election sites in other formats.

26 Code section 56.4: Substitutes the correct preposition in  
27 a provision relating to campaign finance reports which are  
28 required to be filed with the Iowa ethics and campaign  
29 disclosure board.

30 Code section 80.22: Replaces the phrase "this Act" with  
31 the appropriate reference to the 1939 Iowa Acts in a provision  
32 restricting agencies other than the department of public  
33 safety from exercising police powers.

34 Code sections 97B.17 and 97B.42C: Internally renumbers  
35 Code section 97B.17, which provides for the release of certain

1 retirement system records which might be considered  
2 confidential. Provides that the Iowa public employees'  
3 retirement system (IPERS) division rather than the system is  
4 authorized to adopt rules necessary to effectuate mergers of  
5 municipal water utility or waterworks pension and annuity  
6 retirement systems into IPERS.

7 Code sections 99B.7, 99B.12, and 99F.1: These Code  
8 sections are organized within Code chapters providing for  
9 gambling, including games of chance or skill and raffles, and  
10 wagering on excursion boats and at racetracks. Strikes a  
11 reference in Code section 99B.7, which provides for  
12 restrictions upon persons allowed to conduct or promote a  
13 bingo occasion. The reference derives from a correction to a  
14 previously incorrect reference which was made in 2002 Acts,  
15 chapter 1068, § 7, but the language to which the reference  
16 then referred was stricken in § 10 of the same Act (now  
17 incorrect after being renumbered in the 2003 Code). Corrects  
18 a reference to "game" rather than "same" in Code section  
19 99B.12, which allows playing certain card and parlor games.  
20 Adds a definition of "division" to mean the division of  
21 criminal investigation within the department of public safety  
22 to Code section 99F.1 which provides definitions for the  
23 chapter regulating excursion boats and racetracks.

24 Code section 135.11, subsection 17: Adds Code chapter  
25 142A, relating to tobacco use prevention and control, to the  
26 list of chapters administered by the department of public  
27 health. The department is the administering agency under Code  
28 chapter 142A.

29 Code section 137F.1, subsection 8, paragraph "e":  
30 Clarifies that the exclusion from the definition of "food  
31 establishment" applies if certain food is not sold or  
32 distributed from the premises.

33 Code section 153.33, subsection 5: Adds "or registrant"  
34 after "licensee" to reflect 2002 change adding dental  
35 assisting and registration of dental assistants to applicable

1 disciplinary sections.

2 Code sections 159.6 and 173.3: Corrects internal  
3 references to Code chapter 176A, effective July 1, 2005, which  
4 were omitted when the repeal of Code chapter 176 was enacted  
5 in 2002 Iowa Acts, chapter 1017.

6 Code section 159A.3: Eliminates references to the Wallace  
7 technology transfer foundation of Iowa, which was repealed by  
8 1999 Iowa Acts, chapter 208.

9 Code sections 192.101A, 192.102, and 192.110: Updates  
10 references to reflect the latest revision of the "Grade 'A'  
11 Pasteurized Milk Ordinance". The department of agriculture  
12 and land stewardship administers the federal provisions  
13 relating to pasteurizing of milk, which have been revised.

14 Code sections 229A.8A and 229A.10: Makes terminology  
15 relating to sexually violent predators consistent with  
16 terminology used in the rest of the sections.

17 Code sections 232.68 and 235A.13: Adds Code section  
18 235A.24 to list of sections to which these definitional  
19 sections apply. Code section 235A.24 was enacted in 2000.

20 Code section 232.71B: Clarifies that the attorney  
21 representing a person alleged to have committed child abuse  
22 may, on behalf of the person, decline the offer of a child  
23 abuse assessment interview by the department.

24 Code sections 236.2 and 236.3: Removes the definition of  
25 "plaintiff" relating to commencement of actions in domestic  
26 abuse cases from substantive Code section 236.3 and places the  
27 definition in Code section 236.2, the definitions section for  
28 the chapter.

29 Code section 237A.29: Substitutes the proper preposition  
30 and specifies the particular suspension referred to in  
31 language authorizing the filing of a petition for an  
32 injunction relating to obtaining public funding for child care  
33 by fraudulent means.

34 Code section 277.23, subsection 2: Provides consistency in  
35 language relating to when the number of directors on the board



1 of a school district must be increased due to a city's  
2 population of 15,000 or more.

3 Code section 284.11, subsection 2: Harmonizes two  
4 different enactments, which amended the subsection in 2001,  
5 and relate to sharing of a single cash award under a pilot  
6 program for team-based variable pay for teachers based on  
7 student achievement.

8 Code section 321E.8: Adds "manufactured or" before the  
9 term "mobile homes" in language regarding annual permits for  
10 certain vehicles. "Manufactured or mobile homes" is the term  
11 defined in Code chapter 321E.

12 Code sections 321G.4, 321G.19, and 321G.33: Changes the  
13 term "identification" number to refer to either the  
14 "registration" or "vehicle identification" number in these  
15 Code sections to clarify which identification number is being  
16 referenced. 2002 Iowa Acts, chapter 1027, enacted Code  
17 sections 321G.5 and 321G.33, which requires the display of  
18 identification numbers, but several types of identification  
19 numbers are referred to within the Code chapter.

20 Code section 446.9: Inserts several conjunctions to  
21 correct grammatical usage relating to the required content of  
22 the notice and publication for annual tax sales held by county  
23 treasurers.

24 Code section 455B.105: Changes specific references to Code  
25 chapter 459, subchapters I through IV and VI, to general  
26 references to Code chapter 459 in a provision relating to  
27 rulemaking authority of the environmental protection  
28 commission.

29 Code section 455B.171: Deletes a definition of "open  
30 feedlot" in Code chapter 455B relating to water quality. The  
31 term is no longer used in that Code chapter. Provisions  
32 relating to feedlots were transferred to Code chapter 459 in  
33 Code 2003.

34 Code section 455B.183: Internally renumbers and  
35 redesignates the Code section dealing with public water supply

1 permits to improve readability and comprehension.

2 Code section 455B.187: Eliminates outdated provisions  
3 relating to water well contractor registration.

4 Code section 455D.11I: Deletes redundant requesting  
5 language in a provision requiring waste tire haulers to carry  
6 a certificate of registration and show such certificate upon  
7 request of the state department of transportation.

8 Code section 457A.2: Changes the defined term "natural  
9 resources" to "natural and cultural resources" to agree with  
10 usage of the term in Code chapter 457A.

11 Code section 459.102(18): Adds a definition of  
12 "department" to Code chapter 459. The definition was  
13 inadvertently omitted when provisions relating to animal  
14 agriculture compliance were transferred to the Code chapter in  
15 Code 2003.

16 Code section 459.102(40): In the definition of "restricted  
17 spray irrigation equipment", substitutes "maximum pressure"  
18 for "rate" in describing the means by which manure is  
19 dispersed. A similar change was made in the 2000 Code  
20 editor's bill, 2000 Iowa Acts, chapter 1154, section 31.

21 Code section 459.301: In provision relating to one of the  
22 means for determining whether two or more confinement feeding  
23 operations are adjacent, clarifies that one of the confinement  
24 feeding operation structures must be constructed on or after a  
25 certain date rather than on and after that date.

26 Code section 459.303(2): Inserts "structure" following  
27 "confinement feeding operation" in provision relating to  
28 approval of applications for construction of confinement  
29 feeding operation structures.

30 Code section 459.309: Specifies that design standards  
31 required by the department of natural resources for settled  
32 open feedlots effluent basins are construction design  
33 standards.

34 Code section 459.501: Deletes references to inclusion of  
35 moneys received from civil penalties collected for violations

1 of certain animal feeding operations provisions and from  
2 enforcement action settlements under Code chapter 455B in the  
3 manure storage indemnity fund. 2002 Iowa Acts, chapter 1137,  
4 directed that such moneys be deposited in the animal  
5 agriculture compliance fund.

6 Code section 462A.12: Clarifies that the requirement that  
7 a person aged 12 to 18 successfully complete a watercraft  
8 safety course before operating personal watercraft is in  
9 addition to the requirement that the person be accompanied in  
10 or on the personal watercraft by a responsible person of at  
11 least 18 years of age.

12 Code section 476A.23: Clarifies that the "board" given  
13 certain authority in provisions relating to issuance of public  
14 bonds or obligations by an electric power agency is the  
15 utilities board.

16 Code section 490.202: Deletes paragraph "f", in a  
17 provision relating to limitations on corporate director  
18 liability in articles of incorporation, to eliminate language  
19 that was identical to the language in paragraph "d". Language  
20 contained in an unnumbered paragraph in paragraph "f", which  
21 is not redundant, is added to paragraph "d".

22 Code section 490.724: Deletes a reference to Code section  
23 490.722, which pertains to authorization of electronic  
24 transmissions by shareholders and shareholders' agents or  
25 attorneys-in-fact to conform the provision to the model  
26 business corporation Act.

27 Code section 490.727: Adds the words "or bylaws" in  
28 language relating to the quorum and voting requirements  
29 applicable to amendments to the bylaws which relate to quorum  
30 and voting requirements. This is consistent with the language  
31 found in Code section 490.1021, relating to the amendment of  
32 bylaws.

33 Code section 490.831: Corrects two incorrect references to  
34 Code section 490.861, which does not exist in the Code, to  
35 reflect a reference to Code section 490.832, which describes

1 various types of transactions which constitute conflicts of  
2 interest for members of corporate boards of directors.

3 Code section 490.851: Conforms the provision to the  
4 corresponding provision section 8.51 of the Iowa business  
5 corporation Act, which is based on the model business  
6 corporation Act of the American bar association. The current  
7 Code language deviates from the model Act in that it limits  
8 the applicability of indemnification when the articles of  
9 incorporation so authorize to criminal proceedings only. The  
10 2002 amendments to Code chapter 490, contained in 2002 Iowa  
11 Acts, chapter 1154, are taken from the Iowa business  
12 corporation Act.

13 Code section 490.856: Makes a grammatical change in  
14 language relating to the basis on which a corporate officer  
15 may be made a party to a proceeding.

16 Code section 490.1323: Deletes references to certain  
17 requirements for a shareholder's perfection of any appraisal  
18 rights that were eliminated in the 2002 legislation revising  
19 Code chapter 490. The deletions include a reference to a  
20 requirement that the shareholder "demand payment" in order to  
21 perfect the shareholder's appraisal rights, which is not a  
22 requirement in the Code chapter, and a reference to a  
23 "dissenters' notice" that is now referred to as an "appraisal  
24 notice".

25 Code section 490.1324: Clarifies that "such payment" means  
26 the payment made to a shareholder by a corporation for the  
27 fair value of the shareholder's shares, as determined by the  
28 corporation, rather than the shareholder's demand for further  
29 payment, in a provision relating to shareholders' rights in  
30 regard to certain proposed corporate actions.

31 Code section 490.1404: Clarifies the phrase "its effective  
32 date" by specifying that a corporation may revoke its  
33 dissolution within 120 days of "the effective date of its  
34 articles of dissolution".

35 Code sections 502.102 and 502.202: Adds "investment" to

1 the term "viatical settlement contract" in conformance with  
2 the defined term otherwise used in the sections.

3 Code section 508E.3A: Clarifies the term "insurance  
4 division" to mean the "insurance division of the department of  
5 commerce" in the Code chapter relating to viatical settlement  
6 contracts.

7 Code section 537.1301: Corrects a reference in a  
8 definition of the term "amounts financed" in the consumer  
9 credit code to correctly refer to the term "finance charges",  
10 in subsection 19 rather than to the term "gift certificate" in  
11 subsection 20.

12 Code section 542.13: Renumbers subsection 16, paragraph  
13 "d" as subsection 17 in a provision relating to the licensing  
14 of public accountants.

15 Code section 542.19: Adds words "or certification" to a  
16 provision relating to the licensing of public accountants by  
17 other states.

18 Code section 544B.12: Amends a provision relating to the  
19 use of a professional landscape architect seal by specifying  
20 that "land surveyor" means "a licensed land surveyor".

21 Code section 554.9701: In relation to the effective date  
22 of amendments to the uniform commercial code, article 9,  
23 secured transactions, by clarifying the sentence "This Article  
24 takes effect on July 1, 2001." to mean "The amendments to this  
25 Article as enacted in 2000 Iowa Acts, chapter 1149, take  
26 effect on July 1, 2001, and are applicable on and after that  
27 date."

28 Code section 554D.118: Substitutes cross-reference to Code  
29 "section 554.9330" which relates to the priority of purchaser  
30 of chattel paper for cross-reference to Code "section  
31 554.9308" which relates to perfection of agricultural liens or  
32 security interests.

33 Code section 554D.120: Clarifies the applicability of  
34 provisions relating to the acceptance and distribution of  
35 electronic records by governmental agencies.

1 Code section 556.1: Strikes the word "corporation" in the  
2 term "cooperative corporation organized under chapter 501" as  
3 Code chapter 501 only deals with cooperative associations and  
4 not corporations.

5 Code section 598.7A: Strikes past deadline of January 1,  
6 2001, for the supreme court to prescribe qualifications for  
7 mediators.

8 Code section 600.13: Adds the correct grammatical lead-in  
9 at the beginning of subsection 1 which relates to options of  
10 the juvenile court at the conclusion of an adoption hearing.

11 Code section 602.8105: Clarifies that the particular civil  
12 court fee is for "filing and docketing" a writ of error.

13 Code section 633.4105: Corrects language qualifying cross-  
14 reference relating to the representation of minor or  
15 incompetent qualified beneficiaries to eliminate  
16 classification of section as a definitions provision.

17 Code sections 637.603 and 637.605: Corrects cross-  
18 references to actions that may be taken in provisions relating  
19 to total return unitrusts.

20 Code section 717A.2: Adds term "or death of" to the phrase  
21 "injury to an animal or damage to property" to conform with  
22 the remainder of the Code section relating to animal  
23 facilities and the killing of or injury to an animal.

24 Code section 910.1: Adds the word "or" to improve  
25 grammatical construction in a provision relating to the  
26 definition of the term "restitution".

27 1988 Iowa Acts, chapter 1182: Eliminates a contingent  
28 obsolete tax exemption relating to degradable packaging. The  
29 corresponding provision enacted in the 1988 Acts, section  
30 159.30, Code 2001, which would have provided the mechanism for  
31 determining whether the contingency was met, was repealed in  
32 2001 Iowa Acts, chapter 129, section 7.

33 2002 Iowa Acts, chapter 1137: Amends a Code editor  
34 directive in a bill to instruct the Code editor to strike two  
35 portions of a Code section which were not transferred by the

1 bill relating to animal agriculture.

2 2001 Iowa Acts, 2nd Ex., chapter 6, section 26: Makes  
3 technical changes to the retroactive applicability and  
4 effective date provisions for amendments to Code provisions  
5 relating to tax breaks for businesses that hire persons on  
6 parole or probation to whom the interstate probation and  
7 parole compact applies. The Code provisions were amended by  
8 2001 Iowa Acts, chapter 15, and subsequently amended by 2001  
9 Iowa Acts, 2nd Ex., chapter 6: The changes in this bill make  
10 those amendments applicable and effective at the same times.

11 Repeal:

12 Code section 11.24: Eliminates, through the repeal of a  
13 short title, a reference to an Act passed by the 45th General  
14 Assembly in 1933. The original provisions have been  
15 repeatedly amended or eliminated since its enactment,  
16 rendering the original reference obsolete.

17 Code section 236.15B: Repeals the income tax checkoff for  
18 domestic abuse programs. Code section 422.12E requires that,  
19 when three income tax checkoffs are in place, the income tax  
20 checkoff receiving the least amount of revenue over a three-  
21 year period shall be repealed. This repeal is based on  
22 information relating to revenue received by the department of  
23 revenue and finance.

24 Code section 443.23: Repeals a Code section defining the  
25 terms "tax list", "assessment list", "book", and "record". A  
26 provision defining similar terms was added in Code section  
27 443.23A pursuant to legislation enacted in 2000.

28 Code section 558.1A: Repeals a duplicative definition of  
29 "list", "book", "record", or "schedule" in Code chapter 558.

30 Code editor authorization: The Code editor is authorized  
31 to substitute terms or add references to popular names of Acts  
32 in the next edition of the Code Supplement or Code of Iowa.  
33 The Code editor may add appropriate chapter or section  
34 citations following stand-alone references to the Iowa  
35 administrative procedure Act, the Iowa consumer credit code,

1 the uniform commercial code, or the state building code. The  
2 Code editor may substitute "division" for "division of  
3 criminal investigation within the department of public safety"  
4 in Code chapter 99F.

5 The Code editor is authorized to transfer Code section  
6 126.24 to a new Code chapter 708B or another chapter deemed  
7 appropriate by the Code editor. The Code section makes it a  
8 crime to possess or distribute anthrax. Chapter 126 pertains  
9 to the regulation of drugs, devices, and cosmetics.

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SENATE FILE 155

AN ACT

RELATING TO STATUTORY CORRECTIONS WHICH MAY ADJUST LANGUAGE TO REFLECT CURRENT PRACTICES, INSERT EARLIER OMISSIONS, DELETE REDUNDANCIES AND INACCURACIES, DELETE TEMPORARY LANGUAGE, RESOLVE INCONSISTENCIES AND CONFLICTS, UPDATE ONGOING PROVISIONS, OR REMOVE AMBIGUITIES, AND INCLUDING EFFECTIVE AND RETROACTIVE APPLICABILITY DATE PROVISIONS.

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

Section 1. Section 6B.18, subsection 2, Code 2003, is amended to read as follows:

2. An appeal of appraisal of damages is deemed to be perfected upon filing of a notice of appeal with the district court within thirty days from the date of mailing the notice of appraisal of damages. The notice of appeal shall be served on the adverse party, or the adverse party's agent or attorney, and any ~~lienholders~~ lienholder and encumbrancers

encumbrancer of the property in the same manner as an original notice within thirty days from the date of filing the notice of appeal unless, for good cause shown, the court grants more than thirty days. If after reasonable diligence, the notice cannot be personally served, the court may prescribe an alternative method of service consistent with due process of law.

Sec. 2. Section 8D.2, subsection 5, paragraph b, Code 2003, is amended to read as follows:

b. For the purposes of this chapter, "public agency" also includes any homeland security or defense facility established by the administrator of the emergency management division of the department of public defense or the governor or any facility connected with a security or defense system as required by the administrator of the emergency management division of the department of public defense or the governor. ~~A facility that is considered a public agency pursuant to this paragraph shall be authorized to access the Iowa communications network strictly for homeland security communication purposes. Any utilization of the network that is not related to communications concerning homeland security is expressly prohibited.~~

Sec. 3. Section 8D.9, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A facility that is considered a public agency pursuant to section 8D.2, subsection 5, paragraph "b", shall be authorized to access the Iowa communications network strictly for homeland security communication purposes. Any utilization of the network that is not related to communications concerning homeland security is expressly prohibited.

Sec. 4. Section 10A.101, subsection 2, Code 2003, is amended by striking the subsection.

Sec. 5. Section 10B.4A, Code 2003, is amended to read as follows:

10B.4A SUSPENSION OF OTHER FILING REQUIREMENTS.

The secretary of state shall not prepare or distribute forms for reports or file reports otherwise required pursuant to section 9H.5A, 9I.8, or 501.103. A person required to file a report pursuant to this chapter is not required to file a report under those sections. A person required to file a report pursuant to this chapter is not required to register with the secretary of state as otherwise required in section 9I.7.

~~A person required to file a report pursuant to this chapter is not required to register with the secretary of state as otherwise required in any chapter enumerated in this section.~~

Sec. 6. Section 12C.19, subsection 1, Code 2003, is amended to read as follows:

1. Securities pledged pursuant to this chapter may be withdrawn on application of the pledging depository institution, and as to securities pledged by a credit union upon approval of the public officer to whom the securities are pledged, if the deposit of securities is no longer necessary to comply with this chapter, or withdrawal is required for collection by virtue of its maturity or ~~for~~ exchange. The depository institution shall replace securities so withdrawn for collection or exchange.

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

d. If the loss of public funds is not covered by federal deposit insurance and the proceeds of the closed bank's assets that are liquidated within thirty days of the closing of the bank are not sufficient to cover the loss, then any further payments to cover the loss will come from the state sinking fund for public deposits in banks. If the balance in that sinking fund is inadequate to pay the entire loss, then the treasurer shall obtain the additional amount needed by making an assessment against other banks whose public funds deposits exceed federal deposit insurance coverage. A bank's assessment shall be determined by multiplying the total amount

of the remaining loss to all public depositors in the closed bank by a percentage that represents the assessed bank's proportional share of the total of uninsured public funds deposits held by all banks and all branches of out-of-state banks, based upon the average of the uninsured public funds of the assessed bank or branch of an out-of-state bank as of the end of the four calendar quarters prior to the date of closing of the closed bank and the average of the uninsured public funds in all banks and branches of out-of-state banks as of the end of the four calendar quarters prior to the date of closing of the closed bank, excluding the amount of uninsured public funds held by the closed bank at the end of the four calendar quarters ~~held by the closed bank~~. Each bank shall pay its assessment to the treasurer of state within three business days after it receives notice of assessment.

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

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

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

(1) Work closely with representatives of business and industry, labor organizations, ~~the council on human~~

investment, the department of education, the department of workforce development, and educational institutions to determine the employee training needs of Iowa employers, and where possible, provide for the development of industry-specific training programs.

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

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

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

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

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

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

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

6. In the event that a community-based seed capital fund fails to meet or maintain any requirement set forth in this section, or in the event that the community-based seed capital fund has not invested at least thirty-three percent of its invested capital in no fewer than two separate qualifying businesses, measured at the end of the thirty-sixth month after commencing the fund's investing activities, the board shall rescind any tax credit certificates issued to limited partners or members and shall notify the department of revenue

and finance that it has done so, and the tax credit certificates shall be null and void. However, a community-based seed capital fund may apply to the board for a one-year waiver from of the requirements of this subsection.

8. A community-based seed capital fund shall not invest in the Iowa fund of funds, if organized pursuant to ~~2002-Iowa Acts, House-File-2070, if enacted~~ section 15E.65.

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

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

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

15E.67 POWERS AND EFFECTIVENESS.

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

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

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

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

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

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

5. The bonds or notes issued by the authority are not an indebtedness or other liability of the state or of a political subdivision of the state within the meaning of any constitutional or statutory debt limitations but are special obligations of the authority, and are payable solely from the income and receipts or other funds or property of the department, and the amounts on deposit in the revolving loan funds, and the amounts payable to the department under its loan agreements with ~~the municipalities and water systems~~ eligible entities as defined in section 455B.291 to the extent that the amounts are designated in the resolution, trust

agreement, or other instrument of the authority authorizing the issuance of the bonds or notes as being available as security for such bonds or notes. The authority shall not pledge the faith or credit of the state or of a political subdivision of the state to the payment of any bonds or notes. The issuance of any bonds or notes by the authority does not directly, indirectly, or contingently obligate the state or a political subdivision of the state to apply money from, or levy or pledge any form of taxation whatever to the payment of the bonds or notes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. A statement that the candidate is or will be a resident of the appropriate ward, city, county, school district, or legislative or other district as required by section 45-~~1~~ 39.27.

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

Signatures on a petition page shall be counted only if the required information is written or printed at the top of the page. Nomination papers on behalf of candidates for seats in the general assembly need only designate the number of the

senatorial or representative district, as appropriate, and not the county or counties, in which the candidate and the petitioners reside. ~~Signature lines on the~~ A signature line in a nomination petitions petition shall not be counted if the line lacks the signature of the eligible elector and the signer's address and city. The person examining the petition shall mark any deficiencies on the petition.

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

The notice shall be sent by forwardable mail, and shall include a postage paid preaddressed return card on which the registered voter may state the registered voter's current address. The notice shall contain a statement in substantially the following form: "Information received from the United States postal service indicates that you are no longer a resident of (residence address) in (name of county) County, Iowa. If this information is not correct, and you still live in (name of county) County, please complete and mail the attached postage paid card at least ten days before the primary or general election and at least eleven days before any other election at which you wish to vote. If the information is correct, and you have moved, please contact a local official in your new area for assistance in registering there. If you do not mail in the card, you may be required to show identification ~~proving your residence in (name of county)~~ County before being allowed to vote in (name of county) County. If you do not return the card, and you do not vote in some election in (name of county) County, Iowa, on or before (date of second general election following the date of the notice) your name will be removed from the list of voters in that county."

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

The precinct election officials, before the opening of the polls, shall cause ~~said cards of~~ the instructions for voters

required pursuant to section 49.70 to be securely posted as follows:

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

49.125 COMPENSATION OF TRAINEES.

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

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

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

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

80.22 PROHIBITION ON OTHER DEPARTMENTS.

All other departments and bureaus of the state are hereby prohibited from employing special peace officers or conferring upon regular employees any police powers to enforce provisions of the statutes, which are specifically reserved by ~~this Act~~ 1939 Iowa Acts, chapter 120, to this the department of public safety. But the commissioner of public safety shall, upon the requisition of the attorney general, from time to time assign for service in the department of justice such of its officers, not to exceed six in number, as may be requisitioned by the attorney general for special service in the department of

justice, and when so assigned such officers shall be under the exclusive direction and control of the attorney general.

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

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

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

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

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

97B.42C RETIREMENT SYSTEM MERGER -- MUNICIPAL UTILITY RETIREMENT SYSTEM.

A municipal water utility or waterworks that has established a pension and annuity retirement system for its employees pursuant to chapter 412 may adopt a resolution to authorize the merger of its pension and annuity retirement system with and into the Iowa public employees' retirement

system. The system is authorized, but is not required, to accept such a proposal. The governing body of the municipal water utility or waterworks and the Iowa public employees' retirement system shall, acting in their fiduciary capacities, mutually determine the terms and conditions of such a merger, including any additional funds necessary to fund the service credits being transferred to the Iowa public employees' retirement system, and either party may decline the merger if they cannot agree on such terms and conditions. The system division shall adopt such rules as it deems necessary and prudent to effectuate mergers as provided by this section.

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

o. ~~Except as provided in subsection 77-paragraph-a~~ a A person shall not conduct, promote, administer, or assist in the conducting, promoting, or administering of a bingo occasion, unless the person regularly participates in activities of the qualified organization other than conducting bingo occasions or participates in an educational, civic, public, charitable, patriotic, or religious organization to which the net receipts are dedicated by the qualified organization.

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

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

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

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

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

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

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

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

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

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

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

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

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

b. If the board shall deem the charges sufficient, if true, to warrant suspension or revocation of license or registration, it shall make an order fixing the time and place for hearing thereon and requiring the licensee or registrant

to appear and answer thereto, such order, together with a copy of the charges so made to be served upon the accused at least twenty days before the date fixed for hearing, either personally or by certified or registered mail, sent to the licensee's or registrant's last known post office address as shown by the records of the board.

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

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

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

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

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

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

5. The office and state entities, including the department, the committee, the Iowa department of economic development, the state department of transportation, the

department of natural resources, and the state board of regents institutions, and the Wallace-technology-transfer foundation-of-iowa, shall cooperate to implement this section.

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

173.3 CERTIFICATION OF STATE AID ASSOCIATIONS.

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

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

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

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

192.102 GRADE "A" PASTEURIZED MILK ORDINANCE.

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

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



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

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

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

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

1. If the director of human services determines that the person's mental abnormality has so changed that the person is not likely to commit engage in predatory acts or that constitute sexually violent offenses if discharged, the director shall authorize the person to petition the court for discharge. The petition shall be served upon the court and the attorney general. The court, upon receipt of the petition for discharge, shall order a hearing within thirty days. The attorney general shall represent the state, and shall have the right to have the petitioner examined by an expert or professional person of the attorney general's choice. The hearing shall be before a jury if demanded by either the petitioner or the attorney general. If the attorney general objects to the petition for discharge, the burden of proof shall be upon the attorney general to show beyond a reasonable

doubt that the petitioner's mental abnormality or personality disorder remains such that the petitioner is likely to engage in predatory acts that constitute sexually violent offenses if discharged.

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

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

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

e. An interview of the person alleged to have committed the child abuse, if the person's identity and location are known. The offer of an interview shall be made to the person prior to any consideration or determination being made that the person committed the alleged abuse. The purpose of the interview shall be to provide the person with the opportunity to explain or rebut the allegations of the child abuse report or other allegations made during the assessment. The court may waive the requirement to offer the interview only for good cause. The person offered an interview, or the person's attorney on the person's behalf, may decline to-be-interviewed the offer of an interview of the person.

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

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

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

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

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

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

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

A person shall not establish or operate a child care center without obtaining a license under the provisions of this chapter. A center may operate for a specified period of time, to be established by rule of the department, if application for a license has been made. If the department denies an application for an initial license, notwithstanding section ~~237A.8~~ 17A.18, the applicant center shall not continue to provide child care pending the outcome of an evidentiary hearing. The department shall issue a license if it

determines that all of the following conditions have been met:

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

d. In determining the value of the public funding obtained by fraudulent means, if the public funding is obtained by two or more acts of fraudulent means by the same person or in the same location, or is obtained by different persons by two or more acts which occur in approximately the same location or time period so that the acts of fraudulent means used to obtain the public funding are attributable to a single scheme, plan, or conspiracy, these acts may be considered as a single instance of the use of fraudulent means and the value may be the total value of all moneys involved.

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

b. In addition to applying the suspension under paragraph "a", the department may request that the attorney general file a petition with the district court of the county in which the

provider is located for issuance of a temporary injunction enjoining the provider from providing child care until the names and addresses are submitted to the department. The attorney general may file the petition upon receiving the request from the department. Any temporary injunction may be granted without a bond being required from the department.

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

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

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

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

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

321E.8 ANNUAL PERMITS.

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

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

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

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

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

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

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

highway structures shall be borne by the owner or operator of the vehicle causing the damage. Permitted vehicles under this subsection shall not be allowed to travel on any portion of the interstate highway system. Vehicles with indivisible loads operating under the permit provisions of this subsection may operate under the permit provisions of subsection 1 provided the vehicle and load comply with the limitations described in subsection 1.

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

The owner of each all-terrain vehicle or snowmobile required to be numbered shall register it every two years with the county recorder of the county in which the owner resides or, if the owner is a nonresident, the owner shall register it in the county in which the all-terrain vehicle or snowmobile is principally used. The commission has supervisory responsibility over the registration of all-terrain vehicles and snowmobiles and shall provide each county recorder with registration forms and certificates and shall allocate identification registration numbers to each county.

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

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

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

1. The department may assign a distinguishing number to an all-terrain vehicle or snowmobile when the serial number on the all-terrain vehicle or snowmobile is destroyed or obliterated and issue to the owner a special plate bearing the distinguishing number which shall be affixed to the all-

terrain vehicle or snowmobile in a position to be determined by the department. The all-terrain vehicle or snowmobile shall be registered and titled under the distinguishing number in lieu of the former serial number. Every all-terrain vehicle or snowmobile shall have an a vehicle identification number assigned and affixed as required by the department.

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

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

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

331.424C EMERGENCY SERVICES FUND.

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

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

1. A notice of the date, time, and place of the annual tax sale shall be served upon the person in whose name the parcel subject to sale is taxed. The county treasurer shall serve the notice by sending it by regular first class mail to the person's last known address not later than May 1 of each fiscal year. The notice shall contain a description of the parcel to be sold which is clear, concise, and sufficient to distinguish the parcel to be sold from all other parcels. It shall also contain the amount of delinquent taxes for which the parcel is liable each year, the amount of the interest, and fees, and the amount of the service fee as provided in section 446.10, subsection 2, all to be incorporated as a single sum. The notice shall contain a statement that, after the sale, if the parcel is not redeemed within the period provided in chapter 447, the right to redeem expires and a deed may be issued.

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

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

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

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

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

455B.183 WRITTEN PERMITS REQUIRED.

1. It is unlawful to carry on any of the following activities without first securing a written permit from the director, or from a city or county public works department if

the public works department reviews the activity under this section, as required by the department:

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

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

3- c. The operation of any waste disposal system or public water supply system or any part of or extension or addition to the system. This provision does not apply to a pretreatment system, the effluent of which is to be discharged directly to another disposal system for final treatment and disposal; a semipublic sewage disposal system, the construction of which has been approved by the department and which does not discharge into water of the state; or a private sewage disposal system which does not discharge into a water of the state. Sludge from a semipublic or private sewage disposal system shall be disposed of in accordance with the rules adopted by the department pursuant to chapter 17A. The

exemption of this paragraph shall not apply to any industrial waste discharges.

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

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

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

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

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

3. After issuing a permit, the city or county public works department shall notify the director of such issuance by forwarding a copy of the permit to the director. In addition,

the local agency shall submit quarterly reports to the director including such information as capacity of local treatment plants and production capacity of public water supply systems as well as other necessary information requested by the director for the purpose of implementing this chapter.

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

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

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

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

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

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

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

Sec. 69. Section 455D.111, subsection 4, Code 2003, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

2. The department shall issue a construction permit upon approval of an application. The department shall approve the application if the application is submitted to the county board of supervisors in the county where the proposed

confinement feeding operation structure is to be located as required pursuant to section 459.304, and the application meets the requirements of this chapter. If a county submits an approved recommendation pursuant to a construction evaluation resolution filed with the department, the application must also achieve a satisfactory rating produced by the master matrix used by the board or department under section 459.304. The department shall approve the application regardless of whether the applicant is required to be issued a construction permit.

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

459.309 SETTLED OPEN FEEDLOT EFFLUENT BASINS --  
CONSTRUCTION DESIGN STANDARDS.

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

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

2. The fund consists of moneys from indemnity fees remitted by permittees to the department as provided in section 459.502; moneys from indemnity fees remitted by persons required to submit manure management plans to the department pursuant to section 459.503; sums collected on behalf of the fund by the department through legal action or settlement; moneys required to be repaid to the department by a county pursuant to this subchapter; ~~civil penalties assessed and collected by the department or the attorney general~~

~~pursuant to chapter 455B, against animal feeding operations; moneys paid as a settlement involving an enforcement action for a civil penalty subject to assessment and collection against permittees by the department or the attorney general pursuant to chapter 455B; interest, property, and securities acquired through the use of moneys in the fund; or moneys contributed to the fund from other sources.~~

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

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

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

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

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



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

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

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

- (1) The amount of a financial benefit received by a director to which the director is not entitled.
- (2) An intentional infliction of harm on the corporation or the shareholders.
- (3) A violation of section 490.833.
- (4) An intentional violation of criminal law.

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

~~f.--A-provision-eliminating-or-limiting-the-liability-of-a director-to-the-corporation-or-its-shareholders-for-money damages-for-any-action-taken,or-any-failure-to-take-any action,as-a-director,except-liability-for-any-of-the following:~~

- ~~{1}--The-amount-of-a-financial-benefit-received-by-a director-to-which-the-director-is-not-entitled;~~
- ~~{2}--An-intentional-infliction-of-harm-on-the-corporation or-the-shareholders;~~
- ~~{3}--A-violation-of-section-490.833;~~
- ~~{4}--An-intentional-violation-of-criminal-law;~~

~~A-provision-shall-not-eliminate-or-limit-the-liability-of-a director-for-an-act-or-omission-occurring-prior-to-the-date when-the-provision-in-the-articles-of-incorporation-becomes effective;~~

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

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

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

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

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

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

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

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

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

a. All of the following apply:

- a. (1) The individual acted in good faith.

b- (2) The individual reasonably believed:

†† (a) In the case of conduct in the individual's official capacity, that the individual's conduct was in the best interests of the corporation.

†† (b) In all other cases, that the individual's conduct was at least not opposed to the best interests of the corporation.

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

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

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

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

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

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

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

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

shall be deemed to have accepted such the payment to the shareholder pursuant to subsection 1 in full satisfaction of the corporation's obligations under this chapter.

Sec. 88. Section 490.1404, subsection 1, Code 2003, is amended to read as follows:

1. A corporation may revoke its dissolution within one hundred twenty days of ~~its~~ the effective date of its articles of dissolution.

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

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

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

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

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

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

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

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

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

~~dr 17.~~ Nothing contained in this chapter shall be construed to authorize any person engaged in the practice as a certified public accountant or licensed public accountant or any member or employee of such firm to engage in the practice of law individually or within entities licensed under this chapter.

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

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

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

544B.12 SEAL.

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

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

554.9701 EFFECTIVE DATE.

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

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

4. Except as otherwise agreed, a person having control of a transferable record is the holder, as defined in section 554.1201, of the transferable record and has the same rights and defenses as a holder of an equivalent record or writing under chapter 554, including, if the applicable statutory requirements under section 554.3302, subsection 1, section 554.7501, or section ~~554-9300~~ 554.9330 are satisfied, the rights and defenses of a holder in due course, a holder to which a negotiable document of title has been duly negotiated, or a purchaser, respectively. Delivery, possession, and endorsement are not required to obtain or exercise any of the rights under this subsection.

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

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

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

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

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

5. The supreme court shall prescribe qualifications for mediators under this section ~~on-or-before-January-17-2001~~. The qualifications shall include but are not limited to the ethical standards to be observed by mediators. The qualifications shall not include a requirement that the mediator be licensed to practice any particular profession.

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

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

- a. Issue a final adoption ~~decree~~ decree.
- b. Issue an interlocutory adoption ~~decree~~ or decree.
- c. Issue a standby adoption decree pursuant to section 600.14A.
- d. Dismiss the adoption petition if the requirements of this chapter have not been met or if dismissal of the adoption petition is in the best interest of the person whose adoption has been petitioned. Upon dismissal, the juvenile court or court shall determine who is to be guardian or custodian of a minor child, including the adoption petitioner if it is in the best interest of the minor person whose adoption has been petitioned.

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

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

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

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

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

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

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

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

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

a. A person who violates subsection 1, paragraph "a", is guilty of a class "C" felony if the injury to or death of an animal or damage to property exceeds fifty thousand dollars, a class "D" felony if the injury to or death of an animal or damage to property exceeds five hundred dollars but does not exceed fifty thousand dollars, an aggravated misdemeanor if the injury to or death of an animal or damage to property exceeds one hundred dollars but does not exceed five hundred dollars, a serious misdemeanor if the injury to or death of an animal or damage to property exceeds fifty dollars but does not exceed one hundred dollars, or a simple misdemeanor if the injury to or death of an animal or damage to property does not exceed fifty dollars.

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

4. "Restitution" means payment of pecuniary damages to a victim in an amount and in the manner provided by the offender's plan of restitution. "Restitution" also includes fines, penalties, and surcharges, the contribution of funds to a local anticrime organization which provided assistance to

law enforcement in an offender's case, the payment of crime victim compensation program reimbursements, payment of restitution to public agencies pursuant to section 321J.2, subsection 9, paragraph "b", court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender, and the performance of a public service by an offender in an amount set by the court when the offender cannot reasonably pay all or part of the court costs including correctional fees approved pursuant to section 356.7, or court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender.

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

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

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

SEC. 26. RETROACTIVE APPLICABILITY AND EFFECTIVE DATES.

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

2. The effective date of sections 21 through 24 of this division of this Act shall be the later of July 1, 2002, or upon the legislative enactment of the interstate compact for adult offender supervision by the thirty-fifth jurisdiction. The director of the department of corrections shall notify the Code editor upon the enactment of the compact by the thirty-fifth jurisdiction.

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

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

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

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

Sec. 114. AUTHORIZATION TO CODE EDITOR -- REFERENCE CHANGES.

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

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

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

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

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

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

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

Sec. 116. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

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

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

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

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

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MARY E. KRAMER  
President of the Senate

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CHRISTOPHER C. RANTS  
Speaker of the House

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

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved \_\_\_\_\_, 2003

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THOMAS J. VILSACK  
Governor