

jointly with any other public or private agency, but excluding urban renewal demolition and low-rent housing projects, industrial aid projects authorized under chapter 419, emergency work or work performed by employees of a city or a city utility.

Sec. 30. Sections 15.371 through 15.373, Code Supplement 1999, are repealed.

Sec. 31. REPEAL AND REENACTMENT — CONTINUATION. The repeal and reenactment of Code sections relating to the community attraction and tourism development program and the community attraction and tourism development fund are intended to be a continuation of the prior statutes and not a new enactment, so far as the new enactment is the same as the prior statutes. The repeal and reenactment of Code sections relating to the community attraction and tourism development program and the community attraction and tourism development fund shall not cause moneys in the current community attraction and tourism development fund to revert to any other fund but such moneys shall remain in the community attraction and tourism fund established in Code section 15F.204 for expenditure for subsequent fiscal years. The repeal and reenactment of Code sections relating to the community attraction and tourism development program and the community attraction and tourism development fund shall not nullify any awards made under the program based on appropriations made in 1999 Iowa Acts, chapter 204, section 3, subsection 2, for the fiscal years beginning July 1, 1999, and July 1, 2000.

Sec. 32. This Act prevails over the provisions of 2000 Iowa Acts, House File 2392,⁴ if enacted, relating to any amendments to the community attraction and tourism development program and fund, which provisions are void.

Approved May 9, 2000

CHAPTER 1175

HUNTING, FISHING, AND FUR HARVESTING — RESIDENCY STATUS

H.F. 2008

AN ACT providing residency status to certain members of the armed forces for purposes of hunting, fishing, and fur harvesting.

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

Section 1. Section 483A.1A, subsection 4, Code 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Is a member of the armed forces of the United States serving on active duty, claims residency in this state, and has filed a state individual income tax return as a resident pursuant to chapter 422, division II, for the preceding tax year.

Sec. 2. 2000 Iowa Acts, House File 2486,¹ section 5, if enacted, is amended to read as follows:

SEC. 5. Section 483A.1A, subsection 4, Code 1999, is amended by adding the following new paragraph:

~~d.~~ e. Is registered to vote in this state.

⁴ Not enacted

¹ Chapter 1116 herein

Sec. 3. Section 483A.24, subsection 6, Code Supplement 1999, is amended to read as follows:

6. ~~No A~~ license shall not be required of minor pupils of the state school for the blind, state school for the deaf, ~~nor or~~ of minor residents of other state institutions under the control of an administrator of a division of the department of human services, ~~nor shall any.~~ In addition, a person who is on active duty with the armed forces of the United States, on authorized leave from a duty station located outside of this state, and a legal resident of the state of Iowa, shall not be required to have a license to hunt or fish in this state. The military personnel person shall carry their the person's leave papers and a copy of the person's current earnings statement showing a deduction for Iowa income taxes while hunting or fishing and, if. In lieu of carrying the person's earnings statement, the military person may also claim residency if the person is registered to vote in this state. If a deer or wild turkey is taken, the military person shall immediately contact a state conservation officer to obtain an appropriate tag to transport the animal. No A license shall not be required of residents of county care facilities or any person who is receiving old-age assistance under chapter 249.

Approved May 9, 2000

CHAPTER 1176

WAIVER OR VARIANCE OF ADMINISTRATIVE RULES

H.F. 2206

AN ACT providing for the waiver or variance of administrative rules by state agencies.

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

Section 1. NEW SECTION. 17A.9A WAIVERS AND VARIANCES.

1. Any person may petition an agency for a waiver or variance from the requirements of a rule, pursuant to the requirements of this section, if the agency has established by rule, an application, evaluation, and issuance procedure permitting waivers and variances. An agency shall not grant a petition for waiver or a variance of a rule unless the agency has jurisdiction over the rule and the waiver or variance is consistent with any applicable statute, constitutional provision, or other provision of law. In addition, this section does not authorize an agency to waive or vary any requirement created or duty imposed by statute.

2. Upon petition of a person, an agency may in its sole discretion issue a waiver or variance from the requirements of a rule if the agency finds, based on clear and convincing evidence, all of the following:

a. The application of the rule would pose an undue hardship on the person for whom the waiver or variance is requested.

b. The waiver or variance from the requirements of a rule in the specific case would not prejudice the substantial legal rights of any person.

c. The provisions of a rule subject to a petition for a waiver or variance are not specifically mandated by statute or another provision of law.

d. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver or variance is requested.

3. The burden of persuasion rests with the person who petitions an agency for the waiver or variance of a rule. Each petition for a waiver or variance shall be evaluated by the agency based on the unique, individual circumstances set out in the petition. A waiver or variance,