

CHAPTER 44
SUBSTANTIVE CODE CORRECTIONS
S.F. 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 2078, 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~~ has 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:¹

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

¹ See chapter 179, §78, 84 herein

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.~~ 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.~~ 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 7, paragraph "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 ~~17A.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.²

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~~ 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

² See chapter 179, §79 herein

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 reg-~~ istration 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 VI,~~ 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 VI.~~ 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 1, 1991, the well contractor shall meet the requirements of certification by July 1, 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 1, 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.11I, 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 "c"~~ 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:

(1) (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.

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

e- (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:

~~4.~~ 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 ~~554.9308~~ 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 1, 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.

Approved April 21, 2003

CHAPTER 45

EDUCATION PRACTITIONER LICENSING EXAMINATION — STATISTICAL INFORMATION

S.F. 201

AN ACT relating to a review of statistical information compiled by the board of educational examiners from Praxis II examinations administered to initial, provisional teaching license applicants.

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

Section 1. Section 284.12, subsection 4, Code 2003, is amended to read as follows:

4. The board of educational examiners shall compile statistical information from the results of the examinations administered pursuant to section 272.2, subsection 16, Code 2003. The information compiled shall identify the practitioner preparation programs from which the applicants graduated, but shall not identify applicants individually. The statistical information compiled by the board pursuant to this subsection is a public record. The board shall submit a review of the statistical information to the chairpersons and ranking members of the senate and house committees on education and the state board by ~~December 1, 2003~~ January 15, 2004. This subsection is repealed effective June 30, 2004.

Approved April 21, 2003