

Sec. 9. WAIVER PAYMENT SLOTS. The department of human services shall provide an opportunity for counties to request an expansion of the county's home and community-based waiver¹ payment slots under the medical assistance program in order to add slots to address the changes in the definition of "residential care facility" under chapter 135C made by this Act. Any expansion in the number of waiver payment slots as described in this section shall be implemented on July 1, 2004, or the date authorized in the federal approval of the expansion of the waiver slots, whichever is later.

Sec. 10. RETROACTIVE APPLICABILITY. The following provisions of this Act are retroactively applicable to October 1, 2003:

1. The provision creating section 222.60A, relating to the costs of the assessment for intermediate care facilities for persons with mental retardation.
2. The provision creating section 249.3, subsection 4, relating to state supplementary assistance eligibility.
3. The provision amending section 249.4, relating to applications and amounts of grants for state supplementary assistance.
4. The provision amending section 249A.21, subsection 1, and the provision creating section 249A.21, subsection 6, relating to the nursing facility² quality assurance assessment.
5. The provision amending 2003 Iowa Acts, chapter 112, section 4, subsection 9, relating to the adoption of administrative rules relating to the nursing facility quality assurance assessment.

Sec. 11. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 16, 2004

CHAPTER 1086

NONSUBSTANTIVE CODE CORRECTIONS

H.F. 2208

AN ACT relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

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

Section 1. Section 2B.10, Code Supplement 2003, is amended to read as follows:
2B.10 ~~SESSION LAWS IOWA ACTS.~~

1. The arrangement of the Acts and resolutions, and the size, style, type, binding, general arrangement, and tables of the ~~session laws Iowa Acts~~ shall be printed and published in the manner determined by the Iowa Code editor in accordance with the policies set by the legislative council as provided in section 2.42.
2. Chapters of the first regular session shall be numbered from one and chapters of the second regular session shall be numbered from one thousand one.
3. A list of elective state officers and deputies, supreme court justices, judges of the court of appeals, and members of the general assembly shall be published annually with the ~~session laws Iowa Acts~~.
4. A statement of the condition of the state treasury shall be included, as provided by the

¹ The phrase "home and community-based services waiver" probably intended

² The phrase "intermediate care facilities for persons with mental retardation" probably intended

Constitution of the State of Iowa. The statement shall be furnished by the director of the department of administrative services.

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

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

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

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

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

3.3 HEADNOTES AND HISTORICAL REFERENCES.

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

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

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

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

8.59 APPROPRIATIONS FREEZE.

Notwithstanding contrary provisions of the Code, the amounts appropriated under the applicable sections of the Code for fiscal years commencing on or after July 1, 1993, are limited to those amounts expended under those sections for the fiscal year commencing July 1, 1992. If an applicable section appropriates moneys to be distributed to different recipients and the operation of this section reduces the total amount to be distributed under the applicable section, the moneys shall be prorated among the recipients. As used in this section, "applicable sections" means ~~the following~~ sections: 53.50, 229.35, 230.8, 230.11, 411.20, and 663.44.

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

8A.124 ADDITIONAL PERSONNEL.

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

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

c. Encourage and exercise leadership in the development of effective personnel administra-

tion within the several state agencies, and to make available the facilities of the department to this end.

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

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

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

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

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

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

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

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

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

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

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

29A.8A ACTIVE STATE STATE MILITARY SERVICE.

If federal funding and authorization exist for this purpose, the governor may order to active state military service the military forces of the Iowa army national guard or Iowa air national guard as the governor may deem appropriate for the purposes of homeland security, homeland defense, or other duty. A state employee shall take either a full day's leave or eight hours of compensatory time on a day in which the state employee receives a full day's pay from federal funds for national guard duty.

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

1. All officers and employees of the state, or a subdivision thereof, or a municipality other than employees employed temporarily for six months or less, who are members of the national guard, organized reserves or any component part of the military, naval, or air forces or nurse corps of this state or nation, or who are or may be otherwise inducted into the military service of this state or of the United States, shall, when ordered by proper authority to state active duty, active state military service, or federal service, be entitled to a leave of absence from such civil employment for the period of state active duty, active state military service, or federal service, without loss of status or efficiency rating, and without loss of pay during the first thirty days of such leave of absence. Where state active duty, active state military service, or federal service is for a period less than thirty days, a leave of absence under this section shall only be

required for those days that the civil employee would normally perform services for the state, subdivision of the state, or a municipality.

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

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

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

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

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

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

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

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

80.35 TRANSITION.

Persons employed by the department of ~~administrative general~~ services as capitol security force officers shall be transferred to the division of capitol security of the department of public safety on July 1, 1976. Persons transferred pursuant to this section shall retain their positions as capitol police officers, shall not be subject to the requirements and conditions of section 80.15, and shall remain under the Iowa public employees' retirement system. Persons employed after July 1, 1976, by the department of public safety as capitol police officers within the division of capitol police shall be subject to the requirements and conditions of section 80.15, except those requirements relating to age, and shall be subject to the Iowa public employees' retirement system. The minimum age for persons employed by the division of capitol police shall be eighteen.

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

80B.5 ADMINISTRATION.

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

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

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

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

a. An employer other than a governmental entity or a nonprofit organization, subject to this chapter, shall pay an administrative contribution surcharge equal in amount to one-tenth of one percent of federal taxable wages, as defined in section 96.19, subsection 37, paragraph "b", subject to the surcharge formula to be developed by the department under this paragraph. The department shall develop a surcharge formula that provides a target revenue level of no greater than six million five hundred twenty-five thousand dollars for calendar years 2003, 2004, and 2005 and a target revenue level of no greater than three million two hundred sixty-two thousand five hundred dollars for calendar year 2006 and each subsequent calendar year. The department shall reduce the administrative contribution surcharge established for any calendar year proportionate to any federal government funding that provides an increased allocation of moneys for workforce development offices, under the federal employment services financing reform legislation. Any administrative contribution surcharge revenue that is collected in calendar year 2003, 2004, or 2005 in excess of six million five hundred twenty-five thousand dollars or in calendar year 2006 or a subsequent calendar year in excess of three million two hundred sixty-two thousand five hundred dollars shall be deducted from the amount to be collected in the subsequent calendar year ~~2003~~ before the department establishes the administrative contribution surcharge. The department shall recompute the amount as a percentage of taxable wages, as defined in section 96.19, subsection 37, and shall add the percentage surcharge to the employer's contribution rate determined under this section. The percentage surcharge shall be capped at a maximum of seven dollars per employee. The department shall adopt rules prescribing the manner in which the surcharge will be collected. Interest shall accrue on all unpaid surcharges under this subsection at the same rate as on regular contributions and shall be collectible in the same manner. Interest accrued and collected under this paragraph and interest earned and credited to the fund under paragraph "b" shall be used by the department only for the purposes set forth in paragraph "c".

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

The contributions paid by the vested or retired member shall be equal to the accumulated contributions as defined in section 97B.1A, subsection 2, by the member for the applicable period of service, and the employer contribution for the applicable period of service under the ~~teachers insurance and annuity association college retirement equities fund~~ teachers insurance and annuity association college retirement equities fund (TIAA-CREF), that would have been or had been contributed by the vested or retired member and the employer, if applicable, plus interest on the contributions that would have accrued for the applicable period from the date the previous applicable period of service commenced under this retirement system or from the date the service of the member in the teachers insurance and annuity association college retirement equities fund (TIAA-CREF) commenced to the date of payment of the contributions by the member as provided in section 97B.70.

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

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

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

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

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

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

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

8. A background investigation shall be conducted by the department of public safety, division of criminal investigation, on each applicant who has reached the final selection process prior to employment by the authority. For positions not designated as sensitive by the board, the investigation may consist of a state criminal history background check, work history, and financial review. The board shall identify those sensitive positions of the authority which require full background investigations, which positions shall include, at a minimum, any officer of the authority, and any employee with operational management responsibilities, security duties, or system maintenance or programming responsibilities related to the authority's data processing or network hardware, software, communication, or related systems. In addition to a work history and financial review, a full background investigation may include a national criminal history ~~record~~ check through the federal bureau of investigation. The screening of employees through the federal bureau of investigation shall be conducted by submission of fingerprints through the state criminal history ~~record~~ repository to the federal bureau of investigation. The results of background investigations conducted pursuant to this section shall not be considered public records under chapter 22.

Sec. 27. Section 99G.33, Code Supplement 2003, is amended to read as follows:
99G.33 LAW ENFORCEMENT INVESTIGATIONS.

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

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

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

Sec. 29. Section 100.38, Code 2003, is amended to read as follows:
100.38 CONFLICTING STATUTES.

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

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

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

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

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

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

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

Sec. 33. Section 135.18, Code 2003, is amended to read as follows:
135.18 CONFLICTING STATUTES.

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

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

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

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

135.106 HEALTHY FAMILIES ~~IOWA PROGRAM PROGRAMS~~ — ESTABLISHED.

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

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

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

- a. Identification of barriers to positive birth outcomes, encouragement of collaboration and cooperation among providers of health care, social and human services, and other services to pregnant women and infants, and encouragement of pregnant women and women of child-bearing age to seek health care and other services which promote positive birth outcomes.
- b. Provision of community-based home-visiting family support to pregnant women and new parents who are identified through a standardized screening process to be at high risk for problems with successfully parenting their child.
- c. Provision by family support workers of individual guidance, information, and access to

health care and other services through care coordination and community outreach, including transportation.

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

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

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

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

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

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

j. Provision of continuous follow-up contact with a family served by the program until identified children reach age three or age four in cases of continued high need or until the family attains its individualized goals for health, functioning, and self-sufficiency.

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

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

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

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

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

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

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

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

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

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

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

135C.28 CONFLICTING STATUTES.

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

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

137C.31 CONFLICTS WITH STATE BUILDING CODE.

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

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

137D.6 CONFLICTS WITH STATE BUILDING CODE.

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

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

137F.16 CONFLICTS WITH STATE BUILDING CODE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. "Affordable" means rates for payment of services which do not exceed the rates established for providers of medical and health services under the medical assistance program with eligibility for an individual equal to the eligibility for medical assistance pursuant to section 249A.3. In relation to services provided by a provider of services under a home and community-based services waiver, "affordable" means that the total monthly cost of the services provided under the home and community-based services waiver ~~services provided~~ does

not exceed the cost for that level of care as established by rule by the department of human services, pursuant to chapter 17A, in consultation with the department of elder affairs.

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

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

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

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

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

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

Sec. 52. Section 255.13, Code Supplement 2003, is amended to read as follows:
255.13 ATTENDANT — PHYSICIAN — COMPENSATION.

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

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

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

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

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

Sec. 55. Section 260C.18, subsection 6, Code 2003, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. "Agricultural equipment" means a device, part of a device, or an attachment ~~of to~~ a device designed to be principally used for an agricultural purpose. "Agricultural equipment" includes

but is not limited to equipment associated with livestock or crop production, horticulture, or floriculture. "Agricultural equipment" includes but is not limited to tractors; trailers; combines; tillage, planting, and cultivating implements; ~~bailers~~ balers; irrigation implements; and all-terrain vehicles.

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Top priority in awarding program grants shall be the making of school infrastructure improvements relating to fire and personal safety. School districts eligible for program grants shall have received an order or citation from the state fire marshal, or a fire department chief or fire prevention officer, for one or more fire safety violations regarding a school facility, or in the opinion of the state fire marshal shall be regarded as operating facilities subject to significant fire safety deficiencies. Grant awards shall also be available for defects or violations of the state building code, as adopted pursuant to section 103A.7, revealed during an inspection of school facilities by a local building department, or for improvements consistent with the standards and specifications contained in the state building code regarding ensuring that buildings and facilities are accessible to and functional for persons with disabilities. The school budget review committee shall allocate program funds to school districts which, in its discretion, are determined to be faced with the most severe deficiencies. School districts applying for program grants shall have developed and submitted to the state fire marshal or local building department a written plan to remedy fire or safety defects within a specified time frame. Approval of the written plan by the state fire marshal or local building department shall be obtained prior to receipt of a grant award by a school district.

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

426A.7 FORMS — RULES.

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

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

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

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

441.23 NOTICE OF VALUATION.

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

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

3. The attorney general may require at any time from a nonparticipating manufacturer proof from the financial institution in which the ~~nonparticipatory~~ nonparticipating manufacturer has established a qualified escrow fund for the purpose of compliance with chapter 453C,

of the amount of money in the qualified escrow fund, exclusive of interest, the amount and date of each deposit into the qualified escrow fund, and the amount and date of each withdrawal from the qualified escrow fund.

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

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

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

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

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

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

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

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

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

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

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

All directors of a professional corporation and all officers of a professional corporation,

except assistant officers, shall at all times be individuals who are licensed to practice in this state a profession which the corporation is authorized to practice. However, upon the occurrence of any event that requires the corporation either to be dissolved or to elect to adopt the provisions of the Iowa business corporation Act, chapter 490, as provided in section 496C.19, provided the corporation ceases to practice the profession that the corporation is authorized to practice, as provided in section 496C.19, then individuals who are not licensed to practice in this state a profession that the corporation is authorized to practice may be appointed as officers and directors for the sole purpose of carrying out the dissolution of the corporation or, if applicable, the voluntary election of the corporation to adopt the provisions of the Iowa business corporation Act, as provided in section 496C.19.

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

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

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

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

Sec. 82. Section 499B.20, Code 2003, is amended to read as follows:
499B.20 CONVERSIONS TO MEET BUILDING CODES.

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

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

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

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

e. Any other provisions, not inconsistent with law or the purposes which the corporation is authorized to pursue, which are to be set forth in articles of incorporation; except that it shall not be necessary to set forth in the restated articles of incorporation any of the corporate powers enumerated in this chapter nor any statement with respect to the chapter of the Code or ~~session laws~~ Iowa Acts under which the corporation was incorporated, its registered office,

registered agent, directors, or incorporators, or the date on which its corporate existence began.

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

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

Sec. 86. Section 508.31A, subsection 2, paragraph a, subparagraph (2), subparagraph subdivision (b), Code Supplement 2003, is amended to read as follows:

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

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

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

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

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

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

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

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

A public official charged with the enforcement of the state building code, as adopted pursuant to section 103A.7, or a municipal or county building code, shall not accept or approve any technical submissions involving the practice of architecture unless the technical submissions have been stamped with the architect's seal as required by this section or unless the applicant has certified on the technical submission to the applicability of a specific exception under section 544A.18 permitting the preparation of technical submissions by a person not registered under this chapter. A building permit issued with respect to technical submissions which do not conform to the requirements of this section is invalid.

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

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

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

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

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

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

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

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

570A.6 ENFORCEMENT OF LIEN.

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

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

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

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

598B.106 EFFECT OF CHILD-CUSTODY DETERMINATION.

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

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

602.11112 FIFTH JUDICIAL ELECTION DISTRICT.

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

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

3. To commence coverage under the judicial retirement system pursuant to article 9, part 1, retroactive to the date the district associate judge became a district associate judge or a full-time judicial magistrate, whichever was earlier, and to cease to be a member of the Iowa public employees' retirement system, effective July 1, 1984. The department of administrative

services personnel shall transmit by January 1, 1985, to the state court administrator for deposit in the judicial retirement fund the district associate judge's accumulated contributions as defined in section 97B.1A, subsection 2 for the judge's period of membership service as a district associate judge or full-time judicial magistrate, or both. Before July 1, 1986, or at retirement previous to that date, a district associate judge who becomes a member of the judicial retirement system pursuant to this subsection shall contribute to the judicial retirement fund an amount equal to the difference between four percent of the district associate judge's total basic salary for the entire period of service before July 1, 1984, as a district associate judge or judicial magistrate, or both, and the district associate judge's accumulated contributions transmitted by the department of ~~administrative services personnel~~ to the state court administrator pursuant to this subsection. The district associate judge's contribution shall not be limited to the amount specified in section 602.9104, subsection 1. The state court administrator shall credit a district associate judge with service under the judicial retirement system for the period of service for which contributions at the four percent level are made.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 107. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. The section of this Act amending 2003 Iowa Acts, chapter 91, section 10, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2003.

Approved April 16, 2004