

FEB 16 2005
Place On Calendar

HOUSE FILE 338
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 115)
(COMPANION TO SF 113)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to nonsubstantive Code corrections and including
2 effective and retroactive applicability date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HF 338

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

1 Section 1. Section 4.1, subsection 39, unnumbered
2 paragraph 1, Code 2005, is amended to read as follows:

3 The words "written" and "in writing" may include any mode
4 of representing words or letters in general use, and include
5 an electronic record as defined in section 554D.103. A
6 signature, when required by law, must be made by the writing
7 or markings of the person whose signature is required.
8 "Signature" includes an electronic ~~or-digital~~ signature as
9 defined in section 554D.103. If a person is unable due to a
10 physical disability to make a written signature or mark, that
11 person may substitute either of the following in lieu of a
12 signature required by law:

13 Sec. 2. Section 10B.4, subsection 1, Code 2005, is amended
14 to read as follows:

15 1. A biennial report shall be filed by a reporting entity
16 with the secretary of state on or before March 31 of each odd-
17 numbered year as required by rules adopted by the secretary of
18 state pursuant to chapter 17A. However, a reporting entity
19 required to file a biennial report pursuant to chapter 490,
20 496C, 497, 498, 499, 501, 504, or 504A shall file the report
21 required by this section in the same year as required by that
22 chapter. The reporting entity may file the report required by
23 this section together with the biennial report required to be
24 filed by one of the other chapters referred to in this
25 subsection. The reports shall be filed on forms prepared and
26 supplied by the secretary of state. The secretary of state
27 may provide for combining its reporting forms with other
28 biennial reporting forms required to be used by the reporting
29 entities.

30 Sec. 3. Section 10B.7, unnumbered paragraph 1, Code 2005,
31 is amended to read as follows:

32 Lessees of agricultural land under section 9H.4, subsection
33 2, paragraph "c", for research or experimental purposes, shall
34 file a biennial report with the secretary of state on or
35 before March 31 of each odd-numbered year on forms adopted

1 pursuant to chapter 17A and supplied by the secretary of
2 state. However, a lessee required to file a biennial report
3 pursuant to chapter 490, 496C, 497, 498, 499, 501, 504, or
4 504A shall file the report required by this section in the
5 same year as required by that chapter. The lessee may file
6 the report required by this section together with the biennial
7 report required to be filed by one of the other chapters
8 referred to in this paragraph. The report shall contain the
9 following information for the reporting period:

10 Sec. 4. Section 10C.6, subsection 1, paragraph a,
11 unnumbered paragraph 1, Code 2005, is amended to read as
12 follows:

13 A life science enterprise may acquire or hold agricultural
14 land, notwithstanding section 10C.5, ~~as that section exists in~~
15 ~~the 2005~~ Code 2005, if all of the following apply:

16 Sec. 5. Section 10C.6, subsection 1, paragraph a,
17 subparagraph (2), Code 2005, is amended to read as follows:

18 (2) The enterprise acquires or holds the agricultural land
19 pursuant to chapter 10C, ~~as that chapter exists in the 2005~~
20 Code 2005.

21 Sec. 6. Section 10C.6, subsection 2, unnumbered paragraph
22 1, Code 2005, is amended to read as follows:

23 A person who is a successor in interest to a life science
24 enterprise may acquire or hold agricultural land,
25 notwithstanding section 10C.5, ~~as that section exists in the~~
26 ~~2003~~ Code ~~or 2003~~ or Code Supplement 2003, if all of the
27 following apply:

28 Sec. 7. Section 10C.6, subsection 2, paragraph a, Code
29 2005, is amended to read as follows:

30 a. The person meets the qualifications of a life science
31 enterprise and acquires or holds the agricultural land as
32 provided in chapter 10C, ~~as that chapter exists in the 2003~~
33 Code ~~or 2003~~ or Code Supplement 2003.

34 Sec. 8. Section 12.71, subsections 1 and 7, Code 2005, are
35 amended to read as follows:

1 1. The treasurer of state may issue bonds upon the request
2 of the vision Iowa board created in section 15F.102 and do all
3 things necessary with respect to the purposes of the vision
4 Iowa fund. The treasurer of state shall have all of the
5 powers which are necessary to issue and secure bonds and carry
6 out the purposes of the fund. The treasurer of state may
7 issue bonds in principal amounts which, in the opinion of the
8 board, are necessary to provide sufficient funds for the
9 vision Iowa fund created in section 12.72, the payment of
10 interest on the bonds, the establishment of reserves to secure
11 the bonds, the costs of issuance of the bonds, other
12 expenditures of the treasurer of state incident to and
13 necessary or convenient to carry out the bond issue for the
14 fund, and all other expenditures of the board necessary or
15 convenient to administer the fund; provided, however,
16 excluding the issuance of refunding bonds, bonds issued
17 pursuant to this section shall not be issued in an aggregate
18 principal amount which exceeds three hundred million dollars.
19 The bonds are investment securities and negotiable instruments
20 within the meaning of and for purposes of the uniform
21 commercial code, chapter 554.

22 7. Neither the resolution, trust agreement, nor any other
23 instrument by which a pledge is created needs to be recorded
24 or filed under the Iowa uniform commercial code, chapter 554,
25 to be valid, binding, or effective.

26 Sec. 9. Section 12.81, subsections 1 and 7, Code 2005, are
27 amended to read as follows:

28 1. The treasurer of state may issue bonds for purposes of
29 the school infrastructure program established in section
30 292.2. Excluding the issuance of refunding bonds, the
31 treasurer of state shall not issue bonds which result in the
32 deposit of bond proceeds of more than fifty million dollars
33 into the school infrastructure fund. The treasurer of state
34 shall have all of the powers which are necessary to issue and
35 secure bonds and carry out the purposes of the fund. The

1 treasurer of state may issue bonds in principal amounts which
2 are necessary to provide funds for the fund as provided by
3 this section, the payment of interest on the bonds, the
4 establishment of reserves to secure the bonds, the costs of
5 issuance of the bonds, other expenditures of the treasurer of
6 state incident to and necessary or convenient to carry out the
7 bond issue for the fund, and all other expenditures of the
8 treasurer of state necessary or convenient to administer the
9 fund. The bonds are investment securities and negotiable
10 instruments within the meaning of and for purposes of the
11 uniform commercial code, chapter 554.

12 7. Neither the resolution, trust agreement, nor any other
13 instrument by which a pledge is created needs to be recorded
14 or filed under the Iowa uniform commercial code, chapter 554,
15 to be valid, binding, or effective.

16 Sec. 10. Section 12E.11, subsection 2, Code 2005, is
17 amended to read as follows:

18 2. The authority may issue its bonds in principal amounts
19 which, in the opinion of the authority, are necessary to
20 provide sufficient funds for achievement of its purposes, the
21 payment of interest on its bonds, the establishment of
22 reserves to secure the bonds, the costs of issuance of its
23 bonds, and all other expenditures of the authority incident to
24 and necessary to carry out its purposes or powers. The bonds
25 are investment securities and negotiable instruments within
26 the meaning of and for the purposes of the uniform commercial
27 code, chapter 554.

28 Sec. 11. Section 12E.16, Code 2005, is amended to read as
29 follows:

30 12E.16 BANKRUPTCY.

31 Prior to the date which is three hundred sixty-six days
32 after which the authority no longer has any bonds outstanding,
33 the authority is prohibited from filing a voluntary petition
34 under chapter 9 nine of the federal bankruptcy code, 11 U.S.C.
35 § 901 et seq., or such corresponding chapter or section as

1 may, from time to time, be in effect, and a public official or
2 organization, entity, or other person shall not authorize the
3 authority to be or become a debtor under chapter 9 nine or any
4 successor or corresponding chapter or sections during such
5 periods. The provisions of this section shall be part of any
6 contractual obligation owed to the holders of bonds issued
7 under this chapter. Any such contractual obligation shall not
8 subsequently be modified by state law, during the period of
9 the contractual obligation.

10 Sec. 12. Section 16.26, subsection 1, Code 2005, is
11 amended to read as follows:

12 1. The authority may issue its negotiable bonds and notes
13 in principal amounts as, in the opinion of the authority, are
14 necessary to provide sufficient funds for achievement of its
15 corporate purposes, the payment of interest on its bonds and
16 notes, the establishment of reserves to secure its bonds and
17 notes, and all other expenditures of the authority incident to
18 and necessary or convenient to carry out its purposes and
19 powers. The bonds and notes shall be deemed to be investment
20 securities and negotiable instruments within the meaning of
21 and for all purposes of the uniform commercial code, chapter
22 554.

23 Sec. 13. Section 16.105, subsection 10, Code 2005, is
24 amended to read as follows:

25 10. It is the intention of the general assembly that a
26 pledge made in respect of bonds or notes shall be valid and
27 binding from the time the pledge is made, that the money or
28 property so pledged and received after the pledge by the
29 authority shall immediately be subject to the lien of the
30 pledge without physical delivery or further act, and that the
31 lien of the pledge shall be valid and binding as against all
32 parties having claims of any kind in tort, contract, or
33 otherwise against the authority whether or not the parties
34 have notice of the lien. Neither the resolution, trust
35 agreement, nor any other instrument by which a pledge is

1 created needs to be recorded or filed under the Iowa uniform
2 commercial code, chapter 554, to be valid, binding, or
3 effective against the parties.

4 Sec. 14. Section 16.177, subsections 1 and 7, Code 2005,
5 are amended to read as follows:

6 1. The authority is authorized to issue its bonds to
7 provide prison infrastructure financing as provided in this
8 section. The bonds may only be issued to finance projects
9 which have been approved for financing by the general
10 assembly. Bonds may be issued in order to fund the
11 construction and equipping of a project or projects, the
12 payment of interest on the bonds, the establishment of
13 reserves to secure the bonds, the costs of issuance of the
14 bonds and other expenditures incident to or necessary or
15 convenient to carry out the bond issue. The bonds are
16 investment securities and negotiable instruments within the
17 meaning of and for the purposes of the uniform commercial
18 code, chapter 554.

19 7. Neither the resolution or trust agreement, nor any
20 other instrument by which a pledge is created is required to
21 be recorded or filed under the uniform commercial code,
22 chapter 554, to be valid, binding, or effective.

23 Sec. 15. Section 17A.1, subsection 2, unnumbered paragraph
24 2, Code 2005, is amended to read as follows:

25 The purposes of ~~the-Iowa-administrative-procedure-Act~~ this
26 chapter are: To provide legislative oversight of powers and
27 duties delegated to administrative agencies; to increase
28 public accountability of administrative agencies; to simplify
29 government by assuring a uniform minimum procedure to which
30 all agencies will be held in the conduct of their most
31 important functions; to increase public access to governmental
32 information; to increase public participation in the
33 formulation of administrative rules; to increase the fairness
34 of agencies in their conduct of contested case proceedings;
35 and to simplify the process of judicial review of agency

1 action as well as increase its ease and availability. In
2 accomplishing its objectives, the intention of this chapter is
3 to strike a fair balance between these purposes and the need
4 for efficient, economical and effective government
5 administration. The chapter is not meant to alter the
6 substantive rights of any person or agency. Its impact is
7 limited to procedural rights with the expectation that better
8 substantive results will be achieved in the everyday conduct
9 of state government by improving the process by which those
10 results are attained.

11 Sec. 16. Section 17A.23, unnumbered paragraph 2, Code
12 2005, is amended to read as follows:

13 ~~The Iowa administrative procedure Act~~ This chapter shall be
14 construed broadly to effectuate its purposes. This chapter
15 shall also be construed to apply to all agencies not expressly
16 exempted by this chapter or by another statute specifically
17 referring to this chapter by name; and except as to
18 proceedings in process on July 1, 1975, this chapter shall be
19 construed to apply to all covered agency proceedings and all
20 agency action not expressly exempted by this chapter or by
21 another statute specifically referring to this chapter by
22 name.

23 Sec. 17. Section 29B.82, Code 2005, is amended to read as
24 follows:

25 29B.82 DESERTION.

26 1. Any member of the state military forces who does any of
27 the following is guilty of desertion:

28 1- a. Without authority goes or remains absent from the
29 member's unit, organization, or place of duty with intent to
30 remain away therefrom permanently;

31 2- b. Quits the member's unit, organization or place of
32 duty with intent to avoid hazardous duty or to shirk important
33 services; ~~or.~~

34 3- c. Without being regularly separated from one of the
35 state military forces enlists or accepts an appointment in the

1 same or another one of the state military forces, or in one of
2 the armed forces of the United States, without duly disclosing
3 the fact that the member has not been regularly separated, ~~is~~
4 ~~guilty of desertion.~~

5 2. Any commissioned officer of the state military forces
6 who, after tender of the officer's resignation and before
7 notice of its acceptance, quits a post or proper duties
8 without leave and with intent to remain away therefrom
9 permanently is guilty of desertion.

10 3. Any person found guilty of desertion or attempt to
11 desert shall be punished as a court-martial may direct.

12 Sec. 18. Section 68A.406, subsection 3, Code 2005, is
13 amended to read as follows:

14 3. Yard signs with dimensions of thirty-two square feet or
15 less are exempt from the attribution statement requirement in
16 section 68A.405. Campaign signs in excess of thirty-two
17 square feet, or signs that are affixed to buildings or
18 vehicles regardless of size except for bumper stickers, are
19 required to include the attribution statement required by
20 section 68A.405. The placement or erection of yard signs
21 shall be exempt from the requirements of chapter 480 relating
22 to underground facilities ~~organization~~ information.

23 Sec. 19. Section 68A.503, subsection 4, paragraph a, Code
24 2005, is amended to read as follows:

25 a. Using its funds to encourage registration of voters and
26 participation in the political process or to publicize public
27 issues, ~~but does not use any~~ provided that no part of those
28 contributions are used to expressly advocate the nomination,
29 election, or defeat of any candidate for public office.

30 Sec. 20. Section 76.16, Code 2005, is amended to read as
31 follows:

32 76.16 DEBTOR STATUS PROHIBITED.

33 A city, county, or other political subdivision of this
34 state shall not be a debtor under chapter 9 nine of the
35 federal Bankruptcy Code, 11 U.S.C. § 901 et seq., except as

1 otherwise specifically provided in this chapter.

2 Sec. 21. Section 76.16A, unnumbered paragraph 1, Code
3 2005, is amended to read as follows:

4 A city, county, or other political subdivision may become a
5 debtor under chapter 9 nine of the federal Bankruptcy Code, 11
6 U.S.C. § 901 et seq., if it is rendered insolvent, as defined
7 in 11 U.S.C. § 101(32)(c), as a result of a debt involuntarily
8 incurred. As used herein, "debt" means an obligation to pay
9 money, other than pursuant to a valid and binding collective
10 bargaining agreement or previously authorized bond issue, as
11 to which the governing body of the city, county, or other
12 political subdivision has made a specific finding set forth in
13 a duly adopted resolution of each of the following:

14 Sec. 22. Section 97B.1A, subsection 11, paragraph b, Code
15 2005, is amended to read as follows:

16 b. If the member has not attained seventy years of age,
17 has terminated all employment covered under the this chapter
18 or formerly covered under the this chapter pursuant to section
19 97B.42 in the month prior to the member's first month of
20 entitlement.

21 Sec. 23. Section 97C.2, subsection 4, Code 2005, is
22 amended to read as follows:

23 4. The term "Federal Insurance Contributions Act" means
24 subchapter "A" of chapter 9 nine of the federal Internal
25 Revenue Code as such code has been and may from time to time
26 be amended.

27 Sec. 24. Section 99D.2, subsection 9, Code 2005, is
28 amended to read as follows:

29 9. "Wagering area" means that portion of a racetrack in
30 which a licensee may receive wagers of money from a person
31 present in a licensed racetrack enclosure on a horse or
32 dog in a race selected by the person making the wager as
33 designated by the commission.

34 Sec. 25. Section 99D.11, subsection 3, Code 2005, is
35 amended to read as follows:

1 3. The licensee may receive wagers of money only from a
2 person present in a licensed racing racetrack enclosure on a
3 horse or dog in the race selected by the person making the
4 wager to finish first in the race. The person wagering shall
5 acquire an interest in the total money wagered on all horses
6 or dogs in the race as first winners in proportion to the
7 amount of money wagered by the person.

8 Sec. 26. Section 99D.13, subsection 3, paragraph c,
9 unnumbered paragraph 1, Code 2005, is amended to read as
10 follows:

11 For purposes of this subsection, "qualified harness racing
12 track" means a harness racing track that has either held at
13 least one harness race meet meeting between July 1, 1985, and
14 July 1, 1989, or after July 1, 1989, has applied to and been
15 approved by the racing commission for the allocation of funds
16 under this subsection. The racing commission shall approve an
17 application if the harness racing track has held at least one
18 harness race meet meeting during the year preceding the year
19 for which the track seeks funds under this subsection.

20 Sec. 27. Section 99D.20, Code 2005, is amended to read as
21 follows:

22 99D.20 AUDIT OF LICENSEE OPERATIONS.

23 Within ninety days after the end of each race meet meeting,
24 the licensee shall transmit to the commission an audit of the
25 financial transactions and condition of the licensee's
26 operations conducted under this chapter. Additionally, within
27 ninety days after the end of the licensee's fiscal year, the
28 licensee shall transmit to the commission an audit of the
29 licensee's total racing and gaming operations, including an
30 itemization of all expenses and subsidies. All audits shall
31 be conducted by certified public accountants registered in the
32 state of Iowa under chapter 542 who are selected by the board
33 of supervisors of the county in which the licensee operates.

34 Sec. 28. Section 99F.4C, subsection 2, Code 2005, is
35 amended to read as follows:

1 2. For purposes of this section, the "applicable area"
2 means that portion of the city of Des Moines in Polk county
3 bounded by a line commencing at the point East Euclid avenue
4 intersects East Fourteenth street, then proceeding south along
5 East Fourteenth street and Southeast Fourteenth street until
6 it intersects Park avenue, then proceeding west along Park
7 avenue until it intersects Fleur drive, then proceeding north
8 along Fleur drive until it intersects Eighteenth street, then
9 proceeding north along Eighteenth street until it intersects
10 Ingersoll avenue, then proceeding west along Ingersoll avenue
11 until it intersects Martin Luther King Jr. parkway, then
12 proceeding northerly along Martin Luther King Jr. parkway
13 until it intersects Euclid avenue, then proceeding east along
14 Euclid avenue and East Euclid avenue to the point of origin.
15 For purposes of this section, such reference to a street or
16 other boundary means such street or boundary as they-were it
17 was delineated on the official Pub. L. No. 94-171 census maps
18 used for redistricting following the 2000 United States
19 decennial census.

20 Sec. 29. Section 124.308, subsection 2, Code 2005, is
21 amended to read as follows:

22 2. A practitioner, other than a pharmacy, or a
23 practitioner's authorized agent may transmit an electronic
24 prescription or facsimile prescription to a pharmacy for a
25 schedule II controlled substance, provided that the **electronic**
26 prescription complies with section 155A.27 and provided that
27 the original signed prescription is presented to the
28 pharmacist prior to the dispensing of the schedule II
29 controlled substance. If permitted by federal law, and in
30 accordance with federal requirements, the electronic or
31 facsimile prescription shall serve as the original signed
32 prescription and the practitioner shall not provide the
33 patient or the patient's authorized representative with a
34 signed, written prescription.

35 Sec. 30. Section 135.31, Code 2005, is amended to read as

1 follows:

2 135.31 LOCATION OF BOARDS -- RULEMAKING.

3 The offices for the state board of medical examiners, the
4 state board of pharmacy examiners, the state board of nursing
5 examiners, and the state board of dental examiners shall be
6 located within the department of public health. The
7 individual boards shall have policymaking and rulemaking
8 authority.

9 Sec. 31. Section 135.146, subsection 1, Code 2005, is
10 amended to read as follows:

11 1. In the event that federal funding is received for
12 administering vaccinations for first responders, the
13 department shall offer a vaccination program for first
14 responders who may be exposed to infectious diseases when
15 deployed to disaster locations. For purposes of this section,
16 "first responder" means state and local law enforcement
17 personnel, fire department personnel, and emergency medical
18 personnel who will be deployed to sites of bioterrorism
19 attacks, terrorist attacks, catastrophic or natural disasters,
20 and other disasters. The vaccinations shall include, but not
21 be limited to, vaccinations for hepatitis B,
22 ~~diphtheria-tetanus~~ diphtheria, tetanus, influenza, and other
23 vaccinations when recommended by the United States public
24 health service and in accordance with federal emergency
25 management agency policy. Immune globulin will be made
26 available when necessary.

27 Sec. 32. Section 135J.1, unnumbered paragraph 1, Code
28 2005, is amended to read as follows:

29 For the purposes of this ~~division~~ chapter unless otherwise
30 defined:

31 Sec. 33. Section 135J.2, unnumbered paragraph 1, Code
32 2005, is amended to read as follows:

33 A person or governmental unit, acting severally or jointly
34 with any other person may establish, conduct, or maintain a
35 hospice program in this state and receive license from the

1 department after meeting the requirements of this ~~division~~
2 chapter. The application shall be on a form prescribed by the
3 department and shall require information the department deems
4 necessary. Nothing in this ~~division~~ chapter shall prohibit a
5 person or governmental unit from establishing, conducting, or
6 maintaining a hospice program without a license. Each
7 application for license shall be accompanied by a
8 nonrefundable biennial license fee determined by the
9 department.

10 Sec. 34. Section 135J.5, Code 2005, is amended to read as
11 follows:

12 135J.5 DENIAL, SUSPENSION, OR REVOCATION OF LICENSES.

13 The department may deny, suspend, or revoke a license if
14 the department determines there is failure of the program to
15 comply with this ~~division~~ chapter or the rules adopted under
16 this ~~division~~ chapter. The suspension or revocation may be
17 appealed under chapter 17A. The department may reissue a
18 license following a suspension or revocation after the hospice
19 corrects the conditions upon which the suspension or
20 revocation was based.

21 Sec. 35. Section 135J.7, Code 2005, is amended to read as
22 follows:

23 135J.7 RULES.

24 Except as otherwise provided in this ~~division~~ chapter, the
25 department shall adopt rules pursuant to chapter 17A necessary
26 to implement this ~~division~~ chapter, subject to approval of the
27 state board of health. Formulation of the rules shall include
28 consultation with Iowa hospice organization representatives
29 and other persons affected by ~~the-division~~ this chapter.

30 Sec. 36. Section 147.14, subsection 3, Code 2005, is
31 amended to read as follows:

32 3. For the board of nursing examiners, four registered
33 nurses, two of whom shall be actively engaged in practice, two
34 of whom shall be nurse educators from nursing education
35 programs; of these, one in higher education and one in area

1 community and vocational-technical registered nurse education;
2 one licensed practical nurse actively engaged in practice; and
3 two members not registered nurses or licensed practical nurses
4 and who shall represent the general public. The
5 representatives of the general public shall not be members of
6 health care delivery systems. A majority of the members of
7 the board constitutes a quorum.

8 Sec. 37. Section 147.152, subsection 2, Code 2005, is
9 amended to read as follows:

10 2. Hearing aid fitting, the dispensing or sale of hearing
11 aids and the providing of hearing aid service and maintenance
12 by a hearing aid ~~dealer~~ dispenser or holder of a temporary
13 permit as defined and licensed under chapter 154A.

14 Sec. 38. Section 147.152, unnumbered paragraph 2, Code
15 2005, is amended to read as follows:

16 A person exempted from the provisions of this division by
17 this section shall not use the title speech pathologist or
18 audiologist or any title or device indicating or representing
19 in any manner that the person is a speech pathologist or is an
20 audiologist; provided, a hearing aid ~~dealer~~ dispenser licensed
21 under chapter 154A may use the title "certified hearing aid
22 audiologist" when granted by the national hearing aid society;
23 and provided, persons who meet the requirements of section
24 147.153, subsection 1, who are certified by the department of
25 education as speech clinicians may use the title speech
26 pathologist and persons who meet the requirements of section
27 147.153, subsection 2, who are certified by the department of
28 education as hearing clinicians may use the title audiologist,
29 while acting within the scope of their employment.

30 Sec. 39. Section 157.3A, unnumbered paragraph 1, Code
31 2005, is amended to read as follows:

32 In addition to the license requirements of section 157.3,
33 ~~as provided in this section,~~ a written application and proof
34 of additional training and certification shall be required
35 prior to approval by the board for the provision of the

1 services described in this section.

2 Sec. 40. Section 162.2, subsection 6, Code 2005, is
3 amended to read as follows:

4 6. "Commercial breeder" means a person, engaged in the
5 business of breeding dogs or cats, who sells, exchanges, or
6 leases dogs or cats in return for consideration, or who offers
7 to do so, whether or not the animals are raised, trained,
8 groomed, or boarded by the person. A person who owns or
9 harbors three or ~~less~~ fewer breeding males or females is not a
10 commercial breeder. However, a person who breeds or harbors
11 more than three breeding male or female greyhounds for the
12 purposes of using them for pari-mutuel racing shall be
13 considered a commercial breeder irrespective of whether the
14 person sells, leases, or exchanges the greyhounds for
15 consideration or offers to do so.

16 Sec. 41. Section 165B.5, subsection 4, paragraph d, Code
17 2005, is amended to read as follows:

18 d. The department shall be reimbursed by the owner of the
19 poultry or property for costs required to carry out this
20 subsection. However, if the enforcement action is brought due
21 to the activity of a law enforcement officer of a political
22 subdivision, the political subdivision shall be reimbursed by
23 the owner of the poultry or property for those costs. The
24 department or political subdivision shall certify the amount
25 to the county auditor of any county in which the owner is a
26 titleholder of real property. The amount shall be placed upon
27 the tax books ~~which~~ and shall be a lien upon the real
28 property, and collected with interest and penalties after due,
29 in the same manner as other unpaid property taxes.

30 Sec. 42. Section 167.4, subsection 3, Code 2005, is
31 amended to read as follows:

32 3. The person shall submit a separate application for each
33 location that the person is to operate as a disposal plant,
34 collection point, or a delivery service.

35 Sec. 43. Section 167.15, subsection 2, Code 2005, is

1 amended to read as follows:

2 2. The department shall provide for the inspection of
3 delivery vehicles used to transport carcasses or offal
4 material, and for the inspection of disposal plants,
5 collection points, or other locations in which carcasses or
6 offal material is stored or processed before being delivered
7 to a disposal plant.

8 Sec. 44. Section 173.14B, subsections 2 and 7, Code 2005,
9 are amended to read as follows:

10 2. The board may issue negotiable bonds and notes of the
11 authority in principal amounts which are necessary to provide
12 sufficient funds for achievement of its corporate purposes,
13 the payment of interest on its bonds and notes, the
14 establishment of reserves to secure its bonds and notes, and
15 all other expenditures of the board incident to and necessary
16 or convenient to carry out its purposes and powers, subject to
17 authorization and approval required under subsection 1.
18 However, the total principal amount of bonds and notes
19 outstanding at any time under subsection 1 and this subsection
20 shall not exceed twenty-five million dollars. The bonds and
21 notes are deemed to be investment securities and negotiable
22 instruments within the meaning of and for all purposes of the
23 uniform commercial code, chapter 554.

24 7. A copy of each pledge agreement by or to the authority,
25 including without limitation each bond resolution, indenture
26 of trust, or similar agreement, or any revisions or
27 supplements to it shall be filed with the secretary of state
28 and no further filing or other action under article 9 of the
29 uniform commercial code as provided in chapter 554, or any
30 other law of the state is required to perfect the security
31 interest in the collateral or any additions to it or
32 substitutions for it, and the lien and trust so created is
33 binding from and after the time it is made against all parties
34 having claims of any kind in tort, contract, or otherwise
35 against the pledgor.

1 Sec. 45. Section 175.17, subsections 1 and 7, Code 2005,
2 are amended to read as follows:

3 1. The authority may issue its negotiable bonds and notes
4 in principal amounts which, in the opinion of the authority,
5 are necessary to provide sufficient funds for achievement of
6 its corporate purposes, the payment of interest on its bonds
7 and notes, the establishment of reserves to secure its bonds
8 and notes and all other expenditures of the authority incident
9 to and necessary or convenient to carry out its purposes and
10 powers. The bonds and notes shall be deemed to be investment
11 securities and negotiable instruments within the meaning of
12 and for all purposes of the uniform commercial code, chapter
13 554.

14 7. A copy of each pledge agreement by or to the authority,
15 including without limitation each bond resolution, indenture
16 of trust or similar agreement, or any revisions or supplements
17 to it shall be filed with the secretary of state and no
18 further filing or other action under article 9 of the uniform
19 commercial code as provided in chapter 554, or any other law
20 of the state shall be required to perfect the security
21 interest in the collateral or any additions to it or
22 substitutions for it and the lien and trust so created shall
23 be binding from and after the time made against all parties
24 having claims of any kind in tort, contract or otherwise
25 against the pledgor.

26 Sec. 46. Section 181.17, Code 2005, is amended to read as
27 follows:

28 181.17 PRODUCERS NOT MEMBERS.

29 A producer who is not a member of the Iowa beef cattle
30 producers association shall be entitled to vote in elections
31 of persons to be members of the executive-committee council in
32 the same manner as if the producer were a member. The members
33 elected to the executive-committee council shall elect from
34 their number the officers referred to in section 181.1A.

35 Sec. 47. Section 181.18, Code 2005, is amended to read as

1 follows:

2 181.18 RULES.

3 All rules of the ~~executive-committee~~ council heretofore or
4 hereinafter promulgated shall be subject to the provisions of
5 chapter 17A.

6 Sec. 48. Section 216A.156, Code 2005, is amended to read
7 as follows:

8 216A.156 REVIEW OF GRANT APPLICATIONS AND BUDGET REQUESTS.

9 Before the submission of an application, a state
10 ~~departments-and-agencies~~ department or agency shall consult
11 with the commission concerning ~~applications~~ an application for
12 federal funding that will have its primary effect on persons
13 of Asian and Pacific Islander heritage in Iowa. The
14 commission shall advise the governor and the director of
15 revenue concerning any state agency budget request that will
16 have its primary effect on persons of Asian and Pacific
17 Islander heritage in Iowa.

18 Sec. 49. Section 216E.7, Code 2005, is amended to read as
19 follows:

20 216E.7 EXEMPTIONS.

21 This chapter does not apply to a hearing aid sold, leased,
22 or transferred to a consumer by an audiologist licensed under
23 chapter 147, or a hearing aid ~~dealer~~ dispenser licensed under
24 chapter 154A, if the audiologist or ~~dealer~~ dispenser provides
25 either an express warranty for the hearing aid or provides for
26 service and replacement of the hearing aid.

27 Sec. 50. Section 217.41, subsection 1, Code 2005, is
28 amended to read as follows:

29 1. The department of human services shall cause a refugee
30 services foundation to be created for the sole purpose of
31 engaging in refugee resettlement activities to promote the
32 welfare and self-sufficiency of refugees who live in Iowa and
33 who are not citizens of the United States. The foundation may
34 establish an endowment fund to assist in the financing of its
35 activities. The foundation shall be incorporated under

1 chapter 504 or 504A.

2 Sec. 51. Section 218.28, Code 2005, is amended to read as
3 follows:

4 218.28 INVESTIGATION.

5 The administrator of the department of human services in
6 control of a particular institution or the administrator's
7 authorized officer or employee shall visit, and minutely
8 examine, at least once in six months, and ~~oftener~~ more often
9 if necessary or required by law, the institutions under such
10 administrator's control, and the financial condition and
11 management thereof.

12 Sec. 52. Section 229.36, Code 2005, is amended to read as
13 follows:

14 229.36 LIMITATION ON PROCEEDINGS.

15 The proceeding authorized in sections 229.31 to 229.35,
16 inclusive, shall not be had ~~oftener~~ more often than once in
17 six months regarding the same person; nor regarding any
18 patient within six months after the patient's admission to the
19 hospital.

20 Sec. 53. Section 249A.20A, subsection 9, Code 2005, is
21 amended to read as follows:

22 9. The department may procure a sole source contract with
23 an outside entity or ~~contactor~~ contractor to participate in a
24 pharmaceutical pooling program with midwestern or other states
25 to provide for an enlarged pool of individuals for the
26 purchase of pharmaceutical products and services for medical
27 assistance recipients.

28 Sec. 54. Section 249A.34, subsection 6, paragraph a,
29 subparagraph (7), subparagraph subdivision (f), Code 2005, is
30 amended to read as follows:

31 (f) The federal Medicare Prescription Drug, Improvement
32 and Medicare-Improvement Modernization Act of 2003, Pub. L.
33 No. 108-173.

34 Sec. 55. Section 256.11, subsection 15, Code 2005, is
35 amended to read as follows:

1 15. The board of directors of a school district or the
2 authorities in charge of a nonpublic school may award credit
3 toward graduation to a student if the student successfully
4 completes basic training in for service as a member of the
5 Iowa army national guard, the Iowa air national guard, ~~or-as-a~~
6 ~~member-of~~ the active military forces of the United States, or
7 ~~as-a-member-of~~ the army national guard of the United States,
8 or the air national guard of the United States.

9 Sec. 56. Section 257C.8, subsection 3, Code 2005, is
10 amended to read as follows:

11 3. The authority may issue its bonds in principal amounts
12 which, in the opinion of the authority, are necessary to
13 provide sufficient funds for achievement of its corporate
14 purposes, the payment of interest on its bonds, the
15 establishment of reserves to secure its bonds, the costs of
16 issuance of its bonds, and all other expenditures of the
17 authority incident to and necessary or convenient to carry out
18 its purposes and powers. The bonds are investment securities
19 and negotiable instruments within the meaning of and for
20 purposes of the uniform commercial code, chapter 554.

21 Sec. 57. Section 272C.1, subsection 6, paragraph v, Code
22 2005, is amended to read as follows:

23 v. The board for the licensing and regulation of hearing
24 aid ~~dealers~~ dispensers, created pursuant to chapter 154A.

25 Sec. 58. Section 275.41, subsection 2, Code 2005, is
26 amended to read as follows:

27 2. Prior to the ~~organization~~ organizational meeting of the
28 newly formed district, the boards of the former districts
29 shall designate directors to be retained as members to serve
30 on the initial board, and if the total number of directors
31 determined under subsection 1 is an even number, that number
32 of directors shall function and may within five days of the
33 organizational meeting appoint one additional director by
34 unanimous vote with all directors voting. Otherwise, the
35 board shall function until a special election can be held to

1 elect an additional director. The procedure for calling the
2 special election shall be the procedure specified in section
3 275.25. If there is an insufficient number of board members
4 eligible to be retained from a former school district, the
5 board of the former school district may appoint members to
6 fill the vacancies. A vacancy occurs if there is an
7 insufficient number of former board members who reside in the
8 newly formed district or if there is an insufficient number
9 who are willing to serve on the board of the newly formed
10 district.

11 Sec. 59. Section 279.27, Code 2005, is amended to read as
12 follows:

13 279.27 DISCHARGE OF TEACHER.

14 A teacher may be discharged at any time during the contract
15 year for just cause. The superintendent or the
16 superintendent's designee, shall notify the teacher
17 immediately that the superintendent will recommend in writing
18 to the board at a regular or special meeting of the board held
19 not more than fifteen days after notification has been given
20 to the teacher that the teacher's continuing contract be
21 terminated effective immediately following a decision of the
22 board. The procedure for dismissal shall be as provided in
23 ~~sections-279-15(2)~~ section 279.15, subsection 2, and sections
24 279.16 to 279.19. The superintendent may suspend a teacher
25 under this section pending hearing and determination by the
26 board.

27 Sec. 60. Section 305.8, subsection 1, paragraph b, Code
28 2005, is amended to read as follows:

29 b. In consultation with the homeland security and
30 emergency management division of the department of public
31 safety defense, establish policies, standards, and guidelines
32 for the identification, protection, and preservation of
33 records essential for the continuity or reestablishment of
34 governmental functions in the event of an emergency arising
35 from a natural or other disaster.

1 Sec. 61. Section 306.46, subsection 2, Code 2005, is
2 amended to read as follows:

3 2. For purposes of this section, "public utility" means a
4 public utility as defined in section 476.1, and shall also
5 include waterworks, municipally owned waterworks, joint water
6 utilities, rural water districts incorporated under chapter
7 357A or chapter 504 or 504A, and cooperative water
8 associations. For the purposes of this section, "utility
9 facilities" means any cables, conduits, wire, pipe, casing
10 pipe, supporting poles, guys, and other material and equipment
11 utilized for the furnishing of electric, gas, communications,
12 water, or sewer service.

13 Sec. 62. Section 321I.3, subsection 1, Code 2005, is
14 amended to read as follows:

15 1. Each all-terrain vehicle used on public land or ice of
16 this state shall be currently registered and numbered. A
17 person shall not operate, maintain, or give permission for the
18 operation or maintenance of an all-terrain vehicle on public
19 land or ice unless the all-terrain vehicle is numbered in
20 accordance with this chapter or applicable federal laws, or
21 unless the all-terrain vehicle displays a current annual user
22 permit for the all-terrain vehicle as provided in section
23 321I.5. If the all-terrain vehicle is required to be
24 registered in this state, the identifying number set forth in
25 the registration shall be displayed as prescribed by rules of
26 the commission.

27 Sec. 63. Section 322.5, subsection 2, paragraph a,
28 subparagraph (2), Code 2005, is amended to read as follows:

29 (2) Display, offer for sale, and negotiate sales of new
30 motor vehicles at fair events, as defined in chapter 174,
31 vehicle shows, and vehicle exhibitions, upon application for
32 and receipt of a temporary permit issued by the department.
33 Such activities may only be conducted at ~~fairs~~ fair events,
34 vehicle shows, and vehicle exhibitions that are held in the
35 county of the motor vehicle dealer's principal place of

1 business. A sale of a motor vehicle by a motor vehicle dealer
2 shall not be completed and an agreement for the sale of a
3 motor vehicle shall not be signed at a fair event, vehicle
4 show, or vehicle exhibition. All such sales shall be
5 consummated at the motor vehicle dealer's principal place of
6 business.

7 Sec. 64. Section 329.13, Code 2005, is amended to read as
8 follows:

9 329.13 ADMINISTRATION OF AIRPORT ZONING REGULATIONS.

10 All airport zoning regulations adopted under this chapter
11 shall provide for the administration and enforcement of such
12 regulations by an administrative agency ~~{which, which~~ may be
13 an agency created by such ~~regulations}~~ regulations, or by any
14 official, board, or other existing agency of the municipality
15 adopting the regulations, or of one or both of the
16 municipalities which participated therein, but in no case
17 shall such administrative agency be or include any member of
18 the board of adjustment. The duties of any administrative
19 agency designated pursuant to this chapter shall not include
20 any of the powers herein delegated to the board of adjustment.

21 Sec. 65. Section 331.438, subsection 4, paragraph b,
22 subparagraph (16), Code 2005, is amended to read as follows:

23 (16) Develop a procedure for each county to disclose to
24 the department of human services information approved by the
25 commission concerning the mental health, mental retardation,
26 developmental disabilities, and brain injury services provided
27 to the individuals served through the county central point of
28 coordination process. The procedure shall incorporate
29 protections to ensure that if individually identified
30 information is disclosed, it is disclosed and maintained in
31 compliance with applicable Iowa and federal confidentiality
32 laws, including but not limited to federal Health Insurance
33 Portability and Accountability Act, Pub. L. No. 104-191,
34 requirements.

35 Sec. 66. Section 331.609, subsection 3, paragraph b,

1 subparagraphs (1) and (2), Code 2005, are amended to read as
2 follows:

3 (1) Cause a certificate of release or nonattachment to be
4 marked, held, and indexed as if the certificate were a
5 termination statement within the meaning of the uniform
6 commercial code, chapter 554, except that the notice of lien
7 to which the certificate relates shall not be removed from the
8 files.

9 (2) Cause a certificate of discharge or subordination to
10 be marked, held, and indexed as if the certificate were a
11 release of collateral within the meaning of the uniform
12 commercial code, chapter 554.

13 Sec. 67. Section 356.1, subsection 1, unnumbered paragraph
14 1, Code 2005, is amended to read as follows:

15 The jails in the several counties in the state shall be in
16 the charge of the respective sheriffs and used as prisons:

17 Sec. 68. Section 423.18, unnumbered paragraph 1, Code
18 2005, is amended to read as follows:

19 A business purchaser that is not a holder of a direct pay
20 tax permit pursuant to section 423.36 that knows at the time
21 of ~~its purchase of~~ purchasing a digital good, computer
22 software delivered electronically, or a service that the
23 digital good, computer software delivered electronically, or
24 service will be concurrently available for use in more than
25 one jurisdiction shall deliver to the seller in conjunction
26 with ~~its~~ the purchase a "multiple points of use" or "MPU"
27 exemption form disclosing this fact.

28 Sec. 69. Section 423.56, subsection 6, Code 2005, is
29 amended to read as follows:

30 6. When personally identifiable information regarding an
31 individual is retained by or on behalf of this state, this
32 state shall provide reasonable access by ~~such~~ the individual
33 to ~~his-or-her~~ the individual's own information in the state's
34 possession and a right to correct any inaccurately recorded
35 information.

1 Sec. 70. Section 423B.5, unnumbered paragraph 1, Code
2 2005, is amended to read as follows:

3 A local sales and services tax at the rate of not more than
4 one percent may be imposed by a county on the sales price
5 taxed by the state under chapter 423, subchapter II. A local
6 sales and services tax shall be imposed on the same basis as
7 the state sales and services tax or in the case of the use of
8 natural gas, natural gas service, electricity, or electric
9 service on the same basis as the state use tax and shall not
10 be imposed on the sale of any property or on any service not
11 taxed by the state, except the tax shall not be imposed on the
12 sales price from the sale of motor fuel or special fuel as
13 defined in chapter 452A which is consumed for highway use or
14 in watercraft or aircraft if the fuel tax is paid on the
15 transaction and a refund has not or will not be allowed, on
16 the sales price from the rental of rooms, apartments, or
17 sleeping quarters which are taxed under chapter 423A during
18 the period the hotel and motel tax is imposed, on the sales
19 price from the sale of equipment by the state department of
20 transportation, on the sales price from the sale of self-
21 propelled building equipment, pile drivers, motorized
22 scaffolding, or attachments customarily drawn or attached to
23 self-propelled building equipment, pile drivers, and motorized
24 scaffolding, including auxiliary attachments which improve the
25 performance, safety, operation, or efficiency of the equipment
26 and replacement parts and are directly and primarily used by
27 contractors, subcontractors, and builders for new
28 construction, reconstruction, alterations, expansion, or
29 remodeling of real property or structures, and on the sales
30 price from the sale of a lottery ticket or share in a lottery
31 game conducted pursuant to chapter 99G and except the tax
32 shall not be imposed on the sales price from the sale or use
33 of natural gas, natural gas service, electricity, or electric
34 service in a city or county where the sales price from the
35 sale of natural gas or electric energy are is subject to a

1 franchise fee or user fee during the period the franchise or
2 user fee is imposed. A local sales and services tax is
3 applicable to transactions within those incorporated and
4 unincorporated areas of the county where it is imposed and
5 shall be collected by all persons required to collect state
6 sales taxes. However, a person required to collect state
7 retail sales tax under chapter 423, subchapter V or VI, is not
8 required to collect local sales and services tax on
9 transactions delivered within the area where the local sales
10 and services tax is imposed unless the person has physical
11 presence in that taxing area. All cities contiguous to each
12 other shall be treated as part of one incorporated area and
13 the tax would be imposed in each of those contiguous cities
14 only if the majority of those voting in the total area covered
15 by the contiguous cities favors its imposition.

16 Sec. 71. Section 423E.3, subsection 2, Code 2005, is
17 amended to read as follows:

18 2. The tax shall be imposed on the same basis as the state
19 sales and services tax or in the case of the use of natural
20 gas, natural gas service, electricity, or electric service on
21 the same basis as the state use tax and shall not be imposed
22 on the sale of any property or on any service not taxed by the
23 state, except the tax shall not be imposed on the sales price
24 from the sale of motor fuel or special fuel as defined in
25 chapter 452A which is consumed for highway use or in
26 watercraft or aircraft if the fuel tax is paid on the
27 transaction and a refund has not or will not be allowed, on
28 the sales price from the rental of rooms, apartments, or
29 sleeping quarters which are taxed under chapter 423A during
30 the period the hotel and motel tax is imposed, on the sales
31 price from the sale of equipment by the state department of
32 transportation, on the sales price from the sale of self-
33 propelled building equipment, pile drivers, motorized
34 scaffolding, or attachments customarily drawn or attached to
35 self-propelled building equipment, pile drivers, and motorized

1 scaffolding, including auxiliary attachments which improve the
2 performance, safety, operation, or efficiency of the
3 equipment, and replacement parts and are directly and
4 primarily used by contractors, subcontractors, and builders
5 for new construction, reconstruction, alterations, expansion,
6 or remodeling of real property or structures, and on the sales
7 price from the sale of a lottery ticket or share in a lottery
8 game conducted pursuant to chapter 99G and except the tax
9 shall not be imposed on the sales price from the sale or use
10 of natural gas, natural gas service, electricity, or electric
11 service in a city or county where the sales price from the
12 sale of natural gas or electric energy ~~are~~ is subject to a
13 franchise fee or user fee during the period the franchise or
14 user fee is imposed.

15 Sec. 72. Section 435.1, subsection 6, unnumbered paragraph
16 3, Code 2005, is amended to read as follows:

17 A manufactured home community or a mobile home park must be
18 classified as to whether it is a residential manufactured home
19 community or a mobile home park or a recreational manufactured
20 home community or a mobile home park or both. The
21 manufactured home ~~community~~ communities or mobile home ~~park~~
22 parks residential landlord and tenant Act, chapter 562B, only
23 applies to residential manufactured home communities or mobile
24 home parks.

25 Sec. 73. Section 452A.3, subsection 7, Code 2005, is
26 amended to read as follows:

27 7. All excise taxes collected under this chapter by a
28 supplier, restrictive supplier, importer, dealer, blender,
29 user, or any individual are deemed to be held in trust for the
30 state ~~or~~ of Iowa.

31 Sec. 74. Section 453A.26, Code 2005, is amended to read as
32 follows:

33 453A.26 LIENS AND ACTIONS.

34 All of the provisions for the lien of the tax, its
35 collection, and all actions as provided in the uniform sales

1 and use tax administration Act, chapter 423, shall apply to
2 the tax imposed by this chapter, except that where the sales
3 tax and the cigarette tax may become conflicting liens, they
4 shall be of equal priority.

5 Sec. 75. Section 456A.18, Code 2005, is amended to read as
6 follows:

7 456A.18 REPORT OF FUNDS.

8 The director shall, at least monthly, make return and pay
9 to the treasurer of state all moneys then in the director's
10 hands belonging to the five funds created in section 456A.17.

11 Sec. 76. Section 502.304A, subsection 3, paragraph d, Code
12 2005, is amended to read as follows:

13 d. The aggregate offering price of the offering of
14 securities by the issuer within or outside this state must not
15 exceed one million dollars, less the aggregate offering price
16 for all securities sold within twelve months before the start
17 of, and during the offering of, the securities under rule 504,
18 17 C.F.R. § 230.504, in reliance on any exemption under
19 section 3(b) of the Securities Act of 1933 or in violation of
20 section 5(a) of that Act; provided, that if rule 504, 17
21 C.F.R. § 230.504, adopted under the Securities Act of 1933, is
22 amended, ~~that~~ the administrator may by rule increase the limit
23 under this paragraph to conform to amendments to federal law,
24 including but not limited to modification in the amount of the
25 aggregate offering price.

26 Sec. 77. Section 502.412, subsection 4, paragraphs a, b,
27 d, and i, Code 2005, are amended to read as follows:

28 a. The person has filed an application for registration in
29 this state under this chapter or ~~the predecessor~~ chapter 502,
30 Code 2003 and Code Supplement 2003, within the previous ten
31 years, which, as of the effective date of registration or as
32 of any date after filing in the case of an order denying
33 effectiveness, was incomplete in any material respect or
34 contained a statement that, in light of the circumstances
35 under which it was made, was false or misleading with respect

1 to a material fact.

2 b. The person willfully violated or willfully failed to
3 comply with this chapter or ~~the-predecessor~~ chapter 502, Code
4 2003 and Code Supplement 2003, or a rule adopted or order
5 issued under this chapter or ~~the-predecessor~~ chapter 502, Code
6 2003 and Code Supplement 2003, within the previous ten years.

7 d. The person is enjoined or restrained by a court of
8 competent jurisdiction in an action instituted by the
9 administrator under this chapter or ~~the-predecessor~~ chapter
10 502, Code 2003 and Code Supplement 2003, a state, the
11 securities and exchange commission, or the United States from
12 engaging in or continuing an act, practice, or course of
13 business involving an aspect of a business involving
14 securities, commodities, investments, franchises, insurance,
15 banking, or finance.

16 i. The person has failed to reasonably supervise an agent,
17 investment adviser representative, or other individual, if the
18 agent, investment adviser representative, or other individual
19 was subject to the person's supervision and committed a
20 violation of this chapter or ~~the-predecessor~~ chapter 502, Code
21 2003 and Code Supplement 2003, or a rule adopted or order
22 issued under this chapter or ~~the-predecessor~~ chapter 502, Code
23 2003 and Code Supplement 2003, within the previous ten years.

24 Sec. 78. Section 502.601, subsection 1, Code 2005, is
25 amended to read as follows:

26 1. ADMINISTRATION. This chapter shall be administered by
27 the commissioner of insurance of this state. The
28 administrator shall appoint a deputy administrator who shall
29 be exempt from the merit system provisions of chapter 8A,
30 subchapter IV. The deputy administrator is the principal
31 operations officer of the securities bureau of the insurance
32 division of the department of commerce. The deputy
33 administrator is responsible to the administrator for the
34 routine administration of this chapter and the management of
35 the securities bureau. In the absence of the administrator,

1 whether because of vacancy in the office, by reason of
2 absence, physical disability, or other cause, the deputy
3 administrator shall be the acting administrator and shall, for
4 that period, have and exercise the authority conferred upon
5 the administrator. The administrator may by order delegate to
6 the deputy administrator any or all of the functions assigned
7 to the administrator under this chapter. The administrator
8 shall employ officers, attorneys, accountants, and other
9 employees as needed for the administration of ~~the~~ this
10 chapter.

11 Sec. 79. Section 504.115, subsection 2, paragraph a,
12 subparagraph (1), Code 2005, is amended to read as follows:

13 (1) Describe the document, including its filing date, or
14 ~~attaching~~ attach a copy of the document to the articles.

15 Sec. 80. Section 504.1701, subsection 1, Code 2005, is
16 amended to read as follows:

17 1. A domestic corporation that is incorporated under
18 chapter 504A, Code 2005, is subject to this chapter beginning
19 on July 1, 2005.

20 Sec. 81. Section 504.1701, subsection 2, paragraph b, Code
21 2005, is amended to read as follows:

22 b. A corporation incorporated under chapter 504A, Code
23 2005, that voluntarily elects to be subject to the provisions
24 of this chapter in accordance with the procedures set forth in
25 subsection 3.

26 Sec. 82. Section 504.1701, subsection 3, unnumbered
27 paragraph 1, Code 2005, is amended to read as follows:

28 A corporation incorporated under chapter 504A, Code 2005,
29 may voluntarily elect to be subject to the provisions of this
30 chapter by doing all of the following:

31 Sec. 83. Section 515.109A, subsection 1, paragraph j, Code
32 2005, is amended to read as follows:

33 j. "Personal insurance" means personal insurance and not
34 commercial insurance and is limited to private passenger
35 automobile, homeowners, farm owners, personal farm liability,

1 motorcycle, mobile home owners, noncommercial dwelling fire
2 insurance, boat, personal watercraft, snowmobile, and
3 recreational vehicle insurance policies, that are individually
4 underwritten for personal, family, farm, or household use. No
5 other type of insurance is included as personal insurance for
6 the purposes of this section.

7 Sec. 84. Section 515.109A, subsection 3, Code 2005, is
8 amended to read as follows:

9 3. DISPUTE RESOLUTION AND ERROR CORRECTION. If it is
10 determined through the dispute resolution process set forth
11 under the federal Fair Credit Reporting Act, 15 U.S.C. §
12 1681i(a)(5), that the credit information of a current insured
13 is incorrect or incomplete and the insurer receives notice of
14 such determination from either the consumer reporting agency
15 or from the insured, the insurer shall re-underwrite and re-
16 rate the insured within thirty days of receiving the notice.
17 After re-underwriting or re-rating the insured, the insurer
18 shall make any adjustments necessary, consistent with the
19 insurer's underwriting and rating guidelines. If an insurer
20 determines that an insured has overpaid the premium on a
21 personal insurance policy, the insurer shall refund the amount
22 of the overpayment to the insured, calculated for either the
23 last twelve months of coverage or the actual policy period,
24 whichever is shorter.

25 Sec. 85. Section 515.138, Code 2005, is amended to read as
26 follows:

27 515.138 FIRE INSURANCE CONTRACT -- STANDARD POLICY
28 PROVISIONS -- PERMISSIBLE VARIATIONS.

29 ~~FIRST-~~ 1. The printed form of a policy of fire insurance
30 as set forth in subsection ~~sixth~~ 6 shall be known and
31 designated as the "standard policy" to be used in the state of
32 Iowa.

33 ~~SECOND-~~ 2. STANDARD POLICY, ADDITIONS, RIDERS AND
34 CLAUSES. It shall be unlawful for any insurance company to
35 issue any policy of fire insurance upon any property in this

1 state except upon automobiles, airplanes, seaplanes,
2 dirigibles, or other aircraft, farm crops until stored, marine
3 and inland marine risks other or different from the standard
4 form of fire insurance policy herein set forth.

5 There shall be printed at the head of said policy the name
6 of the insurer or insurers issuing the policy; the location of
7 the home office thereof; a statement whether said insurer or
8 insurers are stock or mutual corporations or are reciprocal
9 insurers; and subject to the approval of the commissioner of
10 insurance, there may be added thereto such device or devices
11 as the insurer or insurers issuing said policy shall desire.
12 Provided, however, that any company organized under special
13 charter provisions may so indicate upon its policy, and may
14 add a statement of the plan under which it operates in this
15 state.

16 The standard policy provided for herein need not be used
17 for effecting reinsurance between insurers.

18 If the policy is issued by a mutual, co-operative or
19 reciprocal insurer having special regulations with respect to
20 the payment by the policyholder of assessments, such
21 regulations shall be printed upon the policy, and any such
22 insurer may print upon the policy such regulations as may be
23 required by its home state or appropriate to its form of
24 organization.

25 ~~THIRD:~~ 3. Binders or other contracts for temporary
26 insurance may be made and shall be deemed to include all the
27 terms of such standard policy and all such applicable
28 endorsements as may be designated in such contract of
29 temporary insurance; except that the cancellation clause of
30 such standard policy, and the clause thereof specifying the
31 hour of the day at which the insurance shall commence, may be
32 superseded by the express terms of such contract of temporary
33 insurance.

34 ~~FOURTH:~~ 4. Two or more insurers authorized to do in this
35 state the business of fire insurance, may, with the approval

1 of the commissioner of insurance, issue a combination standard
2 form of policy which shall contain the following:

3 a. A provision substantially to the effect that the
4 insurers executing such policy shall be severally liable for
5 the full amount of any loss or damage, according to the terms
6 of the policy, or for specified percentages or amounts
7 thereof, aggregating the full amount of such insurance under
8 such policy.

9 b. A provision substantially to the effect that service of
10 process, or of any notice or proof of loss required by such
11 policy, upon any of the insurers executing such policy, shall
12 be deemed to be service upon all such insurers.

13 ~~FIFTH~~ 5. Appropriate forms of other contracts or
14 endorsements, insuring against one or more of the perils
15 incident to the ownership, use or occupancy of said property,
16 other than fire and lightning, which the insurer is empowered
17 to assume, may be used in connection with the standard policy.
18 Such forms of other contracts or endorsements attached or
19 printed thereon may contain provisions and stipulations
20 inconsistent with the standard policy if applicable only to
21 such other perils. The pages of the standard policy may be
22 renumbered and rearranged to provide space for the listing of
23 rates and premiums for coverages insured thereunder or under
24 endorsements attached or printed thereon, and such other data
25 as may be included for duplication on daily reports for office
26 records. An insurer may issue a policy, either on an
27 unspecified basis as to coverage or for an indivisible
28 premium, which contains coverage against the peril of fire and
29 substantial coverage against other perils, if such policy
30 includes provisions with respect to the peril of fire which
31 are the substantial equivalent of the minimum provisions of
32 such standard policy, provided further the policy is complete
33 as to all its terms of coverage without reference to any other
34 document and is approved in accordance with section 515.109.
35 ~~SIXTH~~ 6. The form of the standard policy (with

1 permission to substitute for the word "company" a more
2 accurate descriptive term for the type of insurer) shall be as
3 follows:

4 FIRST PAGE OF STANDARD FIRE POLICY

5 No. ...

6 (Space for insertion of name of company or companies
7 issuing the policy and other matter permitted to be stated at
8 the head of the policy.)

9 (Space for listing amounts of insurance, rates and premiums
10 for the basic coverages insured under the standard form of
11 policy and for additional coverages or perils insured under
12 endorsements attached.)

13 IN CONSIDERATION OF THE PROVISIONS AND STIPULATIONS HEREIN
14 OR ADDED HERETO AND OF DOLLARS PREMIUM this company, for
15 the term of from the day of (month),
16 (year), to the day of (month), (year),
17 at noon, Standard Time, at location of property involved, to
18 an amount not exceeding Dollars, does insure
19 and legal representatives, to the extent of the
20 actual cash value of the property at the time of loss, but not
21 exceeding the amount which it would cost to repair or replace
22 the property with material of like kind and quality within a
23 reasonable time after such loss, without allowance for any
24 increased cost of repair or reconstruction by reason of any
25 ordinance or law regulating construction or repair, and
26 without compensation for loss resulting from interruption of
27 business or manufacture, nor in any event for more than THE
28 INTEREST OF THE INSURED, AGAINST ALL DIRECT LOSS BY FIRE,
29 LIGHTNING AND BY REMOVAL FROM PREMISES ENDANGERED BY THE
30 PERILS INSURED AGAINST IN THIS POLICY, EXCEPT AS HEREINAFTER
31 PROVIDED, to the property described hereinafter while located
32 or contained as described in this policy, or pro rata for five
33 days at each proper place to which any of the property shall
34 necessarily be removed for preservation from the perils
35 insured against in this policy, but not elsewhere.

1 Assignment of this policy shall not be valid except with
2 the written consent of this company.

3 This policy is made and accepted subject to the foregoing
4 provisions and stipulations and those hereinafter stated,
5 which are hereby made a part of this policy, together with
6 such other provisions, stipulations and agreements as may be
7 added hereto, as provided in this policy.

8 IN WITNESS WHEREOF, this company has executed and attested
9 these presents; but this policy shall not be valid unless
10 countersigned by the duly authorized agent of this company at
11

12

13 Secretary.

.....
President.

14 Countersigned this

15 day of (month), ... (year).

16

.....
Agent.

17

18 SECOND PAGE OF STANDARD FIRE POLICY

19 CONCEALMENT -- FRAUD. This entire policy shall be void if,
20 whether before or after a loss, the insured has willfully
21 concealed or misrepresented any material fact or circumstance
22 concerning this insurance or the subject thereof, or the
23 interest of the insured therein, or in case of any fraud or
24 false swearing by the insured relating thereto.

25 UNINSURABLE AND EXCEPTED PROPERTY. This policy shall not
26 cover accounts, bills, currency, deeds, evidences of debt,
27 money or securities; nor, unless specifically named hereon in
28 writing, bullion or manuscripts.

29 PERILS NOT INCLUDED. This company shall not be liable for
30 loss by fire or other perils insured against in this policy
31 caused, directly or indirectly, by: (a) Enemy attack by armed
32 forces, including action taken by military, naval or air
33 forces in resisting an actual or an immediately impending
34 enemy attack; (b) invasion; (c) insurrection; (d) rebellion;
35 (e) revolution; (f) civil war; (g) usurped power; (h) order of

1 any civil authority except acts of destruction at the time of
2 and for the purpose of preventing the spread of fire, provided
3 that such fire did not originate from any of the perils
4 excluded by this policy; (i) neglect of the insured to use all
5 reasonable means to save and preserve the property at and
6 after a loss, or when the property is endangered by fire in
7 neighboring premises; (j) nor shall this company be liable for
8 loss by theft.

9 OTHER INSURANCE. Other insurance may be prohibited or the
10 amount of insurance may be limited by endorsement attached
11 hereto.

12 CONDITIONS SUSPENDING OR RESTRICTING INSURANCE. Unless
13 otherwise provided in writing added hereto this company shall
14 not be liable for loss occurring:

15 a. While the hazard is increased by any means within the
16 control or knowledge of the insured; or

17 b. While a described building, whether intended for
18 occupancy by owner or tenant, is vacant or unoccupied beyond a
19 period of sixty consecutive days; or

20 c. As a result of explosion or riot, unless fire ensue,
21 and in that event for loss by fire only.

22 OTHER PERILS OR SUBJECTS. Any other peril to be insured
23 against or subject of insurance to be covered in this policy
24 shall be by endorsement in writing hereon or added hereto.

25 ADDED PROVISIONS. The extent of the application of
26 insurance under this policy and of the contribution to be made
27 by this company in case of loss, and any other provision or
28 agreement not inconsistent with the provisions of this policy,
29 may be provided for in writing added hereto, but no provision
30 may be waived except such as by the terms of this policy is
31 subject to change.

32 WAIVER PROVISIONS. No permission affecting this insurance
33 shall exist, or waiver of any provision be valid, unless
34 granted herein or expressed in writing added hereto. No
35 provision, stipulation or forfeiture shall be held to be

1 waived by any requirement or proceeding on the part of this
2 company relating to appraisal or to any examination provided
3 for herein.

4 CANCELLATION OF POLICY. This policy shall be canceled at
5 any time at the request of the insured, in which case this
6 company shall, upon demand and surrender of this policy,
7 refund the excess of paid premium above the customary short
8 rates for the expired time. This policy may be canceled at
9 any time by this company by giving to the insured a five days'
10 written notice of cancellation with or without tender of the
11 excess of paid premium above the pro rata premium for the
12 expired time, which excess, if not tendered, shall be refunded
13 on demand. Notice of cancellation shall state that said
14 excess premium (if not tendered) will be refunded on demand.

15 MORTGAGEE INTERESTS AND OBLIGATIONS. If loss hereunder is
16 made payable, in whole or in part, to a designated mortgagee
17 not named herein as the insured, such interest in this policy
18 may be canceled by giving to such mortgagee a ten days'
19 written notice of cancellation.

20 If the insured fails to render proof of loss such
21 mortgagee, upon notice, shall render proof of loss in the form
22 herein specified within sixty days thereafter and shall be
23 subject to the provisions hereof relating to appraisal and
24 time of payment and of bringing suit. If this company shall
25 claim that no liability existed as to the mortgagor or owner,
26 it shall, to the extent of payment of loss to the mortgagee,
27 be subrogated to all the mortgagee's rights of recovery, but
28 without impairing mortgagee's right to sue; or it may pay off
29 the mortgage debt and require an assignment thereof and of the
30 mortgage. Other provisions relating to the interests and
31 obligations of such mortgagee may be added hereto by agreement
32 in writing.

33 PRO RATA LIABILITY. This company shall not be liable for a
34 greater proportion of any loss than the amount hereby insured
35 shall bear to the whole insurance covering the property

1 against the peril involved, whether collectible or not.
2 REQUIREMENTS IN CASE LOSS OCCURS. The insured shall give
3 immediate written notice to this company of any loss, protect
4 the property from further damage, forthwith separate the
5 damaged and undamaged personal property, put it in the best
6 possible order, furnish a complete inventory of the destroyed,
7 damaged and undamaged property, showing in detail quantities,
8 costs, actual cash value and AMOUNTS OF LOSS CLAIMED; AND
9 WITHIN SIXTY DAYS AFTER THE LOSS, UNLESS SUCH TIME IS EXTENDED
10 IN WRITING BY THIS COMPANY, THE INSURED SHALL RENDER TO THIS
11 COMPANY A PROOF OF LOSS, signed and sworn to by the insured,
12 stating the knowledge and belief of the insured as to the
13 following: The time and origin of the loss, the interest of
14 the insured and of all others in the property, the actual cash
15 value of each item thereof and the amount of loss thereto, all
16 encumbrances thereon, all other contracts of insurance,
17 whether valid or not, covering any of said property, any
18 changes in the title, use, occupation, location, possession or
19 exposures of said property since the issuing of this policy,
20 by whom and for what purpose any building herein described and
21 the several parts thereof were occupied at the time of loss
22 and whether or not it then stood on leased ground, and shall
23 furnish a copy of all the descriptions and schedules in all
24 policies and, if required, verified plans and specifications
25 of any building, fixtures or machinery destroyed or damaged.
26 The insured, as often as may be reasonably required, shall
27 exhibit to any person designated by this company all that
28 remains of any property herein described, and submit to
29 examinations under oath by any person named by this company,
30 and subscribe the same; and, as often as may be reasonably
31 required, shall produce for examination all books of account,
32 bills, invoices and other vouchers, or certified copies
33 thereof if originals be lost, at such reasonable time and
34 place as may be designated by this company or its
35 representative, and shall permit extracts and copies thereof

1 to be made.

2 APPRAISAL. In case the insured and this company shall fail
3 to agree as to the actual cash value or the amount of loss,
4 then, on the written demand of either, each shall select a
5 competent and disinterested appraiser and notify the other of
6 the appraiser selected within twenty days of such demand. The
7 appraisers shall first select a competent and disinterested
8 umpire; and failing for fifteen days to agree upon such
9 umpire, then, on request of the insured or this company, such
10 umpire shall be selected by a judge of a court of record in
11 the state in which the property covered is located. The
12 appraisers shall then appraise the loss, stating separately
13 actual cash value and loss to each item; and, failing to
14 agree, shall submit their differences, only, to the umpire.
15 An award in writing, so itemized, of any two when filed with
16 this company shall determine the amount of actual cash value
17 and loss. Each appraiser shall be paid by the party selecting
18 the appraiser and the expenses of appraisal and umpire shall
19 be paid by the parties equally.

20 COMPANY'S OPTIONS. It shall be optional with this company
21 to take all, or any part, of the property at the agreed or
22 appraised value, and also to repair, rebuild or replace the
23 property destroyed or damaged with other of like kind and
24 quality within a reasonable time, on giving notice of its
25 intention so to do within thirty days after the receipt of the
26 proof of loss herein required.

27 ABANDONMENT. There can be no abandonment to this company
28 of any property.

29 WHEN LOSS PAYABLE. The amount of loss for which this
30 company may be liable shall be payable sixty days after proof
31 of loss, as herein provided, is received by this company and
32 ascertainment of the loss is made either by agreement between
33 the insured and this company expressed in writing or by the
34 filing with this company of an award as herein provided.

35 SUIT. No suit or action on this policy for the recovery of

1 any claim shall be sustainable in any court of law or equity
2 unless all the requirements of this policy shall have been
3 complied with, and unless commenced within twelve months next
4 after inception of the loss.

5 SUBROGATION. This company may require from the insured an
6 assignment of all right of recovery against any party for loss
7 to the extent that payment therefor is made by this company.

8 THIRD PAGE OF STANDARD FIRE POLICY

9 Attach Form Below This Line

10 FOURTH PAGE OF STANDARD FIRE POLICY

11 Standard Fire Insurance Policy

12 -----

13 Expires

14 Property

15 Total

16 Amount \$ Premium \$

17 Insured

18 _____

19 SEE INSIDE OF POLICY FOR PERILS COVERED

20 No.

21 -----

22 (Space of approximately two (2) inches for use of
23 Agent or Insurer.)

24 -----

25 -----

26 (Space of approximately two (2) inches for use of
27 Agent or Insurer.)

28 -----

29 It is important that the written portions of all policies
30 covering the same property read exactly alike. If they do
31 not, they should be made uniform at once.

32 Sec. 86. Section 524.103, subsection 10, Code 2005, is
33 amended to read as follows:

34 10. "Board of directors" means the board of directors of a
35 state bank as provided in section 524.601. For a state banks

1 bank organized as a limited liability company under this
2 chapter, "board of directors" means a board of directors or
3 board of managers as designated by the limited liability
4 company in its articles of organization or operating
5 agreement.

6 Sec. 87. Section 524.1408, Code 2005, is amended to read
7 as follows:

8 524.1408 MERGER OF CORPORATION OR LIMITED LIABILITY
9 COMPANY SUBSTANTIALLY OWNED BY A STATE BANK.

10 A state bank owning at least ninety percent of the
11 outstanding shares, of each class, of another corporation or
12 limited liability company which it is authorized to own under
13 this chapter, may merge the other corporation or limited
14 liability company into itself without approval by a vote of
15 the shareholders of either the state bank or the subsidiary
16 corporation or limited liability company. The board of
17 directors of the state bank shall approve a plan of merger,
18 mail the plan of merger to shareholders of record of the
19 subsidiary corporation or holders of membership interests in
20 the subsidiary limited liability company, and prepare and
21 execute articles of merger in the manner provided for in
22 section 490.1105. The articles of merger, together with the
23 applicable filing and recording fees, shall be delivered to
24 the superintendent who shall, if the superintendent approves
25 of the proposed merger and if the superintendent finds the
26 articles of merger satisfy the requirements of this section,
27 deliver them to the secretary of state for filing and
28 recording in the secretary of state's office, and they shall
29 be filed in the office of the county recorder. The secretary
30 of state upon filing the articles of merger shall issue a
31 certificate of merger and send the certificate to the state
32 bank and a copy of it to the superintendent.

33 Sec. 88. Section 534.513, subsection 3, Code 2005, is
34 amended to read as follows:

35 3. SUPERVISION DURING LIQUIDATION. During the period of

1 voluntary liquidation of any such association, the
2 superintendent shall have substantially the same powers and
3 duties as to supervision as before such liquidation, and the
4 persons in charge of such voluntary liquidation shall furnish
5 and deposit with the superintendent such bonds as the
6 superintendent shall require and approve, and shall
7 semiannually, or ~~oftener~~ more often if required by the
8 superintendent report fully as to their doings and progress,
9 and as to the financial condition of the association. Upon
10 completion of such liquidation they shall file with the
11 superintendent a verified final report of such liquidation and
12 disbursement of proceeds and upon approval of such report the
13 superintendent shall issue a written order discharging the
14 liquidators, and their duties shall thereupon cease.

15 Sec. 89. Section 535B.10, subsection 6, Code 2005, is
16 amended to read as follows:

17 6. The total charge for an examination or investigation
18 shall be paid by the licensee to the administrator within
19 thirty days after the administrator has requested payment.
20 The administrator may by rule provide for a charge for late
21 payment of the fee. The amount of the fee shall be based on
22 the actual costs of the examination as determined by the
23 administrator. Examination reports and correspondence
24 regarding these reports shall be kept confidential except as
25 provided in this subsection, notwithstanding chapter 22. The
26 administrator may release the reports and correspondence in
27 the course of an enforcement proceeding or a hearing held by
28 the administrator. The administrator may also provide this
29 information to the attorney general for purposes of enforcing
30 this chapter or the consumer fraud Act, section 714.16.

31 Sec. 90. Section 536.4, unnumbered paragraph 3, Code 2005,
32 is amended to read as follows:

33 If the application is denied, the superintendent shall
34 within twenty days thereafter file with the banking ~~department~~
35 division a written transcript of the evidence and decision and

1 findings with respect thereto containing the reasons
2 supporting the denial, and forthwith serve upon the applicant
3 a copy thereof.

4 Sec. 91. Section 537.1103, Code 2005, is amended to read
5 as follows:

6 537.1103 LAW APPLICABLE.

7 Unless displaced by the particular provisions of this
8 chapter, the uniform commercial code as provided in chapter
9 554 and the principles of law and equity, including the law
10 relative to capacity to contract, principal and agent,
11 estoppel, fraud, misrepresentation, duress, coercion, mistake,
12 bankruptcy or other validating or invalidating cause
13 supplement its provisions.

14 Sec. 92. Section 546A.1, subsection 4, Code 2005, is
15 amended to read as follows:

16 4. "New and unused property" means tangible personal
17 property that was acquired by the unused property merchant
18 directly from the producer, manufacturer, wholesaler, or
19 retailer in the ordinary course of business that which has
20 never been used since its production or manufacture or which
21 is in its original and unopened package or container, if such
22 personal property was so packaged when originally produced or
23 manufactured.

24 Sec. 93. Section 546A.4, subsection 3, Code 2005, is
25 amended to read as follows:

26 3. An aggravated misdemeanor for a third or subsequent
27 violation offense.

28 Sec. 94. Section 551A.3, subsection 1, Code 2005, is
29 amended to read as follows:

30 1. DISCLOSURE DOCUMENT REQUIRED. A person required to
31 file an irrevocable consent to service of process with the
32 secretary of state as a seller as provided in section 551A.7
33 shall not act as seller in the this state unless the person
34 provides a written disclosure document to each purchaser. The
35 person shall deliver the written disclosure document to the

1 purchaser at least ten business days prior to the earlier of
2 the purchaser's execution of a contract imposing a binding
3 legal obligation on the purchaser or the payment by a
4 purchaser of any consideration in connection with the offer or
5 sale of the business opportunity.

6 Sec. 95. Section 554D.101, Code 2005, is amended to read
7 as follows:

8 554D.101 SHORT TITLE.

9 ~~This section and sections 554D.102 through 554D.124 of this~~
10 ~~chapter subchapter~~ may be cited as the "Uniform Electronic
11 Transactions Act".

12 Sec. 96. Section 558.1, Code 2005, is amended to read as
13 follows:

14 558.1 "INSTRUMENTS AFFECTING REAL ESTATE" DEFINED --
15 REVOCATION.

16 All instruments containing a power to convey, or in any
17 manner relating to real estate, including certified copies of
18 petitions in bankruptcy with or without the schedules
19 appended, of decrees of adjudication in bankruptcy, and of
20 orders approving trustees' bonds in bankruptcy, and a jobs
21 training agreement entered into under chapter 260E or 260F
22 between an employer and community college which contains a
23 description of the real estate affected, shall be held to be
24 instruments affecting the same; and no such instrument, when
25 acknowledged or certified and recorded as in this chapter
26 prescribed, can be revoked as to third parties by any act of
27 the parties by whom it was executed, until the instrument
28 containing such revocation is acknowledged and filed for
29 record in the same office in which the instrument containing
30 such power is recorded, except that uniform commercial code
31 financing statements and financing statement changes as
32 provided in chapter 554 need not be thus acknowledged.

33 Sec. 97. Section 558.42, Code 2005, is amended to read as
34 follows:

35 558.42 ACKNOWLEDGMENT AS CONDITION PRECEDENT.

1 A document shall not be deemed lawfully recorded, unless it
2 has been previously acknowledged or proved in the manner
3 prescribed in chapter 9E, except that affidavits, and
4 certified copies of petitions in bankruptcy with or without
5 the schedules appended, of decrees of adjudication in
6 bankruptcy, and of orders approving trustees' bonds in
7 bankruptcy, and ~~Uniform-Commercial-Code~~ uniform commercial
8 code financing statements and financing statement changes as
9 provided in chapter 554 need not be thus acknowledged.

10 Sec. 98. Section 586.1, subsection 3, Code 2005, is
11 amended to read as follows:

12 3. Acknowledgments taken and oaths administered by mayors
13 under section 691, Code 1897, or section 1216 of subsequent
14 Codes to and including the Code of 1939 and section ~~63A.2~~-to
15 ~~and-including~~ 78.2, Code of 1966 and earlier editions, in
16 proceedings not connected with their offices.

17 Sec. 99. Section 589.9, Code 2005, is amended to read as
18 follows:

19 589.9 MARGINAL RELEASES OF SCHOOL-FUND MORTGAGES.

20 The release or satisfaction of a school-fund mortgage
21 entered on the margin of the record of the mortgage by the
22 auditor of the county more than ten years earlier, is
23 legalized as though the auditor had, at the time of entering
24 the release or satisfaction, the same power thereafter
25 conferred upon the auditor by chapter 1894 Iowa Acts, ch 53 of
26 ~~the-Acts-of-the-Twenty-fifth-General-Assembly~~.

27 Sec. 100. Section 589.22, Code 2005, is amended to read as
28 follows:

29 589.22 CERTAIN LOANS, CONTRACTS AND MORTGAGES.

30 All loans, contracts, and mortgages which are affected by
31 the repeal of chapter 1898 Iowa Acts, ch 48, Acts-of-the
32 ~~Twenty-seventh-General-Assembly~~, are hereby legalized so far
33 as to permit recovery to be had thereon for interest at the
34 rate of eight percent per annum, but at no greater rate, and
35 nothing contained in such contracts shall be construed to be

1 usurious so as to work a forfeiture of any penalty to the
2 school fund.

3 Sec. 101. Section 600B.28, Code 2005, is amended to read
4 as follows:

5 600B.28 REPORT BY TRUSTEE.

6 The trustee shall report to the court annually, or oftener
7 more often as directed by the court, the amounts received and
8 paid over.

9 Sec. 102. Section 602.8102, subsection 69, Code 2005, is
10 amended to read as follows:

11 69. With acceptable sureties, approve the bond of a
12 petitioner filing an appeal for review of an order of the
13 commissioner of insurance as provided in section ~~502-606-or~~
14 507A.7.

15 Sec. 103. Section 602.8108, subsections 5 and 6, Code
16 2005, are amended to read as follows:

17 5. The clerk of the district court shall remit all moneys
18 collected from the assessment of the law enforcement
19 initiative surcharge provided in section 911.3 to the state
20 court administrator no later than the fifteenth day of each
21 month, ~~all the moneys collected during the preceding month,~~
22 for deposit in the general fund of the state.

23 6. The clerk of the district court shall remit all moneys
24 collected from the county enforcement surcharge pursuant to
25 section 911.4 to the county where the citation was issued for
26 deposit in the county general fund no later than the fifteenth
27 day of each month.

28 Sec. 104. Section 602.11116, subsection 3, Code 2005, is
29 amended to read as follows:

30 3. To commence membership under the judicial retirement
31 system pursuant to article 9, part 1, retroactive to the date
32 the associate juvenile judge or associate probate judge became
33 an associate juvenile judge or associate probate judge, and to
34 cease to be a member of the Iowa public employees' retirement
35 system, effective July 1, 1998. The department of

1 administrative-services personnel shall transmit by January 1,
2 1999, to the state court administrator for deposit in the
3 judicial retirement fund the associate juvenile judge's or
4 associate probate judge's accumulated contributions as defined
5 in section 97B.1A, subsection 2, for the judge's period of
6 membership service as an associate juvenile judge or associate
7 probate judge. Before July 1, 2000, or at retirement previous
8 to that date, an associate juvenile judge or associate probate
9 judge who becomes a member of the judicial retirement system
10 pursuant to this subsection shall contribute to the judicial
11 retirement fund an amount equal to the difference between four
12 percent of the associate juvenile judge's or associate probate
13 judge's total salary received for the entire period of service
14 before July 1, 1998, as an associate juvenile judge or
15 associate probate judge, and the associate juvenile judge's or
16 associate probate judge's accumulated contributions
17 transmitted by the department of administrative-services
18 personnel to the state court administrator pursuant to this
19 subsection. The associate juvenile judge's or associate
20 probate judge's contribution shall not be limited to the
21 amount specified in section 602.9104, subsection 1. The state
22 court administrator shall credit an associate juvenile judge
23 or associate probate judge with service under the judicial
24 retirement system for the period of service for which
25 contributions at the four percent level are made.

26 Sec. 105. Section 633.700, unnumbered paragraph 1, Code
27 2005, is amended to read as follows:

28 Unless specifically relieved from so doing, by the
29 instrument creating the trust, or by order of the court, the
30 trustee shall make a written report, under oath, to the court,
31 once each year, and ~~oftener~~ more often, if required by the
32 court. Such report shall state:

33 Sec. 106. Section 633.905, subsection 3, Code 2005, is
34 amended to read as follows:

35 3. To be effective, a disclaimer must be in a writing or

1 other record, declare the disclaimer, describe the interest or
2 power disclaimed, be signed by the person making the
3 disclaimer, and be delivered or filed in the manner provided
4 in section 633.912. In this subsection, "record" means
5 information that is inscribed on a tangible medium or that is
6 stored in an electronic or other medium and is retrievable in
7 perceivable form.

8 Sec. 107. Section 636.28, Code 2005, is amended to read as
9 follows:

10 636.28 ANNUAL ACCOUNTING.

11 Once in each year, and oftener more often if required by
12 the court, the person so appointed must, on oath, render to
13 the court an account in writing of all moneys so received by
14 that person, and of the application thereof.

15 Sec. 108. Section 657.1, subsection 2, Code 2005, is
16 amended to read as follows:

17 2. Notwithstanding subsection 1, in an action to abate a
18 nuisance against an electric utility, an electric utility may
19 assert a defense of comparative fault as set out in section
20 668.3 if the electric utility demonstrates that in the course
21 of providing electric services to its customers that it has
22 complied with engineering and safety standards as adopted by
23 the utilities board of the department of commerce, and if the
24 electric utility has secured all permits and approvals, as
25 required by state law and local ordinances, necessary to
26 perform activities alleged to constitute a nuisance.

27 Sec. 109. Section 708.3A, subsections 5, 6, 7, and 8, Code
28 2005, are amended to read as follows:

29 5. As used in this section, "~~health-care-provider~~" means
30 ~~an-emergency-medical-care-provider-as-defined-in-chapter-147A~~
31 ~~or-a-person-licensed-or-registered-under-chapter-148, 148C,~~
32 ~~148D, 150, 150A, or 152 who is providing or who is attempting~~
33 ~~to-provide-emergency-medical-services, as-defined-in-section~~
34 ~~147A, 17, or who is providing or who is attempting to provide~~
35 ~~health-services-as-defined-in-section-135.61-in-a-hospital,--A~~

1 person-who-commits-an-assault-under-this-section-against-a
2 health-care-provider-in-a-hospital, or-at-the-scene-or-during
3 out-of-hospital-patient-transportation-in-an-ambulance, is
4 presumed-to-know-that-the-person-against-whom-the-assault-is
5 committed-is-a-health-care-provider. the following definitions
6 apply:

7 6. a. As-used-in-this-section, "correctional
8 Correctional staff" means a person who is not a peace officer
9 but who is employed by the department of corrections or a
10 judicial district department of correctional services to work
11 at or in a correctional institution, community-based
12 correctional facility, or an institution under the management
13 of the Iowa department of corrections which is used for the
14 purposes of confinement of persons who have committed public
15 offenses.

16 7.---As-used-in-this-section, "jailer" means a person who is
17 employed-by-a-county-or-other-political-subdivision-of-the
18 state-to-work-at-a-county-jail-or-other-facility-used-for
19 purposes-of-the-confinement-of-persons-who-have-committed
20 public-offenses, but-who-is-not-a-peace-officer.

21 8. b. As-used-in-this-section, "employee Employee of the
22 department of human services" means a person who is an
23 employee of an institution controlled by the director of human
24 services that is listed in section 218.1, or who is an
25 employee of the civil commitment unit for sex offenders
26 operated by the department of human services. A person who
27 commits an assault under this section against an employee of
28 the department of human services at a department of human
29 services institution or unit is presumed to know that the
30 person against whom the assault is committed is an employee of
31 the department of human services.

32 c. "Health care provider" means an emergency medical care
33 provider as defined in chapter 147A or a person licensed or
34 registered under chapter 148, 148C, 148D, 150, 150A, or 152
35 who is providing or who is attempting to provide emergency

1 medical services, as defined in section 147A.1, or who is
2 providing or who is attempting to provide health services as
3 defined in section 135.61 in a hospital. A person who commits
4 an assault under this section against a health care provider
5 in a hospital, or at the scene or during out-of-hospital
6 patient transportation in an ambulance, is presumed to know
7 that the person against whom the assault is committed is a
8 health care provider.

9 d. "Jailer" means a person who is employed by a county or
10 other political subdivision of the state to work at a county
11 jail or other facility used for purposes of the confinement of
12 persons who have committed public offenses, but who is not a
13 peace officer.

14 Sec. 110. Section 717A.2, subsection 3, unnumbered
15 paragraph 1, Code 2005, is amended to read as follows:

16 A person violating this section is guilty of the following
17 penalties:

18 Sec. 111. Section 728.1, subsection 6, Code 2005, is
19 amended to read as follows:

20 6. "Place of business" means the premises of a business
21 required to obtain a sales tax permit pursuant to chapter 422
22 423, the premises of a nonprofit or not-for-profit
23 organization, and the premises of an establishment which is
24 open to the public at large or where entrance is limited by a
25 cover charge or membership requirement.

26 Sec. 112. Section 730.5, subsection 1, paragraph b, Code
27 2005, is amended to read as follows:

28 b. "Confirmed positive test result" means, except for
29 alcohol testing conducted pursuant to subsection 7, paragraph
30 "f", subparagraph (2), the results of a blood, urine, or oral
31 fluid test in which the level of controlled substances or
32 metabolites in the specimen analyzed meets or exceeds
33 nationally accepted standards for determining detectable
34 levels of controlled substances as adopted by the federal
35 substance abuse and mental health services administration. If

1 nationally accepted standards for oral fluid tests have not
2 been adopted by the federal substance abuse and mental health
3 services administration, the standards for determining
4 detectable levels of controlled substances for purposes of
5 determining a confirmed positive test result shall be the same
6 standard that has been established by the federal food and
7 drug administration for the measuring instrument used to
8 perform the oral fluid test.

9 Sec. 113. Section 812.9, subsection 4, Code 2005, is
10 amended to read as follows:

11 4. If ~~upon-termination-of~~ the defendant's placement is
12 terminated pursuant to subsection 2 or pursuant to section
13 812.8, subsection 8, and it appears thereafter that the
14 defendant has regained competency, the state may make
15 application to reinstate the prosecution of the defendant and
16 hearing shall be held on the matter in the same manner as if
17 the court has received notice under section 812.8, subsection
18 4.

19 Sec. 114. 2004 Iowa Acts, chapter 1021, section 117, is
20 amended to read as follows:

21 SEC. 117. Sections 15E.149, 422.15, 486A.901, 486A.902,
22 486A.906, and 490A.1203, ~~and-669-147~~ Code 2003, and section
23 669.14, Code Supplement 2003, as amended by this Act, are
24 amended by striking from the sections the figure and word "487
25 or" or the figure "487,".

26 Sec. 115. 2004 Iowa Acts, chapter 1052, section 4, is
27 amended by striking the section and inserting in lieu thereof
28 the following:

29 SEC. 4. Section 602.8102, subsection 78, Code Supplement
30 2003, is amended to read as follows:

31 78. Certify an acknowledgment of a written instrument
32 relating to real estate as provided in section 9E.10 or
33 558.20.

34 Sec. 116. 2004 Iowa Acts, chapter 1084, section 8, the
35 portion enacting section 812.6, subsection 3, Code 2005, is

1 amended to read as follows:

2 3. A defendant ordered to obtain treatment or committed to
3 a facility under this section may refuse treatment by
4 chemotherapy or other somatic treatment. The defendant's
5 right to refuse chemotherapy treatment or other somatic
6 treatment shall not apply if, in the judgment of the director
7 or the director's designee of the facility where the defendant
8 has been committed, ~~determines~~ such treatment is necessary to
9 preserve the life of the defendant or to appropriately control
10 behavior of the defendant which is likely to result in
11 physical injury to the defendant or others. If in the
12 judgment of the director of the facility or the director's
13 designee where the defendant has been committed, chemotherapy
14 or other somatic treatments are necessary and appropriate to
15 restore the defendant to competency and the defendant refuses
16 to consent to the use of these treatment modalities, the
17 director of the facility or the director's designee shall
18 request from the district court which ordered the commitment
19 of the defendant an order authorizing treatment by
20 chemotherapy or other somatic treatments.

21 Sec. 117. 2004 Iowa Acts, chapter 1141, section 34, is
22 amended to read as follows:

23 SEC. 34. Section 68B.35, Code Supplement 2003, and
24 sections 536.13, 536.23, and 536.28, Code 2003, are amended by
25 striking from the sections the words "state banking board" and
26 "banking board" and "board" when referring to the state
27 banking board and inserting in lieu thereof the words "state
28 banking council" or "council", as appropriate.

29 Sec. 118. EFFECTIVE DATES AND RETROACTIVE APPLICABILITY.

30 1. The section of this Act amending 2004 Iowa Acts,
31 chapter 1052, section 4, takes effect upon enactment and
32 applies retroactively to July 1, 2004.

33 2. The section of this Act amending 2004 Iowa Acts,
34 chapter 1084, section 8, takes effect upon enactment and
35 applies retroactively to July 1, 2004.

1 3. The section of this Act amending 2004 Iowa Acts,
2 chapter 1141, section 34, takes effect upon enactment and
3 applies retroactively to July 1, 2004.

4 EXPLANATION

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

14 Code section 4.1: Strikes the words "or digital" from a
15 reference to terms defined in Code section 554D.103. The term
16 "digital signature" was stricken from Code section 554D.103 by
17 2004 Iowa Acts, chapter 1067, section 2.

18 Code sections 10B.4, 10B.7, 217.41, 306.46, 331.609,
19 537.1103, 558.1, and 558.42: Adds a reference to chapter 504
20 to a string of chapter citations that refer to corporate and
21 other entities required to file certain reports with the
22 secretary of state. Chapter 504 will replace chapter 504A as
23 the chapter governing nonprofit corporations effective July 1,
24 2005, pursuant to 2004 Iowa Acts, chapter 1049.

25 Code section 10C.6: Changes references to prior Code
26 versions of provisions within Code chapter 10C to eliminate
27 electronic hypertext linkage problems.

28 Code sections 12.71, 12.81, 12E.11, 16.26, 16.105, 16.177,
29 173.14B, 175.17, 257C.8, 331.609, 537.1103, 558.1, and 558.42:
30 Adds numeric references to Code chapter 554 where the uniform
31 commercial code is referred to by name to facilitate
32 electronic hypertext linkage to that Code chapter. The
33 uniform commercial code is codified at Code chapter 554. In
34 Code section 558.42, the capitalization of the term "uniform
35 commercial code" is also made consistent with other Code

1 references to the uniform commercial code.

2 Code sections 12E.16, 76.16, 76.16A, and 97C.2: Updates
3 references to chapter nine of the federal bankruptcy code to
4 eliminate electronic hypertext linkage problems. Code section
5 76.16 is also amended to include the United States Code
6 citation to bankruptcy code chapter nine.

7 Code sections 17A.1 and 17A.23: Substitutes a reference to
8 "chapter" for references to "the Iowa administrative procedure
9 Act". Code chapter 17A is the Iowa administrative procedure
10 Act.

11 Code section 29B.82: Updates the style and internal
12 numbering structure in this provision relating to desertion by
13 members of the military to conform the section to current bill
14 drafting style and to reduce opportunity for error in future
15 Code publications.

16 Code section 68A.406: Corrects a reference to the title of
17 Code chapter 480 in a campaign finance provision. Code
18 chapter 480 is entitled "underground facilities information".

19 Code section 68A.503: Corrects a grammatical problem in
20 the sentence structure of a paragraph describing how certain
21 campaign-related funds may and may not be used by certain
22 financial institutions, insurance companies, and other
23 corporate entities.

24 Code section 97B.1A: Changes "the chapter" to "this
25 chapter" in a provision relating to entitlement to benefits
26 under the Iowa public employees' retirement system. The
27 change is consistent with other references to the chapter in
28 the Code section.

29 Code sections 99D.2 and 99D.11: Changes the term "racing
30 enclosure" to "racetrack enclosure" to conform to the defined
31 term under Code section 99D.2 in provisions relating to pari-
32 mutuel wagering.

33 Code sections 99D.13 and 99D.20: Changes the term "race
34 meet" to "race meeting" to conform to the defined term under
35 Code section 99D.2 in a provision relating to pari-mutuel

1 wagering.

2 Code section 99F.4C: Corrects a grammatical error in
3 language describing the area in which facilities are not
4 permitted to be licensed to conduct gambling games by the
5 racing and gaming commission.

6 Code section 124.308: Strikes the word "electronic" from
7 language relating to whether an electronic or facsimile
8 prescription may be transmitted by a health care practitioner
9 to a pharmacy. The transmission of both electronic and
10 facsimile prescriptions is contemplated in this Code section,
11 and Code section 155A.27 regulates written, electronic, and
12 facsimile prescriptions.

13 Code sections 135.31 and 147.14: Conforms references to
14 the name of the board responsible for the regulation of the
15 profession of nursing to the name given to that board under
16 Code chapter 152.

17 Code section 135.146: Separates and adds a comma between
18 the words "diphtheria" and "tetanus" in a list of types of
19 vaccinations that are to be offered for first responders in
20 the event that federal funding is received for such a purpose.
21 The two types of vaccinations are administered separately, not
22 as a single vaccination.

23 Code sections 135J.1, 135J.2, 135J.5, and 135J.7:
24 Substitutes for the word "division" the word "chapter" in
25 these provisions relating to the regulation of hospice
26 programs to account for the 1990 transfer of the Code chapter
27 provisions. The contents of this chapter were a division of
28 Code chapter 135 until 1990. In 1990 Iowa Acts, chapter 1204,
29 section 66, the Code editor was directed to transfer former
30 Code sections 135.90 through 135.96 to a new chapter and those
31 provisions were moved to Code chapter 135J.

32 Code sections 147.152, 216E.7, and 272C.1: Conforms
33 references to the term used to describe persons who dispense
34 hearing aids to the term given to members of that profession
35 under Code chapter 154A. The term "hearing aid dealer" was

1 changed to "hearing aid dispenser" by 2001 Iowa Acts, chapter
2 58.

3 Code section 157.3A: Deletes redundant language from a
4 provision relating to the licensing requirements for
5 cosmetologists.

6 Code section 162.2: Corrects a grammatical error in a
7 provision relating to commercial breeders of dogs or cats.

8 Code section 165B.5: Corrects a grammatical error in a
9 provision relating to collection of costs related to the
10 confiscation of poultry suspected of being held at an illegal
11 concentration point and infected with a pathogenic virus.

12 Code sections 167.4 and 167.15: Corrects grammatical
13 errors in two provisions relating to disposal plants.

14 Code sections 181.17 and 181.18: Changes references to the
15 "executive committee" in provisions relating to the operation
16 of the beef cattle producers association to "council". 2004
17 Iowa Acts, chapter 1037, replaced the executive committee with
18 the Iowa beef industry council, which is listed under the
19 defined term "council" in Code chapter 181.

20 Code section 216A.156: Corrects a grammatical issue
21 relating to plural nouns in a provision relating to review of
22 grant applications and budget requests by the commission on
23 the status of Iowans of Asian and Pacific Islander heritage.

24 Code sections 218.28, 229.36, 534.513, 600B.28, 633.700,
25 and 636.28: Substitutes the words "more often" for the term
26 "oftener" in the enumerated Code sections. The word "oftener"
27 does not appear in dictionaries currently used in drafting and
28 editing of bills and the editing of the Code.

29 Code section 249A.20A: Corrects a typographical error made
30 in language referring to the procurement of a sole source
31 contract for the pooling of purchases of pharmaceutical
32 products and services for medical assistance recipients.

33 Code section 249A.34: Corrects a reference to the name of
34 the Medicare Prescription Drug, Improvement and Modernization
35 Act of 2003 and adds a public law citation for that federal

1 Act.

2 Code section 256.11: Makes language constituent within a
3 series describing the kind of basic training for service as a
4 member of the armed forces that can result in the awarding of
5 high school graduation credit by the boards of directors or
6 authorities in charge of the public and nonpublic schools.

7 Code section 275.41: Substitutes the word "organizational"
8 for the word "organization" in a provision describing the
9 manner of selection of members of the initial board of
10 directors of a newly formed school district. The definition
11 of the term "initial board" that is contained in Code section
12 275.1 describes the meeting as the "organizational meeting"
13 and the meeting is referred to similarly both elsewhere in
14 Code section 275.41 and in other provisions in Code chapter
15 275.

16 Code section 279.27: Corrects the form of the citation to
17 subsection 2 of Code section 279.15 and makes a technical
18 change resulting from the citation form correction.

19 Code section 305.8: Corrects a reference to the department
20 within which the division of homeland security and emergency
21 management is located. That division is part of the
22 department of public defense, not the department of public
23 safety.

24 Code section 321I.3: Adds a citation to the Code section
25 pertaining to nonresident user permits in language relating to
26 use or display of user permits on all-terrain vehicles.

27 Code section 322.5: Updates, in this provision relating to
28 license fees for motor vehicle dealers, two references to the
29 term "fair events" to correspond to the change made in this
30 section and in chapter 174 by 2004 Iowa Acts, chapter 1019.

31 Code section 329.13: Substitutes for a set of parentheses
32 a pair of commas in language pertaining to administration of
33 airport zoning regulations.

34 Code section 331.438: Adds a public law citation to the
35 federal Health Insurance Portability and Accountability Act in

1 a provision relating to disclosure of certain services by
2 counties to the department of human services.

3 Code section 356.1: Adds the word "the" in language to
4 describe the jurisdiction of the sheriff over county jails.

5 Code section 423.18: Makes grammatical changes to
6 eliminate the word "its" in two places in this provision
7 relating to sales tax permits.

8 Code section 423.56: Replaces the words "his or her" with
9 "the individual's" to eliminate any gender references in
10 language relating to sales taxes.

11 Code sections 423B.5 and 423E.3: Makes a grammatical
12 change in these lists of items that are excluded from certain
13 local sales and services taxes.

14 Code section 435.1: Corrects a reference to the Code
15 chapter title and inserts a reference to Code chapter 562B
16 after a reference by chapter title to that chapter within a
17 provision relating to taxation of homes in manufactured home
18 communities and mobile home parks.

19 Code section 452A.3: Corrects a typographical error to the
20 state of Iowa in a provision relating to the collection of
21 excise taxes on motor fuel.

22 Code section 453A.26: Adds a numerical reference to Code
23 chapter 423 after a reference to that chapter by name in
24 language relating to liens for cigarette and tobacco tax.

25 Code section 456A.18: Substitutes for a reference to "five
26 funds" a reference to "funds created in Code section 456A.17"
27 in a provision relating to a duty of the director of the
28 department of natural resources to make a return and pay to
29 the treasurer of state moneys belonging to various funds
30 relating to fish, game, and conservation. The "five funds"
31 reference is a reference to the funds in Code section 456A.17,
32 of which there are now only four, since the strike of one of
33 the funds by 1994 Iowa Acts, chapter 1107, section 72.

34 Code section 502.304A: Strikes a redundant "that" in
35 language relating to securities regulation.

1 Code section 502.412: Makes changes in the manner of
2 citation to Code chapter 502 as it appeared in previous Codes
3 to avoid electronic hypertext linkage problems.

4 Code section 502.601: Changes "the" to "this" in a
5 provision relating to administration of the securities chapter
6 by the commissioner of insurance. This is consistent with the
7 reference to the chapter that exists in the immediately
8 preceding sentence in the same paragraph.

9 Code section 504.115: Makes a grammatical change in
10 language pertaining to corrections to documents filed by
11 nonprofit corporations with the secretary of state.

12 Code section 504.1701: Adds the word and figure "Code
13 2005" to several references to Code chapter 504A. Code
14 chapter 504A is scheduled to be repealed and replaced by new
15 Code chapter 504 effective July 1, 2005, pursuant to 2004 Iowa
16 Acts, chapter 1049.

17 Code section 515.109A: In subsection 1, moves the word
18 "insurance" to the end of a series that describes types of
19 insurance policies that are included in the term "personal
20 insurance" to avoid the creation of a break in the series. In
21 subsection 3, the word "the" is added to correct a grammatical
22 error.

23 Code section 515.138: Updates the method by which the
24 numerical references to the subsections in this section are
25 expressed by changing the words "First" through "Sixth" to the
26 numerals "1" through "6" and correcting an internal reference.
27 The changes conform the Code section to current bill drafting
28 and codification practices.

29 Code section 524.103: Makes a grammatical change in the
30 definition of "board of directors" that conforms the plural
31 subject "banks" to the singular object "limited liability
32 company".

33 Code section 524.1408: Adds the word "liability" to the
34 term subsidiary "limited company" to conform to other usage of
35 the term "limited liability company" within the Code section.

1 Code section 535B.10: Adds the citation for the consumer
2 fraud Act, Code section 714.16, after a reference to that Act
3 by name in provisions relating to the enforcement of the Code
4 chapter regulating mortgage bankers and brokers.

5 Code section 536.4: Changes the term "banking department"
6 to "banking division" in language relating the process by
7 which the superintendent of the division of banking reviews
8 and grants or denies applications for a license to make
9 certain regulated loans.

10 Code section 546A.1: Makes a grammatical correction in a
11 definition of new and unused property in the unused property
12 markets -- regulation of sales Code chapter.

13 Code section 546A.4: Substitutes the word "offense" for
14 the word "violation" to make a provision relating to third
15 offense violations of the unused property market sales
16 provisions consistent with references to other offenses.

17 Code section 551A.3: Makes a minor clarification, by
18 changing "the" to "this" in language relating to sellers of
19 business opportunities. Code section 551A.7 provides that
20 sellers must file irrevocable consents prior to engaging in
21 the sale of a business opportunity in "this state".

22 Code section 554D.101: Substitutes the word "subchapter"
23 for references to the Code sections that are or were contained
24 within the subchapter that is referred to as the uniform
25 electronic transactions Act and eliminates the electronic
26 hypertext linkage problem created by the repeal of Code
27 section 554D.102 by 2004 Iowa Acts, chapter 1067, section 10.

28 Code section 586.1: Updates citations to former Code
29 provisions to eliminate electronic hypertext linkage problems
30 and corrects a reference to Code section 63A.2 to refer to
31 former Code section 78.2 in a provision legalizing certain
32 defective acts and instruments. Former Code section 78.2 was
33 moved to current Code section 63A.2 as part of the 1993
34 chapter transfers and Code reorganization project. From the
35 time of publication of Code 1946 to the time of publication of

1 Code 1966, the correct citation for the provision pertaining
2 to the acknowledgments taken and oaths administered by mayors
3 would have been to former Code section 78.2.

4 Code sections 589.9 and 589.22: Updates Iowa Iowa Acts
5 references to eliminate electronic hypertext linkage problems
6 in these provisions that legalize certain old releases of
7 school-fund mortgages and any loans, contracts, and mortgages
8 pertaining to the school fund that were affected by the repeal
9 of an 1898 Act.

10 Code section 602.8102, subsection 69: Eliminates a
11 reference to Code section 502.606 in this provision relating
12 to approval of bonds executed by petitioners in judicial
13 review of administrative action pertaining to the uniform
14 securities Act. Code section 502.606 was stricken and
15 rewritten by 2004 Iowa Acts, chapter 1161, section 56, and
16 although the subject matter of former Code section 502.606 was
17 moved to current Code section 502.609, the requirement for the
18 posting of a bond was eliminated.

19 Code section 602.8108, subsections 5 and 6: Strikes
20 redundant language in a provision requiring the clerk of the
21 district court to remit all moneys collected in a preceding
22 month from the assessment of the law enforcement initiative
23 surcharge to the state court administrator no later than the
24 15th day of each month. A citation to the provision
25 establishing the county enforcement surcharge is also added.

26 Code section 602.11116: Reverts references to the
27 department of administrative services back to references to
28 the department of personnel in language pertaining to
29 activities that took place prior to the creation of the
30 department of administrative services in 2003 Iowa Acts,
31 chapter 145.

32 Code section 633.905: Adds the word "a" between the words
33 "in" and "writing" to eliminate a grammatical error and
34 conform the language to the model uniform disclaimer of
35 property interest Act.

1 Code section 657.1: Strikes a redundant occurrence of the
2 word "that" in a provision relating to actions to abate a
3 nuisance against an electric utility.

4 Code section 708.3A: Restructures subsections 5 through 8
5 of this section to combine all defined terms into a single
6 subsection containing all definitions that pertain to this
7 section covering assaults on persons engaged in certain
8 occupations.

9 Code section 717A.2: Strikes the word "penalties" in lead-
10 in language describing what a person is guilty of, if they
11 commit any of the enumerated classes of offenses against
12 animals or property.

13 Code section 728.1: Corrects a citation to the Code
14 chapter governing the obtaining of sales tax permits. The
15 provisions governing sales and use taxes were moved from Code
16 chapter 422 to Code chapter 423 effective July 1, 2004, by
17 2003 Iowa Acts, 1st Extraordinary Session, chapter 2.

18 Code section 730.5: Corrects references to the federal
19 substance abuse and mental health services administration in
20 this provision relating to testing for alcohol and controlled
21 substances in private sector workplaces.

22 Code section 812.9: Corrects a grammatical error in
23 language relating to potential reinstatement of prosecution of
24 an individual who has been found incompetent to stand trial if
25 the person's placement has been terminated and it appears that
26 the person has regained competency.

27 2004 Iowa Acts, chapter 1021: Corrects a Code section
28 citation in a provision directing the substitution of
29 references to Code chapter 487, the uniform limited
30 partnership Act, effective January 1, 2006. Code chapter 487
31 is repealed on January 1, 2006.

32 2004 Iowa Acts, chapter 1052: Corrects a lead-in in a
33 provision amending Code section 668.8102, subsection 78, by
34 adding the word "Supplement" after the word "Code". Code
35 section 602.8102 was amended in 2003 and was republished in

1 the 2003 Code Supplement. This change is made retroactive to
2 July 1, 2004.

3 2004 Iowa Acts, chapter 1084: Corrects a clerical drafting
4 error creating a redundancy in new Code section 812.6. The
5 correction is made retroactive to July 1, 2004.

6 2004 Iowa Acts, chapter 1141: Corrects a directive to make
7 terminology changes to account for a definition of the term
8 "board" to mean "state banking board" that appeared in some of
9 the provisions in which the terminology change was to be made.
10 The correction is made retroactive to July 1, 2004.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

Kaufmann-ch
Eichhorn
WESSEL-KROESCHTELL

HSB 115
JUDICIARY

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON PAULSEN)

ended By
SF 338

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to nonsubstantive Code corrections and including
2 effective and retroactive applicability date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22

1 Section 1. Section 4.1, subsection 39, unnumbered
2 paragraph 1, Code 2005, is amended to read as follows:

3 The words "written" and "in writing" may include any mode
4 of representing words or letters in general use, and include
5 an electronic record as defined in section 554D.103. A
6 signature, when required by law, must be made by the writing
7 or markings of the person whose signature is required.
8 "Signature" includes an electronic or-digital signature as
9 defined in section 554D.103. If a person is unable due to a
10 physical disability to make a written signature or mark, that
11 person may substitute either of the following in lieu of a
12 signature required by law:

13 Sec. 2. Section 10B.4, subsection 1, Code 2005, is amended
14 to read as follows:

15 1. A biennial report shall be filed by a reporting entity
16 with the secretary of state on or before March 31 of each odd-
17 numbered year as required by rules adopted by the secretary of
18 state pursuant to chapter 17A. However, a reporting entity
19 required to file a biennial report pursuant to chapter 490,
20 496C, 497, 498, 499, 501, 504, or 504A shall file the report
21 required by this section in the same year as required by that
22 chapter. The reporting entity may file the report required by
23 this section together with the biennial report required to be
24 filed by one of the other chapters referred to in this
25 subsection. The reports shall be filed on forms prepared and
26 supplied by the secretary of state. The secretary of state
27 may provide for combining its reporting forms with other
28 biennial reporting forms required to be used by the reporting
29 entities.

30 Sec. 3. Section 10B.7, unnumbered paragraph 1, Code 2005,
31 is amended to read as follows:

32 Lessees of agricultural land under section 9H.4, subsection
33 2, paragraph "c", for research or experimental purposes, shall
34 file a biennial report with the secretary of state on or
35 before March 31 of each odd-numbered year on forms adopted

1 pursuant to chapter 17A and supplied by the secretary of
2 state. However, a lessee required to file a biennial report
3 pursuant to chapter 490, 496C, 497, 498, 499, 501, 504, or
4 504A shall file the report required by this section in the
5 same year as required by that chapter. The lessee may file
6 the report required by this section together with the biennial
7 report required to be filed by one of the other chapters
8 referred to in this paragraph. The report shall contain the
9 following information for the reporting period:

10 Sec. 4. Section 10C.6, subsection 1, paragraph a,
11 unnumbered paragraph 1, Code 2005, is amended to read as
12 follows:

13 A life science enterprise may acquire or hold agricultural
14 land, notwithstanding section 10C.5, ~~as that section exists in~~
15 ~~the 2005~~ Code 2005, if all of the following apply:

16 Sec. 5. Section 10C.6, subsection 1, paragraph a,
17 subparagraph (2), Code 2005, is amended to read as follows:

18 (2) The enterprise acquires or holds the agricultural land
19 pursuant to chapter 10C, ~~as that chapter exists in the 2005~~
20 Code 2005.

21 Sec. 6. Section 10C.6, subsection 2, unnumbered paragraph
22 1, Code 2005, is amended to read as follows:

23 A person who is a successor in interest to a life science
24 enterprise may acquire or hold agricultural land,
25 notwithstanding section 10C.5, ~~as that section exists in the~~
26 ~~2003~~ Code ~~or~~ 2003 ~~or~~ Code Supplement 2003, if all of the
27 following apply:

28 Sec. 7. Section 10C.6, subsection 2, paragraph a, Code
29 2005, is amended to read as follows:

30 a. The person meets the qualifications of a life science
31 enterprise and acquires or holds the agricultural land as
32 provided in chapter 10C, ~~as that chapter exists in the 2003~~
33 Code ~~or~~ 2003 ~~or~~ Code Supplement 2003.

34 Sec. 8. Section 12.71, subsections 1 and 7, Code 2005, are
35 amended to read as follows:

1 1. The treasurer of state may issue bonds upon the request
2 of the vision Iowa board created in section 15F.102 and do all
3 things necessary with respect to the purposes of the vision
4 Iowa fund. The treasurer of state shall have all of the
5 powers which are necessary to issue and secure bonds and carry
6 out the purposes of the fund. The treasurer of state may
7 issue bonds in principal amounts which, in the opinion of the
8 board, are necessary to provide sufficient funds for the
9 vision Iowa fund created in section 12.72, the payment of
10 interest on the bonds, the establishment of reserves to secure
11 the bonds, the costs of issuance of the bonds, other
12 expenditures of the treasurer of state incident to and
13 necessary or convenient to carry out the bond issue for the
14 fund, and all other expenditures of the board necessary or
15 convenient to administer the fund; provided, however,
16 excluding the issuance of refunding bonds, bonds issued
17 pursuant to this section shall not be issued in an aggregate
18 principal amount which exceeds three hundred million dollars.
19 The bonds are investment securities and negotiable instruments
20 within the meaning of and for purposes of the uniform
21 commercial code, chapter 554.

22 7. Neither the resolution, trust agreement, nor any other
23 instrument by which a pledge is created needs to be recorded
24 or filed under the Iowa uniform commercial code, chapter 554,
25 to be valid, binding, or effective.

26 Sec. 9. Section 12.81, subsections 1 and 7, Code 2005, are
27 amended to read as follows:

28 1. The treasurer of state may issue bonds for purposes of
29 the school infrastructure program established in section
30 292.2. Excluding the issuance of refunding bonds, the
31 treasurer of state shall not issue bonds which result in the
32 deposit of bond proceeds of more than fifty million dollars
33 into the school infrastructure fund. The treasurer of state
34 shall have all of the powers which are necessary to issue and
35 secure bonds and carry out the purposes of the fund. The

1 treasurer of state may issue bonds in principal amounts which
2 are necessary to provide funds for the fund as provided by
3 this section, the payment of interest on the bonds, the
4 establishment of reserves to secure the bonds, the costs of
5 issuance of the bonds, other expenditures of the treasurer of
6 state incident to and necessary or convenient to carry out the
7 bond issue for the fund, and all other expenditures of the
8 treasurer of state necessary or convenient to administer the
9 fund. The bonds are investment securities and negotiable
10 instruments within the meaning of and for purposes of the
11 uniform commercial code, chapter 554.

12 7. Neither the resolution, trust agreement, nor any other
13 instrument by which a pledge is created needs to be recorded
14 or filed under the Iowa uniform commercial code, chapter 554,
15 to be valid, binding, or effective.

16 Sec. 10. Section 12E.11, subsection 2, Code 2005, is
17 amended to read as follows:

18 2. The authority may issue its bonds in principal amounts
19 which, in the opinion of the authority, are necessary to
20 provide sufficient funds for achievement of its purposes, the
21 payment of interest on its bonds, the establishment of
22 reserves to secure the bonds, the costs of issuance of its
23 bonds, and all other expenditures of the authority incident to
24 and necessary to carry out its purposes or powers. The bonds
25 are investment securities and negotiable instruments within
26 the meaning of and for the purposes of the uniform commercial
27 code, chapter 554.

28 Sec. 11. Section 12E.16, Code 2005, is amended to read as
29 follows:

30 12E.16 **BANKRUPTCY.**

31 Prior to the date which is three hundred sixty-six days
32 after which the authority no longer has any bonds outstanding,
33 the authority is prohibited from filing a voluntary petition
34 under chapter 9 nine of the federal bankruptcy code, 11 U.S.C.
35 § 901 et seq., or such corresponding chapter or section as

1 may, from time to time, be in effect, and a public official or
2 organization, entity, or other person shall not authorize the
3 authority to be or become a debtor under chapter 9 nine or any
4 successor or corresponding chapter or sections during such
5 periods. The provisions of this section shall be part of any
6 contractual obligation owed to the holders of bonds issued
7 under this chapter. Any such contractual obligation shall not
8 subsequently be modified by state law, during the period of
9 the contractual obligation.

10 Sec. 12. Section 16.26, subsection 1, Code 2005, is
11 amended to read as follows:

12 1. The authority may issue its negotiable bonds and notes
13 in principal amounts as, in the opinion of the authority, are
14 necessary to provide sufficient funds for achievement of its
15 corporate purposes, the payment of interest on its bonds and
16 notes, the establishment of reserves to secure its bonds and
17 notes, and all other expenditures of the authority incident to
18 and necessary or convenient to carry out its purposes and
19 powers. The bonds and notes shall be deemed to be investment
20 securities and negotiable instruments within the meaning of
21 and for all purposes of the uniform commercial code, chapter
22 554.

23 Sec. 13. Section 16.105, subsection 10, Code 2005, is
24 amended to read as follows:

25 10. It is the intention of the general assembly that a
26 pledge made in respect of bonds or notes shall be valid and
27 binding from the time the pledge is made, that the money or
28 property so pledged and received after the pledge by the
29 authority shall immediately be subject to the lien of the
30 pledge without physical delivery or further act, and that the
31 lien of the pledge shall be valid and binding as against all
32 parties having claims of any kind in tort, contract, or
33 otherwise against the authority whether or not the parties
34 have notice of the lien. Neither the resolution, trust
35 agreement, nor any other instrument by which a pledge is

1 created needs to be recorded or filed under the Iowa uniform
2 commercial code, chapter 554, to be valid, binding, or
3 effective against the parties.

4 Sec. 14. Section 16.177, subsections 1 and 7, Code 2005,
5 are amended to read as follows:

6 1. The authority is authorized to issue its bonds to
7 provide prison infrastructure financing as provided in this
8 section. The bonds may only be issued to finance projects
9 which have been approved for financing by the general
10 assembly. Bonds may be issued in order to fund the
11 construction and equipping of a project or projects, the
12 payment of interest on the bonds, the establishment of
13 reserves to secure the bonds, the costs of issuance of the
14 bonds and other expenditures incident to or necessary or
15 convenient to carry out the bond issue. The bonds are
16 investment securities and negotiable instruments within the
17 meaning of and for the purposes of the uniform commercial
18 code, chapter 554.

19 7. Neither the resolution or trust agreement, nor any
20 other instrument by which a pledge is created is required to
21 be recorded or filed under the uniform commercial code,
22 chapter 554, to be valid, binding, or effective.

23 Sec. 15. Section 17A.1, subsection 2, unnumbered paragraph
24 2, Code 2005, is amended to read as follows:

25 The purposes of ~~the Iowa administrative procedure Act~~ this
26 chapter are: To provide legislative oversight of powers and
27 duties delegated to administrative agencies; to increase
28 public accountability of administrative agencies; to simplify
29 government by assuring a uniform minimum procedure to which
30 all agencies will be held in the conduct of their most
31 important functions; to increase public access to governmental
32 information; to increase public participation in the
33 formulation of administrative rules; to increase the fairness
34 of agencies in their conduct of contested case proceedings;
35 and to simplify the process of judicial review of agency

1 action as well as increase its ease and availability. In
2 accomplishing its objectives, the intention of this chapter is
3 to strike a fair balance between these purposes and the need
4 for efficient, economical and effective government
5 administration. The chapter is not meant to alter the
6 substantive rights of any person or agency. Its impact is
7 limited to procedural rights with the expectation that better
8 substantive results will be achieved in the everyday conduct
9 of state government by improving the process by which those
10 results are attained.

11 Sec. 16. Section 17A.23, unnumbered paragraph 2, Code
12 2005, is amended to read as follows:

13 ~~The Iowa administrative procedure Act~~ This chapter shall be
14 construed broadly to effectuate its purposes. This chapter
15 shall also be construed to apply to all agencies not expressly
16 exempted by this chapter or by another statute specifically
17 referring to this chapter by name; and except as to
18 proceedings in process on July 1, 1975, this chapter shall be
19 construed to apply to all covered agency proceedings and all
20 agency action not expressly exempted by this chapter or by
21 another statute specifically referring to this chapter by
22 name.

23 Sec. 17. Section 29B.82, Code 2005, is amended to read as
24 follows:

25 29B.82 DESERTION.

26 1. Any member of the state military forces who does any of
27 the following is guilty of desertion:

28 ~~1-~~ a. Without authority goes or remains absent from the
29 member's unit, organization, or place of duty with intent to
30 remain away therefrom permanently.

31 ~~2-~~ b. Quits the member's unit, organization or place of
32 duty with intent to avoid hazardous duty or to shirk important
33 services ~~or.~~

34 ~~3-~~ c. Without being regularly separated from one of the
35 state military forces enlists or accepts an appointment in the

1 same or another one of the state military forces, or in one of
2 the armed forces of the United States, without duly disclosing
3 the fact that the member has not been regularly separated,
4 ~~is-guilty-of-desertion.~~

5 2. Any commissioned officer of the state military forces
6 who, after tender of the officer's resignation and before
7 notice of its acceptance, quits a post or proper duties
8 without leave and with intent to remain away therefrom
9 permanently is guilty of desertion.

10 3. Any person found guilty of desertion or attempt to
11 desert shall be punished as a court-martial may direct.

12 Sec. 18. Section 68A.406, subsection 3, Code 2005, is
13 amended to read as follows:

14 3. Yard signs with dimensions of thirty-two square feet or
15 less are exempt from the attribution statement requirement in
16 section 68A.405. Campaign signs in excess of thirty-two
17 square feet, or signs that are affixed to buildings or
18 vehicles regardless of size except for bumper stickers, are
19 required to include the attribution statement required by
20 section 68A.405. The placement or erection of yard signs
21 shall be exempt from the requirements of chapter 480 relating
22 to underground facilities organization information.

23 Sec. 19. Section 68A.503, subsection 4, paragraph a, Code
24 2005, is amended to read as follows:

25 a. Using its funds to encourage registration of voters and
26 participation in the political process or to publicize public
27 issues, but-does-not-use-any provided that no part of those
28 contributions are used to expressly advocate the nomination,
29 election, or defeat of any candidate for public office.

30 Sec. 20. Section 76.16, Code 2005, is amended to read as
31 follows:

32 76.16 DEBTOR STATUS PROHIBITED.

33 A city, county, or other political subdivision of this
34 state shall not be a debtor under chapter 9 nine of the
35 federal Bankruptcy Code, 11 U.S.C. § 901 et seq., except as

1 otherwise specifically provided in this chapter.

2 Sec. 21. Section 76.16A, unnumbered paragraph 1, Code
3 2005, is amended to read as follows:

4 A city, county, or other political subdivision may become a
5 debtor under chapter 9 nine of the federal Bankruptcy Code, 11
6 U.S.C. § 901 et seq., if it is rendered insolvent, as defined
7 in 11 U.S.C. § 101(32)(c), as a result of a debt involuntarily
8 incurred. As used herein, "debt" means an obligation to pay
9 money, other than pursuant to a valid and binding collective
10 bargaining agreement or previously authorized bond issue, as
11 to which the governing body of the city, county, or other
12 political subdivision has made a specific finding set forth in
13 a duly adopted resolution of each of the following:

14 Sec. 22. Section 97B.1A, subsection 11, paragraph b, Code
15 2005, is amended to read as follows:

16 b. If the member has not attained seventy years of age,
17 has terminated all employment covered under the this chapter
18 or formerly covered under the this chapter pursuant to section
19 97B.42 in the month prior to the member's first month of
20 entitlement.

21 Sec. 23. Section 97C.2, subsection 4, Code 2005, is
22 amended to read as follows:

23 4. The term "Federal Insurance Contributions Act" means
24 subchapter "A" of chapter 9 nine of the federal Internal
25 Revenue Code as such code has been and may from time to time
26 be amended.

27 Sec. 24. Section 99D.2, subsection 9, Code 2005, is
28 amended to read as follows:

29 9. "Wagering area" means that portion of a racetrack in
30 which a licensee may receive wagers of money from a person
31 present in a licensed ~~racetrack~~ racetrack enclosure on a horse or
32 dog in a race selected by the person making the wager as
33 designated by the commission.

34 Sec. 25. Section 99D.11, subsection 3, Code 2005, is
35 amended to read as follows:

1 3. The licensee may receive wagers of money only from a
2 person present in a licensed racing racetrack enclosure on a
3 horse or dog in the race selected by the person making the
4 wager to finish first in the race. The person wagering shall
5 acquire an interest in the total money wagered on all horses
6 or dogs in the race as first winners in proportion to the
7 amount of money wagered by the person.

8 Sec. 26. Section 99D.13, subsection 3, paragraph c,
9 unnumbered paragraph 1, Code 2005, is amended to read as
10 follows:

11 For purposes of this subsection, "qualified harness racing
12 track" means a harness racing track that has either held at
13 least one harness race meet meeting between July 1, 1985, and
14 July 1, 1989, or after July 1, 1989, has applied to and been
15 approved by the racing commission for the allocation of funds
16 under this subsection. The racing commission shall approve an
17 application if the harness racing track has held at least one
18 harness race meet meeting during the year preceding the year
19 for which the track seeks funds under this subsection.

20 Sec. 27. Section 99D.20, Code 2005, is amended to read as
21 follows:

22 99D.20 AUDIT OF LICENSEE OPERATIONS.

23 Within ninety days after the end of each race meet meeting,
24 the licensee shall transmit to the commission an audit of the
25 financial transactions and condition of the licensee's
26 operations conducted under this chapter. Additionally, within
27 ninety days after the end of the licensee's fiscal year, the
28 licensee shall transmit to the commission an audit of the
29 licensee's total racing and gaming operations, including an
30 itemization of all expenses and subsidies. All audits shall
31 be conducted by certified public accountants registered in the
32 state of Iowa under chapter 542 who are selected by the board
33 of supervisors of the county in which the licensee operates.

34 Sec. 28. Section 99F.4C, subsection 2, Code 2005, is
35 amended to read as follows:

1 2. For purposes of this section, the "applicable area"
2 means that portion of the city of Des Moines in Polk county
3 bounded by a line commencing at the point East Euclid avenue
4 intersects East Fourteenth street, then proceeding south along
5 East Fourteenth street and Southeast Fourteenth street until
6 it intersects Park avenue, then proceeding west along Park
7 avenue until it intersects Fleur drive, then proceeding north
8 along Fleur drive until it intersects Eighteenth street, then
9 proceeding north along Eighteenth street until it intersects
10 Ingersoll avenue, then proceeding west along Ingersoll avenue
11 until it intersects Martin Luther King Jr. parkway, then
12 proceeding northerly along Martin Luther King Jr. parkway
13 until it intersects Euclid avenue, then proceeding east along
14 Euclid avenue and East Euclid avenue to the point of origin.
15 For purposes of this section, such reference to a street or
16 other boundary means such street or boundary as they-were it
17 was delineated on the official Pub. L. No. 94-171 census maps
18 used for redistricting following the 2000 United States
19 decennial census.

20 Sec. 29. Section 124.308, subsection 2, Code 2005, is
21 amended to read as follows:

22 2. A practitioner, other than a pharmacy, or a
23 practitioner's authorized agent may transmit an electronic
24 prescription or facsimile prescription to a pharmacy for a
25 schedule II controlled substance, provided that the electronic
26 prescription complies with section 155A.27 and provided that
27 the original signed prescription is presented to the
28 pharmacist prior to the dispensing of the schedule II
29 controlled substance. If permitted by federal law, and in
30 accordance with federal requirements, the electronic or
31 facsimile prescription shall serve as the original signed
32 prescription and the practitioner shall not provide the
33 patient or the patient's authorized representative with a
34 signed, written prescription.

35 Sec. 30. Section 135.31, Code 2005, is amended to read as

1 follows:

2 135.31 LOCATION OF BOARDS -- RULEMAKING.

3 The offices for the state board of medical examiners, the
4 state board of pharmacy examiners, the state board of nursing
5 examiners, and the state board of dental examiners shall be
6 located within the department of public health. The
7 individual boards shall have policymaking and rulemaking
8 authority.

9 Sec. 31. Section 135.146, subsection 1, Code 2005, is
10 amended to read as follows:

11 1. In the event that federal funding is received for
12 administering vaccinations for first responders, the
13 department shall offer a vaccination program for first
14 responders who may be exposed to infectious diseases when
15 deployed to disaster locations. For purposes of this section,
16 "first responder" means state and local law enforcement
17 personnel, fire department personnel, and emergency medical
18 personnel who will be deployed to sites of bioterrorism
19 attacks, terrorist attacks, catastrophic or natural disasters,
20 and other disasters. The vaccinations shall include, but not
21 be limited to, vaccinations for hepatitis B,
22 ~~diphtheria-tetanus~~ diphtheria, tetanus, influenza, and other
23 vaccinations when recommended by the United States public
24 health service and in accordance with federal emergency
25 management agency policy. Immune globulin will be made
26 available when necessary.

27 Sec. 32. Section 135J.1, unnumbered paragraph 1, Code
28 2005, is amended to read as follows:

29 For the purposes of this ~~division~~ chapter unless otherwise
30 defined:

31 Sec. 33. Section 135J.2, unnumbered paragraph 1, Code
32 2005, is amended to read as follows:

33 A person or governmental unit, acting severally or jointly
34 with any other person may establish, conduct, or maintain a
35 hospice program in this state and receive license from the

1 department after meeting the requirements of this division
2 chapter. The application shall be on a form prescribed by the
3 department and shall require information the department deems
4 necessary. Nothing in this division chapter shall prohibit a
5 person or governmental unit from establishing, conducting, or
6 maintaining a hospice program without a license. Each
7 application for license shall be accompanied by a
8 nonrefundable biennial license fee determined by the
9 department.

10 Sec. 34. Section 135J.5, Code 2005, is amended to read as
11 follows:

12 135J.5 DENIAL, SUSPENSION, OR REVOCATION OF LICENSES.

13 The department may deny, suspend, or revoke a license if
14 the department determines there is failure of the program to
15 comply with this division chapter or the rules adopted under
16 this division chapter. The suspension or revocation may be
17 appealed under chapter 17A. The department may reissue a
18 license following a suspension or revocation after the hospice
19 corrects the conditions upon which the suspension or
20 revocation was based.

21 Sec. 35. Section 135J.7, Code 2005, is amended to read as
22 follows:

23 135J.7 RULES.

24 Except as otherwise provided in this division chapter, the
25 department shall adopt rules pursuant to chapter 17A necessary
26 to implement this division chapter, subject to approval of the
27 state board of health. Formulation of the rules shall include
28 consultation with Iowa hospice organization representatives
29 and other persons affected by ~~the-division~~ this chapter.

30 Sec. 36. Section 147.14, subsection 3, Code 2005, is
31 amended to read as follows:

32 3. For the board of nursing examiners, four registered
33 nurses, two of whom shall be actively engaged in practice, two
34 of whom shall be nurse educators from nursing education
35 programs; of these, one in higher education and one in area

1 community and vocational-technical registered nurse education;
2 one licensed practical nurse actively engaged in practice; and
3 two members not registered nurses or licensed practical nurses
4 and who shall represent the general public. The
5 representatives of the general public shall not be members of
6 health care delivery systems. A majority of the members of
7 the board constitutes a quorum.

8 Sec. 37. Section 147.152, subsection 2, Code 2005, is
9 amended to read as follows:

10 2. Hearing aid fitting, the dispensing or sale of hearing
11 aids and the providing of hearing aid service and maintenance
12 by a hearing aid ~~dealer~~ dispenser or holder of a temporary
13 permit as defined and licensed under chapter 154A.

14 Sec. 38. Section 147.152, unnumbered paragraph 2, Code
15 2005, is amended to read as follows:

16 A person exempted from the provisions of this division by
17 this section shall not use the title speech pathologist or
18 audiologist or any title or device indicating or representing
19 in any manner that the person is a speech pathologist or is an
20 audiologist; provided, a hearing aid ~~dealer~~ dispenser licensed
21 under chapter 154A may use the title "certified hearing aid
22 audiologist" when granted by the national hearing aid society;
23 and provided, persons who meet the requirements of section
24 147.153, subsection 1, who are certified by the department of
25 education as speech clinicians may use the title speech
26 pathologist and persons who meet the requirements of section
27 147.153, subsection 2, who are certified by the department of
28 education as hearing clinicians may use the title audiologist,
29 while acting within the scope of their employment.

30 Sec. 39. Section 157.3A, unnumbered paragraph 1, Code
31 2005, is amended to read as follows:

32 In addition to the license requirements of section 157.3,
33 ~~as provided in this section,~~ a written application and proof
34 of additional training and certification shall be required
35 prior to approval by the board for the provision of the

1 services described in this section.

2 Sec. 40. Section 162.2, subsection 6, Code 2005, is
3 amended to read as follows:

4 6. "Commercial breeder" means a person, engaged in the
5 business of breeding dogs or cats, who sells, exchanges, or
6 leases dogs or cats in return for consideration, or who offers
7 to do so, whether or not the animals are raised, trained,
8 groomed, or boarded by the person. A person who owns or
9 harbors three or ~~less~~ fewer breeding males or females is not a
10 commercial breeder. However, a person who breeds or harbors
11 more than three breeding male or female greyhounds for the
12 purposes of using them for pari-mutuel racing shall be
13 considered a commercial breeder irrespective of whether the
14 person sells, leases, or exchanges the greyhounds for
15 consideration or offers to do so.

16 Sec. 41. Section 165B.5, subsection 4, paragraph d, Code
17 2005, is amended to read as follows:

18 d. The department shall be reimbursed by the owner of the
19 poultry or property for costs required to carry out this
20 subsection. However, if the enforcement action is brought due
21 to the activity of a law enforcement officer of a political
22 subdivision, the political subdivision shall be reimbursed by
23 the owner of the poultry or property for those costs. The
24 department or political subdivision shall certify the amount
25 to the county auditor of any county in which the owner is a
26 titleholder of real property. The amount shall be placed upon
27 the tax books which and shall be a lien upon the real
28 property, and collected with interest and penalties after due,
29 in the same manner as other unpaid property taxes.

30 Sec. 42. Section 167.4, subsection 3, Code 2005, is
31 amended to read as follows:

32 3. The person shall submit a separate application for each
33 location that the person is to operate as a disposal plant,
34 collection point, or a delivery service.

35 Sec. 43. Section 167.15, subsection 2, Code 2005, is

1 amended to read as follows:

2 2. The department shall provide for the inspection of
3 delivery vehicles used to transport carcasses or offal
4 material, and for the inspection of disposal plants,
5 collection points, or other locations in which carcasses or
6 offal material is stored or processed before being delivered
7 to a disposal plant.

8 Sec. 44. Section 173.14B, subsections 2 and 7, Code 2005,
9 are amended to read as follows:

10 2. The board may issue negotiable bonds and notes of the
11 authority in principal amounts which are necessary to provide
12 sufficient funds for achievement of its corporate purposes,
13 the payment of interest on its bonds and notes, the
14 establishment of reserves to secure its bonds and notes, and
15 all other expenditures of the board incident to and necessary
16 or convenient to carry out its purposes and powers, subject to
17 authorization and approval required under subsection 1.
18 However, the total principal amount of bonds and notes
19 outstanding at any time under subsection 1 and this subsection
20 shall not exceed twenty-five million dollars. The bonds and
21 notes are deemed to be investment securities and negotiable
22 instruments within the meaning of and for all purposes of the
23 uniform commercial code, chapter 554.

24 7. A copy of each pledge agreement by or to the authority,
25 including without limitation each bond resolution, indenture
26 of trust, or similar agreement, or any revisions or
27 supplements to it shall be filed with the secretary of state
28 and no further filing or other action under article 9 of the
29 uniform commercial code as provided in chapter 554, or any
30 other law of the state is required to perfect the security
31 interest in the collateral or any additions to it or
32 substitutions for it, and the lien and trust so created is
33 binding from and after the time it is made against all parties
34 having claims of any kind in tort, contract, or otherwise
35 against the pledgor.

1 Sec. 45. Section 175.17, subsections 1 and 7, Code 2005,
2 are amended to read as follows:

3 1. The authority may issue its negotiable bonds and notes
4 in principal amounts which, in the opinion of the authority,
5 are necessary to provide sufficient funds for achievement of
6 its corporate purposes, the payment of interest on its bonds
7 and notes, the establishment of reserves to secure its bonds
8 and notes and all other expenditures of the authority incident
9 to and necessary or convenient to carry out its purposes and
10 powers. The bonds and notes shall be deemed to be investment
11 securities and negotiable instruments within the meaning of
12 and for all purposes of the uniform commercial code, chapter
13 554.

14 7. A copy of each pledge agreement by or to the authority,
15 including without limitation each bond resolution, indenture
16 of trust or similar agreement, or any revisions or supplements
17 to it shall be filed with the secretary of state and no
18 further filing or other action under article 9 of the uniform
19 commercial code as provided in chapter 554, or any other law
20 of the state shall be required to perfect the security
21 interest in the collateral or any additions to it or
22 substitutions for it and the lien and trust so created shall
23 be binding from and after the time made against all parties
24 having claims of any kind in tort, contract or otherwise
25 against the pledgor.

26 Sec. 46. Section 181.17, Code 2005, is amended to read as
27 follows:

28 181.17 PRODUCERS NOT MEMBERS.

29 A producer who is not a member of the Iowa beef cattle
30 producers association shall be entitled to vote in elections
31 of persons to be members of the executive-committee council in
32 the same manner as if the producer were a member. The members
33 elected to the executive-committee council shall elect from
34 their number the officers referred to in section 181.1A.

35 Sec. 47. Section 181.18, Code 2005, is amended to read as

1 follows:

2 181.18 RULES.

3 All rules of the ~~executive-committee~~ council heretofore or
4 hereinafter promulgated shall be subject to the provisions of
5 chapter 17A.

6 Sec. 48. Section 216A.156, Code 2005, is amended to read
7 as follows:

8 216A.156 REVIEW OF GRANT APPLICATIONS AND BUDGET REQUESTS.

9 Before the submission of an application, a state
10 ~~departments-and-agencies~~ department or agency shall consult
11 with the commission concerning ~~applications~~ an application for
12 federal funding that will have its primary effect on persons
13 of Asian and Pacific Islander heritage in Iowa. The
14 commission shall advise the governor and the director of
15 revenue concerning any state agency budget request that will
16 have its primary effect on persons of Asian and Pacific
17 Islander heritage in Iowa.

18 Sec. 49. Section 216E.7, Code 2005, is amended to read as
19 follows:

20 216E.7 EXEMPTIONS.

21 This chapter does not apply to a hearing aid sold, leased,
22 or transferred to a consumer by an audiologist licensed under
23 chapter 147, or a hearing aid ~~dealer~~ dispenser licensed under
24 chapter 154A, if the audiologist or ~~dealer~~ dispenser provides
25 either an express warranty for the hearing aid or provides for
26 service and replacement of the hearing aid.

27 Sec. 50. Section 217.41, subsection 1, Code 2005, is
28 amended to read as follows:

29 1. The department of human services shall cause a refugee
30 services foundation to be created for the sole purpose of
31 engaging in refugee resettlement activities to promote the
32 welfare and self-sufficiency of refugees who live in Iowa and
33 who are not citizens of the United States. The foundation may
34 establish an endowment fund to assist in the financing of its
35 activities. The foundation shall be incorporated under

1 chapter 504 or 504A.

2 Sec. 51. Section 218.28, Code 2005, is amended to read as
3 follows:

4 218.28 INVESTIGATION.

5 The administrator of the department of human services in
6 control of a particular institution or the administrator's
7 authorized officer or employee shall visit, and minutely
8 examine, at least once in six months, and ~~oftener~~ more often
9 if necessary or required by law, the institutions under such
10 administrator's control, and the financial condition and
11 management thereof.

12 Sec. 52. Section 229.36, Code 2005, is amended to read as
13 follows:

14 229.36 LIMITATION ON PROCEEDINGS.

15 The proceeding authorized in sections 229.31 to 229.35,
16 inclusive, shall not be had ~~oftener~~ more often than once in
17 six months regarding the same person; nor regarding any
18 patient within six months after the patient's admission to the
19 hospital.

20 Sec. 53. Section 249A.20A, subsection 9, Code 2005, is
21 amended to read as follows:

22 9. The department may procure a sole source contract with
23 an outside entity or ~~contactor~~ contractor to participate in a
24 pharmaceutical pooling program with midwestern or other states
25 to provide for an enlarged pool of individuals for the
26 purchase of pharmaceutical products and services for medical
27 assistance recipients.

28 Sec. 54. Section 249A.34, subsection 6, paragraph a,
29 subparagraph (7), subparagraph subdivision (f), Code 2005, is
30 amended to read as follows:

31 (f) The federal Medicare Prescription Drug, Improvement
32 and Medicare-Improvement Modernization Act of 2003, Pub. L.
33 No. 108-173.

34 Sec. 55. Section 256.11, subsection 15, Code 2005, is
35 amended to read as follows:

1 15. The board of directors of a school district or the
2 authorities in charge of a nonpublic school may award credit
3 toward graduation to a student if the student successfully
4 completes basic training ~~in~~ for service as a member of the
5 Iowa army national guard, the Iowa air national guard, ~~or-as-a~~
6 ~~member-of~~ the active military forces of the United States, or
7 ~~as-a-member-of~~ the army national guard of the United States,
8 or the air national guard of the United States.

9 Sec. 56. Section 257C.8, subsection 3, Code 2005, is
10 amended to read as follows:

11 3. The authority may issue its bonds in principal amounts
12 which, in the opinion of the authority, are necessary to
13 provide sufficient funds for achievement of its corporate
14 purposes, the payment of interest on its bonds, the
15 establishment of reserves to secure its bonds, the costs of
16 issuance of its bonds, and all other expenditures of the
17 authority incident to and necessary or convenient to carry out
18 its purposes and powers. The bonds are investment securities
19 and negotiable instruments within the meaning of and for
20 purposes of the uniform commercial code, chapter 554.

21 Sec. 57. Section 272C.1, subsection 6, paragraph v, Code
22 2005, is amended to read as follows:

23 v. The board for the licensing and regulation of hearing
24 aid ~~dealers~~ dispensers, created pursuant to chapter 154A.

25 Sec. 58. Section 275.41, subsection 2, Code 2005, is
26 amended to read as follows:

27 2. Prior to the ~~organization~~ organizational meeting of the
28 newly formed district, the boards of the former districts
29 shall designate directors to be retained as members to serve
30 on the initial board, and if the total number of directors
31 determined under subsection 1 is an even number, that number
32 of directors shall function and may within five days of the
33 organizational meeting appoint one additional director by
34 unanimous vote with all directors voting. Otherwise, the
35 board shall function until a special election can be held to

1 elect an additional director. The procedure for calling the
2 special election shall be the procedure specified in section
3 275.25. If there is an insufficient number of board members
4 eligible to be retained from a former school district, the
5 board of the former school district may appoint members to
6 fill the vacancies. A vacancy occurs if there is an
7 insufficient number of former board members who reside in the
8 newly formed district or if there is an insufficient number
9 who are willing to serve on the board of the newly formed
10 district.

11 Sec. 59. Section 279.27, Code 2005, is amended to read as
12 follows:

13 279.27 DISCHARGE OF TEACHER.

14 A teacher may be discharged at any time during the contract
15 year for just cause. The superintendent or the
16 superintendent's designee, shall notify the teacher
17 immediately that the superintendent will recommend in writing
18 to the board at a regular or special meeting of the board held
19 not more than fifteen days after notification has been given
20 to the teacher that the teacher's continuing contract be
21 terminated effective immediately following a decision of the
22 board. The procedure for dismissal shall be as provided in
23 ~~sections-279-15(2)~~ section 279.15, subsection 2, and sections
24 279.16 to 279.19. The superintendent may suspend a teacher
25 under this section pending hearing and determination by the
26 board.

27 Sec. 60. Section 305.8, subsection 1, paragraph b, Code
28 2005, is amended to read as follows:

29 b. In consultation with the homeland security and
30 emergency management division of the department of public
31 safety defense, establish policies, standards, and guidelines
32 for the identification, protection, and preservation of
33 records essential for the continuity or reestablishment of
34 governmental functions in the event of an emergency arising
35 from a natural or other disaster.

1 Sec. 61. Section 306.46, subsection 2, Code 2005, is
2 amended to read as follows:

3 2. For purposes of this section, "public utility" means a
4 public utility as defined in section 476.1, and shall also
5 include waterworks, municipally owned waterworks, joint water
6 utilities, rural water districts incorporated under chapter
7 357A or chapter 504 or 504A, and cooperative water
8 associations. For the purposes of this section, "utility
9 facilities" means any cables, conduits, wire, pipe, casing
10 pipe, supporting poles, guys, and other material and equipment
11 utilized for the furnishing of electric, gas, communications,
12 water, or sewer service.

13 Sec. 62. Section 321I.3, subsection 1, Code 2005, is
14 amended to read as follows:

15 1. Each all-terrain vehicle used on public land or ice of
16 this state shall be currently registered and numbered. A
17 person shall not operate, maintain, or give permission for the
18 operation or maintenance of an all-terrain vehicle on public
19 land or ice unless the all-terrain vehicle is numbered in
20 accordance with this chapter or applicable federal laws, or
21 unless the all-terrain vehicle displays a current annual user
22 permit for the all-terrain vehicle as provided in section
23 321I.5. If the all-terrain vehicle is required to be
24 registered in this state, the identifying number set forth in
25 the registration shall be displayed as prescribed by rules of
26 the commission.

27 Sec. 63. Section 322.5, subsection 2, paragraph a,
28 subparagraph (2), Code 2005, is amended to read as follows:

29 (2) Display, offer for sale, and negotiate sales of new
30 motor vehicles at fair events, as defined in chapter 174,
31 vehicle shows, and vehicle exhibitions, upon application for
32 and receipt of a temporary permit issued by the department.
33 Such activities may only be conducted at fairs fair events,
34 vehicle shows, and vehicle exhibitions that are held in the
35 county of the motor vehicle dealer's principal place of

1 business. A sale of a motor vehicle by a motor vehicle dealer
2 shall not be completed and an agreement for the sale of a
3 motor vehicle shall not be signed at a fair event, vehicle
4 show, or vehicle exhibition. All such sales shall be
5 consummated at the motor vehicle dealer's principal place of
6 business.

7 Sec. 64. Section 329.13, Code 2005, is amended to read as
8 follows:

9 329.13 ADMINISTRATION OF AIRPORT ZONING REGULATIONS.

10 All airport zoning regulations adopted under this chapter
11 shall provide for the administration and enforcement of such
12 regulations by an administrative agency ~~(which, which~~ may be
13 an agency created by such ~~regulations~~ regulations, or by any
14 official, board, or other existing agency of the municipality
15 adopting the regulations, or of one or both of the
16 municipalities which participated therein, but in no case
17 shall such administrative agency be or include any member of
18 the board of adjustment. The duties of any administrative
19 agency designated pursuant to this chapter shall not include
20 any of the powers herein delegated to the board of adjustment.

21 Sec. 65. Section 331.438, subsection 4, paragraph b,
22 subparagraph (16), Code 2005, is amended to read as follows:

23 (16) Develop a procedure for each county to disclose to
24 the department of human services information approved by the
25 commission concerning the mental health, mental retardation,
26 developmental disabilities, and brain injury services provided
27 to the individuals served through the county central point of
28 coordination process. The procedure shall incorporate
29 protections to ensure that if individually identified
30 information is disclosed, it is disclosed and maintained in
31 compliance with applicable Iowa and federal confidentiality
32 laws, including but not limited to federal Health Insurance
33 Portability and Accountability Act, Pub. L. No. 104-191,
34 requirements.

35 Sec. 66. Section 331.609, subsection 3, paragraph b,

1 subparagraphs (1) and (2), Code 2005, are amended to read as
2 follows:

3 (1) Cause a certificate of release or nonattachment to be
4 marked, held, and indexed as if the certificate were a
5 termination statement within the meaning of the uniform
6 commercial code, chapter 554, except that the notice of lien
7 to which the certificate relates shall not be removed from the
8 files.

9 (2) Cause a certificate of discharge or subordination to
10 be marked, held, and indexed as if the certificate were a
11 release of collateral within the meaning of the uniform
12 commercial code, chapter 554.

13 Sec. 67. Section 356.1, subsection 1, unnumbered paragraph
14 1, Code 2005, is amended to read as follows:

15 The jails in the several counties in the state shall be in
16 the charge of the respective sheriffs and used as prisons:

17 Sec. 68. Section 423.18, unnumbered paragraph 1, Code
18 2005, is amended to read as follows:

19 A business purchaser that is not a holder of a direct pay
20 tax permit pursuant to section 423.36 that knows at the time
21 of ~~its purchase of~~ purchasing a digital good, computer
22 software delivered electronically, or a service that the
23 digital good, computer software delivered electronically, or
24 service will be concurrently available for use in more than
25 one jurisdiction shall deliver to the seller in conjunction
26 with ~~its~~ the purchase a "multiple points of use" or "MPU"
27 exemption form disclosing this fact.

28 Sec. 69. Section 423.56, subsection 6, Code 2005, is
29 amended to read as follows:

30 6. When personally identifiable information regarding an
31 individual is retained by or on behalf of this state, this
32 state shall provide reasonable access by ~~such~~ the individual
33 to ~~his-or-her~~ the individual's own information in the state's
34 possession and a right to correct any inaccurately recorded
35 information.

1 Sec. 70. Section 423B.5, unnumbered paragraph 1, Code
2 2005, is amended to read as follows:

3 A local sales and services tax at the rate of not more than
4 one percent may be imposed by a county on the sales price
5 taxed by the state under chapter 423, subchapter II. A local
6 sales and services tax shall be imposed on the same basis as
7 the state sales and services tax or in the case of the use of
8 natural gas, natural gas service, electricity, or electric
9 service on the same basis as the state use tax and shall not
10 be imposed on the sale of any property or on any service not
11 taxed by the state, except the tax shall not be imposed on the
12 sales price from the sale of motor fuel or special fuel as
13 defined in chapter 452A which is consumed for highway use or
14 in watercraft or aircraft if the fuel tax is paid on the
15 transaction and a refund has not or will not be allowed, on
16 the sales price from the rental of rooms, apartments, or
17 sleeping quarters which are taxed under chapter 423A during
18 the period the hotel and motel tax is imposed, on the sales
19 price from the sale of equipment by the state department of
20 transportation, on the sales price from the sale of self-
21 propelled building equipment, pile drivers, motorized
22 scaffolding, or attachments customarily drawn or attached to
23 self-propelled building equipment, pile drivers, and motorized
24 scaffolding, including auxiliary attachments which improve the
25 performance, safety, operation, or efficiency of the equipment
26 and replacement parts and are directly and primarily used by
27 contractors, subcontractors, and builders for new
28 construction, reconstruction, alterations, expansion, or
29 remodeling of real property or structures, and on the sales
30 price from the sale of a lottery ticket or share in a lottery
31 game conducted pursuant to chapter 99G and except the tax
32 shall not be imposed on the sales price from the sale or use
33 of natural gas, natural gas service, electricity, or electric
34 service in a city or county where the sales price from the
35 sale of natural gas or electric energy are is subject to a

1 franchise fee or user fee during the period the franchise or
2 user fee is imposed. A local sales and services tax is
3 applicable to transactions within those incorporated and
4 unincorporated areas of the county where it is imposed and
5 shall be collected by all persons required to collect state
6 sales taxes. However, a person required to collect state
7 retail sales tax under chapter 423, subchapter V or VI, is not
8 required to collect local sales and services tax on
9 transactions delivered within the area where the local sales
10 and services tax is imposed unless the person has physical
11 presence in that taxing area. All cities contiguous to each
12 other shall be treated as part of one incorporated area and
13 the tax would be imposed in each of those contiguous cities
14 only if the majority of those voting in the total area covered
15 by the contiguous cities favors its imposition.

16 Sec. 71. Section 423E.3, subsection 2, Code 2005, is
17 amended to read as follows:

18 2. The tax shall be imposed on the same basis as the state
19 sales and services tax or in the case of the use of natural
20 gas, natural gas service, electricity, or electric service on
21 the same basis as the state use tax and shall not be imposed
22 on the sale of any property or on any service not taxed by the
23 state, except the tax shall not be imposed on the sales price
24 from the sale of motor fuel or special fuel as defined in
25 chapter 452A which is consumed for highway use or in
26 watercraft or aircraft if the fuel tax is paid on the
27 transaction and a refund has not or will not be allowed, on
28 the sales price from the rental of rooms, apartments, or
29 sleeping quarters which are taxed under chapter 423A during
30 the period the hotel and motel tax is imposed, on the sales
31 price from the sale of equipment by the state department of
32 transportation, on the sales price from the sale of self-
33 propelled building equipment, pile drivers, motorized
34 scaffolding, or attachments customarily drawn or attached to
35 self-propelled building equipment, pile drivers, and motorized

1 scaffolding, including auxiliary attachments which improve the
2 performance, safety, operation, or efficiency of the
3 equipment, and replacement parts and are directly and
4 primarily used by contractors, subcontractors, and builders
5 for new construction, reconstruction, alterations, expansion,
6 or remodeling of real property or structures, and on the sales
7 price from the sale of a lottery ticket or share in a lottery
8 game conducted pursuant to chapter 99G and except the tax
9 shall not be imposed on the sales price from the sale or use
10 of natural gas, natural gas service, electricity, or electric
11 service in a city or county where the sales price from the
12 sale of natural gas or electric energy ~~are~~ is subject to a
13 franchise fee or user fee during the period the franchise or
14 user fee is imposed.

15 Sec. 72. Section 435.1, subsection 6, unnumbered paragraph
16 3, Code 2005, is amended to read as follows:

17 A manufactured home community or a mobile home park must be
18 classified as to whether it is a residential manufactured home
19 community or a mobile home park or a recreational manufactured
20 home community or a mobile home park or both. The
21 manufactured home ~~community~~ communities or mobile home ~~park~~
22 parks residential landlord and tenant Act, chapter 562B, only
23 applies to residential manufactured home communities or mobile
24 home parks.

25 Sec. 73. Section 452A.3, subsection 7, Code 2005, is
26 amended to read as follows:

27 7. All excise taxes collected under this chapter by a
28 supplier, restrictive supplier, importer, dealer, blender,
29 user, or any individual are deemed to be held in trust for the
30 state ~~or~~ of Iowa.

31 Sec. 74. Section 453A.26, Code 2005, is amended to read as
32 follows:

33 453A.26 LIENS AND ACTIONS.

34 All of the provisions for the lien of the tax, its
35 collection, and all actions as provided in the uniform sales

1 and use tax administration Act, chapter 423, shall apply to
2 the tax imposed by this chapter, except that where the sales
3 tax and the cigarette tax may become conflicting liens, they
4 shall be of equal priority.

5 Sec. 75. Section 456A.18, Code 2005, is amended to read as
6 follows:

7 456A.18 REPORT OF FUNDS.

8 The director shall, at least monthly, make return and pay
9 to the treasurer of state all moneys then in the director's
10 hands belonging to the five funds created in section 456A.17.

11 Sec. 76. Section 502.304A, subsection 3, paragraph d, Code
12 2005, is amended to read as follows:

13 d. The aggregate offering price of the offering of
14 securities by the issuer within or outside this state must not
15 exceed one million dollars, less the aggregate offering price
16 for all securities sold within twelve months before the start
17 of, and during the offering of, the securities under rule 504,
18 17 C.F.R. § 230.504, in reliance on any exemption under
19 section 3(b) of the Securities Act of 1933 or in violation of
20 section 5(a) of that Act; provided, that if rule 504, 17
21 C.F.R. § 230.504, adopted under the Securities Act of 1933, is
22 amended, ~~that~~ the administrator may by rule increase the limit
23 under this paragraph to conform to amendments to federal law,
24 including but not limited to modification in the amount of the
25 aggregate offering price.

26 Sec. 77. Section 502.412, subsection 4, paragraphs a, b,
27 d, and i, Code 2005, are amended to read as follows:

28 a. The person has filed an application for registration in
29 this state under this chapter or ~~the-predecessor~~ chapter 502,
30 Code 2003 and Code Supplement 2003, within the previous ten
31 years, which, as of the effective date of registration or as
32 of any date after filing in the case of an order denying
33 effectiveness, was incomplete in any material respect or
34 contained a statement that, in light of the circumstances
35 under which it was made, was false or misleading with respect

1 to a material fact.

2 b. The person willfully violated or willfully failed to
3 comply with this chapter or ~~the-predecessor~~ chapter 502, Code
4 2003 and Code Supplement 2003, or a rule adopted or order
5 issued under this chapter or ~~the-predecessor~~ chapter 502, Code
6 2003 and Code Supplement 2003, within the previous ten years.

7 d. The person is enjoined or restrained by a court of
8 competent jurisdiction in an action instituted by the
9 administrator under this chapter or ~~the-predecessor~~ chapter
10 502, Code 2003 and Code Supplement 2003, a state, the
11 securities and exchange commission, or the United States from
12 engaging in or continuing an act, practice, or course of
13 business involving an aspect of a business involving
14 securities, commodities, investments, franchises, insurance,
15 banking, or finance.

16 i. The person has failed to reasonably supervise an agent,
17 investment adviser representative, or other individual, if the
18 agent, investment adviser representative, or other individual
19 was subject to the person's supervision and committed a
20 violation of this chapter or ~~the-predecessor~~ chapter 502, Code
21 2003 and Code Supplement 2003, or a rule adopted or order
22 issued under this chapter or ~~the-predecessor~~ chapter 502, Code
23 2003 and Code Supplement 2003, within the previous ten years.

24 Sec. 78. Section 502.601, subsection 1, Code 2005, is
25 amended to read as follows:

26 1. ADMINISTRATION. This chapter shall be administered by
27 the commissioner of insurance of this state. The
28 administrator shall appoint a deputy administrator who shall
29 be exempt from the merit system provisions of chapter 8A,
30 subchapter IV. The deputy administrator is the principal
31 operations officer of the securities bureau of the insurance
32 division of the department of commerce. The deputy
33 administrator is responsible to the administrator for the
34 routine administration of this chapter and the management of
35 the securities bureau. In the absence of the administrator,

1 whether because of vacancy in the office, by reason of
2 absence, physical disability, or other cause, the deputy
3 administrator shall be the acting administrator and shall, for
4 that period, have and exercise the authority conferred upon
5 the administrator. The administrator may by order delegate to
6 the deputy administrator any or all of the functions assigned
7 to the administrator under this chapter. The administrator
8 shall employ officers, attorneys, accountants, and other
9 employees as needed for the administration of the this
10 chapter.

11 Sec. 79. Section 504.115, subsection 2, paragraph a,
12 subparagraph (1), Code 2005, is amended to read as follows:

13 (1) Describe the document, including its filing date, or
14 ~~attaching~~ attach a copy of the document to the articles.

15 Sec. 80. Section 504.1701, subsection 1, Code 2005, is
16 amended to read as follows:

17 1. A domestic corporation that is incorporated under
18 chapter 504A, Code 2005, is subject to this chapter beginning
19 on July 1, 2005.

20 Sec. 81. Section 504.1701, subsection 2, paragraph b, Code
21 2005, is amended to read as follows:

22 b. A corporation incorporated under chapter 504A, Code
23 2005, that voluntarily elects to be subject to the provisions
24 of this chapter in accordance with the procedures set forth in
25 subsection 3.

26 Sec. 82. Section 504.1701, subsection 3, unnumbered
27 paragraph 1, Code 2005, is amended to read as follows:

28 A corporation incorporated under chapter 504A, Code 2005,
29 may voluntarily elect to be subject to the provisions of this
30 chapter by doing all of the following:

31 Sec. 83. Section 515.109A, subsection 1, paragraph j, Code
32 2005, is amended to read as follows:

33 j. "Personal insurance" means personal insurance and not
34 commercial insurance and is limited to private passenger
35 automobile, homeowners, farm owners, personal farm liability,

1 motorcycle, mobile home owners, noncommercial dwelling fire
2 insurance, boat, personal watercraft, snowmobile, and
3 recreational vehicle insurance policies, that are individually
4 underwritten for personal, family, farm, or household use. No
5 other type of insurance is included as personal insurance for
6 the purposes of this section.

7 Sec. 84. Section 515.109A, subsection 3, Code 2005, is
8 amended to read as follows:

9 3. DISPUTE RESOLUTION AND ERROR CORRECTION. If it is
10 determined through the dispute resolution process set forth
11 under the federal Fair Credit Reporting Act, 15 U.S.C. §
12 1681i(a)(5), that the credit information of a current insured
13 is incorrect or incomplete and the insurer receives notice of
14 such determination from either the consumer reporting agency
15 or from the insured, the insurer shall re-underwrite and re-
16 rate the insured within thirty days of receiving the notice.
17 After re-underwriting or re-rating the insured, the insurer
18 shall make any adjustments necessary, consistent with the
19 insurer's underwriting and rating guidelines. If an insurer
20 determines that an insured has overpaid the premium on a
21 personal insurance policy, the insurer shall refund the amount
22 of the overpayment to the insured, calculated for either the
23 last twelve months of coverage or the actual policy period,
24 whichever is shorter.

25 Sec. 85. Section 515.138, Code 2005, is amended to read as
26 follows:

27 515.138 FIRE INSURANCE CONTRACT -- STANDARD POLICY
28 PROVISIONS -- PERMISSIBLE VARIATIONS.

29 ~~FIRST-~~ 1. The printed form of a policy of fire insurance
30 as set forth in subsection ~~sixth~~ 6 shall be known and
31 designated as the "standard policy" to be used in the state of
32 Iowa.

33 ~~SECOND-~~ 2. STANDARD POLICY, ADDITIONS, RIDERS AND
34 CLAUSES. It shall be unlawful for any insurance company to
35 issue any policy of fire insurance upon any property in this

1 state except upon automobiles, airplanes, seaplanes,
2 dirigibles, or other aircraft, farm crops until stored, marine
3 and inland marine risks other or different from the standard
4 form of fire insurance policy herein set forth.

5 There shall be printed at the head of said policy the name
6 of the insurer or insurers issuing the policy; the location of
7 the home office thereof; a statement whether said insurer or
8 insurers are stock or mutual corporations or are reciprocal
9 insurers; and subject to the approval of the commissioner of
10 insurance, there may be added thereto such device or devices
11 as the insurer or insurers issuing said policy shall desire.
12 Provided, however, that any company organized under special
13 charter provisions may so indicate upon its policy, and may
14 add a statement of the plan under which it operates in this
15 state.

16 The standard policy provided for herein need not be used
17 for effecting reinsurance between insurers.

18 If the policy is issued by a mutual, co-operative or
19 reciprocal insurer having special regulations with respect to
20 the payment by the policyholder of assessments, such
21 regulations shall be printed upon the policy, and any such
22 insurer may print upon the policy such regulations as may be
23 required by its home state or appropriate to its form of
24 organization.

25 ~~THIRD-~~ 3. Binders or other contracts for temporary
26 insurance may be made and shall be deemed to include all the
27 terms of such standard policy and all such applicable
28 endorsements as may be designated in such contract of
29 temporary insurance; except that the cancellation clause of
30 such standard policy, and the clause thereof specifying the
31 hour of the day at which the insurance shall commence, may be
32 superseded by the express terms of such contract of temporary
33 insurance.

34 ~~FOURTH-~~ 4. Two or more insurers authorized to do in this
35 state the business of fire insurance, may, with the approval

1 of the commissioner of insurance, issue a combination standard
2 form of policy which shall contain the following:

3 a. A provision substantially to the effect that the
4 insurers executing such policy shall be severally liable for
5 the full amount of any loss or damage, according to the terms
6 of the policy, or for specified percentages or amounts
7 thereof, aggregating the full amount of such insurance under
8 such policy.

9 b. A provision substantially to the effect that service of
10 process, or of any notice or proof of loss required by such
11 policy, upon any of the insurers executing such policy, shall
12 be deemed to be service upon all such insurers.

13 ~~FIFTH-~~ 5. Appropriate forms of other contracts or
14 endorsements, insuring against one or more of the perils
15 incident to the ownership, use or occupancy of said property,
16 other than fire and lightning, which the insurer is empowered
17 to assume, may be used in connection with the standard policy.
18 Such forms of other contracts or endorsements attached or
19 printed thereon may contain provisions and stipulations
20 inconsistent with the standard policy if applicable only to
21 such other perils. The pages of the standard policy may be
22 renumbered and rearranged to provide space for the listing of
23 rates and premiums for coverages insured thereunder or under
24 endorsements attached or printed thereon, and such other data
25 as may be included for duplication on daily reports for office
26 records. An insurer may issue a policy, either on an
27 unspecified basis as to coverage or for an indivisible
28 premium, which contains coverage against the peril of fire and
29 substantial coverage against other perils, if such policy
30 includes provisions with respect to the peril of fire which
31 are the substantial equivalent of the minimum provisions of
32 such standard policy, provided further the policy is complete
33 as to all its terms of coverage without reference to any other
34 document and is approved in accordance with section 515.109.

35 ~~SIXTH-~~ 6. The form of the standard policy (with

1 permission to substitute for the word "company" a more
2 accurate descriptive term for the type of insurer) shall be as
3 follows:

4 FIRST PAGE OF STANDARD FIRE POLICY

5 No. ...

6 (Space for insertion of name of company or companies
7 issuing the policy and other matter permitted to be stated at
8 the head of the policy.)

9 (Space for listing amounts of insurance, rates and premiums
10 for the basic coverages insured under the standard form of
11 policy and for additional coverages or perils insured under
12 endorsements attached.)

13 IN CONSIDERATION OF THE PROVISIONS AND STIPULATIONS HEREIN
14 OR ADDED HERETO AND OF DOLLARS PREMIUM this company, for
15 the term of from the day of (month),
16 (year), to the day of (month), (year),
17 at noon, Standard Time, at location of property involved, to
18 an amount not exceeding Dollars, does insure
19 and legal representatives, to the extent of the
20 actual cash value of the property at the time of loss, but not
21 exceeding the amount which it would cost to repair or replace
22 the property with material of like kind and quality within a
23 reasonable time after such loss, without allowance for any
24 increased cost of repair or reconstruction by reason of any
25 ordinance or law regulating construction or repair, and
26 without compensation for loss resulting from interruption of
27 business or manufacture, nor in any event for more than THE
28 INTEREST OF THE INSURED, AGAINST ALL DIRECT LOSS BY FIRE,
29 LIGHTNING AND BY REMOVAL FROM PREMISES ENDANGERED BY THE
30 PERILS INSURED AGAINST IN THIS POLICY, EXCEPT AS HEREINAFTER
31 PROVIDED, to the property described hereinafter while located
32 or contained as described in this policy, or pro rata for five
33 days at each proper place to which any of the property shall
34 necessarily be removed for preservation from the perils
35 insured against in this policy, but not elsewhere.

1 Assignment of this policy shall not be valid except with
2 the written consent of this company.

3 This policy is made and accepted subject to the foregoing
4 provisions and stipulations and those hereinafter stated,
5 which are hereby made a part of this policy, together with
6 such other provisions, stipulations and agreements as may be
7 added hereto, as provided in this policy.

8 IN WITNESS WHEREOF, this company has executed and attested
9 these presents; but this policy shall not be valid unless
10 countersigned by the duly authorized agent of this company at
11

12

13 Secretary.

.....
President.

14 Countersigned this

15 day of (month), ... (year).

16

.....

17

Agent.

18

SECOND PAGE OF STANDARD FIRE POLICY

19 CONCEALMENT -- FRAUD. This entire policy shall be void if,
20 whether before or after a loss, the insured has willfully
21 concealed or misrepresented any material fact or circumstance
22 concerning this insurance or the subject thereof, or the
23 interest of the insured therein, or in case of any fraud or
24 false swearing by the insured relating thereto.

25 UNINSURABLE AND EXCEPTED PROPERTY. This policy shall not
26 cover accounts, bills, currency, deeds, evidences of debt,
27 money or securities; nor, unless specifically named hereon in
28 writing, bullion or manuscripts.

29 PERILS NOT INCLUDED. This company shall not be liable for
30 loss by fire or other perils insured against in this policy
31 caused, directly or indirectly, by: (a) Enemy attack by armed
32 forces, including action taken by military, naval or air
33 forces in resisting an actual or an immediately impending
34 enemy attack; (b) invasion; (c) insurrection; (d) rebellion;
35 (e) revolution; (f) civil war; (g) usurped power; (h) order of

1 any civil authority except acts of destruction at the time of
2 and for the purpose of preventing the spread of fire, provided
3 that such fire did not originate from any of the perils
4 excluded by this policy; (i) neglect of the insured to use all
5 reasonable means to save and preserve the property at and
6 after a loss, or when the property is endangered by fire in
7 neighboring premises; (j) nor shall this company be liable for
8 loss by theft.

9 OTHER INSURANCE. Other insurance may be prohibited or the
10 amount of insurance may be limited by endorsement attached
11 hereto.

12 CONDITIONS SUSPENDING OR RESTRICTING INSURANCE. Unless
13 otherwise provided in writing added hereto this company shall
14 not be liable for loss occurring:

15 a. While the hazard is increased by any means within the
16 control or knowledge of the insured; or

17 b. While a described building, whether intended for
18 occupancy by owner or tenant, is vacant or unoccupied beyond a
19 period of sixty consecutive days; or

20 c. As a result of explosion or riot, unless fire ensue,
21 and in that event for loss by fire only.

22 OTHER PERILS OR SUBJECTS. Any other peril to be insured
23 against or subject of insurance to be covered in this policy
24 shall be by endorsement in writing hereon or added hereto.

25 ADDED PROVISIONS. The extent of the application of
26 insurance under this policy and of the contribution to be made
27 by this company in case of loss, and any other provision or
28 agreement not inconsistent with the provisions of this policy,
29 may be provided for in writing added hereto, but no provision
30 may be waived except such as by the terms of this policy is
31 subject to change.

32 WAIVER PROVISIONS. No permission affecting this insurance
33 shall exist, or waiver of any provision be valid, unless
34 granted herein or expressed in writing added hereto. No
35 provision, stipulation or forfeiture shall be held to be

1 waived by any requirement or proceeding on the part of this
2 company relating to appraisal or to any examination provided
3 for herein.

4 CANCELLATION OF POLICY. This policy shall be canceled at
5 any time at the request of the insured, in which case this
6 company shall, upon demand and surrender of this policy,
7 refund the excess of paid premium above the customary short
8 rates for the expired time. This policy may be canceled at
9 any time by this company by giving to the insured a five days'
10 written notice of cancellation with or without tender of the
11 excess of paid premium above the pro rata premium for the
12 expired time, which excess, if not tendered, shall be refunded
13 on demand. Notice of cancellation shall state that said
14 excess premium (if not tendered) will be refunded on demand.

15 MORTGAGEE INTERESTS AND OBLIGATIONS. If loss hereunder is
16 made payable, in whole or in part, to a designated mortgagee
17 not named herein as the insured, such interest in this policy
18 may be canceled by giving to such mortgagee a ten days'
19 written notice of cancellation.

20 If the insured fails to render proof of loss such
21 mortgagee, upon notice, shall render proof of loss in the form
22 herein specified within sixty days thereafter and shall be
23 subject to the provisions hereof relating to appraisal and
24 time of payment and of bringing suit. If this company shall
25 claim that no liability existed as to the mortgagor or owner,
26 it shall, to the extent of payment of loss to the mortgagee,
27 be subrogated to all the mortgagee's rights of recovery, but
28 without impairing mortgagee's right to sue; or it may pay off
29 the mortgage debt and require an assignment thereof and of the
30 mortgage. Other provisions relating to the interests and
31 obligations of such mortgagee may be added hereto by agreement
32 in writing.

33 PRO RATA LIABILITY. This company shall not be liable for a
34 greater proportion of any loss than the amount hereby insured
35 shall bear to the whole insurance covering the property

1 against the peril involved, whether collectible or not.
2 REQUIREMENTS IN CASE LOSS OCCURS. The insured shall give
3 immediate written notice to this company of any loss, protect
4 the property from further damage, forthwith separate the
5 damaged and undamaged personal property, put it in the best
6 possible order, furnish a complete inventory of the destroyed,
7 damaged and undamaged property, showing in detail quantities,
8 costs, actual cash value and AMOUNTS OF LOSS CLAIMED; AND
9 WITHIN SIXTY DAYS AFTER THE LOSS, UNLESS SUCH TIME IS EXTENDED
10 IN WRITING BY THIS COMPANY, THE INSURED SHALL RENDER TO THIS
11 COMPANY A PROOF OF LOSS, signed and sworn to by the insured,
12 stating the knowledge and belief of the insured as to the
13 following: The time and origin of the loss, the interest of
14 the insured and of all others in the property, the actual cash
15 value of each item thereof and the amount of loss thereto, all
16 encumbrances thereon, all other contracts of insurance,
17 whether valid or not, covering any of said property, any
18 changes in the title, use, occupation, location, possession or
19 exposures of said property since the issuing of this policy,
20 by whom and for what purpose any building herein described and
21 the several parts thereof were occupied at the time of loss
22 and whether or not it then stood on leased ground, and shall
23 furnish a copy of all the descriptions and schedules in all
24 policies and, if required, verified plans and specifications
25 of any building, fixtures or machinery destroyed or damaged.
26 The insured, as often as may be reasonably required, shall
27 exhibit to any person designated by this company all that
28 remains of any property herein described, and submit to
29 examinations under oath by any person named by this company,
30 and subscribe the same; and, as often as may be reasonably
31 required, shall produce for examination all books of account,
32 bills, invoices and other vouchers, or certified copies
33 thereof if originals be lost, at such reasonable time and
34 place as may be designated by this company or its
35 representative, and shall permit extracts and copies thereof

1 to be made.

2 APPRAISAL. In case the insured and this company shall fail
3 to agree as to the actual cash value or the amount of loss,
4 then, on the written demand of either, each shall select a
5 competent and disinterested appraiser and notify the other of
6 the appraiser selected within twenty days of such demand. The
7 appraisers shall first select a competent and disinterested
8 umpire; and failing for fifteen days to agree upon such
9 umpire, then, on request of the insured or this company, such
10 umpire shall be selected by a judge of a court of record in
11 the state in which the property covered is located. The
12 appraisers shall then appraise the loss, stating separately
13 actual cash value and loss to each item; and, failing to
14 agree, shall submit their differences, only, to the umpire.
15 An award in writing, so itemized, of any two when filed with
16 this company shall determine the amount of actual cash value
17 and loss. Each appraiser shall be paid by the party selecting
18 the appraiser and the expenses of appraisal and umpire shall
19 be paid by the parties equally.

20 COMPANY'S OPTIONS. It shall be optional with this company
21 to take all, or any part, of the property at the agreed or
22 appraised value, and also to repair, rebuild or replace the
23 property destroyed or damaged with other of like kind and
24 quality within a reasonable time, on giving notice of its
25 intention so to do within thirty days after the receipt of the
26 proof of loss herein required.

27 ABANDONMENT. There can be no abandonment to this company
28 of any property.

29 WHEN LOSS PAYABLE. The amount of loss for which this
30 company may be liable shall be payable sixty days after proof
31 of loss, as herein provided, is received by this company and
32 ascertainment of the loss is made either by agreement between
33 the insured and this company expressed in writing or by the
34 filing with this company of an award as herein provided.

35 SUIT. No suit or action on this policy for the recovery of

1 any claim shall be sustainable in any court of law or equity
2 unless all the requirements of this policy shall have been
3 complied with, and unless commenced within twelve months next
4 after inception of the loss.

5 SUBROGATION. This company may require from the insured an
6 assignment of all right of recovery against any party for loss
7 to the extent that payment therefor is made by this company.

8 THIRD PAGE OF STANDARD FIRE POLICY

9 Attach Form Below This Line

10 FOURTH PAGE OF STANDARD FIRE POLICY

11 Standard Fire Insurance Policy

12 -----

13 Expires

14 Property

15 Total

16 Amount \$ Premium \$

17 Insured

18 _____

19 SEE INSIDE OF POLICY FOR PERILS COVERED

20 No.

21 -----

22 (Space of approximately two (2) inches for use of
23 Agent or Insurer.)

24 -----

25 -----

26 (Space of approximately two (2) inches for use of
27 Agent or Insurer.)

28 -----

29 It is important that the written portions of all policies
30 covering the same property read exactly alike. If they do
31 not, they should be made uniform at once.

32 Sec. 86. Section 524.103, subsection 10, Code 2005, is
33 amended to read as follows:

34 10. "Board of directors" means the board of directors of a
35 state bank as provided in section 524.601. For a state banks

1 bank organized as a limited liability company under this
2 chapter, "board of directors" means a board of directors or
3 board of managers as designated by the limited liability
4 company in its articles of organization or operating
5 agreement.

6 Sec. 87. Section 524.1408, Code 2005, is amended to read
7 as follows:

8 524.1408 MERGER OF CORPORATION OR LIMITED LIABILITY
9 COMPANY SUBSTANTIALLY OWNED BY A STATE BANK.

10 A state bank owning at least ninety percent of the
11 outstanding shares, of each class, of another corporation or
12 limited liability company which it is authorized to own under
13 this chapter, may merge the other corporation or limited
14 liability company into itself without approval by a vote of
15 the shareholders of either the state bank or the subsidiary
16 corporation or limited liability company. The board of
17 directors of the state bank shall approve a plan of merger,
18 mail the plan of merger to shareholders of record of the
19 subsidiary corporation or holders of membership interests in
20 the subsidiary limited liability company, and prepare and
21 execute articles of merger in the manner provided for in
22 section 490.1105. The articles of merger, together with the
23 applicable filing and recording fees, shall be delivered to
24 the superintendent who shall, if the superintendent approves
25 of the proposed merger and if the superintendent finds the
26 articles of merger satisfy the requirements of this section,
27 deliver them to the secretary of state for filing and
28 recording in the secretary of state's office, and they shall
29 be filed in the office of the county recorder. The secretary
30 of state upon filing the articles of merger shall issue a
31 certificate of merger and send the certificate to the state
32 bank and a copy of it to the superintendent.

33 Sec. 88. Section 534.513, subsection 3, Code 2005, is
34 amended to read as follows:

35 3. SUPERVISION DURING LIQUIDATION. During the period of

1 voluntary liquidation of any such association, the
2 superintendent shall have substantially the same powers and
3 duties as to supervision as before such liquidation, and the
4 persons in charge of such voluntary liquidation shall furnish
5 and deposit with the superintendent such bonds as the
6 superintendent shall require and approve, and shall
7 semiannually, or ~~oftener~~ more often if required by the
8 superintendent report fully as to their doings and progress,
9 and as to the financial condition of the association. Upon
10 completion of such liquidation they shall file with the
11 superintendent a verified final report of such liquidation and
12 disbursement of proceeds and upon approval of such report the
13 superintendent shall issue a written order discharging the
14 liquidators, and their duties shall thereupon cease.

15 Sec. 89. Section 535B.10, subsection 6, Code 2005, is
16 amended to read as follows:

17 6. The total charge for an examination or investigation
18 shall be paid by the licensee to the administrator within
19 thirty days after the administrator has requested payment.
20 The administrator may by rule provide for a charge for late
21 payment of the fee. The amount of the fee shall be based on
22 the actual costs of the examination as determined by the
23 administrator. Examination reports and correspondence
24 regarding these reports shall be kept confidential except as
25 provided in this subsection, notwithstanding chapter 22. The
26 administrator may release the reports and correspondence in
27 the course of an enforcement proceeding or a hearing held by
28 the administrator. The administrator may also provide this
29 information to the attorney general for purposes of enforcing
30 this chapter or the consumer fraud Act, section 714.16.

31 Sec. 90. Section 536.4, unnumbered paragraph 3, Code 2005,
32 is amended to read as follows:

33 If the application is denied, the superintendent shall
34 within twenty days thereafter file with the banking department
35 division a written transcript of the evidence and decision and

1 findings with respect thereto containing the reasons
2 supporting the denial, and forthwith serve upon the applicant
3 a copy thereof.

4 Sec. 91. Section 537.1103, Code 2005, is amended to read
5 as follows:

6 537.1103 LAW APPLICABLE.

7 Unless displaced by the particular provisions of this
8 chapter, the uniform commercial code as provided in chapter
9 554 and the principles of law and equity, including the law
10 relative to capacity to contract, principal and agent,
11 estoppel, fraud, misrepresentation, duress, coercion, mistake,
12 bankruptcy or other validating or invalidating cause
13 supplement its provisions.

14 Sec. 92. Section 546A.1, subsection 4, Code 2005, is
15 amended to read as follows:

16 4. "New and unused property" means tangible personal
17 property that was acquired by the unused property merchant
18 directly from the producer, manufacturer, wholesaler, or
19 retailer in the ordinary course of business ~~that~~ which has
20 never been used since its production or manufacture or which
21 is in its original and unopened package or container, if such
22 personal property was so packaged when originally produced or
23 manufactured.

24 Sec. 93. Section 546A.4, subsection 3, Code 2005, is
25 amended to read as follows:

26 3. An aggravated misdemeanor for a third or subsequent
27 violation offense.

28 Sec. 94. Section 551A.3, subsection 1, Code 2005, is
29 amended to read as follows:

30 1. DISCLOSURE DOCUMENT REQUIRED. A person required to
31 file an irrevocable consent to service of process with the
32 secretary of state as a seller as provided in section 551A.7
33 shall not act as seller in the this state unless the person
34 provides a written disclosure document to each purchaser. The
35 person shall deliver the written disclosure document to the

1 purchaser at least ten business days prior to the earlier of
2 the purchaser's execution of a contract imposing a binding
3 legal obligation on the purchaser or the payment by a
4 purchaser of any consideration in connection with the offer or
5 sale of the business opportunity.

6 Sec. 95. Section 554D.101, Code 2005, is amended to read
7 as follows:

8 554D.101 SHORT TITLE.

9 ~~This section and sections 554D.102 through 554D.124 of this~~
10 ~~chapter~~ subchapter may be cited as the "Uniform Electronic
11 Transactions Act".

12 Sec. 96. Section 558.1, Code 2005, is amended to read as
13 follows:

14 558.1 "INSTRUMENTS AFFECTING REAL ESTATE" DEFINED --
15 REVOCATION.

16 All instruments containing a power to convey, or in any
17 manner relating to real estate, including certified copies of
18 petitions in bankruptcy with or without the schedules
19 appended, of decrees of adjudication in bankruptcy, and of
20 orders approving trustees' bonds in bankruptcy, and a jobs
21 training agreement entered into under chapter 260E or 260F
22 between an employer and community college which contains a
23 description of the real estate affected, shall be held to be
24 instruments affecting the same; and no such instrument, when
25 acknowledged or certified and recorded as in this chapter
26 prescribed, can be revoked as to third parties by any act of
27 the parties by whom it was executed, until the instrument
28 containing such revocation is acknowledged and filed for
29 record in the same office in which the instrument containing
30 such power is recorded, except that uniform commercial code
31 financing statements and financing statement changes as
32 provided in chapter 554 need not be thus acknowledged.

33 Sec. 97. Section 558.42, Code 2005, is amended to read as
34 follows:

35 558.42 ACKNOWLEDGMENT AS CONDITION PRECEDENT.

1 A document shall not be deemed lawfully recorded, unless it
2 has been previously acknowledged or proved in the manner
3 prescribed in chapter 9E, except that affidavits, and
4 certified copies of petitions in bankruptcy with or without
5 the schedules appended, of decrees of adjudication in
6 bankruptcy, and of orders approving trustees' bonds in
7 bankruptcy, and ~~Uniform-Commercial-Code~~ uniform commercial
8 code financing statements and financing statement changes as
9 provided in chapter 554 need not be thus acknowledged.

10 Sec. 98. Section 586.1, subsection 3, Code 2005, is
11 amended to read as follows:

12 3. Acknowledgments taken and oaths administered by mayors
13 under section 691, Code 1897, or section 1216 of subsequent
14 Codes to and including the Code of 1939 and section 63A-2-to
15 ~~and-including~~ 78.2, Code of 1966 and earlier editions, in
16 proceedings not connected with their offices.

17 Sec. 99. Section 589.9, Code 2005, is amended to read as
18 follows:

19 589.9 MARGINAL RELEASES OF SCHOOL-FUND MORTGAGES.

20 The release or satisfaction of a school-fund mortgage
21 entered on the margin of the record of the mortgage by the
22 auditor of the county more than ten years earlier, is
23 legalized as though the auditor had, at the time of entering
24 the release or satisfaction, the same power thereafter
25 conferred upon the auditor by chapter 1894 Iowa Acts, ch 53 of
26 ~~the-Acts-of-the-Twenty-fifth-General-Assembly~~.

27 Sec. 100. Section 589.22, Code 2005, is amended to read as
28 follows:

29 589.22 CERTAIN LOANS, CONTRACTS AND MORTGAGES.

30 All loans, contracts, and mortgages which are affected by
31 the repeal of chapter 1898 Iowa Acts, ch 48, Acts-of-the
32 ~~Twenty-seventh-General-Assembly~~, are hereby legalized so far
33 as to permit recovery to be had thereon for interest at the
34 rate of eight percent per annum, but at no greater rate, and
35 nothing contained in such contracts shall be construed to be

1 usurious so as to work a forfeiture of any penalty to the
2 school fund.

3 Sec. 101. Section 600B.28, Code 2005, is amended to read
4 as follows:

5 600B.28 REPORT BY TRUSTEE.

6 The trustee shall report to the court annually, or ~~oftener~~
7 more often as directed by the court, the amounts received and
8 paid over.

9 Sec. 102. Section 602.8102, subsection 69, Code 2005, is
10 amended to read as follows:

11 69. With acceptable sureties, approve the bond of a
12 petitioner filing an appeal for review of an order of the
13 commissioner of insurance as provided in section ~~502-606-or~~
14 507A.7.

15 Sec. 103. Section 602.8108, subsections 5 and 6, Code
16 2005, are amended to read as follows:

17 5. The clerk of the district court shall remit all moneys
18 collected from the assessment of the law enforcement
19 initiative surcharge provided in section 911.3 to the state
20 court administrator no later than the fifteenth day of each
21 month, ~~all-the-moneys-collected-during-the-preceding-month,~~
22 for deposit in the general fund of the state.

23 6. The clerk of the district court shall remit all moneys
24 collected from the county enforcement surcharge pursuant to
25 section 911.4 to the county where the citation was issued for
26 deposit in the county general fund no later than the fifteenth
27 day of each month.

28 Sec. 104. Section 602.11116, subsection 3, Code 2005, is
29 amended to read as follows:

30 3. To commence membership under the judicial retirement
31 system pursuant to article 9, part 1, retroactive to the date
32 the associate juvenile judge or associate probate judge became
33 an associate juvenile judge or associate probate judge, and to
34 cease to be a member of the Iowa public employees' retirement
35 system, effective July 1, 1998. The department of

1 ~~administrative-services~~ personnel shall transmit by January 1,
2 1999, to the state court administrator for deposit in the
3 judicial retirement fund the associate juvenile judge's or
4 associate probate judge's accumulated contributions as defined
5 in section 97B.1A, subsection 2, for the judge's period of
6 membership service as an associate juvenile judge or associate
7 probate judge. Before July 1, 2000, or at retirement previous
8 to that date, an associate juvenile judge or associate probate
9 judge who becomes a member of the judicial retirement system
10 pursuant to this subsection shall contribute to the judicial
11 retirement fund an amount equal to the difference between four
12 percent of the associate juvenile judge's or associate probate
13 judge's total salary received for the entire period of service
14 before July 1, 1998, as an associate juvenile judge or
15 associate probate judge, and the associate juvenile judge's or
16 associate probate judge's accumulated contributions
17 transmitted by the department of ~~administrative-services~~
18 personnel to the state court administrator pursuant to this
19 subsection. The associate juvenile judge's or associate
20 probate judge's contribution shall not be limited to the
21 amount specified in section 602.9104, subsection 1. The state
22 court administrator shall credit an associate juvenile judge
23 or associate probate judge with service under the judicial
24 retirement system for the period of service for which
25 contributions at the four percent level are made.

26 Sec. 105. Section 633.700, unnumbered paragraph 1, Code
27 2005, is amended to read as follows:

28 Unless specifically relieved from so doing, by the
29 instrument creating the trust, or by order of the court, the
30 trustee shall make a written report, under oath, to the court,
31 once each year, and ~~oftener~~ more often, if required by the
32 court. Such report shall state:

33 Sec. 106. Section 633.905, subsection 3, Code 2005, is
34 amended to read as follows:

35 3. To be effective, a disclaimer must be in a writing or

1 other record, declare the disclaimer, describe the interest or
 2 power disclaimed, be signed by the person making the
 3 disclaimer, and be delivered or filed in the manner provided
 4 in section 633.912. In this subsection, "record" means
 5 information that is inscribed on a tangible medium or that is
 6 stored in an electronic or other medium and is retrievable in
 7 perceivable form.

8 Sec. 107. Section 636.28, Code 2005, is amended to read as
 9 follows:

10 636.28 ANNUAL ACCOUNTING.

11 Once in each year, and ~~oftener~~ more often if required by
 12 the court, the person so appointed must, on oath, render to
 13 the court an account in writing of all moneys so received by
 14 that person, and of the application thereof.

15 Sec. 108. Section 657.1, subsection 2, Code 2005, is
 16 amended to read as follows:

17 2. Notwithstanding subsection 1, in an action to abate a
 18 nuisance against an electric utility, an electric utility may
 19 assert a defense of comparative fault as set out in section
 20 668.3 if the electric utility demonstrates that in the course
 21 of providing electric services to its customers that it has
 22 complied with engineering and safety standards as adopted by
 23 the utilities board of the department of commerce, and if the
 24 electric utility has secured all permits and approvals, as
 25 required by state law and local ordinances, necessary to
 26 perform activities alleged to constitute a nuisance.

27 Sec. 109. Section 708.3A, subsections 5, 6, 7, and 8, Code
 28 2005, are amended to read as follows:

29 5. As used in this section, ~~"health-care-provider"~~ means
 30 ~~an-emergency-medical-care-provider-as-defined-in-chapter-147A~~
 31 ~~or-a-person-licensed-or-registered-under-chapter-1487-148C7~~
 32 ~~148D7-1507-150A7-or-152-who-is-providing-or-who-is-attempting~~
 33 ~~to-provide-emergency-medical-services7-as-defined-in-section~~
 34 ~~147A-17-or-who-is-providing-or-who-is-attempting-to-provide~~
 35 ~~health-services-as-defined-in-section-135-61-in-a-hospital.--A~~

1 person-who-commits-an-assault-under-this-section-against-a
2 health-care-provider-in-a-hospital, or-at-the-scene-or-during
3 out-of-hospital-patient-transportation-in-an-ambulance, is
4 presumed-to-know-that-the-person-against-whom-the-assault-is
5 committed-is-a-health-care-provider. the following definitions
6 apply:

7 6. a. As-used-in-this-section, "correctional
8 staff" means a person who is not a peace officer
9 but who is employed by the department of corrections or a
10 judicial district department of correctional services to work
11 at or in a correctional institution, community-based
12 correctional facility, or an institution under the management
13 of the Iowa department of corrections which is used for the
14 purposes of confinement of persons who have committed public
15 offenses.

16 7. As-used-in-this-section, "jailer" means a person who is
17 employed-by-a-county-or-other-political-subdivision-of-the
18 state-to-work-at-a-county-jail-or-other-facility-used-for
19 purposes-of-the-confinement-of-persons-who-have-committed
20 public-offenses, but who is not a peace officer.

21 8. b. As-used-in-this-section, "employee Employee of the
22 department of human services" means a person who is an
23 employee of an institution controlled by the director of human
24 services that is listed in section 218.1, or who is an
25 employee of the civil commitment unit for sex offenders
26 operated by the department of human services. A person who
27 commits an assault under this section against an employee of
28 the department of human services at a department of human
29 services institution or unit is presumed to know that the
30 person against whom the assault is committed is an employee of
31 the department of human services.

32 c. "Health care provider" means an emergency medical care
33 provider as defined in chapter 147A or a person licensed or
34 registered under chapter 148, 148C, 148D, 150, 150A, or 152
35 who is providing or who is attempting to provide emergency

1 medical services, as defined in section 147A.1, or who is
2 providing or who is attempting to provide health services as
3 defined in section 135.61 in a hospital. A person who commits
4 an assault under this section against a health care provider
5 in a hospital, or at the scene or during out-of-hospital
6 patient transportation in an ambulance, is presumed to know
7 that the person against whom the assault is committed is a
8 health care provider.

9 d. "Jailer" means a person who is employed by a county or
10 other political subdivision of the state to work at a county
11 jail or other facility used for purposes of the confinement of
12 persons who have committed public offenses, but who is not a
13 peace officer.

14 Sec. 110. Section 717A.2, subsection 3, unnumbered
15 paragraph 1, Code 2005, is amended to read as follows:

16 A person violating this section is guilty of the following
17 **penalties:**

18 Sec. 111. Section 728.1, subsection 6, Code 2005, is
19 amended to read as follows:

20 6. "Place of business" means the premises of a business
21 required to obtain a sales tax permit pursuant to chapter ~~422~~
22 423, the premises of a nonprofit or not-for-profit
23 organization, and the premises of an establishment which is
24 open to the public at large or where entrance is limited by a
25 cover charge or membership requirement.

26 Sec. 112. Section 730.5, subsection 1, paragraph b, Code
27 2005, is amended to read as follows:

28 b. "Confirmed positive test result" means, except for
29 alcohol testing conducted pursuant to subsection 7, paragraph
30 "f", subparagraph (2), the results of a blood, urine, or oral
31 fluid test in which the level of controlled substances or
32 metabolites in the specimen analyzed meets or exceeds
33 nationally accepted standards for determining detectable
34 levels of controlled substances as adopted by the federal
35 substance abuse and mental health services administration. If

1 nationally accepted standards for oral fluid tests have not
2 been adopted by the federal substance abuse and mental health
3 services administration, the standards for determining
4 detectable levels of controlled substances for purposes of
5 determining a confirmed positive test result shall be the same
6 standard that has been established by the federal food and
7 drug administration for the measuring instrument used to
8 perform the oral fluid test.

9 Sec. 113. Section 812.9, subsection 4, Code 2005, is
10 amended to read as follows:

11 4. If ~~upon-termination-of~~ the defendant's placement is
12 terminated pursuant to subsection 2 or pursuant to section
13 812.8, subsection 8, and it appears thereafter that the
14 defendant has regained competency, the state may make
15 application to reinstate the prosecution of the defendant and
16 hearing shall be held on the matter in the same manner as if
17 the court has received notice under section 812.8, subsection
18 4.

19 Sec. 114. 2004 Iowa Acts, chapter 1021, section 117, is
20 amended to read as follows:

21 SEC. 117. Sections 15E.149, 422.15, 486A.901, 486A.902,
22 486A.906, and 490A.1203, ~~and-669-147~~, Code 2003, and section
23 669.14, Code Supplement 2003, as amended by this Act, are
24 amended by striking from the sections the figure and word "487
25 or" or the figure "487,".

26 Sec. 115. 2004 Iowa Acts, chapter 1052, section 4, is
27 amended by striking the section and inserting in lieu thereof
28 the following:

29 SEC. 4. Section 602.8102, subsection 78, Code Supplement
30 2003, is amended to read as follows:

31 78. Certify an acknowledgment of a written instrument
32 relating to real estate as provided in section 9E.10 or
33 558.20.

34 Sec. 116. 2004 Iowa Acts, chapter 1084, section 8, the
35 portion enacting section 812.6, subsection 3, Code 2005, is

1 amended to read as follows:

2 3. A defendant ordered to obtain treatment or committed to
3 a facility under this section may refuse treatment by
4 chemotherapy or other somatic treatment. The defendant's
5 right to refuse chemotherapy treatment or other somatic
6 treatment shall not apply if, in the judgment of the director
7 or the director's designee of the facility where the defendant
8 has been committed, determines such treatment is necessary to
9 preserve the life of the defendant or to appropriately control
10 behavior of the defendant which is likely to result in
11 physical injury to the defendant or others. If in the
12 judgment of the director of the facility or the director's
13 designee where the defendant has been committed, chemotherapy
14 or other somatic treatments are necessary and appropriate to
15 restore the defendant to competency and the defendant refuses
16 to consent to the use of these treatment modalities, the
17 director of the facility or the director's designee shall
18 request from the district court which ordered the commitment
19 of the defendant an order authorizing treatment by
20 chemotherapy or other somatic treatments.

21 Sec. 117. 2004 Iowa Acts, chapter 1141, section 34, is
22 amended to read as follows:

23 SEC. 34. Section 68B.35, Code Supplement 2003, and
24 sections 536.13, 536.23, and 536.28, Code 2003, are amended by
25 striking from the sections the words "state banking board" and
26 "banking board" and "board" when referring to the state
27 banking board and inserting in lieu thereof the words "state
28 banking council" or "council", as appropriate.

29 Sec. 118. EFFECTIVE DATES AND RETROACTIVE APPLICABILITY.

30 1. The section of this Act amending 2004 Iowa Acts,
31 chapter 1052, section 4, takes effect upon enactment and
32 applies retroactively to July 1, 2004.

33 2. The section of this Act amending 2004 Iowa Acts,
34 chapter 1084, section 8, takes effect upon enactment and
35 applies retroactively to July 1, 2004.

1 3. The section of this Act amending 2004 Iowa Acts,
2 chapter 1141, section 34, takes effect upon enactment and
3 applies retroactively to July 1, 2004.

4

EXPLANATION

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

14 Code section 4.1: Strikes the words "or digital" from a
15 reference to terms defined in Code section 554D.103. The term
16 "digital signature" was stricken from Code section 554D.103 by
17 2004 Iowa Acts, chapter 1067, section 2.

18 Code sections 10B.4, 10B.7, 217.41, 306.46, 331.609,
19 537.1103, 558.1, and 558.42: Adds a reference to chapter 504
20 to a string of chapter citations that refer to corporate and
21 other entities required to file certain reports with the
22 secretary of state. Chapter 504 will replace chapter 504A as
23 the chapter governing nonprofit corporations effective July 1,
24 2005, pursuant to 2004 Iowa Acts, chapter 1049.

25 Code section 10C.6: Changes references to prior Code
26 versions of provisions within Code chapter 10C to eliminate
27 electronic hypertext linkage problems.

28 Code sections 12.71, 12.81, 12E.11, 16.26, 16.105, 16.177,
29 173.14B, 175.17, 257C.8, 331.609, 537.1103, 558.1, and 558.42:
30 Adds numeric references to Code chapter 554 where the uniform
31 commercial code is referred to by name to facilitate
32 electronic hypertext linkage to that Code chapter. The
33 uniform commercial code is codified at Code chapter 554. In
34 Code section 558.42, the capitalization of the term "uniform
35 commercial code" is also made consistent with other Code

1 references to the uniform commercial code.

2 Code sections 12E.16, 76.16, 76.16A, and 97C.2: Updates
3 references to chapter nine of the federal bankruptcy code to
4 eliminate electronic hypertext linkage problems. Code section
5 76.16 is also amended to include the United States Code
6 citation to bankruptcy code chapter nine.

7 Code sections 17A.1 and 17A.23: Substitutes a reference to
8 "chapter" for references to "the Iowa administrative procedure
9 Act". Code chapter 17A is the Iowa administrative procedure
10 Act.

11 Code section 29B.82: Updates the style and internal
12 numbering structure in this provision relating to desertion by
13 members of the military to conform the section to current bill
14 drafting style and to reduce opportunity for error in future
15 Code publications.

16 Code section 68A.406: Corrects a reference to the title of
17 Code chapter 480 in a campaign finance provision. Code
18 chapter 480 is entitled "underground facilities information".

19 Code section 68A.503: Corrects a grammatical problem in
20 the sentence structure of a paragraph describing how certain
21 campaign-related funds may and may not be used by certain
22 financial institutions, insurance companies, and other
23 corporate entities.

24 Code section 97B.1A: Changes "the chapter" to "this
25 chapter" in a provision relating to entitlement to benefits
26 under the Iowa public employees' retirement system. The
27 change is consistent with other references to the chapter in
28 the Code section.

29 Code sections 99D.2 and 99D.11: Changes the term "racing
30 enclosure" to "racetrack enclosure" to conform to the defined
31 term under Code section 99D.2 in provisions relating to pari-
32 mutuel wagering.

33 Code sections 99D.13 and 99D.20: Changes the term "race
34 meet" to "race meeting" to conform to the defined term under
35 Code section 99D.2 in a provision relating to pari-mutuel

1 wagering.

2 Code section 99F.4C: Corrects a grammatical error in
3 language describing the area in which facilities are not
4 permitted to be licensed to conduct gambling games by the
5 racing and gaming commission.

6 Code section 124.308: Strikes the word "electronic" from
7 language relating to whether an electronic or facsimile
8 prescription may be transmitted by a health care practitioner
9 to a pharmacy. The transmission of both electronic and
10 facsimile prescriptions is contemplated in this Code section,
11 and Code section 155A.27 regulates written, electronic, and
12 facsimile prescriptions.

13 Code sections 135.31 and 147.14: Conforms references to
14 the name of the board responsible for the regulation of the
15 profession of nursing to the name given to that board under
16 Code chapter 152.

17 Code section 135.146: Separates and adds a comma between
18 the words "diphtheria" and "tetanus" in a list of types of
19 vaccinations that are to be offered for first responders in
20 the event that federal funding is received for such a purpose.
21 The two types of vaccinations are administered separately, not
22 as a single vaccination.

23 Code sections 135J.1, 135J.2, 135J.5, and 135J.7:
24 Substitutes for the word "division" the word "chapter" in
25 these provisions relating to the regulation of hospice
26 programs to account for the 1990 transfer of the Code chapter
27 provisions. The contents of this chapter were a division of
28 Code chapter 135 until 1990. In 1990 Iowa Acts, chapter 1204,
29 section 66, the Code editor was directed to transfer former
30 Code sections 135.90 through 135.96 to a new chapter and those
31 provisions were moved to Code chapter 135J.

32 Code sections 147.152, 216E.7, and 272C.1: Conforms
33 references to the term used to describe persons who dispense
34 hearing aids to the term given to members of that profession
35 under Code chapter 154A. The term "hearing aid dealer" was

1 changed to "hearing aid dispenser" by 2001 Iowa Acts, chapter
2 58.

3 Code section 157.3A: Deletes redundant language from a
4 provision relating to the licensing requirements for
5 cosmetologists.

6 Code section 162.2: Corrects a grammatical error in a
7 provision relating to commercial breeders of dogs or cats.

8 Code section 165B.5: Corrects a grammatical error in a
9 provision relating to collection of costs related to the
10 confiscation of poultry suspected of being held at an illegal
11 concentration point and infected with a pathogenic virus.

12 Code sections 167.4 and 167.15: Corrects grammatical
13 errors in two provisions relating to disposal plants.

14 Code sections 181.17 and 181.18: Changes references to the
15 "executive committee" in provisions relating to the operation
16 of the beef cattle producers association to "council". 2004
17 Iowa Acts, chapter 1037, replaced the executive committee with
18 the Iowa beef industry council, which is listed under the
19 defined term "council" in Code chapter 181.

20 Code section 216A.156: Corrects a grammatical issue
21 relating to plural nouns in a provision relating to review of
22 grant applications and budget requests by the commission on
23 the status of Iowans of Asian and Pacific Islander heritage.

24 Code sections 218.28, 229.36, 534.513, 600B.28, 633.700,
25 and 636.28: Substitutes the words "more often" for the term
26 "oftener" in the enumerated Code sections. The word "oftener"
27 does not appear in dictionaries currently used in drafting and
28 editing of bills and the editing of the Code.

29 Code section 249A.20B: Corrects a typographical error made
30 in language referring to the procurement of a sole source
31 contract for the pooling of purchases of pharmaceutical
32 products and services for medical assistance recipients.

33 Code section 249A.34: Corrects a reference to the name of
34 the Medicare Prescription Drug, Improvement and Modernization
35 Act of 2003 and adds a public law citation for that federal

1 Act.

2 Code section 256.11: Makes language constituent within a
3 series describing the kind of basic training for service as a
4 member of the armed forces that can result in the awarding of
5 high school graduation credit by the boards of directors or
6 authorities in charge of the public and nonpublic schools.

7 Code section 275.41: Substitutes the word "organizational"
8 for the word "organization" in a provision describing the
9 manner of selection of members of the initial board of
10 directors of a newly formed school district. The definition
11 of the term "initial board" that is contained in Code section
12 275.1 describes the meeting as the "organizational meeting"
13 and the meeting is referred to similarly both elsewhere in
14 Code section 275.41 and in other provisions in Code chapter
15 275.

16 Code section 279.27: Corrects the form of the citation to
17 subsection 2 of Code section 279.15 and makes a technical
18 change resulting from the citation form correction.

19 Code section 305.8: Corrects a reference to the department
20 within which the division of homeland security and emergency
21 management is located. That division is part of the
22 department of public defense, not the department of public
23 safety.

24 Code section 321I.3: Adds a citation to the Code section
25 pertaining to nonresident user permits in language relating to
26 use or display of user permits on all-terrain vehicles.

27 Code section 322.5: Updates, in this provision relating to
28 license fees for motor vehicle dealers, two references to the
29 term "fair events" to correspond to the change made in this
30 section and in chapter 174 by 2004 Iowa Acts, chapter 1019.

31 Code section 329.13: Substitutes for a set of parentheses
32 a pair of commas in language pertaining to administration of
33 airport zoning regulations.

34 Code section 331.438: Adds a public law citation to the
35 federal Health Insurance Portability and Accountability Act in

1 a provision relating to disclosure of certain services by
2 counties to the department of human services.

3 Code section 356.1: Adds the word "the" in language to
4 describe the jurisdiction of the sheriff over county jails.

5 Code section 423.18: Makes grammatical changes to
6 eliminate the word "its" in two places in this provision
7 relating to sales tax permits.

8 Code section 423.56: Replaces the words "his or her" with
9 "the individual's" to eliminate any gender references in
10 language relating to sales taxes.

11 Code sections 423B.5 and 423E.3: Makes a grammatical
12 change in these lists of items that are excluded from certain
13 local sales and services taxes.

14 Code section 435.1: Corrects a reference to the Code
15 chapter title and inserts a reference to Code chapter 562B
16 after a reference by chapter title to that chapter within a
17 provision relating to taxation of homes in manufactured home
18 communities and mobile home parks.

19 Code section 452A.3: Corrects a typographical error to the
20 state of Iowa in a provision relating to the collection of
21 excise taxes on motor fuel.

22 Code section 453A.26: Adds a numerical reference to Code
23 chapter 423 after a reference to that chapter by name in
24 language relating to liens for cigarette and tobacco tax.

25 Code section 456A.18: Substitutes for a reference to "five
26 funds" a reference to "funds created in Code section 456A.17"
27 in a provision relating to a duty of the director of the
28 department of natural resources to make a return and pay to
29 the treasurer of state moneys belonging to various funds
30 relating to fish, game, and conservation. The "five funds"
31 reference is a reference to the funds in Code section 456A.17,
32 of which there are now only four, since the strike of one of
33 the funds by 1994 Iowa Acts, chapter 1107, section 72.

34 Code section 502.304A: Strikes a redundant "that" in
35 language relating to securities regulation.

1 Code section 502.412: Makes changes in the manner of
2 citation to Code chapter 502 as it appeared in previous Codes
3 to avoid electronic hypertext linkage problems.

4 Code section 502.601: Changes "the" to "this" in a
5 provision relating to administration of the securities chapter
6 by the commissioner of insurance. This is consistent with the
7 reference to the chapter that exists in the immediately
8 preceding sentence in the same paragraph.

9 Code section 504.115: Makes a grammatical change in
10 language pertaining to corrections to documents filed by
11 nonprofit corporations with the secretary of state.

12 Code section 504.1701: Adds the word and figure "Code
13 2005" to several references to Code chapter 504A. Code
14 chapter 504A is scheduled to be repealed and replaced by new
15 Code chapter 504 effective July 1, 2005, pursuant to 2004 Iowa
16 Acts, chapter 1049.

17 Code section 515.109A: In subsection 1, moves the word
18 "insurance" to the end of a series that describes types of
19 insurance policies that are included in the term "personal
20 insurance" to avoid the creation of a break in the series. In
21 subsection 3, the word "the" is added to correct a grammatical
22 error.

23 Code section 515.138: Updates the method by which the
24 numerical references to the subsections in this section are
25 expressed by changing the words "First" through "Sixth" to the
26 numerals "1" through "6" and correcting an internal reference.
27 The changes conform the Code section to current bill drafting
28 and codification practices.

29 Code section 524.103: Makes a grammatical change in the
30 definition of "board of directors" that conforms the plural
31 subject "banks" to the singular object "limited liability
32 company".

33 Code section 524.1408: Adds the word "liability" to the
34 term subsidiary "limited company" to conform to other usage of
35 the term "limited liability company" within the Code section.

1 Code section 535B.10: Adds the citation for the consumer
2 fraud Act, Code section 714.16, after a reference to that Act
3 by name in provisions relating to the enforcement of the Code
4 chapter regulating mortgage bankers and brokers.

5 Code section 536.4: Changes the term "banking department"
6 to "banking division" in language relating the process by
7 which the superintendent of the division of banking reviews
8 and grants or denies applications for a license to make
9 certain regulated loans.

10 Code section 546A.1: Makes a grammatical correction in a
11 definition of new and unused property in the unused property
12 markets -- regulation of sales Code chapter.

13 Code section 546A.4: Substitutes the word "offense" for
14 the word "violation" to make a provision relating to third
15 offense violations of the unused property market sales
16 provisions consistent with references to other offenses.

17 Code section 551A.3: Makes a minor clarification, by
18 changing "the" to "this" in language relating to sellers of
19 business opportunities. Code section 551A.7 provides that
20 sellers must file irrevocable consents prior to engaging in
21 the sale of a business opportunity in "this state".

22 Code section 554D.101: Substitutes the word "subchapter"
23 for references to the Code sections that are or were contained
24 within the subchapter that is referred to as the uniform
25 electronic transactions Act and eliminates the electronic
26 hypertext linkage problem created by the repeal of Code
27 section 554D.102 by 2004 Iowa Acts, chapter 1067, section 10.

28 Code section 586.1: Updates citations to former Code
29 provisions to eliminate electronic hypertext linkage problems
30 and corrects a reference to Code section 63A.2 to refer to
31 former Code section 78.2 in a provision legalizing certain
32 defective acts and instruments. Former Code section 78.2 was
33 moved to current Code section 63A.2 as part of the 1993
34 chapter transfers and Code reorganization project. From the
35 time of publication of Code 1946 to the time of publication of

1 Code 1966, the correct citation for the provision pertaining
2 to the acknowledgments taken and oaths administered by mayors
3 would have been to former Code section 78.2.

4 Code sections 589.9 and 589.22: Updates Iowa Iowa Acts
5 references to eliminate electronic hypertext linkage problems
6 in these provisions that legalize certain old releases of
7 school-fund mortgages and any loans, contracts, and mortgages
8 pertaining to the school fund that were affected by the repeal
9 of an 1898 Act.

10 Code section 602.8102, subsection 69: Eliminates a
11 reference to Code section 502.606 in this provision relating
12 to approval of bonds executed by petitioners in judicial
13 review of administrative action pertaining to the uniform
14 securities Act. Code section 502.606 was stricken and
15 rewritten by 2004 Iowa Acts, chapter 1161, section 56, and
16 although the subject matter of former Code section 502.606 was
17 moved to current Code section 502.609, the requirement for the
18 posting of a bond was eliminated.

19 Code section 602.8108, subsections 5 and 6: Strikes
20 redundant language in a provision requiring the clerk of the
21 district court to remit all moneys collected in a preceding
22 month from the assessment of the law enforcement initiative
23 surcharge to the state court administrator no later than the
24 15th day of each month. A citation to the provision
25 establishing the county enforcement surcharge is also added.

26 Code section 602.1116: Reverts references to the
27 department of administrative services back to references to
28 the department of personnel in language pertaining to
29 activities that took place prior to the creation of the
30 department of administrative services in 2003 Iowa Acts,
31 chapter 145.

32 Code section 633.905: Adds the word "a" between the words
33 "in" and "writing" to eliminate a grammatical error and
34 conform the language to the model uniform disclaimer of
35 property interest Act.

1 Code section 656.1: Strikes a redundant occurrence of the
2 word "that" in a provision relating to actions to abate a
3 nuisance against an electric utility.

4 Code section 708.3A: Restructures subsections 5 through 8
5 of this section to combine all defined terms into a single
6 subsection containing all definitions that pertain to this
7 section covering assaults on persons engaged in certain
8 occupations.

9 Code section 717A.2: Strikes the word "penalties" in lead-
10 in language describing what a person is guilty of, if they
11 commit any of the enumerated classes of offenses against
12 animals or property.

13 Code section 728.1: Corrects a citation to the Code
14 chapter governing the obtaining of sales tax permits. The
15 provisions governing sales and use taxes were moved from Code
16 chapter 422 to Code chapter 423 effective July 1, 2004, by
17 2003 Iowa Acts, 1st Extraordinary Session, chapter 2.

18 Code section 730.5: Corrects references to the federal
19 substance abuse and mental health services administration in
20 this provision relating to testing for alcohol and controlled
21 substances in private sector workplaces.

22 Code section 812.9: Corrects a grammatical error in
23 language relating to potential reinstatement of prosecution of
24 an individual who has been found incompetent to stand trial if
25 the person's placement has been terminated and it appears that
26 the person has regained competency.

27 2004 Iowa Acts, chapter 1021: Corrects a Code section
28 citation in a provision directing the substitution of
29 references to Code chapter 487, the uniform limited
30 partnership Act, effective January 1, 2006. Code chapter 487
31 is repealed on January 1, 2006.

32 2004 Iowa Acts, chapter 1052: Corrects a lead-in in a
33 provision amending Code section 668.8102, subsection 78, by
34 adding the word "Supplement" after the word "Code". Code
35 section 602.8102 was amended in 2003 and was republished in

1 the 2003 Code Supplement. This change is made retroactive to
2 July 1, 2004.

3 2004 Iowa Acts, chapter 1084: Corrects a clerical drafting
4 error creating a redundancy in new Code section 812.6. The
5 correction is made retroactive to July 1, 2004.

6 2004 Iowa Acts, chapter 1141: Corrects a directive to make
7 terminology changes to account for a definition of the term
8 "board" to mean "state banking board" that appeared in some of
9 the provisions in which the terminology change was to be made.
10 The correction is made retroactive to July 1, 2004.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35