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SENATE FILE 113  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1088)

Passed Senate, Date 2-17-05 Passed House, Date 2-23-05  
Vote: Ayes 49 Nays 0 Vote: Ayes 98 Nays 0  
Approved 3/3/05

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:

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SF 113

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 ~~racing~~ 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-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 602.1116: 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 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.

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Schoenjahn Co-Chair  
Zawn Co-Chair  
Hancock  
Ward

Succeeded By  
SF/HF 113

SSB# 1088  
Judiciary

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CO-CHAIRPERSONS KREIMAN  
AND MILLER)

Passed Senate, Date \_\_\_\_\_ Passed House, 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:

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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 ~~racing~~ 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.1, 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-669-14~~, 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.

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SENATE FILE 113

AN ACT

RELATING TO NONSUBSTANTIVE CODE CORRECTIONS AND INCLUDING  
EFFECTIVE AND RETROACTIVE APPLICABILITY DATE PROVISIONS.

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

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

The words "written" and "in writing" may include any mode of representing words or letters in general use, and include an electronic record as defined in section 554D.103. A signature, when required by law, must be made by the writing or markings of the person whose signature is required.

"Signature" includes an electronic ~~or-digital~~ signature as defined in section 554D.103. If a person is unable due to a physical disability to make a written signature or mark, that person may substitute either of the following in lieu of a signature required by law:

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

1. A biennial report shall be filed by a reporting entity with the secretary of state on or before March 31 of each odd-numbered year as required by rules adopted by the secretary of state pursuant to chapter 17A. However, a reporting entity required to file a biennial report pursuant to chapter 490, 496C, 497, 498, 499, 501, 504, or 504A shall file the report required by this section in the same year as required by that chapter. The reporting entity may file the report required by this section together with the biennial report required to be filed by one of the other chapters referred to in this subsection. The reports shall be filed on forms prepared and

supplied by the secretary of state. The secretary of state may provide for combining its reporting forms with other biennial reporting forms required to be used by the reporting entities.

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

Lessees of agricultural land under section 9H.4, subsection 2, paragraph "c", for research or experimental purposes, shall file a biennial report with the secretary of state on or before March 31 of each odd-numbered year on forms adopted pursuant to chapter 17A and supplied by the secretary of state. However, a lessee required to file a biennial report pursuant to chapter 490, 496C, 497, 498, 499, 501, 504, or 504A shall file the report required by this section in the same year as required by that chapter. The lessee may file the report required by this section together with the biennial report required to be filed by one of the other chapters referred to in this paragraph. The report shall contain the following information for the reporting period:

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

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

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

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

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

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

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

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

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

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

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

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

1. The treasurer of state may issue bonds for purposes of the school infrastructure program established in section 292.2. Excluding the issuance of refunding bonds, the treasurer of state shall not issue bonds which result in the deposit of bond proceeds of more than fifty million dollars into the school infrastructure fund. The treasurer of state shall have all of the powers which are necessary to issue and secure bonds and carry out the purposes of the fund. The treasurer of state may issue bonds in principal amounts which are necessary to provide funds for the fund as provided by this section, the payment of interest on the bonds, the establishment of reserves to secure the bonds, the costs of issuance of the bonds, other expenditures of the treasurer of state incident to and necessary or convenient to carry out the bond issue for the fund, and all other expenditures of the treasurer of state necessary or convenient to administer the fund. The bonds are investment securities and negotiable instruments within the meaning of and for purposes of the uniform commercial code, chapter 554.

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

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

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

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

12E.16 BANKRUPTCY.

Prior to the date which is three hundred sixty-six days after which the authority no longer has any bonds outstanding, the authority is prohibited from filing a voluntary petition under chapter 9 nine of the federal bankruptcy code, 11 U.S.C. § 901 et seq., or such corresponding chapter or section as may, from time to time, be in effect, and a public official or organization, entity, or other person shall not authorize the authority to be or become a debtor under chapter 9 nine or any successor or corresponding chapter or sections during such periods. The provisions of this section shall be part of any contractual obligation owed to the holders of bonds issued under this chapter. Any such contractual obligation shall not subsequently be modified by state law, during the period of the contractual obligation.

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

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

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

10. It is the intention of the general assembly that a pledge made in respect of bonds or notes shall be valid and binding from the time the pledge is made, that the money or property so pledged and received after the pledge by the

authority shall immediately be subject to the lien of the pledge without physical delivery or further act, and that the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the authority whether or not the parties have notice of the lien. Neither the resolution, trust agreement, nor any other instrument by which a pledge is created needs to be recorded or filed under the Iowa uniform commercial code, chapter 554, to be valid, binding, or effective against the parties.

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

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

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

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

The purposes of the ~~Iowa administrative procedure Act~~ this chapter are: To provide legislative oversight of powers and duties delegated to administrative agencies; to increase public accountability of administrative agencies; to simplify government by assuring a uniform minimum procedure to which

all agencies will be held in the conduct of their most important functions; to increase public access to governmental information; to increase public participation in the formulation of administrative rules; to increase the fairness of agencies in their conduct of contested case proceedings; and to simplify the process of judicial review of agency action as well as increase its ease and availability. In accomplishing its objectives, the intention of this chapter is to strike a fair balance between these purposes and the need for efficient, economical and effective government administration. The chapter is not meant to alter the substantive rights of any person or agency. Its impact is limited to procedural rights with the expectation that better substantive results will be achieved in the everyday conduct of state government by improving the process by which those results are attained.

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

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

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

29B.82 DESERTION.

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

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

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

3- c. Without being regularly separated from one of the state military forces enlists or accepts an appointment in the same or another one of the state military forces, or in one of the armed forces of the United States, without duly disclosing the fact that the member has not been regularly separated; ~~is guilty of desertion.~~

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

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

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

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

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

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

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

76.16 DEBTOR STATUS PROHIBITED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

99D.20 AUDIT OF LICENSEE OPERATIONS.

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

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

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

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

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

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

135.31 LOCATION OF BOARDS -- RULEMAKING.

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

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

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

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

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

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

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

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

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

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

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

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

135J.7 RULES.

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

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

3. For the board of nursing examiners, four registered nurses, two of whom shall be actively engaged in practice, two of whom shall be nurse educators from nursing education programs; of these, one in higher education and one in area community and vocational-technical registered nurse education;

one licensed practical nurse actively engaged in practice; and two members not registered nurses or licensed practical nurses and who shall represent the general public. The representatives of the general public shall not be members of health care delivery systems. A majority of the members of the board constitutes a quorum.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 43. Section 167.15, subsection 2, Code 2005, is amended to read as follows:

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

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

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

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

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

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

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

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

181.17 PRODUCERS NOT MEMBERS.

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

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

181.18 RULES.

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

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

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

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

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

216E.7 EXEMPTIONS.

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

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

1. The department of human services shall cause a refugee services foundation to be created for the sole purpose of engaging in refugee resettlement activities to promote the welfare and self-sufficiency of refugees who live in Iowa and who are not citizens of the United States. The foundation may establish an endowment fund to assist in the financing of its activities. The foundation shall be incorporated under chapter 504 or 504A.

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

## 218.28 INVESTIGATION.

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

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

## 229.36 LIMITATION ON PROCEEDINGS.

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

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

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

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

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

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

15. The board of directors of a school district or the authorities in charge of a nonpublic school may award credit toward graduation to a student if the student successfully completes basic training in for service as a member of the

Iowa army national guard, the Iowa air national guard, ~~or as a member of~~ the active military forces of the United States, ~~or as a member of~~ the army national guard of the United States, or the air national guard of the United States.

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

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

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

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

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

2. Prior to the ~~organization~~ organizational meeting of the newly formed district, the boards of the former districts shall designate directors to be retained as members to serve on the initial board, and if the total number of directors determined under subsection 1 is an even number, that number of directors shall function and may within five days of the organizational meeting appoint one additional director by unanimous vote with all directors voting. Otherwise, the board shall function until a special election can be held to elect an additional director. The procedure for calling the special election shall be the procedure specified in section 275.25. If there is an insufficient number of board members eligible to be retained from a former school district, the board of the former school district may appoint members to

fill the vacancies. A vacancy occurs if there is an insufficient number of former board members who reside in the newly formed district or if there is an insufficient number who are willing to serve on the board of the newly formed district.

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

279.27 DISCHARGE OF TEACHER.

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

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

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

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

2. For purposes of this section, "public utility" means a public utility as defined in section 476.1, and shall also include waterworks, municipally owned waterworks, joint water utilities, rural water districts incorporated under chapter

357A or chapter 504 or 504A, and cooperative water associations. For the purposes of this section, "utility facilities" means any cables, conduits, wire, pipe, casing pipe, supporting poles, guys, and other material and equipment utilized for the furnishing of electric, gas, communications, water, or sewer service.

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

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

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

(2) Display, offer for sale, and negotiate sales of new motor vehicles at fair events, as defined in chapter 174, vehicle shows, and vehicle exhibitions, upon application for and receipt of a temporary permit issued by the department. Such activities may only be conducted at ~~fairs~~ fair events, vehicle shows, and vehicle exhibitions that are held in the county of the motor vehicle dealer's principal place of business. A sale of a motor vehicle by a motor vehicle dealer shall not be completed and an agreement for the sale of a motor vehicle shall not be signed at a fair event, vehicle show, or vehicle exhibition. All such sales shall be consummated at the motor vehicle dealer's principal place of business.

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

329.13 ADMINISTRATION OF AIRPORT ZONING REGULATIONS.

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

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

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

Sec. 66. Section 331.609, subsection 3, paragraph b, subparagraphs (1) and (2), Code 2005, are amended to read as follows:

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

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

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

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

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

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

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

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

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

A local sales and services tax at the rate of not more than one percent may be imposed by a county on the sales price taxed by the state under chapter 423, subchapter II. A local sales and services tax shall be imposed on the same basis as the state sales and services tax or in the case of the use of natural gas, natural gas service, electricity, or electric service on the same basis as the state use tax and shall not

be imposed on the sale of any property or on any service not taxed by the state, except the tax shall not be imposed on the sales price from the sale of motor fuel or special fuel as defined in chapter 452A which is consumed for highway use or in watercraft or aircraft if the fuel tax is paid on the transaction and a refund has not or will not be allowed, on the sales price from the rental of rooms, apartments, or sleeping quarters which are taxed under chapter 423A during the period the hotel and motel tax is imposed, on the sales price from the sale of equipment by the state department of transportation, on the sales price from the sale of self-propelled building equipment, pile drivers, motorized scaffolding, or attachments customarily drawn or attached to self-propelled building equipment, pile drivers, and motorized scaffolding, including auxiliary attachments which improve the performance, safety, operation, or efficiency of the equipment and replacement parts and are directly and primarily used by contractors, subcontractors, and builders for new construction, reconstruction, alterations, expansion, or remodeling of real property or structures, and on the sales price from the sale of a lottery ticket or share in a lottery game conducted pursuant to chapter 99G and except the tax shall not be imposed on the sales price from the sale or use of natural gas, natural gas service, electricity, or electric service in a city or county where the sales price from the sale of natural gas or electric energy are is subject to a franchise fee or user fee during the period the franchise or user fee is imposed. A local sales and services tax is applicable to transactions within those incorporated and unincorporated areas of the county where it is imposed and shall be collected by all persons required to collect state sales taxes. However, a person required to collect state retail sales tax under chapter 423, subchapter V or VI, is not required to collect local sales and services tax on transactions delivered within the area where the local sales and services tax is imposed unless the person has physical

presence in that taxing area. All cities contiguous to each other shall be treated as part of one incorporated area and the tax would be imposed in each of those contiguous cities only if the majority of those voting in the total area covered by the contiguous cities favors its imposition.

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

2. The tax shall be imposed on the same basis as the state sales and services tax or in the case of the use of natural gas, natural gas service, electricity, or electric service on the same basis as the state use tax and shall not be imposed on the sale of any property or on any service not taxed by the state, except the tax shall not be imposed on the sales price from the sale of motor fuel or special fuel as defined in chapter 452A which is consumed for highway use or in watercraft or aircraft if the fuel tax is paid on the transaction and a refund has not or will not be allowed, on the sales price from the rental of rooms, apartments, or sleeping quarters which are taxed under chapter 423A during the period the hotel and motel tax is imposed, on the sales price from the sale of equipment by the state department of transportation, on the sales price from the sale of self-propelled building equipment, pile drivers, motorized scaffolding, or attachments customarily drawn or attached to self-propelled building equipment, pile drivers, and motorized scaffolding, including auxiliary attachments which improve the performance, safety, operation, or efficiency of the equipment, and replacement parts and are directly and primarily used by contractors, subcontractors, and builders for new construction, reconstruction, alterations, expansion, or remodeling of real property or structures, and on the sales price from the sale of a lottery ticket or share in a lottery game conducted pursuant to chapter 99G and except the tax shall not be imposed on the sales price from the sale or use of natural gas, natural gas service, electricity, or electric service in a city or county where the sales price from the

sale of natural gas or electric energy are is subject to a franchise fee or user fee during the period the franchise or user fee is imposed.

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

A manufactured home community or a mobile home park must be classified as to whether it is a residential manufactured home community or a mobile home park or a recreational manufactured home community or a mobile home park or both. The manufactured home community communities or mobile home park parks residential landlord and tenant Act, chapter 562B, only applies to residential manufactured home communities or mobile home parks.

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

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

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

453A.26 LIENS AND ACTIONS.

All of the provisions for the lien of the tax, its collection, and all actions as provided in the uniform sales and use tax administration Act, chapter 423, shall apply to the tax imposed by this chapter, except that where the sales tax and the cigarette tax may become conflicting liens, they shall be of equal priority.

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

456A.18 REPORT OF FUNDS.

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

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

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

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

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

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

d. The person is enjoined or restrained by a court of competent jurisdiction in an action instituted by the administrator under this chapter or ~~the predecessor~~ chapter 502, Code 2003 and Code Supplement 2003, a state, the securities and exchange commission, or the United States from engaging in or continuing an act, practice, or course of business involving an aspect of a business involving

securities, commodities, investments, franchises, insurance, banking, or finance.

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

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

1. ADMINISTRATION. This chapter shall be administered by the commissioner of insurance of this state. The administrator shall appoint a deputy administrator who shall be exempt from the merit system provisions of chapter 8A, subchapter IV. The deputy administrator is the principal operations officer of the securities bureau of the insurance division of the department of commerce. The deputy administrator is responsible to the administrator for the routine administration of this chapter and the management of the securities bureau. In the absence of the administrator, whether because of vacancy in the office, by reason of absence, physical disability, or other cause, the deputy administrator shall be the acting administrator and shall, for that period, have and exercise the authority conferred upon the administrator. The administrator may by order delegate to the deputy administrator any or all of the functions assigned to the administrator under this chapter. The administrator shall employ officers, attorneys, accountants, and other employees as needed for the administration of the this chapter.

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

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

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

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

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

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

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

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

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

j. "Personal insurance" means personal insurance and not commercial insurance and is limited to private passenger automobile, homeowners, farm owners, personal farm liability, motorcycle, mobile home owners, noncommercial dwelling fire insurance, boat, personal watercraft, snowmobile, and recreational vehicle insurance policies, that are individually underwritten for personal, family, farm, or household use. No other type of insurance is included as personal insurance for the purposes of this section.

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

3. DISPUTE RESOLUTION AND ERROR CORRECTION. If it is determined through the dispute resolution process set forth under the federal Fair Credit Reporting Act, 15 U.S.C. § 1681i(a)(5), that the credit information of a current insured is incorrect or incomplete and the insurer receives notice of such determination from either the consumer reporting agency or from the insured, the insurer shall re-underwrite and re-

rate the insured within thirty days of receiving the notice. After re-underwriting or re-rating the insured, the insurer shall make any adjustments necessary, consistent with the insurer's underwriting and rating guidelines. If an insurer determines that an insured has overpaid the premium on a personal insurance policy, the insurer shall refund the amount of the overpayment to the insured, calculated for either the last twelve months of coverage or the actual policy period, whichever is shorter.

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

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

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

~~SECOND-~~ 2. STANDARD POLICY, ADDITIONS, RIDERS AND CLAUSES. It shall be unlawful for any insurance company to issue any policy of fire insurance upon any property in this state except upon automobiles, airplanes, seaplanes, dirigibles, or other aircraft, farm crops until stored, marine and inland marine risks other or different from the standard form of fire insurance policy herein set forth.

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

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

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

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

~~FOURTH-~~ 4. Two or more insurers authorized to do in this state the business of fire insurance, may, with the approval of the commissioner of insurance, issue a combination standard form of policy which shall contain the following:

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

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

~~FIFTH-~~ 5. Appropriate forms of other contracts or endorsements, insuring against one or more of the perils incident to the ownership, use or occupancy of said property, other than fire and lightning, which the insurer is empowered

to assume, may be used in connection with the standard policy. Such forms of other contracts or endorsements attached or printed thereon may contain provisions and stipulations inconsistent with the standard policy if applicable only to such other perils. The pages of the standard policy may be renumbered and rearranged to provide space for the listing of rates and premiums for coverages insured thereunder or under endorsements attached or printed thereon, and such other data as may be included for duplication on daily reports for office records. An insurer may issue a policy, either on an unspecified basis as to coverage or for an indivisible premium, which contains coverage against the peril of fire and substantial coverage against other perils, if such policy includes provisions with respect to the peril of fire which are the substantial equivalent of the minimum provisions of such standard policy, provided further the policy is complete as to all its terms of coverage without reference to any other document and is approved in accordance with section 515.109.

SIXTH- 6. The form of the standard policy (with permission to substitute for the word "company" a more accurate descriptive term for the type of insurer) shall be as follows:

FIRST PAGE OF STANDARD FIRE POLICY

No. ...

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

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

IN CONSIDERATION OF THE PROVISIONS AND STIPULATIONS HEREIN OR ADDED HERETO AND OF .... DOLLARS PREMIUM this company, for the term of ..... from the ..... day of ..... (month), ..... (year), to the .... day of ..... (month), .... (year), at noon, Standard Time, at location of property involved, to

an amount not exceeding ..... Dollars, does insure ..... and legal representatives, to the extent of the actual cash value of the property at the time of loss, but not exceeding the amount which it would cost to repair or replace the property with material of like kind and quality within a reasonable time after such loss, without allowance for any increased cost of repair or reconstruction by reason of any ordinance or law regulating construction or repair, and without compensation for loss resulting from interruption of business or manufacture, nor in any event for more than THE INTEREST OF THE INSURED, AGAINST ALL DIRECT LOSS BY FIRE, LIGHTNING AND BY REMOVAL FROM PREMISES ENDANGERED BY THE PERILS INSURED AGAINST IN THIS POLICY, EXCEPT AS HEREINAFTER PROVIDED, to the property described hereinafter while located or contained as described in this policy, or pro rata for five days at each proper place to which any of the property shall necessarily be removed for preservation from the perils insured against in this policy, but not elsewhere.

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

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

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

.....  
.....  
Secretary. President.  
Countersigned this ....  
day of ..... (month), ... (year).  
.....  
Agent.

SECOND PAGE OF STANDARD FIRE POLICY

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

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

**PERILS NOT INCLUDED.** This company shall not be liable for loss by fire or other perils insured against in this policy caused, directly or indirectly, by: (a) Enemy attack by armed forces, including action taken by military, naval or air forces in resisting an actual or an immediately impending enemy attack; (b) invasion; (c) insurrection; (d) rebellion; (e) revolution; (f) civil war; (g) usurped power; (h) order of any civil authority except acts of destruction at the time of and for the purpose of preventing the spread of fire, provided that such fire did not originate from any of the perils excluded by this policy; (i) neglect of the insured to use all reasonable means to save and preserve the property at and after a loss, or when the property is endangered by fire in neighboring premises; (j) nor shall this company be liable for loss by theft.

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

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

- a. While the hazard is increased by any means within the control or knowledge of the insured; or
- b. While a described building, whether intended for occupancy by owner or tenant, is vacant or unoccupied beyond a period of sixty consecutive days; or

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

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

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

**WAIVER PROVISIONS.** No permission affecting this insurance shall exist, or waiver of any provision be valid, unless granted herein or expressed in writing added hereto. No provision, stipulation or forfeiture shall be held to be waived by any requirement or proceeding on the part of this company relating to appraisal or to any examination provided for herein.

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

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

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

**PRO RATA LIABILITY.** This company shall not be liable for a greater proportion of any loss than the amount hereby insured shall bear to the whole insurance covering the property against the peril involved, whether collectible or not.

**REQUIREMENTS IN CASE LOSS OCCURS.** The insured shall give immediate written notice to this company of any loss, protect the property from further damage, forthwith separate the damaged and undamaged personal property, put it in the best possible order, furnish a complete inventory of the destroyed, damaged and undamaged property, showing in detail quantities, costs, actual cash value and **AMOUNTS OF LOSS CLAIMED; AND WITHIN SIXTY DAYS AFTER THE LOSS, UNLESS SUCH TIME IS EXTENDED IN WRITING BY THIS COMPANY, THE INSURED SHALL RENDER TO THIS COMPANY A PROOF OF LOSS,** signed and sworn to by the insured, stating the knowledge and belief of the insured as to the following: The time and origin of the loss, the interest of the insured and of all others in the property, the actual cash value of each item thereof and the amount of loss thereto, all encumbrances thereon, all other contracts of insurance, whether valid or not, covering any of said property, any changes in the title, use, occupation, location, possession or exposures of said property since the issuing of this policy, by whom and for what purpose any building herein described and

the several parts thereof were occupied at the time of loss and whether or not it then stood on leased ground, and shall furnish a copy of all the descriptions and schedules in all policies and, if required, verified plans and specifications of any building, fixtures or machinery destroyed or damaged. The insured, as often as may be reasonably required, shall exhibit to any person designated by this company all that remains of any property herein described, and submit to examinations under oath by any person named by this company, and subscribe the same; and, as often as may be reasonably required, shall produce for examination all books of account, bills, invoices and other vouchers, or certified copies thereof if originals be lost, at such reasonable time and place as may be designated by this company or its representative, and shall permit extracts and copies thereof to be made.

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

**COMPANY'S OPTIONS.** It shall be optional with this company to take all, or any part, of the property at the agreed or

appraised value, and also to repair, rebuild or replace the property destroyed or damaged with other of like kind and quality within a reasonable time, on giving notice of its intention so to do within thirty days after the receipt of the proof of loss herein required.

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

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

SUIT. No suit or action on this policy for the recovery of any claim shall be sustainable in any court of law or equity unless all the requirements of this policy shall have been complied with, and unless commenced within twelve months next after inception of the loss.

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

THIRD PAGE OF STANDARD FIRE POLICY

Attach Form Below This Line

FOURTH PAGE OF STANDARD FIRE POLICY

Standard Fire Insurance Policy

-----

Expires .....

Property .....

Total

Amount \$ ..... Premium \$ .....

Insured .....

SEE INSIDE OF POLICY FOR PERILS COVERED  
No.

-----  
(Space of approximately two (2) inches for use of

Agent or Insurer.)

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

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

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

10. "Board of directors" means the board of directors of a state bank as provided in section 524.601. For a state banks bank organized as a limited liability company under this chapter, "board of directors" means a board of directors or board of managers as designated by the limited liability company in its articles of organization or operating agreement.

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

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

A state bank owning at least ninety percent of the outstanding shares, of each class, of another corporation or limited liability company which it is authorized to own under this chapter, may merge the other corporation or limited liability company into itself without approval by a vote of the shareholders of either the state bank or the subsidiary corporation or limited liability company. The board of directors of the state bank shall approve a plan of merger, mail the plan of merger to shareholders of record of the subsidiary corporation or holders of membership interests in the subsidiary limited liability company, and prepare and execute articles of merger in the manner provided for in section 490.1105. The articles of merger, together with the applicable filing and recording fees, shall be delivered to

the superintendent who shall, if the superintendent approves of the proposed merger and if the superintendent finds the articles of merger satisfy the requirements of this section, deliver them to the secretary of state for filing and recording in the secretary of state's office, and they shall be filed in the office of the county recorder. The secretary of state upon filing the articles of merger shall issue a certificate of merger and send the certificate to the state bank and a copy of it to the superintendent.

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

3. SUPERVISION DURING LIQUIDATION. During the period of voluntary liquidation of any such association, the superintendent shall have substantially the same powers and duties as to supervision as before such liquidation, and the persons in charge of such voluntary liquidation shall furnish and deposit with the superintendent such bonds as the superintendent shall require and approve, and shall semiannually, or ~~oftener more often~~ if required by the superintendent report fully as to their doings and progress, and as to the financial condition of the association. Upon completion of such liquidation they shall file with the superintendent a verified final report of such liquidation and disbursement of proceeds and upon approval of such report the superintendent shall issue a written order discharging the liquidators, and their duties shall thereupon cease.

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

6. The total charge for an examination or investigation shall be paid by the licensee to the administrator within thirty days after the administrator has requested payment. The administrator may by rule provide for a charge for late payment of the fee. The amount of the fee shall be based on the actual costs of the examination as determined by the administrator. Examination reports and correspondence regarding these reports shall be kept confidential except as

provided in this subsection, notwithstanding chapter 22. The administrator may release the reports and correspondence in the course of an enforcement proceeding or a hearing held by the administrator. The administrator may also provide this information to the attorney general for purposes of enforcing this chapter or the consumer fraud Act, section 714.16.

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

If the application is denied, the superintendent shall within twenty days thereafter file with the banking department division a written transcript of the evidence and decision and findings with respect thereto containing the reasons supporting the denial, and forthwith serve upon the applicant a copy thereof.

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

537.1103 LAW APPLICABLE.

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

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

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

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

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

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

1. DISCLOSURE DOCUMENT REQUIRED. A person required to file an irrevocable consent to service of process with the secretary of state as a seller as provided in section 551A.7 shall not act as seller in the this state unless the person provides a written disclosure document to each purchaser. The person shall deliver the written disclosure document to the purchaser at least ten business days prior to the earlier of the purchaser's execution of a contract imposing a binding legal obligation on the purchaser or the payment by a purchaser of any consideration in connection with the offer or sale of the business opportunity.

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

554D.101 SHORT TITLE.

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

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

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

All instruments containing a power to convey, or in any manner relating to real estate, including certified copies of petitions in bankruptcy with or without the schedules appended, of decrees of adjudication in bankruptcy, and of orders approving trustees' bonds in bankruptcy, and a jobs training agreement entered into under chapter 260E or 260F between an employer and community college which contains a description of the real estate affected, shall be held to be instruments affecting the same; and no such instrument, when acknowledged or certified and recorded as in this chapter prescribed, can be revoked as to third parties by any act of

the parties by whom it was executed, until the instrument containing such revocation is acknowledged and filed for record in the same office in which the instrument containing such power is recorded, except that uniform commercial code financing statements and financing statement changes as provided in chapter 554 need not be thus acknowledged.

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

558.42 ACKNOWLEDGMENT AS CONDITION PRECEDENT.

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

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

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

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

589.9 MARGINAL RELEASES OF SCHOOL-FUND MORTGAGES.

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

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

589.22 CERTAIN LOANS, CONTRACTS AND MORTGAGES.

All loans, contracts, and mortgages which are affected by the repeal of ~~chapter 1898 Iowa Acts, ch 48, Acts-of-the Twenty-seventh-General-Assembly,~~ are hereby legalized so far as to permit recovery to be had thereon for interest at the rate of eight percent per annum, but at no greater rate, and nothing contained in such contracts shall be construed to be usurious so as to work a forfeiture of any penalty to the school fund.

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

600B.28 REPORT BY TRUSTEE.

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

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

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

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

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

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

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

3. To commence membership under the judicial retirement system pursuant to article 9, part 1, retroactive to the date the associate juvenile judge or associate probate judge became an associate juvenile judge or associate probate judge, and to cease to be a member of the Iowa public employees' retirement system, effective July 1, 1998. The department of ~~administrative-services~~ personnel shall transmit by January 1, 1999, to the state court administrator for deposit in the judicial retirement fund the associate juvenile judge's or associate probate judge's accumulated contributions as defined in section 97B.1A, subsection 2, for the judge's period of membership service as an associate juvenile judge or associate probate judge. Before July 1, 2000, or at retirement previous to that date, an associate juvenile judge or associate probate judge who becomes a member of the judicial retirement system pursuant to this subsection shall contribute to the judicial retirement fund an amount equal to the difference between four percent of the associate juvenile judge's or associate probate judge's total salary received for the entire period of service before July 1, 1998, as an associate juvenile judge or associate probate judge, and the associate juvenile judge's or associate probate judge's accumulated contributions transmitted by the department of ~~administrative-services~~ personnel to the state court administrator pursuant to this subsection. The associate juvenile judge's or associate probate judge's contribution shall not be limited to the amount specified in section 602.9104, subsection 1. The state court administrator shall credit an associate juvenile judge or associate probate judge with service under the judicial retirement system for the period of service for which contributions at the four percent level are made.

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

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

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

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

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

636.28 ANNUAL ACCOUNTING.

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

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

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

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

5. As used in this section, "health-care-provider" means ~~an emergency medical care provider as defined in chapter 147A or a person licensed or registered under chapter 1407-140C, 140D7-1507-150A7, or 152 who is providing or who is attempting to provide emergency medical services, as defined in section 147A-17, or who is providing or who is attempting to provide health services as defined in section 135.61 in a hospital, -- a person who commits an assault under this section against a health care provider in a hospital, or at the scene or during out-of-hospital patient transportation in an ambulance, is presumed to know that the person against whom the assault is committed is a health care provider. the following definitions apply:~~

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

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

8: b. As used in this section, "employee "Employee of the department of human services" means a person who is an employee of an institution controlled by the director of human services that is listed in section 218.1, or who is an employee of the civil commitment unit for sex offenders operated by the department of human services. A person who commits an assault under this section against an employee of the department of human services at a department of human services institution or unit is presumed to know that the

person against whom the assault is committed is an employee of the department of human services.

c. "Health care provider" means an emergency medical care provider as defined in chapter 147A or a person licensed or registered under chapter 148, 148C, 148D, 150, 150A, or 152 who is providing or who is attempting to provide emergency medical services, as defined in section 147A.1, or who is providing or who is attempting to provide health services as defined in section 135.61 in a hospital. A person who commits an assault under this section against a health care provider in a hospital, or at the scene or during out-of-hospital patient transportation in an ambulance, is presumed to know that the person against whom the assault is committed is a health care provider.

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

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

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

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

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

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

b. "Confirmed positive test result" means, except for alcohol testing conducted pursuant to subsection 7, paragraph "f", subparagraph (2), the results of a blood, urine, or oral

fluid test in which the level of controlled substances or metabolites in the specimen analyzed meets or exceeds nationally accepted standards for determining detectable levels of controlled substances as adopted by the federal substance abuse and mental health services administration. If nationally accepted standards for oral fluid tests have not been adopted by the federal substance abuse and mental health services administration, the standards for determining detectable levels of controlled substances for purposes of determining a confirmed positive test result shall be the same standard that has been established by the federal food and drug administration for the measuring instrument used to perform the oral fluid test.

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

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

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

SEC. 117. Sections 15E.149, 422.15, 486A.901, 486A.902, 486A.906, and 490A.1203, and-669-14, Code 2003, and section 669.14, Code Supplement 2003, as amended by this Act, are amended by striking from the sections the figure and word "487 or" or the figure "487,".

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

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

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

Sec. 116. 2004 Iowa Acts, chapter 1084, section 8, the portion enacting section 812.6, subsection 3, Code 2005, is amended to read as follows:

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

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

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

Sec. 118. EFFECTIVE DATES AND RETROACTIVE APPLICABILITY.

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

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

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

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JEFFREY M. LAMBERTI  
President of the Senate

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CHRISTOPHER C. RANTS  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 113, Eighty-first General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved 3/3, 2005

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THOMAS J. VILSACK  
Governor