

**CHAPTER 3**

## NONSUBSTANTIVE CODE CORRECTIONS

S.F. 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 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:~~

1. 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;

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 bar-

gaining 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~~ 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~~ 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 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 ap-

plicable 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 re-



sulting from interruption of business or manufacture, nor in any event for more than THE INTEREST OF THE INSURED, AGAINST ALL<sup>1</sup> 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

<sup>1</sup> The words "the interest of the insured, against all" were changed from lowercase to capitals by computer error; they should be lowercase

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;<sup>2</sup> 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 compe-

<sup>2</sup> The words "amounts of loss claimed" were changed from lowercase to capitals by computer error; they should be lowercase

tent 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.)  
 -----

-----  
 (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 ~~often~~ 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 ~~often~~ 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 ~~often~~ 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 ~~often~~ 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 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. 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 polit-

ical 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.

Approved March 3, 2005