

survives into the month for which benefits are first payable, and does not return to employment as defined in this chapter until the member has qualified for no fewer than four calendar ~~month's~~ months of retirement benefits.

2. A member may commence receiving retirement benefits under this chapter upon satisfying eligibility requirements ~~and remaining out of covered employment for one calendar month~~. However, a retired member who commences receiving a retirement allowance but returns to employment before ~~the expiration of the one hundred twenty consecutive day period~~ qualifying for no fewer than four calendar months of retirement benefits, does not have a bona fide retirement and any retirement allowance received by such a member must be returned to the system together with interest earned on the retirement allowance calculated at a rate determined by the department. Until the member has repaid the retirement allowance and interest, the department may withhold any future retirement allowance for which the member may qualify.

Sec. 11. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES. This Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 1995.

Approved April 26, 1995

CHAPTER 103

PRINTING OF ELECTION BALLOTS - ELIMINATION OF COMPETITIVE BIDDING S.F. 225

AN ACT eliminating requirements for competitive bids regarding the printing of election ballots.

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

Section 1. Section 47.5, subsection 1, paragraph b, Code 1995, is amended by striking the paragraph.

Sec. 2. Section 47.5, subsection 1, paragraph d, Code 1995, is amended to read as follows:

d. ~~No bids~~ Bids shall not be required for legal services or the printing of ballots.

Approved April 26, 1995

CHAPTER 104

REMOVAL OF VALUELESS MOBILE, MODULAR, AND MANUFACTURED HOMES S.F. 226

AN ACT relating to the disposition of valueless mobile homes, modular homes, and manufactured homes.

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

Section 1. NEW SECTION. 555C.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Home" means a mobile home, modular home, or a manufactured home as defined in section 435.1.

2. "Mobile home park" means a mobile home park as defined in section 435.1.

3. "Personal property" includes personal property of the owner or other occupant of the home, which is located in the home, on the lot where the home is located, in the immediate vicinity of the home or lot, or in any storage area provided by the real property owner for use of the home owner or occupant.

4. "Valueless home" means a home located in a mobile home park including all other personal property, where all of the following conditions exist:

a. The home has been abandoned as defined in section 562B.27, subsection 1, and the home has not been removed after the right to possession of the underlying real estate has been terminated pursuant to chapter 648.

b. A lien of record, other than a tax lien as provided in chapter 435, does not exist against the home. A lien exists only if the real property owner receives notice of a lien on the standardized registration form completed by an owner or occupant pursuant to chapter 562B, or a lien has been filed in the state or county records on a date before the home is considered to be valueless.

c. The value of the home and other personal property is equal to or less than the reasonable cost of disposal plus all sums owing to the real property owner pertaining to the home.

Sec. 2. NEW SECTION. 555C.2 REMOVAL OF VALUELESS HOME – PRESUMPTION OF VALUE.

1. An owner of a mobile home park may remove, or cause to be removed, from the mobile home park a valueless home and personal property associated with the home at any time following a determination of abandonment in accordance with section 562B.27, subsection 1, and an order of removal pursuant to chapter 648 without further notice to the owner or occupant of the valueless home. Within ten days of the removal, the mobile home park owner shall give written notice to the county treasurer for the county in which the mobile home park is located by affidavit which shall include a description of the valueless home, its owner or occupant, if known, the date of removal, and if applicable, the name and address of any third party to whom a new title shall be issued.

2. A valueless home and any personal property associated with the valueless home shall be conclusively deemed in value to be equal to or less than the reasonable cost of disposal plus all sums owing to the mobile home park owner pertaining to the valueless home, if the mobile home park owner or an agent of the owner removes the home and personal property to a demolisher, sanitary landfill, or other lawful disposal site or if the mobile home park owner allows a disinterested third party to remove the valueless home and personal property in a transaction in which the mobile home park owner receives no consideration.

Sec. 3. NEW SECTION. 555C.3 NEW TITLE – THIRD PARTY.

If a new title is to be issued to a third party who is removing a valueless home, the county treasurer shall issue, upon receipt of the affidavit required in section 555C.2, a new title upon payment of a fee equal to the fee specified in section 321.42 for replacement certificates of title for vehicles. Any tax lien levied pursuant to chapter 435 is canceled and the ownership interest of the previous owner or occupant of the valueless home is terminated as of the date of issuance of the new title. The new title owner shall take the title free of all rights and interests even though the mobile home park owner fails to comply with the requirements of this chapter or any judicial proceedings, if the new title owner acts in good faith.

Sec. 4. NEW SECTION. 555C.4 REMOVAL BY MOBILE HOME PARK OWNER.

Unless the valueless home is to be titled in the name of a third party, the mobile home park owner may dispose of a valueless home and any personal property to a demolisher, sanitary landfill, or other lawful disposal site under the terms and conditions as the mobile home park owner shall determine.

Sec. 5. NEW SECTION. 555C.5 LIABILITY LIMITED.

A person who removes or allows the removal of a valueless home as provided in this chapter is not liable to the previous owner of the valueless home due to the removal of the valueless home.

Sec. 6. NEW SECTION. 555C.6 RIGHTS OF REAL PROPERTY OWNER.

The rights provided in this chapter to a real property owner are not exclusive of other rights of the real property owner.

Approved April 26, 1995

CHAPTER 105
VALIDITY OF NOTARIAL ACTS
S.F. 272

AN ACT relating to the validity of a notarial act by an officer, director, or shareholder of a corporation and providing for retroactive application.

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

Section 1. NEW SECTION. 9E.10A NOTARIAL ACTS – VALIDITY.

The validity of a notarial act shall not be affected or impaired by the fact that the notarial officer performing the notarial act is an officer, director, or shareholder of a corporation that may have a beneficial interest or other interest in the subject matter of the notarial act.

Sec. 2. **RETROACTIVE APPLICABILITY.** This Act applies retroactively to January 1, 1985, to notarial acts performed on or after that date.

Approved April 26, 1995

CHAPTER 106
COOPERATIVE ASSOCIATIONS – PATRONAGE DIVIDENDS
S.F. 377

AN ACT relating to the payment of patronage dividends by cooperative associations which are public utilities.

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

Section 1. Section 499.30, subsection 5, Code 1995, is amended to read as follows:

5. Notwithstanding an association's articles of incorporation, for each taxable year of the association, the association shall allocate all remaining net earnings to the account of each member, including subscribers described in section 499.16, ratably in proportion to the business the member did with the association during that year. The directors shall determine, or the articles of incorporation or bylaws of the association may specify, the percentage or the amount of the allocation ~~that~~ to be currently ~~shall be~~ paid in cash.