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Place On Calendar

HOUSE FILE 2543
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 628)

Passed House, Date 3-6-06 Passed Senate, Date _____
Vote: Ayes 99 Nays 0 Vote: Ayes _____ Nays _____
Approved March 22, 2006

A BILL FOR

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

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HF-2543

1 Section 1. Section 2.1, Code 2005, is amended to read as
2 follows:

3 2.1 SESSIONS -- PLACE.

4 The sessions of the general assembly shall be held annually
5 at the seat of government, unless the governor shall convene
6 them at some other place in times of pestilence or public
7 danger. Each annual session of the general assembly shall
8 commence on the second Monday in January of each year. The
9 general assembly may recess from time to time during each year
10 in such manner as it may provide, subject to Article III,
11 section 14 of the Constitution of the ~~state~~ State of Iowa.

12 Sec. 2. Section 3.7, subsection 8, Code 2005, is amended
13 to read as follows:

14 8. An Act or resolution under this section is also subject
15 to the applicable provisions of Article III, sections 16 and
16 ~~17 of Article III~~ of the Constitution of the State of Iowa.

17 Sec. 3. Section 3.14, Code 2005, is amended to read as
18 follows:

19 3.14 CERTAIN APPROPRIATIONS PROHIBITED.

20 ~~No-appropriations~~ An appropriation shall not be made to any
21 institution not wholly under the control of the state of Iowa.

22 Sec. 4. Section 7.15, Code 2005, is amended to read as
23 follows:

24 7.15 FEDERAL FUNDS FOR HIGHWAY SAFETY.

25 The governor, in addition to other duties and
26 responsibilities conferred by the Constitution and laws of
27 this state, is hereby empowered to contract for the benefits
28 available to this state under any Act of Congress for highway
29 safety, law enforcement, or other related programs, and in so
30 doing, to co-operate with federal and state agencies, private
31 and public organizations, and with individuals, to effectuate
32 the purposes of these enactments. The governor shall be
33 responsible for and is hereby empowered to administer, either
34 through the governor's office or through one or more state
35 departments or agencies designated by the governor or any

1 combination of the foregoing the highway safety, law
2 enforcement and related programs of this state and those of
3 its political subdivisions, all in accordance with said Acts
4 and the Constitution of the ~~state~~ State of Iowa, in
5 implementation thereof.

6 Sec. 5. Section 9G.12, Code 2005, is amended to read as
7 follows:

8 9G.12 DUBUQUE AND PACIFIC RAILROAD LANDS.

9 The secretary of state is hereby authorized upon the
10 application of any person claiming title under the trust deeds
11 executed by the Dubuque and Pacific Railroad Company, to
12 secure its construction bonds, to any lands included in the
13 list of lands certified to the state of Iowa, by the
14 commissioner of the general land office and approved by the
15 secretary of the interior, as selected to satisfy the grant
16 made to the state of Iowa, by Act of Congress approved May 15,
17 1856 ~~{11, 11 Stat. 57-9}~~ 9, in aid of the construction of a
18 railroad from Dubuque to Sioux City; to certify said land as
19 inuring to the grantees of the said Dubuque and Pacific
20 Railroad Company, which certificate shall be signed by the
21 governor, and attested by the secretary of state, with the
22 seal of the state, and deliver the same to such applicant who
23 is hereby authorized to have said certificate recorded in the
24 county in which the land so certified is situated, and when so
25 recorded, shall be notice to all persons the same as deeds now
26 are, and shall be evidence of the title from the state of Iowa
27 to any person deriving title to said land under the Dubuque
28 and Pacific Railroad Company, to the land therein described
29 under the grant of Congress by which the land was certified to
30 the state so far as the certified lists made by the
31 commissioner aforesaid, conferred title to the state, but
32 where lands embraced in such lists are not of the character
33 embraced by such Acts of Congress or the Acts of the general
34 assembly of the state, and are not intended to be granted
35 thereby, the lists so far as these lands are concerned, shall

1 be void; nor shall the secretary include, in any of the lists
2 so certified to the state, lands which have been adjudicated
3 by the proper courts to belong to any other grant, or
4 adjudicated to belong to any county or individual under the
5 swampland grant, or any homestead or pre-emption preemption
6 settlement; nor shall said certificate so issued confer any
7 right or title as against any person or company having any
8 vested right, either legal or equitable, to any of the lands
9 so certified.

10 Sec. 6. Section 13.24, subsection 1, Code 2005, is amended
11 to read as follows:

12 1. The legal services provider which enters into a
13 contract with the coordinator under authority of 1986 Iowa
14 Acts, chapter ch. 1214 shall submit to the coordinator a
15 working plan for the accomplishment of the objectives of
16 chapter 1986 Iowa Acts, ch. 1214 within thirty days after the
17 contract is awarded. The plan must establish priorities and
18 procedures, and set forth its annual operating budget for the
19 fiscal year including projected salaries and all anticipated
20 expenses. This budget shall set forth the maximum obligation
21 of financial aid proposed for payment by the state and the
22 availability of any additional funds or resources from the
23 federal government and other sources to meet such expenses of
24 operation.

25 Sec. 7. Section 15.274, Code Supplement 2005, is amended
26 to read as follows:

27 15.274 PROMOTIONAL PROGRAM FOR NATIONAL HISTORIC LANDMARKS
28 AND CULTURAL AND ENTERTAINMENT DISTRICTS.

29 The department of economic development, in cooperation with
30 the state department of transportation and the department of
31 cultural affairs, shall establish and administer a program
32 designed to promote knowledge of and access to buildings,
33 sites, districts, structures, and objects located in this
34 state that have been designated by the secretary of the
35 interior of the United States as a national historic landmark,

1 unless the national historic landmark is protected under
2 section 22.7, subsection 20, and certified cultural and
3 entertainment districts, as established ~~in-2005-Iowa-Acts,-if~~
4 enacted pursuant to section 303.3B. The program shall be
5 designed to maximize the visibility and visitation of national
6 historic landmarks in this state and buildings, sites,
7 structures, and objects located in certified cultural and
8 entertainment districts, as established ~~in-2005-Iowa-Acts,-if~~
9 enacted pursuant to section 303.3B. Methods used to maximize
10 the visibility and visitation of such locations may include
11 the use of tourism literature, signage on highways, maps of
12 the state and cities, and internet websites. For purposes of
13 this section, "highway" means the same as defined in section
14 325A.1.

15 Sec. 8. Section 15A.9, subsection 5, paragraph a, Code
16 Supplement 2005, is amended to read as follows:

17 a. All property, as defined in former section 427A.1,
18 subsection 1, paragraphs "e" and "j", Code 1993, used by the
19 primary business or a supporting business and located within
20 the zone, shall be exempt from property taxation for a period
21 of twenty years beginning with the year it is first assessed
22 for taxation. In order to be eligible for this exemption, the
23 property shall be acquired or leased by the primary business
24 or a supporting business or relocated by the primary business
25 or a supporting business to the zone from outside the state
26 prior to project completion.

27 Sec. 9. Section 15G.111, subsection 2, unnumbered
28 paragraphs 1 and 2, Code Supplement 2005, are amended to read
29 as follows:

30 For the fiscal period beginning July 1, 2005, and ending
31 June 30, 2015, there is appropriated each fiscal year from the
32 grow Iowa values fund created in section 15G.108 to the
33 department of economic development five million dollars for
34 financial assistance to institutions of higher learning under
35 the control of the state board of regents for capacity

1 building infrastructure in areas related to technology
2 commercialization, for marketing and business development
3 efforts in areas related to technology commercialization,
4 entrepreneurship, and business growth, and for infrastructure
5 projects and programs needed to assist in the implementation
6 of activities under chapter 262B~~7--if-so-amended~~. In
7 allocating moneys to institutions under the control of the
8 state board of regents, the board shall require the
9 institutions to provide a one-to-one match of additional
10 moneys for the activities funded with moneys appropriated
11 under this subsection. The state board of regents shall
12 annually prepare a report for submission to the governor, the
13 general assembly, and the legislative services agency
14 regarding the activities, projects, and programs funded with
15 moneys appropriated under this subsection.

16 The state board of regents may allocate any moneys
17 appropriated under this subsection and received from the
18 department for financial assistance to a single biosciences
19 development organization determined by the department to
20 possess expertise in promoting the area of bioscience
21 entrepreneurship. The organization must be composed of
22 representatives of both the public and the private sector and
23 shall be composed of subunits or subcommittees in the areas of
24 existing identified biosciences platforms, education and
25 workforce development, commercialization, communication,
26 policy and governance, and finance. Such financial assistance
27 shall be used for purposes of activities related to
28 biosciences and bioeconomy development under chapter 262B, ~~if~~
29 ~~so-amended~~, and to accredited private universities in this
30 state.

31 Sec. 10. Section 15G.111, subsection 6, paragraph a, Code
32 Supplement 2005, is amended to read as follows:

33 a. For the fiscal period beginning July 1, 2005, and
34 ending June 30, 2015, there is appropriated each fiscal year
35 from the grow Iowa values fund created in section 15G.108 to

1 the department of economic development one million dollars for
2 providing economic development region financial assistance
3 under section 15E.232, subsections 3, 4, 5, and 6, 7, and 8,
4 and under section 15E.233.

5 Sec. 11. Section 15H.2, subsection 3, paragraph i, Code
6 Supplement 2005, is amended to read as follows:

7 i. Administer the retired and senior volunteer program.

8 Sec. 12. Section 16.2, subsection 8, Code 2005, is amended
9 to read as follows:

10 8. The net earnings of the authority, beyond that
11 necessary for retirement of its notes, bonds or other
12 obligations, or to implement the public purposes and programs
13 herein authorized, shall not inure to the benefit of any
14 person other than the state. Upon termination of the
15 existence of the authority, title to all property owned by the
16 authority, including any such net earnings of the authority,
17 shall vest in the state. The state reserves the right at any
18 time to alter, amend, repeal, or otherwise change the
19 structure, organization, programs or activities of the
20 authority, including the power to terminate the authority,
21 except that no law shall ever be passed impairing the
22 obligation of any contract or contracts entered into by the
23 authority to the extent that any such law would contravene
24 Article I, section 21 of the Constitution of the ~~state~~ State
25 of Iowa or Article I, section 10 of the Constitution of the
26 United States.

27 Sec. 13. Section 16.15, subsections 1, 5, 6, and 7, Code
28 2005, are amended to read as follows:

29 1. The authority shall participate in the housing
30 assistance payments program under section 8 of the United
31 States Housing Act of 1937, ~~section-1401-et-seq.7-title-42,~~
32 ~~United-States-Code,~~ as amended by section 201 of the Housing
33 and Community Development Act of 1974 (~~Public-Law-93-383~~),
34 Pub. L. No. 93-383, codified at 42 U.S.C. § 1437 et seq. The
35 purpose of participation is to enable the authority to obtain,

1 on behalf of the state of Iowa, set-asides of contract
2 authorization reserved by the United States secretary of
3 housing and urban development for public housing agencies, to
4 enter into annual contributions contracts, to otherwise
5 expedite use of the program through the use of state housing
6 finance funds, and to encourage new construction and
7 substantial rehabilitation of housing suitable for assistance
8 under the program. Assistance may be provided for existing
9 housing units made available by owners for the program, as
10 well as for newly constructed housing units. Maximum rents
11 shall be established by the authority in conformity with
12 federal law.

13 5. The authority shall, when appropriate, take necessary
14 steps to cooperate with the United States department of
15 agriculture in implementation of sections 517 and 521 of the
16 Housing Act of 1949, ~~sections-1487-and-1490a~~, ~~title-42~~, ~~United~~
17 ~~States-Code~~ codified at 42 U.S.C. § 1487 and 1490a, as amended
18 by section 514 of the Housing and Community Development Act of
19 1974 (~~Public-Law-93-383~~), Pub. L. No. 93-383. The purpose of
20 such programs is to extend to rural areas the provisions of
21 housing assistance payments programs.

22 6. The authority shall, when appropriate, take necessary
23 steps to participate in the programs of federal assistance to
24 state housing finance agencies for expanding the supply of
25 housing available to low or moderate income families, as
26 provided in section 802 of the Housing and Community
27 Development Act of 1974 (~~Public-Law-93-383~~), Pub. L. No. 93-
28 383.

29 7. The authority may participate in other programs under
30 the Housing and Community Development Act of 1974 (~~Public-Law~~
31 ~~93-383~~), Pub. L. No. 93-383, and in other federal programs
32 designed to increase the supply of adequate housing for low or
33 moderate income families and may recommend appropriate
34 legislation to the general assembly where further legislation
35 is needed to accomplish such participation. However, failure

1 of the authority to participate in the federal programs set
2 out in this section does not invalidate any bonds, notes or
3 other obligations of the authority.

4 Sec. 14. Section 22.3, Code Supplement 2005, is amended to
5 read as follows:

6 22.3 SUPERVISION -- FEES.

7 1. The examination and copying of public records shall be
8 done under the supervision of the lawful custodian of the
9 records or the custodian's authorized designee. The lawful
10 custodian shall not require the physical presence of a person
11 requesting or receiving a copy of a public record and shall
12 fulfill requests for a copy of a public record received in
13 writing, by telephone, or by electronic means. Fulfillment of
14 a request for a copy of a public record may be contingent upon
15 receipt of payment of expenses to be incurred in fulfilling
16 the request and such estimated expenses shall be communicated
17 to the requester upon receipt of the request. The lawful
18 custodian may adopt and enforce reasonable rules regarding the
19 examination and copying of the records and the protection of
20 the records against damage or disorganization. The lawful
21 custodian shall provide a suitable place for the examination
22 and copying of the records, but if it is impracticable to do
23 the examination and copying of the records in the office of
24 the lawful custodian, the person desiring to examine or copy
25 shall pay any necessary expenses of providing a place for the
26 work examination and copying.

27 2. All expenses of the work examination and copying shall
28 be paid by the person desiring to examine or copy. The lawful
29 custodian may charge a reasonable fee for the services of the
30 lawful custodian or the custodian's authorized designee in
31 supervising the examination and copying of the records during
32 the-work. If copy equipment is available at the office of the
33 lawful custodian of any public records, the lawful custodian
34 shall provide any person a reasonable number of copies of any
35 public record in the custody of the office upon the payment of

1 a fee. The fee for the copying service as determined by the
2 lawful custodian shall not exceed the actual cost of providing
3 the service. Actual costs shall include only those expenses
4 directly attributable to supervising the examination of and
5 making and providing copies of public records. Actual costs
6 shall not include charges for ordinary expenses or costs such
7 as employment benefits, depreciation, maintenance,
8 electricity, or insurance associated with the administration
9 of the office of the lawful custodian.

10 Sec. 15. Section 28.4, subsection 14, Code Supplement
11 2005, is amended to read as follows:

12 14. With the assistance of the state departments
13 represented on the Iowa empowerment board and the community
14 empowerment office, develop and implement requirements for
15 community empowerment areas and the state administrators of
16 programs providing early care or early care services to
17 annually report to the public and the early care staff
18 designated pursuant to section 28.3 regarding the results
19 produced by the community empowerment initiative and by the
20 programs. Source data shall also be made available to the
21 early care staff.

22 Sec. 16. Section 28J.2, subsection 1, Code Supplement
23 2005, is amended to read as follows:

24 1. Two or more political subdivisions may create a port
25 authority under this chapter by resolution. If a proposal to
26 create a port authority receives a favorable majority of the
27 members of the elected legislative body of each of the
28 political subdivision subdivisions, the port authority is
29 created at the time provided in the resolution. The
30 jurisdiction of a port authority includes the territory
31 described in section 28J.8.

32 Sec. 17. Section 28J.20, subsection 1, paragraph a, Code
33 Supplement 2005, is amended to read as follows:

34 a. Make loans for the acquisition or construction of the
35 facility to such person upon such terms as the port authority

1 may determine or authorize including secured or unsecured
2 loans⁷ⁱ and enter into loan agreements and other agreements,
3 accept notes and other forms of obligation to evidence such
4 indebtedness and mortgages, liens, pledges, assignments, or
5 other security interests to secure such indebtedness, which
6 may be prior or subordinate to or on a parity with other
7 indebtedness, obligations, mortgages, pledges, assignments,
8 other security interests, or liens or encumbrances, and take
9 actions considered appropriate to protect such security and
10 safeguard against losses, including, without limitation,
11 foreclosure and the bidding upon and purchase of property upon
12 foreclosure or other sale.

13 Sec. 18. Section 29A.3, Code 2005, is amended to read as
14 follows:

15 29A.3 UNITS OF GUARD.

16 The Iowa units, detachments, and organizations of the army
17 national guard of the United States and the air national guard
18 of the United States shall consist of such units, detachments,
19 and organizations, as may be specified by the secretary of
20 defense with the approval of the governor, in accordance with
21 law and regulations.

22 Sec. 19. Section 42.2, subsection 3, Code 2005, is amended
23 to read as follows:

24 3. As soon as possible after January 1 of each year ending
25 in one, the legislative services agency shall obtain from the
26 United States bureau of the census the population data needed
27 for legislative districting which the census bureau is
28 required to provide this state under United States Pub. L. No.
29 94-171, and shall use that data to assign a population figure
30 based upon certified federal census data to each geographic or
31 political unit described pursuant to subsection 2, paragraph
32 "a". Upon completing that task, the legislative services
33 agency shall begin the preparation of congressional and
34 legislative districting plans as required by section 42.3.

35 Sec. 20. Section 42.3, subsection 4, Code 2005, is amended

1 to read as follows:

2 4. Notwithstanding subsections 1, 2 and 3 of this section:

3 a. If population data from the federal census which is
4 sufficient to permit preparation of a congressional
5 districting plan complying with ~~article~~ Article III, section
6 37 of the Constitution of the State of Iowa becomes available
7 at an earlier time than the population data needed to permit
8 preparation of a legislative districting plan in accordance
9 with section 42.4, the legislative services agency shall so
10 inform the presiding officers of the senate and house of
11 representatives. If the presiding officers so direct, the
12 legislative services agency shall prepare a separate bill
13 establishing congressional districts and submit it separately
14 from the bill establishing legislative districts. It is the
15 intent of this chapter that the general assembly shall proceed
16 to consider the congressional districting bill in
17 substantially the manner prescribed by subsections 1, 2 and 3
18 of this section.

19 b. If the population data for legislative districting
20 which the United States census bureau is required to provide
21 this state under United States Pub. L. No. 94-171 and, if used
22 by the legislative services agency, the corresponding
23 topologically integrated geographic encoding and referencing
24 data file for that population data, is not available to the
25 legislative services agency on or before February 1 of the
26 year ending in one, the dates set forth in this section shall
27 be extended by a number of days equal to the number of days
28 after February 1 of the year ending in one that the federal
29 census population data and the topologically integrated
30 geographic encoding and referencing data file for legislative
31 districting becomes available.

32 Sec. 21. Section 42.4, subsection 1, paragraph b, Code
33 2005, is amended to read as follows:

34 b. Congressional districts shall each have a population as
35 nearly equal as practicable to the ideal district population,

1 derived as prescribed in paragraph "a" of this subsection. No
2 congressional district shall have a population which varies by
3 more than one percent from the applicable ideal district
4 population, except as necessary to comply with ~~article~~ Article
5 III, section 37 of the Constitution of the State of Iowa.

6 Sec. 22. Section 42.4, subsection 8, unnumbered paragraph
7 1, Code 2005, is amended to read as follows:

8 Each bill embodying a plan drawn under this section shall
9 include provisions for election of senators to the general
10 assemblies which take office in the years ending in three and
11 five, which shall be in conformity with ~~article~~ Article III,
12 section 6 of the Constitution of the State of Iowa. With
13 respect to any plan drawn for consideration in the year 2001,
14 those provisions shall be substantially as follows:

15 Sec. 23. Section 49.3, subsection 2, paragraph b, Code
16 2005, is amended to read as follows:

17 b. When the general assembly by resolution designates a
18 period after the federal decennial census is taken and before
19 the next succeeding reapportionment of legislative districts
20 required by Article III, section 35, of the Constitution of
21 the ~~state~~ State of Iowa as amended in 1968, during which
22 precincts may be drawn without regard to the boundaries of
23 existing legislative districts.

24 Sec. 24. Section 49.46, Code 2005, is amended by striking
25 the section and inserting in lieu thereof the following:

26 49.46 MARKING BALLOTS ON PUBLIC MEASURES.

27 The elector shall designate a vote by making the
28 appropriate mark in the voting target. On paper ballots an
29 "X", or a check mark may be placed in the proper target.

30 Sec. 25. Section 55.3, Code 2005, is amended to read as
31 follows:

32 55.3 SERVICE ON BOARDS, COMMISSIONS, TASK FORCES, AND
33 COMMITTEES.

34 For the purpose of this section, "state board" includes any
35 board, commission, committee, council, or task force of the

1 state government created by the ~~constitution~~ Constitution of
2 the State of Iowa, or by statute, resolution of the general
3 assembly, motion of the legislative council, executive order
4 of the governor, or supreme court order, but does not include
5 any such state board, commission, committee, council, or task
6 force for which an annual salary is provided for its members.
7 A person who is appointed to serve on a state board, upon
8 written application to the person's employer, shall be granted
9 leaves of absence from regular employment to attend the
10 meetings of the state board, except if leaves of absence are
11 prohibited by federal law. The leaves of absence may be
12 granted without pay and shall be granted without loss of net
13 credited service and benefits earned. This section does not
14 apply if the employer employs less than twenty full-time
15 employees.

16 Sec. 26. Section 63A.2, subsection 6, Code 2005, is
17 amended to read as follows:

18 6. All investigators for ~~supplemental~~ supplementary
19 assistance as provided for under chapter 249.

20 Sec. 27. Section 68A.404, subsection 2, paragraph a, Code
21 Supplement 2005, is amended to read as follows:

22 a. The ~~filing-of~~ requirement to file an independent
23 expenditure statement under this section does not ~~alone~~
24 require by itself mean that the person filing the independent
25 expenditure statement is required to register and file reports
26 under sections 68A.201 and 68A.402.

27 Sec. 28. Section 69.20, subsection 1, Code 2005, is
28 amended to read as follows:

29 1. A temporary vacancy in an elective office of a
30 political subdivision, community college, ~~and or~~ or hospital
31 board of trustees of this state occurs on the date when the
32 person filling that office is placed on state military service
33 or federal service, as those terms are defined in section
34 29A.1, and when such a person will not be able to attend to
35 the duties of that person's elective position for a period

1 greater than sixty consecutive days. The temporary vacancy
2 terminates on the date when such person is released from such
3 service, or the term of office expires.

4 Sec. 29. Section 80.22, Code 2005, is amended to read as
5 follows:

6 80.22 PROHIBITION ON OTHER DEPARTMENTS.

7 All other departments and bureaus of the state are hereby
8 prohibited from employing special peace officers or conferring
9 upon regular employees any police powers to enforce provisions
10 of the statutes which are specifically reserved by 1939 Iowa
11 Acts, ~~chapter~~ ch. 120, to the department of public safety.

12 But the commissioner of public safety shall, upon the
13 requisition of the attorney general, from time to time assign
14 for service in the department of justice such of its officers,
15 not to exceed six in number, as may be requisitioned by the
16 attorney general for special service in the department of
17 justice, and when so assigned such officers shall be under the
18 exclusive direction and control of the attorney general.

19 Sec. 30. Section 80.33, Code Supplement 2005, is amended
20 to read as follows:

21 80.33 ACCESS TO DRUG RECORDS BY PEACE OFFICERS.

22 A person required by law to keep records, and a carrier
23 maintaining records with respect to any shipment containing
24 any controlled or counterfeit substances shall, upon request
25 of an authorized peace officer of the department, designated
26 by the commissioner, permit such peace officer at reasonable
27 times to have access to and copy such records. For the
28 purpose of examining and verifying such records, an authorized
29 peace officer of the department, designated by the
30 commissioner, may enter at reasonable times any place or
31 vehicle in which any controlled or counterfeit substance is
32 held, manufactured, dispensed, compounded, processed, sold,
33 delivered, or otherwise disposed of and inspect such place or
34 vehicle and the contents of such place or vehicle. For the
35 purpose of enforcing laws relating to controlled or

1 counterfeit substances, and upon good cause shown, the a peace
2 officer of the department shall be allowed to inspect audits
3 and records in the possession of the state board of pharmacy
4 examiners.

5 Sec. 31. Section 85.34, subsection 7, paragraph b, Code
6 Supplement 2005, is amended to read as follows:

7 b. If an injured employee has a preexisting disability
8 that was caused by a prior injury arising out of and in the
9 course of employment with the same employer, and the
10 preexisting disability was compensable under the same
11 paragraph of ~~section-85-347~~ subsection 27 as the employee's
12 present injury, the employer is liable for the combined
13 disability that is caused by the injuries, measured in
14 relation to the employee's condition immediately prior to the
15 first injury. In this instance, the employer's liability for
16 the combined disability shall be considered to be already
17 partially satisfied to the extent of the percentage of
18 disability for which the employee was previously compensated
19 by the employer.

20 If, however, an employer is liable to an employee for a
21 combined disability that is payable under ~~section-85-347~~
22 subsection 2, paragraph "u", and the employee has a
23 preexisting disability that causes the employee's earnings to
24 be less at the time of the present injury than if the prior
25 injury had not occurred, the employer's liability for the
26 combined disability shall be considered to be already
27 partially satisfied to the extent of the percentage of
28 disability for which the employee was previously compensated
29 by the employer minus the percentage that the employee's
30 earnings are less at the time of the present injury than if
31 the prior injury had not occurred.

32 Sec. 32. Section 96.12, subsection 1, Code 2005, is
33 amended to read as follows:

34 1. DUTIES OF DEPARTMENT. The department shall establish
35 and maintain free public employment services accessible to all

1 Iowans for the purposes of this chapter, and for the purpose
2 of performing the duties required by federal and state laws
3 relating to employment and training including the Wagner-
4 Peyser Act, 48 Stat. 113, codified at 29 U.S.C. § 49. All
5 duties and powers conferred upon any other department, agency,
6 or officer of this state relating to the establishment,
7 maintenance, and operation of free employment services shall
8 be vested in the department. This state accepts and shall
9 comply with the provisions of the Wagner-Peyser Act, as
10 amended. The department is designated and constituted the
11 agency of this state for the purpose of the Wagner-Peyser Act.
12 The department may cooperate with the railroad retirement
13 board with respect to the establishment, maintenance, and use
14 of department facilities. The railroad retirement board shall
15 compensate the department for the services or facilities in
16 the amount determined by the department to be fair and
17 reasonable.

18 Sec. 33. Section 97A.1, subsection 13, Code Supplement
19 2005, are amended to read as follows:

20 13. "Peace officer" means a member, except a non-peace
21 officer member, of the division of state patrol, narcotics
22 enforcement, state fire marshal, or criminal investigation,
23 including but not limited to a gaming enforcement officer, who
24 has passed a satisfactory physical and mental examination and
25 has been duly appointed ~~as-a-member-of~~ by the department of
26 public safety in accordance with section 80.15.

27 Sec. 34. Section 97A.3, subsection 1, Code Supplement
28 2005, is amended to read as follows:

29 1. All peace officer members of the division of state
30 patrol and the division of criminal investigation or the
31 predecessor divisions or subunits in the department of public
32 safety, excepting the members of the clerical force, who are
33 employed by the state of Iowa on July 4, 1949, and all persons
34 thereafter employed as members of such divisions or the
35 predecessor divisions or subunits in the department of public

1 safety or division of narcotics enforcement or division of
2 state fire marshal or the predecessor divisions or subunits,
3 except the members of the clerical force, shall be members of
4 this system, except as otherwise provided in subsection 3.
5 Effective July 1, 1994, gaming enforcement officers employed
6 by the division of criminal investigation for excursion boat
7 gambling enforcement activities and fire prevention inspector
8 peace officers employed by the department of public safety
9 shall be members of this system, except as otherwise provided
10 in subsection 3 or section 97B.42B. Such members shall not be
11 required to make contributions under any other pension or
12 retirement system of the state of Iowa, anything to the
13 contrary notwithstanding.

14 Sec. 35. Section 99G.8, subsection 15, Code 2005, is
15 amended to read as follows:

16 15. The board of directors may delegate to the chief
17 executive officer of the authority such powers and duties as
18 it may deem proper to the extent such delegation is not
19 inconsistent with the Constitution of ~~this-state~~ the State of
20 Iowa.

21 Sec. 36. Section 99G.21, subsection 2, unnumbered
22 paragraph 1, Code 2005, is amended to read as follows:

23 The authority shall have any and all powers necessary or
24 convenient to carry out and effectuate the purposes and
25 provisions of this chapter which are not in conflict with the
26 Constitution of ~~this-state~~ the State of Iowa, including, but
27 without limiting the generality of the foregoing, the
28 following powers:

29 Sec. 37. Section 123.53, subsection 3, Code Supplement
30 2005, is amended to read as follows:

31 3. The treasurer of state shall transfer into a special
32 revenue account in the general fund of the state, a sum of
33 money at least equal to seven percent of the gross amount of
34 sales made by the division from the beer and liquor control
35 fund on a monthly basis but not less than nine million dollars

1 annually, and any amounts so transferred shall be used by the
2 ~~substance-abuse-division-of-the~~ Iowa department of public
3 health staff who administer the comprehensive substance abuse
4 program under chapter 125 for substance abuse treatment and
5 prevention programs in an amount determined by the general
6 assembly and any amounts received in excess of the amounts
7 appropriated to the ~~substance-abuse-division-of-the~~ Iowa
8 department of public health for use by the staff who
9 administer the comprehensive substance abuse program under
10 chapter 125 shall be considered part of the general fund
11 balance.

12 Sec. 38. Section 135B.1, subsection 3, Code 2005, is
13 amended to read as follows:

14 3. "Hospital" means a place which is devoted primarily to
15 the maintenance and operation of facilities for the diagnosis,
16 treatment or care over a period exceeding twenty-four hours of
17 two or more nonrelated individuals suffering from illness,
18 injury, or deformity, or a place which is devoted primarily to
19 the rendering over a period exceeding twenty-four hours of
20 obstetrical or other medical or nursing care for two or more
21 nonrelated individuals, or any institution, place, building or
22 agency in which any accommodation is primarily maintained,
23 furnished or offered for the care over a period exceeding
24 twenty-four hours of two or more nonrelated aged or infirm
25 persons requiring or receiving chronic or convalescent care;
26 and shall include sanatoriums or other related institutions
27 within the meaning of this chapter. Provided, however,
28 nothing in this chapter shall apply to hotels or other similar
29 places that furnish only food and lodging, or either, to their
30 guests or to a freestanding hospice facility which operates a
31 hospice program in accordance with 42 C.F.R. § 418.

32 "Hospital" shall include, in any event, any facilities wholly
33 or partially constructed or to be constructed with federal
34 financial assistance, pursuant to ~~Public-Law-7257-79th~~
35 Congress Pub. L. No. 79-725, 60 Stat. 1040, approved August

1 13, 1946.

2 Sec. 39. Section 141A.11, subsection 7, Code 2005, is
3 amended to read as follows:

4 7. This chapter shall not be construed to impose civil
5 liability or criminal sanctions for disclosure of HIV-related
6 test results in accordance with any reporting requirement for
7 a diagnosed case of AIDS or a related condition by the
8 department or the centers for disease control and prevention
9 of the United States ~~public-health-service~~ department of
10 health and human services.

11 Sec. 40. Section 147.7, unnumbered paragraph 2, Code
12 Supplement 2005, is amended to read as follows:

13 This section shall not apply to a person who is licensed in
14 another state and recognized for licensure in this state
15 pursuant to the nurse licensure compact contained in section
16 152E.1 or pursuant to the advanced practice registered nurse
17 compact contained in section 152E.3. A person licensed in
18 another state and recognized for licensure in this state
19 pursuant to ~~the~~ either compact shall, however, maintain a copy
20 of a license issued by the person's home state available for
21 inspection when engaged in the practice of nursing in this
22 state.

23 Sec. 41. Section 152D.4, subsection 1, Code 2005, is
24 amended to read as follows:

25 1. Persons otherwise licensed to practice medicine and
26 surgery, osteopathy, osteopathic medicine and surgery,
27 optometry, occupational therapy, nursing, chiropractic,
28 podiatry, dentistry, or physical therapy, ~~or-a~~ and licensed
29 physician ~~assistant~~ assistants who do not represent themselves
30 to the public as athletic trainers.

31 Sec. 42. Section 163.27, Code 2005, is amended by striking
32 the section and inserting in lieu thereof the following:

33 163.27 BOILING GARBAGE.

34 It shall be unlawful for any person, firm, partnership, or
35 corporation to feed garbage to animals unless such garbage has

1 been heated to a temperature of two hundred twelve degrees
2 Fahrenheit for thirty minutes, or other acceptable method, as
3 provided by rules promulgated by the department, provided this
4 requirement shall not apply to an individual who feeds to the
5 individual's own animals only the garbage obtained from the
6 individual's own household. It shall be unlawful for any
7 person, firm, partnership, or corporation to feed any public
8 or commercial garbage to swine after September 1, 1970.

9 Sec. 43. Section 176A.2, Code 2005, is amended to read as
10 follows:

11 176A.2 DECLARATION OF POLICY.

12 It is the policy of the legislature to provide for aid in
13 disseminating among the people of Iowa useful and practical
14 information on subjects relating to agriculture, home
15 economics, and community and economic development, and to
16 encourage the application of the information in the counties
17 of the state through extension work to be carried on in
18 cooperation with Iowa state university of science and
19 technology and the United States department of agriculture as
20 provided in the Act of Congress known as the Smith-Lever Act,
21 adopted May 8, 1914, as amended by Public Law 83 of the
22 Eighty-third Congress, 38 Stat. 372--374, codified at 7 U.S.C.
23 § 341--349.

24 Sec. 44. Section 177A.12, subsection 2, Code 2005, is
25 amended to read as follows:

26 2. The state entomologist, the entomologist's inspectors
27 or duly authorized agents are authorized to seize, destroy, or
28 return to the point of origin any material received in this
29 state in violation of any state quarantine established under
30 the authority of subsection 1 hereof, or in violation of any
31 federal quarantine established under the authority of the Act
32 of August 20, 1912, {37 37 Stat. ch 308} 308, or any
33 amendment thereto to that Act.

34 Sec. 45. Section 184.9B, subsection 3, Code Supplement
35 2005, is amended to read as follows:

1 3. As part of the council's education programs or
2 projects, ~~it~~ the council may provide for the dissemination of
3 information of public interest, including but not limited to
4 the development or publication of materials in a printed or
5 electronic format.

6 Sec. 46. Section 191.2, subsection 9, paragraph b, Code
7 2005, is amended to read as follows:

8 b. When such milk and milk products do not conform to
9 their definitions as contained in this chapter and chapters
10 ~~1907-191~~ and 192.

11 Sec. 47. Section 207.1, subsection 2, Code 2005, is
12 amended to read as follows:

13 2. The general assembly finds and declares that because
14 the federal Surface Mining Control and Reclamation Act of
15 1977, Pub. L. No. 95-87, provides for a permit system to
16 regulate the mining of coal and reclamation of the mining
17 sites and provides that permits may be issued by states which
18 are authorized to implement the provisions of that Act, it is
19 in the interest of the people of Iowa to enact the provisions
20 of this chapter in order to authorize the state to implement
21 the provisions of the federal Surface Mining Control and
22 Reclamation Act of 1977 and federal regulations and guidelines
23 issued pursuant to that Act.

24 Sec. 48. Section 207.8, subsection 2, Code 2005, is
25 amended to read as follows:

26 2. The requirements of this section do not apply to lands
27 on which coal mining operations are being conducted as of
28 August 3, 1977, or under a permit issued pursuant to this
29 chapter or pursuant to section 83A.12 ~~of the~~, Code 1979, ~~Code~~
30 or where substantial legal and financial commitments in an
31 operation were in existence prior to January 4, 1977.

32 Sec. 49. Section 207.16, subsection 1, Code 2005, is
33 amended to read as follows:

34 1. Each operator upon completion of any reclamation work
35 required by this chapter shall apply to the division in

1 writing for approval of the work. The division shall
2 promulgate rules consistent with Pub. L. No. 95-87, section
3 519, regarding procedures and requirements to release
4 performance bonds or deposits.

5 Sec. 50. Section 207.19, unnumbered paragraph 1, Code
6 2005, is amended to read as follow:

7 The provisions of this chapter shall be applicable to
8 surface operations and surface impacts incident to an
9 underground coal mine with such modifications to the permit
10 application requirements, permit approval or denial
11 procedures, and bond requirements as are necessary to
12 accommodate the distinct difference between surface and
13 underground coal mining. The division shall promulgate such
14 modifications in its rules to allow for such distinct
15 differences and still fulfill the purposes of this chapter and
16 be consistent with the requirements in section 516 of Pub. L.
17 No. 95-87 and the permanent regulations issued pursuant to
18 that Act.

19 Sec. 51. Section 216.13, subsection 1, paragraph a, Code
20 2005, is amended to read as follows:

21 a. The involuntary retirement of a person who has attained
22 the age of sixty-five and has for the two prior years been
23 employed in a bona fide executive or high policy-making
24 position and who is entitled to an immediate, nonforfeitable
25 annual retirement benefit from a pension, profit-sharing,
26 savings or deferred compensation plan of the employer which
27 equals twenty-seven thousand dollars. This retirement benefit
28 test may be adjusted according to the regulations prescribed
29 by the United States secretary of labor pursuant to ~~Public-Law~~
30 Pub. L. No. 95-256, section 3.

31 Sec. 52. Section 216A.132, unnumbered paragraph 2, Code
32 2005, is amended to read as follows:

33 The departments of human services, corrections, and public
34 safety, the division on the status of African-Americans, the
35 ~~division-of-substance-abuse-of-the~~ Iowa department of public

1 health, the chairperson of the board of parole, the attorney
2 general, the state public defender, and the chief justice of
3 the supreme court shall each designate a person to serve on
4 the council. The person appointed by the Iowa department of
5 public health shall be from the departmental staff who
6 administer the comprehensive substance abuse program under
7 chapter 125.

8 Sec. 53. Section 218.2, unnumbered paragraph 1, Code 2005,
9 is amended to read as follows:

10 Nothing contained in section 218.1 shall limit the general
11 supervisory or examining powers vested in the governor by the
12 laws or Constitution of the ~~state~~ State of Iowa, or legally
13 vested by the governor in any committee appointed by the
14 governor.

15 Sec. 54. Section 226.19, subsection 1, Code Supplement
16 2005, is amended to read as follows:

17 1. ~~All-patients~~ Every patient shall be discharged in
18 accordance with the procedure prescribed in section 229.3 or
19 section 229.16, whichever is applicable, immediately on
20 regaining the patient's good mental health.

21 Sec. 55. Section 231.23A, subsection 3, Code Supplement
22 2005, is amended to read as follows:

23 3. The case management program for ~~the frail elderly~~
24 elders.

25 Sec. 56. Section 231B.2, subsection 1, unnumbered
26 paragraph 1, Code Supplement 2005, is amended to read as
27 follows:

28 The department shall establish by rule, in accordance with
29 chapter 17A, minimum standards for certification and
30 monitoring of elder group homes. The department may adopt by
31 reference, with or without amendment, nationally recognized
32 standards and rules for elder group homes. The standards and
33 rules shall be formulated in consultation with the department
34 of inspections and appeals and affected industry,
35 professional, and consumer groups, and shall be designed to

1 accomplish the purposes of this chapter, and shall include but
2 not be limited to rules relating to all of the following:

3 Sec. 57. Section 231B.13, Code Supplement 2005, is amended
4 to read as follows:

5 231B.13 RETALIATION BY ELDER GROUP HOME PROHIBITED.

6 An elder group home shall not discriminate or retaliate in
7 any way against a tenant, a tenant's family, or an employee of
8 the elder group home who has initiated or participated in any
9 proceeding authorized by this chapter. An elder group home
10 that violates this section is subject to a penalty as
11 established by administrative rule in accordance with chapter
12 17A, and to be assessed and collected by the department of
13 inspections and appeals, and paid into the state treasury to
14 be, and credited to the general fund of the state.

15 Sec. 58. Section 231C.3, subsection 1, unnumbered
16 paragraph 1, Code Supplement 2005, is amended to read as
17 follows:

18 The department shall establish by rule in accordance with
19 chapter 17A minimum standards for certification and monitoring
20 of assisted living programs. The department may adopt by
21 reference with or without amendment, nationally recognized
22 standards and rules for assisted living programs. The rules
23 shall include specification of recognized accrediting entities
24 and provisions related to dementia-specific programs. The
25 standards and rules shall be formulated in consultation with
26 the department of inspections and appeals and affected
27 industry, professional, and consumer groups, and shall be
28 designed to accomplish the purposes of this chapter, and shall
29 include but are not limited to rules relating to all of the
30 following:

31 Sec. 59. Section 231C.13, Code 2005, is amended to read as
32 follows:

33 231C.13 RETALIATION BY ASSISTED LIVING PROGRAM PROHIBITED.

34 An assisted living program shall not discriminate or
35 retaliate in any way against a tenant, tenant's family, or an

1 employee of the program who has initiated or participated in
2 any proceeding authorized by this chapter. An assisted living
3 program that violates this section is subject to a penalty as
4 established by administrative rule in accordance with chapter
5 17A, and to be assessed and collected by the department of
6 inspections and appeals, and paid into the state treasury to
7 be, and credited to the general fund of the state.

8 Sec. 60. Section 231D.12, subsection 1, Code Supplement
9 2005, is amended to read as follows:

10 1. An adult day services program shall not discriminate or
11 retaliate in any way against a participant, participant's
12 family, or an employee of the program who has initiated or
13 participated in any proceeding authorized by this chapter. An
14 adult day services program that violates this section is
15 subject to a penalty as established by administrative rule, to
16 be assessed and collected by the department of inspections and
17 appeals, and paid into the state treasury to-be, and credited
18 to the general fund of the state.

19 Sec. 61. Section 235C.2, subsection 1, Code 2005, is
20 amended to read as follows:

21 1. Two members of the Iowa department of public health
22 selected by the director of the Iowa department of public
23 health, one from the staff who administer the comprehensive
24 division-of substance abuse program under chapter 125, and one
25 from the division of family and community health.

26 Sec. 62. Section 237A.30, subsection 3, Code Supplement
27 2005, is amended to read as follows:

28 3. A facility's quality rating may be included on the
29 internet page webpage and in the consumer information provided
30 by the department pursuant to section 237A.25 and shall be
31 identified in the child care provider referrals made by child
32 care resource and referral service grantees under section
33 237A.26.

34 Sec. 63. Section 249.1, subsection 3, Code Supplement
35 2005, is amended to read as follows:

1 3. "Federal supplemental security income" means cash
2 payments made to individuals by the United States government
3 under Title XVI of the Social Security Act as amended by
4 ~~United-States-public-law~~ Pub. L. No. 92-603, or any other
5 amendments thereto.

6 Sec. 64. Section 257.33, unnumbered paragraph 1, Code
7 2005, is amended to read as follows:

8 If the electors of a school district approved the use of
9 the additional enrichment amount prior to July 1, 1991, under
10 chapter 442, Code 1991, or section 279.43, ~~as-they-appeared-in~~
11 Code 1991, the approval for use of the enrichment amount shall
12 continue in effect until the expiration of the period for
13 which it was approved and districts may use the additional
14 enrichment amount during that period. However, section 257.28
15 applies to the use of the additional enrichment amount.

16 Sec. 65. Section 257B.12, Code 2005, is amended to read as
17 follows:

18 257B.12 BONDS TO COVER LOSSES.

19 When any sum not less than one thousand dollars shall be so
20 audited and so become a debt of the state to the fund, as
21 provided by the Constitution of the State of Iowa, the auditor
22 of state shall issue the bond or bonds of the state in favor
23 of the fund, bearing interest at a rate not exceeding that
24 permitted by chapter 74A, payable semiannually on the first
25 day of January and July after issuance, and the amount to pay
26 the interest as it becomes due is appropriated out of any
27 funds in the state treasury.

28 Sec. 66. Section 261A.14, unnumbered paragraph 2, Code
29 2005, is amended to read as follows:

30 This chapter does not authorize the authority or any
31 department, board, commission, or other agency to create an
32 obligation of the state within the meaning of the ~~constitution~~
33 Constitution or laws of the State of Iowa.

34 Sec. 67. Section 276.10, subsection 6, Code 2005, is
35 amended to read as follows:

1 6. The board may use opportunities available under Public
2 Law Pub. L. No. 93-380.

3 Sec. 68. Section 306A.3, unnumbered paragraph 2, Code
4 Supplement 2005, is amended to read as follows:

5 The state department of transportation shall adopt rules,
6 pursuant to chapter 17A, embodying a utility accommodation
7 policy which imposes reasonable restrictions on placements
8 occurring on or after the effective date of the rules, on
9 primary road rights-of-way. The rules may require utilities
10 to give notice to the department prior to installation of a
11 utility system on a primary road right-of-way and obtain prior
12 permission from the department for the proposed installation.
13 The rules shall recognize emergency situations and the need
14 for immediate installation of service extensions subject to
15 the standards adopted by the department and the utilities
16 board. The rules shall be no less stringent than the
17 standards adopted by the utilities board pursuant to chapters
18 478, 479, and 479B. This paragraph shall not be construed as
19 granting the department authority which has been expressly
20 granted to the utilities board to determine the route of
21 utility installations. If the department requires a utility
22 company permit, the department shall be required to act upon
23 the permit application within thirty days of its filing. In
24 cases of federal-aid highway projects on nonprimary highways,
25 the local authority with jurisdiction over the highway and the
26 department shall comply with all federal regulations and
27 statutes regarding utility accommodation.

28 Sec. 69. Section 306C.24, subsection 2, Code 2005, is
29 amended to read as follows:

30 2. **JUST COMPENSATION REQUIRED.** Political subdivisions of
31 this state shall not remove, take, alter, or cause to be
32 removed, taken, or altered a lawfully erected off-premises
33 advertising device without paying just compensation in cash to
34 the owner of the advertising device and to the owner of the
35 real property on which the advertising device is located, as

1 provided in section 306C.16. The department shall not remove,
2 take, alter or cause to be removed, taken, or altered a
3 lawfully erected off-premises advertising device subject to
4 control under chapter 306B or ~~306E~~ this chapter without paying
5 just compensation when required under 23 U.S.C. § 131(g) to
6 the owner of the advertising device and to the owner of the
7 real property on which the advertising device is located, as
8 provided in section 306C.16. For the department, the sole
9 intent of this section is to comply with 23 U.S.C. § 131(g)
10 and it is not the intent of this section to, in any manner,
11 relinquish any powers of the department relating to the
12 control and removal of advertising devices under police power.

13 Sec. 70. Section 307.26, subsection 14, Code 2005, is
14 amended to read as follows:

15 14. Enter the role of "applicant" pursuant to the Railroad
16 Revitalization and Regulatory Reform Act of 1976, ~~United~~
17 ~~States-Public-Law~~ Pub. L. No. 94-210, and take such actions as
18 are necessary to accomplish this role.

19 Sec. 71. Section 308.3, subsection 3, Code 2005, is
20 amended to read as follows:

21 3. "National parkway" has the same meaning as defined in
22 ~~Public-Law~~ Pub. L. No. 93-87, first session, Ninety-third
23 Congress of the United States.

24 Sec. 72. Section 312.3B, unnumbered paragraph 2, Code
25 Supplement 2005, is amended to read as follows:

26 The Iowa county engineers association service bureau shall
27 annually compute the secondary road fund and farm-to-market
28 road fund distributions using the methodology determined by
29 the secondary road fund distribution committee pursuant to
30 section 312.3C. The Iowa county engineers association service
31 bureau shall report the computations to the secondary road
32 fund distribution committee, the department, the treasurer of
33 state, and the counties.

34 Sec. 73. Section 321.10, unnumbered paragraph 2, Code
35 2005, is amended to read as follows:

1 Any records or certified copies of records prepared
2 pursuant to this section and any certified abstract, or a copy
3 of a certified abstract, of the operating record of a driver
4 or a motor vehicle owner prepared pursuant to this chapter
5 ~~321~~, chapter 321A, or chapter 321J, shall be received in
6 evidence if determined to be relevant, in any court,
7 preliminary hearing, grand jury proceeding, civil proceeding,
8 administrative hearing, or forfeiture proceeding in the same
9 manner and with the same force and effect as if the director
10 or the director's designee had testified in person.

11 Sec. 74. Section 321.69, subsection 9, Code Supplement
12 2005, is amended to read as follows:

13 9. Except for subsections 10 and 11, this section does not
14 apply to motor trucks and truck tractors with a gross vehicle
15 weight rating of sixteen thousand pounds or more, vehicles
16 more than seven model years old, motorcycles, motorized
17 bicycles, and special mobile equipment. This section does
18 apply to motor homes. The requirement in subsection 1 that
19 the new certificate of title and registration receipt shall
20 state on the face ~~of the title~~ whether a prior owner had
21 disclosed that the vehicle was damaged to the extent that it
22 was a wrecked or salvage vehicle as defined in section 321.52,
23 subsection 4, paragraph "d", does not apply to a vehicle with
24 a certificate of title bearing a designation that the vehicle
25 was previously titled on a salvage certificate of title
26 pursuant to section 321.52, subsection 4, paragraph "b", or to
27 a vehicle with a certificate of title bearing a "REBUILT" or
28 "SALVAGE" designation pursuant to section 321.24, subsection 4
29 or 5. Except for subsections 10 and 11, this section does not
30 apply to new motor vehicles with a true mileage, as defined in
31 section 321.71, of one thousand miles or less, unless such
32 vehicle has incurred damage as described in subsection 2.

33 Sec. 75. Section 321.210C, Code 2005, is amended to read
34 as follows:

35 321.210C PROBATION PERIOD.

1 A person whose driver's license or operating privileges
2 have been suspended, revoked, or barred under this chapter 321
3 for a conviction of a moving traffic violation, or suspended,
4 revoked, or barred under section 321.205 or section 321.210,
5 subsection 1, paragraph "e", or chapter 321J, must
6 satisfactorily complete a twelve-month probation period
7 beginning immediately after the end of the period of
8 suspension, revocation, or bar. Upon conviction of a moving
9 traffic violation which occurred during the probation period,
10 the department may suspend the driver's license or operating
11 privileges for an additional period equal in duration to the
12 original period of suspension, revocation, or bar, or for one
13 year, whichever is the shorter period.

14 Sec. 76. Section 321J.2, subsection 3, paragraph a,
15 subparagraph (5), Code 2005, is amended to read as follows:

16 (5) If the offense under this chapter 321~~3~~ results in
17 bodily injury to a person other than the defendant.

18 Sec. 77. Section 321J.3, subsection 3, Code 2005, is
19 amended to read as follows:

20 3. The state department of transportation, in cooperation
21 with the judicial branch, shall adopt rules, pursuant to the
22 procedure in section 125.33, regarding the assignment of
23 persons ordered under section 321J.17 to submit to substance
24 abuse evaluation and treatment. The rules shall be applicable
25 only to persons other than those committed to the custody of
26 the director of the department of corrections under section
27 321J.2. The rules shall be consistent with the practices and
28 procedures of the judicial branch in sentencing persons to
29 substance abuse evaluation and treatment under section 321J.2.
30 The rules shall include the requirement that the treatment
31 programs utilized by a person pursuant to an order of the
32 department meet the licensure standards of the ~~division of~~
33 ~~substance-abuse-for-the~~ department of public health for
34 substance abuse treatment programs under chapter 125. The
35 rules shall also include provisions for payment of costs by

1 the offenders, including insurance reimbursement on behalf of
2 offenders, or other forms of funding, and shall also address
3 reporting requirements of the facility, consistent with the
4 provisions of sections 125.84 and 125.86. The department
5 shall be entitled to treatment information contained in
6 reports to the department, notwithstanding any provision of
7 chapter 125 that would restrict department access to treatment
8 information and records.

9 Sec. 78. Section 327C.5, unnumbered paragraph 1, Code
10 2005, is amended to read as follows:

11 Violations of the provisions of this chapter and chapters
12 ~~327E~~ 327D to 327G, shall be punished as a schedule "one"
13 penalty unless otherwise indicated. Violations of a
14 continuing nature shall constitute a separate offense for each
15 violation unless otherwise provided. The schedule of
16 violations shall be:

17 Sec. 79. Section 331.301, subsection 1, Code 2005, is
18 amended to read as follows:

19 1. A county may, except as expressly limited by the
20 Constitution of the State of Iowa, and if not inconsistent
21 with the laws of the general assembly, exercise any power and
22 perform any function it deems appropriate to protect and
23 preserve the rights, privileges, and property of the county or
24 of its residents, and to preserve and improve the peace,
25 safety, health, welfare, comfort, and convenience of its
26 residents. This grant of home rule powers does not include
27 the power to enact private or civil law governing civil
28 relationships, except as incident to an exercise of an
29 independent county power.

30 Sec. 80. Section 331.756, subsection 25, Code Supplement
31 2005, is amended to read as follows:

32 25. Assist the ~~division of beer and liquor law enforcement~~
33 department of public safety in the enforcement of beer and
34 liquor laws as provided in section 123.14. The county
35 attorney shall also prosecute nuisances, forfeitures of

1 abatement bonds, and foreclosures of the bonds as provided in
2 sections 123.62 and 123.86.

3 Sec. 81. Section 364.1, Code 2005, is amended to read as
4 follows:

5 364.1 SCOPE.

6 A city may, except as expressly limited by the Constitution
7 of the State of Iowa, and if not inconsistent with the laws of
8 the general assembly, exercise any power and perform any
9 function it deems appropriate to protect and preserve the
10 rights, privileges, and property of the city or of its
11 residents, and to preserve and improve the peace, safety,
12 health, welfare, comfort, and convenience of its residents.
13 This grant of home rule powers does not include the power to
14 enact private or civil law governing civil relationships,
15 except as incident to an exercise of an independent city
16 power.

17 Sec. 82. Section 364.2, subsection 2, Code Supplement
18 2005, is amended to read as follows:

19 2. The enumeration of a specific power of a city does not
20 limit or restrict the general grant of home rule power
21 conferred by the Constitution of the State of Iowa. A city
22 may exercise its general powers subject only to limitations
23 expressly imposed by a state or city law.

24 Sec. 83. Section 403.5, subsection 7, Code 2005, is
25 amended to read as follows:

26 7. Notwithstanding any other provisions of this chapter,
27 where the local governing body certifies that an area is in
28 need of redevelopment or rehabilitation as a result of a
29 flood, fire, hurricane, earthquake, storm, or other
30 catastrophe respecting which the governor of the state has
31 certified the need for disaster assistance under Pub. L. No.
32 875 81-875, Eighty-first Congress, 64 Stat. ~~1109~~, codified
33 at 42 U.S.C. § ~~1855-1855g~~ 1855--1855g or other federal law,
34 the local governing body may approve an urban renewal plan and
35 an urban renewal project with respect to such area without

1 regard to the provisions of subsection 4 and without regard to
2 provisions of this section requiring notification and
3 consultation, a general plan for the municipality, and a
4 public hearing on the urban renewal plan or project.

5 Sec. 84. Section 414.14, Code Supplement 2005, is amended
6 to read as follows:

7 414.14 VOTE REQUIRED.

8 The concurring vote of three members of the board in the
9 case of a five-member board, and four members in the case of a
10 seven-member board, and five members in the case of a nine-
11 member board, shall be necessary to reverse any order,
12 requirement, decision, or determination of any such
13 administrative official, or to decide in favor of the
14 applicant on any matter upon which it is required to pass
15 under any such ordinance or to effect any variation in such
16 ordinance.

17 Sec. 85. Section 421.1, Code 2005, is amended to read as
18 follows:

19 421.1 STATE BOARD OF TAX REVIEW.

20 1. There is hereby established within the department of
21 revenue for administrative and budgetary purposes a state
22 board of tax review for the state of Iowa. The state board of
23 tax review, hereinafter called the state board, shall consist
24 of three members.

25 ~~The members of the state board~~ who shall be registered
26 voters of the state and shall hold no other elective or
27 appointive public office.

28 Members of the state board shall serve for six-year
29 staggered terms beginning and ending as provided by section
30 69.19. A member who is appointed for a six-year term shall
31 not be permitted a successive term.

32 Members shall be appointed by the governor subject to
33 confirmation by the senate. Appointments to the board shall
34 be bipartisan.

35 The members of the state board shall qualify by taking the

1 regular oath of office as prescribed by law for state
2 officers. A vacancy on the board shall be filled by
3 appointment by the governor in the same manner as the original
4 appointment.

5 The members of the state board shall be allowed their
6 necessary travel and expenses while engaged in their official
7 duties. Each member of the board may also be eligible to
8 receive compensation as provided in section 7E.6. ~~They~~ The
9 members shall organize the board and select one of their
10 members as chairperson.

11 2. The place of office of the state board shall be in the
12 office of the tax department in the capitol of the state.

13 3. The state board shall meet as deemed necessary by the
14 chairperson. Special meetings of the state board may be
15 called by the chairperson on five days' notice given to each
16 member. All meetings shall be held at the office of the tax
17 department unless a different place within the state is
18 designated by the state board or in the notice of the meeting.

19 4. It shall be the responsibility of the state board to
20 exercise the following general powers and duties:

21 ~~1-~~ a. Determine and adopt such policies as are authorized
22 by law and are necessary for the more efficient operation of
23 any phase of tax review.

24 ~~2-~~ b. Perform such duties prescribed by law as it may
25 find necessary for the improvement of the state system of
26 taxation in carrying out the purposes and objectives of the
27 tax laws.

28 ~~3-~~ c. Employ, pursuant to the Iowa merit system
29 provisions in chapter 8A, subchapter IV, adequate clerical
30 help to keep such records as are necessary to set forth
31 clearly all actions and proceedings of the state board.

32 ~~4-~~ d. Advise and counsel with the director of revenue
33 concerning the tax laws and the rules adopted pursuant to the
34 ~~law; and; upon its own motion or upon appeal by any affected~~
35 ~~taxpayer; review the record evidence and the decisions of; and~~

1 any orders or directive issued by the director of revenue for
2 the identification of taxable property, classification of
3 property as real or personal, or for assessment and collection
4 of taxes by the department or an order to reassess or to raise
5 assessments to any local assessor, and shall affirm, modify,
6 reverse, or remand them within sixty days from the date the
7 case is submitted to the board for decision. For an appeal to
8 the board to be valid, written notice must be given to the
9 department within thirty days of the rendering of the
10 decision, order, or directive from which the appeal is taken.
11 The director shall certify to the board the record, documents,
12 reports, audits, and all other information pertinent to the
13 decision, order, or directive from which the appeal is taken
14 conduct hearings and hear appeals in the manner provided in
15 subsection 5.

16 The affected taxpayer and the department shall be given at
17 least fifteen days' written notice by the board of the date
18 the appeal shall be heard and both parties may be present at
19 such hearing if they desire. The board shall adopt and
20 promulgate, pursuant to chapter 17A, rules for the conduct of
21 appeals by the board. The record and all documents, reports,
22 audits and all other information certified to the board by the
23 director, and hearings held by the board pursuant to the
24 appeal and the decision of the board thereon shall be open to
25 the public notwithstanding the provisions of section 422.72,
26 subsection 1, and section 422.20, except that the board upon
27 the application of the affected taxpayer may order the record
28 and all documents, reports, audits, and all other information
29 certified to it by the director, or so much thereof as it
30 deems necessary, held confidential, if the public disclosure
31 of same would reveal trade secrets or any other confidential
32 information that would give the affected taxpayer's competitor
33 a competitive advantage. Any deliberation of the board in
34 reaching a decision on any appeal shall be confidential.

35 Judicial review of the decisions or orders of the board

1 ~~resulting from the review of decisions or orders of the~~
2 ~~director of revenue for assessment and collection of taxes by~~
3 ~~the department may be sought by the taxpayer or the director~~
4 ~~of revenue in accordance with the terms of chapter 17A:~~

5 5- e. Adopt a long-range program for the state system of
6 tax reform based upon special studies, surveys, research, and
7 recommendations submitted by or proposed under the direction
8 of the director of revenue.

9 f. ~~The state board shall constitute~~ Constitute a
10 continuing research commission as to tax matters in the state
11 and cause to be prepared and submitted to each regular session
12 of the general assembly a report containing such
13 recommendations as to revisions, amendments, and new
14 provisions of the law as the state board has decided should be
15 submitted to the ~~legislature~~ general assembly for its
16 consideration.

17 6- 5. Upon its own motion or upon appeal by any affected
18 taxpayer, the state board shall review the record evidence and
19 the decisions of, and any orders or directive issued by, the
20 director of revenue for the identification of taxable
21 property, classification of property as real or personal, or
22 for assessment and collection of taxes by the department or an
23 order to reassess or to raise assessments to any local
24 assessor, and shall affirm, modify, reverse, or remand them
25 within sixty days from the date the case is submitted to the
26 board for decision. For an appeal to the board to be valid,
27 written notice must be given to the department within thirty
28 days of the rendering of the decision, order, or directive
29 from which the appeal is taken. The director shall certify to
30 the board the record, documents, reports, audits, and all
31 other information pertinent to the decision, order, or
32 directive from which the appeal is taken.

33 The affected taxpayer and the department shall be given at
34 least fifteen days' written notice by the board of the date
35 the appeal shall be heard and both parties may be present at

1 such hearing if they desire. The board shall adopt and
2 promulgate, pursuant to chapter 17A, rules for the conduct of
3 appeals by the board. The record and all documents, reports,
4 audits and all other information certified to the board by the
5 director, and hearings held by the board pursuant to the
6 appeal and the decision of the board thereon shall be open to
7 the public notwithstanding the provisions of section 422.72,
8 subsection 1, and section 422.20; except that the board upon
9 the application of the affected taxpayer may order the record
10 and all documents, reports, audits, and all other information
11 certified to it by the director, or so much thereof as it
12 deems necessary, held confidential, if the public disclosure
13 of same would reveal trade secrets or any other confidential
14 information that would give the affected taxpayer's competitor
15 a competitive advantage. Any deliberation of the board in
16 reaching a decision on any appeal shall be confidential.

17 Judicial review of the decisions or orders of the board
18 resulting from the review of decisions or orders of the
19 director of revenue for assessment and collection of taxes by
20 the department may be sought by the taxpayer or the director
21 of revenue in accordance with the terms of chapter 17A.

22 All of the provisions of section 422.70 shall also be
23 applicable to the state board of tax review.

24 Sec. 86. Section 422.1, Code 2005, is amended to read as
25 follows:

26 422.1 CLASSIFICATION OF CHAPTER.

27 The provisions of this chapter are herein classified and
28 designated as follows:

- 29 Division I Introductory provisions.
- 30 Division II Personal net income tax.
- 31 Division III Business tax on corporations.
- 32 Division IV ~~Retail-sales-tax~~ Repealed by 2003 Acts, 1st
33 Ex., ch. 2, § 151, 205; see chapter 423.
- 34 Division V Taxation of financial institutions.
- 35 Division VI Administration.

1 Division VII Estimated taxes by corporations and financial
2 institutions.

3 Division VIII Allocation of revenues.

4 Division IX Fuel tax credit.

5 Division X Livestock production tax credit.

6 Sec. 87. Section 422.16, subsection 13, Code Supplement
7 2005, is amended to read as follows:

8 13. The director shall enter into an agreement with the
9 secretary of the treasury of the United States with respect to
10 withholding of income tax as provided by this chapter,
11 pursuant to an Act of Congress, section 1207 of the Tax Reform
12 Act of 1976, Public Law Pub. L. No. 94-455, amending title 5,
13 section 5517 of the United States Code amending 5 U.S.C. §
14 5517.

15 Sec. 88. Section 422.75, Code 2005, is amended to read as
16 follows:

17 422.75 STATISTICS -- PUBLICATION.

18 The department shall prepare and publish an annual report
19 which shall include statistics reasonably available, with
20 respect to the operation of this chapter, including amounts
21 collected, classification of taxpayers, and such other facts
22 as are deemed pertinent and valuable. The annual report shall
23 also include the reports and information required pursuant to
24 section 421.1, subsection 5 4, paragraph "e"; section 421.17,
25 subsection 13; section 421.17, subsection 27, paragraph "h";
26 section 421.60, subsection 2, paragraphs "i" and "l"; and 1997
27 Iowa Acts, chapter 211, section 22, subsection 5, paragraph
28 "a".

29 Sec. 89. Section 423A.3, Code Supplement 2005, is amended
30 to read as follows:

31 423A.3 STATE-IMPOSED HOTEL AND MOTEL TAX.

32 A tax of five percent is imposed upon the sales price for
33 the ~~rental~~ renting of any lodging if the ~~rental~~ renting occurs
34 in this state. The tax shall be collected by any lessor of
35 lodging from the user of that lodging. The lessor shall add

1 the tax to the sales price of the lodging, and the state-
2 imposed tax, when collected, shall be stated as a distinct
3 item, separate and apart from the sales price of the lodging
4 and the local tax imposed, if any, under section 423A.4.

5 Sec. 90. Section 423B.5, unnumbered paragraph 1, Code
6 Supplement 2005, is amended to read as follows:

7 A local sales and services tax at the rate of not more than
8 one percent may be imposed by a county on the sales price
9 taxed by the state under chapter 423, subchapter II. A local
10 sales and services tax shall be imposed on the same basis as
11 the state sales and services tax or in the case of the use of
12 natural gas, natural gas service, electricity, or electric
13 service on the same basis as the state use tax and shall not
14 be imposed on the sale of any property or on any service not
15 taxed by the state, except the tax shall not be imposed on the
16 sales price from the sale of motor fuel or special fuel as
17 defined in chapter 452A which is consumed for highway use or
18 in watercraft or aircraft if the fuel tax is paid on the
19 transaction and a refund has not or will not be allowed, on
20 the sales price from the sale of equipment by the state
21 department of transportation, ~~and-except-the-tax-shall-not-be~~
22 ~~imposed~~ or on the sales price from the sale or use of natural
23 gas, natural gas service, electricity, or electric service in
24 a city or county where the sales price from the sale of
25 natural gas or electric energy is subject to a franchise fee
26 or user fee during the period the franchise or user fee is
27 imposed. A local sales and services tax is applicable to
28 transactions within those incorporated and unincorporated
29 areas of the county where it is imposed and shall be collected
30 by all persons required to collect state sales taxes. All
31 cities contiguous to each other shall be treated as part of
32 one incorporated area and the tax would be imposed in each of
33 those contiguous cities only if the majority of those voting
34 in the total area covered by the contiguous cities favors its
35 imposition.

1 Sec. 91. Section 423E.3, subsection 2, Code Supplement
2 2005, is amended to read as follows:

3 2. The tax shall be imposed on the same basis as the state
4 sales and services tax or in the case of the use of natural
5 gas, natural gas service, electricity, or electric service on
6 the same basis as the state use tax and shall not be imposed
7 on the sale of any property or on any service not taxed by the
8 state, except the tax shall not be imposed on the sales price
9 from the sale of motor fuel or special fuel as defined in
10 chapter 452A which is consumed for highway use or in
11 watercraft or aircraft if the fuel tax is paid on the
12 transaction and a refund has not or will not be allowed, on
13 the sales price from the sale of equipment by the state
14 department of transportation, ~~and-except-the-tax-shall-not-be~~
15 ~~imposed~~ or on the sales price from the sale or use of natural
16 gas, natural gas service, electricity, or electric service in
17 a city or county where the sales price from the sale of
18 natural gas or electric energy is subject to a franchise fee
19 or user fee during the period the franchise or user fee is
20 imposed.

21 Sec. 92. Section 425.7, subsection 3, unnumbered paragraph
22 1, Code 2005, is amended to read as follows:

23 If the director of revenue determines that a claim for
24 homestead credit has been allowed by the board of supervisors
25 which is not justifiable under the law and not substantiated
26 by proper facts, the director may, at any time within thirty-
27 six months from July 1 of the year in which the claim is
28 allowed, set aside the allowance. Notice of the disallowance
29 shall be given to the county auditor of the county in which
30 the claim has been improperly granted and a written notice of
31 the disallowance shall also be addressed to the claimant at
32 the claimant's last known address. The claimant or board of
33 supervisors may appeal to the state board of tax review
34 pursuant to section 421.1, subsection 4, paragraph "d". The
35 claimant or the board of supervisors may seek judicial review

1 of the action of the state board of tax review in accordance
2 with chapter 17A.

3 Sec. 93. Section 426A.6, Code 2005, is amended to read as
4 follows:

5 426A.6 SETTING ASIDE ALLOWANCE.

6 If the director of revenue determines that a claim for
7 military service tax exemption has been allowed by a board of
8 supervisors which is not justifiable under the law and not
9 substantiated by proper facts, the director may, at any time
10 within thirty-six months from July 1 of the year in which the
11 claim is allowed, set aside the allowance. Notice of the
12 disallowance shall be given to the county auditor of the
13 county in which the claim has been improperly granted and a
14 written notice of the disallowance shall also be addressed to
15 the claimant at the claimant's last known address. The
16 claimant or the board of supervisors may appeal to the state
17 board of tax review pursuant to section 421.1, subsection 4,
18 paragraph "d". The claimant or the board of supervisors may
19 seek judicial review of the action of the state board of tax
20 review in accordance with chapter 17A. If a claim is
21 disallowed by the director of revenue and not appealed to the
22 state board of tax review or appealed to the state board of
23 tax review and thereafter upheld upon final resolution,
24 including judicial review, the credits allowed and paid from
25 the general fund of the state become a lien upon the property
26 on which the credit was originally granted, if still in the
27 hands of the claimant and not in the hands of a bona fide
28 purchaser, the amount so erroneously paid shall be collected
29 by the county treasurer in the same manner as other taxes, and
30 the collections shall be returned to the department of revenue
31 and credited to the general fund of the state. The director
32 of revenue may institute legal proceedings against a military
33 service tax exemption claimant for the collection of payments
34 made on disallowed exemptions.

35 Sec. 94. Section 426A.13, unnumbered paragraph 1, Code

1 Supplement 2005, is amended to read as follows:

2 A person named in section 426A.11, who is a resident of and
3 domiciled in the state of Iowa, shall receive a reduction
4 equal to the exemption, to be made from any property owned by
5 the person or owned by a family farm corporation of which the
6 person is a shareholder and ~~who-occupies~~ occupant of the
7 property and so designated by proceeding as provided in the
8 section. To be eligible to receive the exemption the person
9 claiming it shall have recorded in the office of the county
10 recorder of the county in which is located the property
11 designated for the exemption, evidence of property ownership
12 by that person or the family farm corporation of which the
13 person is a shareholder and the military certificate of
14 satisfactory service, order transferring to inactive status,
15 reserve, retirement, order of separation from service,
16 honorable discharge or a copy of any of these documents of the
17 person claiming or through whom is claimed the exemption. In
18 the case of a person claiming the exemption as a veteran
19 described in section 35.1, subsection 2, paragraph "b",
20 subparagraph (6) or (7), the person shall file the statement
21 required by section 35.2.

22 Sec. 95. Section 429.2, subsection 1, Code 2005, is
23 amended to read as follows:

24 1. Notwithstanding the provisions of chapter 17A, the
25 taxpayer shall have thirty days from the date of the notice of
26 assessment to appeal the assessment to the state board of tax
27 review. Thereafter, the proceedings before the state board of
28 tax review shall conform to the provisions of subsection 2,
29 section 421.1, subsection 4, paragraph "d", and chapter 17A.

30 Sec. 96. Section 429.2, subsection 2, unnumbered paragraph
31 1, Code 2005, is amended to read as follows:

32 The following rules shall apply to the appeal proceedings
33 in addition to those stated in section 421.1, subsection 4,
34 paragraph "d", and chapter 17A:

35 Sec. 97. Section 432.12F, Code Supplement 2005, is amended

1 to read as follows:

2 432.12F ECONOMIC DEVELOPMENT REGION REVOLVING FUND
3 CONTRIBUTION TAX CREDITS.

4 The tax imposed under this chapter shall be reduced by an
5 economic development region revolving fund contribution tax
6 credit authorized pursuant to section 15E.232.

7 Sec. 98. Section 437A.3, subsection 3, Code 2005, is
8 amended to read as follows:

9 3. "Centrally assessed property tax" means property tax
10 imposed with respect to the value of property determined by
11 the director pursuant to section 427.1, subsection 2, Code
12 1997, section 428.29, ~~chapter~~ Code 1997, and chapters 437, and
13 ~~chapter~~ 438, Code 1997, and allocated to electric service and
14 natural gas service. For purposes of this subsection,
15 "natural gas service" means such service provided by natural
16 gas pipelines permitted pursuant to chapter 479.

17 Sec. 99. Section 437A.15, subsection 3, paragraph e, Code
18 Supplement 2005, is amended to read as follows:

19 e. Notwithstanding the provisions of this section, if
20 during the tax year a person who was not a taxpayer during the
21 prior tax year acquires a new major addition, as defined in
22 section 437A.3, subsection 18, paragraph "a", subparagraph
23 (4), the replacement tax associated with that major addition
24 shall be allocated, for that tax year, under this section in
25 accordance with the general allocating formula on the basis of
26 the general property tax equivalents established under ~~section~~
27 ~~437A.15~~ paragraph "a" of this subsection, except that the levy
28 rates established and reported to the department of management
29 on or before June 30 following the tax year in which the major
30 addition was acquired shall be applied to the prorated
31 assessed value of the major addition and provided that section
32 437A.19, subsection 2, paragraph "b", subparagraph (2), is in
33 any event applicable. For purposes of this paragraph,
34 "prorated assessed value of the major addition" means the
35 assessed value of the major addition as of January 1 of the

1 year following the tax year in which the major addition was
2 acquired multiplied by the percentage derived by dividing the
3 number of months that the major addition existed during the
4 tax year by twelve, counting any portion of a month as a full
5 month.

6 Sec. 100. Section 445.5, subsection 4, Code Supplement
7 2005, is amended to read as follows:

8 4. The titleholder may make written request to the
9 treasurer to have the tax statement delivered to a person or
10 entity in lieu of to the titleholder. A fee shall not be
11 charged by the treasurer for delivering the tax statement to
12 such person or entity in lieu of to the titleholder.

13 Sec. 101. Section 446.20, subsection 2, unnumbered
14 paragraph 2, Code 2005, is amended to read as follows:

15 Service of the notice shall also be made by mail on any
16 mortgagee having a lien upon the parcel, a vendor of the
17 parcel under a recorded contract of sale, a lessor who has a
18 recorded lease or memorandum of a recorded lease, and any
19 other person who has an interest of record, at the person's
20 last known address, if the mortgagee, vendor, lessor, or other
21 person has filed a request for notice, as prescribed in
22 section 446.9, subsection 3, and on the state of Iowa in case
23 of an ~~old-age~~ supplementary assistance lien by service upon
24 the department of human services. The notice shall also be
25 served on any city where the parcel is situated. Failure to
26 receive a mailed notice is not a defense to the payment of the
27 total amount due.

28 Sec. 102. Section 446.38, Code 2005, is amended to read as
29 follows:

30 446.38 SUSPENDED TAXES OF ~~OLD-AGE~~ SUPPLEMENTARY ASSISTANCE
31 RECIPIENTS.

32 In cases where taxes were suspended one year or more upon
33 the parcel of a deceased ~~old-age~~ supplementary assistance
34 recipient and no estate was opened within ninety days after
35 the death of the recipient and the surviving spouse of the

1 recipient is not occupying the parcel, the county may apply to
2 the probate court to have the parcel conveyed to it for
3 satisfaction of the suspended taxes. The probate court shall
4 prescribe the manner and notices to be given. The probate
5 court shall order the parcel conveyed to the county for
6 satisfaction of the suspended taxes if an estate is not opened
7 within a time specified by the court. The probate court shall
8 make and enter all appropriate orders to effect this
9 conveyance to the county if an estate is not opened within the
10 time specified. The parcel, at the election of the county
11 treasurer, may be offered at tax sale in accordance with this
12 chapter in lieu of the county making application to the
13 probate court.

14 Sec. 103. Section 455A.4, subsection 1, paragraph b, Code
15 Supplement 2005, is amended to read as follows:

16 b. Provide overall supervision, direction, and
17 coordination of functions to be administered by the
18 administrators under chapters 321G, 321I, 455B, 455C, 456,
19 456A, 456B, 457A, 458A, 459, ~~subchapters I, II, III, IV, and~~
20 ~~VI, chapters~~ 461A, 462A, 462B, 464A, 465C, 473, 481A, 481B,
21 483A, 484A, and 484B.

22 Sec. 104. Section 455G.4, subsection 3, paragraph a, Code
23 Supplement 2005, is amended to read as follows:

24 a. The board shall adopt rules regarding its practice and
25 procedures, develop underwriting standards, establish
26 procedures for investigating and settling claims made against
27 the fund, and otherwise implement and administer this chapter.

28 Sec. 105. Section 456A.27, Code 2005, is amended to read
29 as follows:

30 456A.27 FEDERAL WILDLIFE ACT -- ASSENT.

31 The state of Iowa assents to the provisions of the Act of
32 Congress entitled "An Act to provide that the United States
33 shall aid the states in wildlife restoration projects, and for
34 other purposes", approved September 2, 1937, 50 Stat. 57 917,
35 and the department may perform acts as necessary to the

1 conduct and establishment of ~~co-operative~~ cooperative wildlife
2 restoration projects, as defined in the Act of Congress, in
3 compliance with the Act and with regulations promulgated by
4 the secretary of agriculture under the Act. No funds accruing
5 to the state of Iowa from license fees paid by hunters shall
6 be diverted for any other purpose than as set out in sections
7 456A.17 and 456A.19.

8 Sec. 106. Section 459A.102, Code Supplement 2005, is
9 amended by adding the following new unnumbered paragraph
10 before subsection 1:

11 NEW UNNUMBERED PARAGRAPH. As used in this chapter, unless
12 the context otherwise requires:

13 Sec. 107. Section 466A.3, subsection 1, paragraph b, Code
14 Supplement 2005, is amended to read as follows:

15 b. The board shall ~~consist-of~~ also include four members of
16 the general assembly who shall serve as voting members. Not
17 more than one member from each house shall be from the same
18 political party. Two state senators shall be appointed, one
19 by the majority leader of the senate and one by the minority
20 leader of the senate. Two state representatives shall be
21 appointed, one by the speaker of the house of representatives
22 and one by the minority leader of the house of
23 representatives. A member may designate another person to
24 attend a board meeting if the member is unavailable. Only the
25 member is eligible for per diem and expenses as provided in
26 section 2.10.

27 Sec. 108. Section 468.378, Code 2005, is amended to read
28 as follows:

29 468.378 BANKRUPTCY PROCEEDINGS.

30 All drainage districts with pumping plant and levee, which
31 have power to incur indebtedness, through action of their own
32 governing bodies are hereby authorized to proceed under and
33 take advantage of all laws enacted by the Congress of the
34 United States under the federal bankruptcy powers, which laws
35 have for their object the relief of municipal indebtedness,

1 including 48 Stat. ~~ch~~ 345, entitled "An Act to amend an Act
2 entitled 'An Act to establish a uniform system of bankruptcy
3 throughout the United States', approved July 1, 1898, and Acts
4 amendatory thereof and supplementary thereto", approved May
5 24, 1934, and the officials and governing bodies of such
6 drainage, pumping plant and levee districts, are authorized to
7 adopt all proceedings and to do any and all acts necessary or
8 convenient to fully avail such drainage, pumping plant, and
9 levee districts, of the provisions of such Acts of Congress.

10 Sec. 109. Section 476.1D, subsection 1, paragraph c,
11 unnumbered paragraph 1, Code Supplement 2005, is amended to
12 read as follows:

13 In addition to other services or facilities previously
14 deregulated, effective July 1, 2005, and at the election of
15 each telephone utility subject to rate regulation, the
16 jurisdiction of the board is not applicable to the retail rate
17 regulation of business and retail local exchange services
18 provided throughout the state except for single line flat-
19 rated residential and business service rates provided by a
20 telephone utility subject to rate regulation on January 1,
21 2005. For each such telephone utility, the initial single
22 line flat-rated residential and business service rates shall
23 be the corresponding rates charged by the utility as of
24 January 31, 2005. The initial single line flat-rated
25 residential monthly service rates may be increased by an
26 amount not to exceed one dollar per twelve-month period
27 beginning July 1, 2005, and ending June 30, 2008. The initial
28 single line flat-rated business monthly service rates may be
29 increased by an amount not to exceed two dollars per twelve-
30 month period beginning July 1, 2005, and ending June 30, 2008.
31 However, the single line flat-rated residential service rate
32 shall not exceed nineteen dollars per month and the single
33 line flat-rated business service rate shall not exceed
34 thirty-eight dollars per month prior to July 1, 2008, not
35 including charges for extended area service, regulatory

1 charges, taxes, and other fees. Each telephone utility's
2 extended area service rates shall not be greater than the
3 corresponding rates charged by the telephone utility as of
4 January 31, 2005. The board shall determine a telephone
5 utility's extended area service rates for new extended area
6 service established on or after July 1, 2005. If a telephone
7 utility fails to impose the rate increase during any twelve-
8 month period, the utility shall not impose the unused increase
9 in any subsequent year. In addition to the rate increases
10 permitted pursuant to this section, the telephone utility may
11 adjust its single line flat-rated residential and business
12 service rates by a percentage equal to the most recent annual
13 percentage change in the gross domestic product price index as
14 published by the federal government. The board may also
15 authorize additional changes in the monthly rates for single
16 line flat-rated residential and business services to reflect
17 exogenous factors beyond the control of the telephone utility.
18 Sec. 110. Section 481B.2, Code 2005, is amended to read as
19 follows:

20 481B.2 COOPERATION WITH FEDERAL GOVERNMENT.

21 The commission shall perform those acts necessary for the
22 conservation, protection, restoration, and propagation of
23 endangered and threatened species in cooperation with the
24 federal government, pursuant to ~~Public Law~~ Pub. L. No. 93-205,
25 and pursuant to rules promulgated by the secretary of the
26 interior.

27 Sec. 111. Section 483A.24, subsection 6, Code Supplement
28 2005, is amended to read as follows:

29 6. A license shall not be required of minor pupils of the
30 state school for the blind, state school for the deaf, or of
31 minor residents of other state institutions under the control
32 of an administrator of a division of the department of human
33 services. In addition, a person who is on active duty with
34 the armed forces of the United States, on authorized leave
35 from a duty station located outside of this state, and a

1 resident of the state of Iowa shall not be required to have a
2 license to hunt or fish in this state. The military person
3 shall carry the person's leave papers and a copy of the
4 person's current earnings statement showing a deduction for
5 Iowa income taxes while hunting or fishing. In lieu of
6 carrying the person's earnings statement, the military person
7 may also claim residency if the person is registered to vote
8 in this state. If a deer or wild turkey is taken, the
9 military person shall immediately contact a state conservation
10 officer to obtain an appropriate tag to transport the animal.
11 A license shall not be required of residents of county care
12 facilities or any person who is receiving ~~old-age~~
13 supplementary assistance under chapter 249.

14 Sec. 112. Section 490.1701, subsection 3, paragraph b,
15 Code Supplement 2005, is amended to read as follows:

16 b. The instrument shall be delivered to the secretary of
17 state for filing and recording in the secretary of state's
18 office. If the corporation was organized under chapter ~~1767~~
19 524~~7~~ or 533, the instrument shall also be filed and recorded
20 in the office of the county recorder. The corporation shall
21 at the time it files the instrument with the secretary of
22 state deliver also to the secretary of state for filing in the
23 secretary of state's office any biennial report which is then
24 due.

25 If the county of the initial registered office as stated in
26 the instrument for a corporation organized under chapter ~~1767~~
27 524~~7~~ or 533 is one which is other than the county where the
28 principal place of business of the corporation, as designated
29 in its articles of incorporation, was located, the corporation
30 shall forward to the county recorder of the county in which
31 the principal place of business of the corporation was located
32 a copy of the instrument and the corporation shall forward to
33 the recorder of the county in which the initial registered
34 office of the corporation is located, in addition to a copy of
35 the original instrument, a copy of the articles of

1 incorporation of the corporation together with all amendments
2 to them as then on file in the secretary of state's office.
3 The corporation shall, through an officer or director, certify
4 to the secretary of state that a copy has been sent to each
5 applicable county recorder, including the date each copy was
6 sent.

7 Sec. 113. Section 490A.1201, Code Supplement 2005, is
8 amended to read as follows:

9 490A.1201 CONSTITUENT ENTITY.

10 ~~As-used-in-this-section,~~ Unless the context
11 otherwise requires, "constituent entity", as used in sections
12 490A.1202, 490A.1204, 490A.1205, and 490A.1207, includes a
13 domestic cooperative. However, as used in section 490A.1203,
14 "constituent entity" does not include a domestic cooperative.

15 Sec. 114. Section 501A.504, subsection 4, unnumbered
16 paragraph 1, Code Supplement 2005, is amended to read as
17 follows:

18 An amendment of the articles shall be filed with the
19 secretary as required in section ~~501A-503~~ 501A.201. The
20 amendment is effective as provided in subchapter II. After an
21 amendment to the articles of organization has been adopted and
22 approved in the manner required by this chapter and by the
23 articles of organization, the cooperative shall deliver to the
24 secretary of state for filing articles of amendment which
25 shall set forth all of the following:

26 Sec. 115. Section 501A.601, subsection 2, Code Supplement
27 2005, is amended to read as follows:

28 2. DEALING IN PRODUCTS. A cooperative may buy, sell, or
29 deal in its own commodities or products or those of another
30 person, including but not limited to those of its members,
31 patrons, or nonmembers; or commodities or products of another
32 cooperative organized under this chapter or another
33 cooperative association organized under other law including a
34 traditional cooperative, or members or patrons of such
35 cooperatives or cooperative associations. A cooperative may

1 negotiate the price at which its commodities or products may
2 be sold.

3 Sec. 116. Section 501A.715, subsection 2, paragraph a,
4 unnumbered paragraph 1, Code Supplement 2005, is amended to
5 read as follows:

6 Subject to the provisions of subsection 4, a cooperative
7 shall indemnify a person made or threatened to be made a party
8 to a proceeding by reason of the former or present official
9 capacity of the person against judgments, penalties, and
10 fines, including, without limitation, excise taxes assessed
11 against the person with respect to an employee benefit plan,
12 settlements, and reasonable expenses, including attorney fees
13 and disbursements incurred by the person in connection with
14 the proceeding, if, with respect to the acts or omissions of
15 the person complained of in the proceeding, any of the
16 following applies:

17 Sec. 117. Section 501A.1008, subsection 5, paragraph b,
18 Code Supplement 2005, is amended to read as follows:

19 b. Economic development including private or joint public
20 and private investments involving the creation of economic
21 opportunities for ~~its~~ the cooperative's members or the
22 retention of existing sources of income that would otherwise
23 be lost.

24 Sec. 118. Section 501A.1101, subsection 2, paragraph c,
25 Code Supplement 2005, is amended to read as follows:

26 c. The manner and basis of converting membership or
27 ownership interests of the constituent domestic cooperative,
28 the surviving Iowa limited liability company that is a party
29 as provided in section 490A.1207, or foreign business entity
30 into membership or ownership interests in the surviving or new
31 domestic cooperative, the surviving Iowa limited liability
32 company as authorized in section 490A.1207, or foreign
33 business entity.

34 Sec. 119. Section 501A.1104, subsection 1, paragraph a,
35 Code Supplement 2005, is amended to read as follows:

1 a. A traditional cooperative organized may convert to a
2 cooperative and become subject to this chapter by amending its
3 organizational documents to conform to the requirements of
4 this chapter.

5 Sec. 120. Section 507A.2, unnumbered paragraph 2, Code
6 2005, is amended to read as follows:

7 In furtherance of such state interest, the general assembly
8 herein provides methods for substituted service of process
9 upon such persons or insurers in any proceeding, suit or
10 action in any court and substitute service of any notice,
11 order, pleading or process upon such persons or insurers in
12 any proceeding before the commissioner of insurance to enforce
13 or effect full compliance with the insurance and tax laws of
14 this state. In so doing, the state exercises its powers to
15 protect residents of this state and to define what constitutes
16 doing an insurance business in this state, and also exercises
17 powers and privileges available to this state by virtue of
18 ~~Public-Law~~ Pub. L. No. 79-15, 79th Congress of the United
19 States, Chapter 20, 1st Sess., S. 340, 59 Stat. 57 337, ~~L~~
20 codified at 15 U.S.C. § ~~1011-to-10157-inclusive~~ 1011--1015,
21 which declares that the business of insurance and every person
22 engaged therein shall be subject to the laws of the several
23 states.

24 Sec. 121. Section 507B.1, Code 2005, is amended to read as
25 follows:

26 507B.1 DECLARATION OF PURPOSE.

27 The purpose of this chapter is to regulate trade practices
28 in the business of insurance in accordance with the intent of
29 Congress as expressed in the Act of Congress of March 9, 1945,
30 ~~Public-Law-157-79th-Congress~~ Pub. L. No. 79-15, 59 Stat. 57
31 337, codified at 15 U.S.C. § ~~1011-to-10157-inc.~~ 1011--1015, by
32 defining, or providing for the determination of, all such
33 practices in this state which constitute unfair methods of
34 competition or unfair or deceptive acts or practices and by
35 prohibiting the trade practices so defined or determined.

1 Sec. 122. Section 511.8, subsection 9, paragraphs b, c,
2 and e, Code 2005, are amended to read as follows:

3 b. Bonds, notes, or other evidences of indebtedness
4 representing loans and advances of credit that have been
5 issued, guaranteed, or insured, in accordance with the terms
6 and provisions of an Act of Congress of the United States of
7 America approved June 27, 1934, entitled the "National Housing
8 Act", 48 Stat. 1246, 12 U.S.C. § 1701, et seq., as heretofore
9 and hereafter amended.

10 c. Bonds, notes, or other evidences of indebtedness
11 representing loans and advances of credit that have been
12 issued or guaranteed, in whole or in part, in accordance with
13 the terms and provisions of Title III of an Act of Congress of
14 the United States of America approved June 22, 1944, known as
15 ~~Public Law 346---Seventy-eighth-Congress, Chapter 268---2nd~~
16 ~~Session,~~ Pub. L. No. 78-348, cited as the "Servicemen's
17 Readjustment Act of 1944", 58 Stat. 291, recodified at 72
18 Stat. 1105, 1273, 38 U.S.C. § 3701, et seq., as heretofore and
19 hereafter amended.

20 e. Bonds, notes, or other evidences of indebtedness
21 representing loans and advances of credit that have been
22 issued or guaranteed, in whole or in part, in accordance with
23 Title I of the Bankhead-Jones Farm Tenant Act, an Act of the
24 Congress of the United States, cited as the "Farmers Home
25 Administration Act of 1946", 60 Stat. 1062, as heretofore or
26 hereafter amended.

27 Sec. 123. Section 511.8, subsection 15, paragraph b,
28 subparagraph (2), unnumbered paragraph 2, Code 2005, is
29 amended to read as follows:

30 The terms "class I railroads", "balance of income available
31 for the payment of fixed charges", "fixed charges" and
32 "railway operating revenues" when used in this subsection, are
33 to be given the same meaning as in the accounting reports
34 filed by a railroad company in accordance with the regulations
35 for common carriers by rail of the Interstate Commerce Act; 24

1 Stat. ~~§ 379~~, codified at 49 U.S.C. § ~~1-40-inc-7-1001-to~~
2 ~~1100-inc-1--40, 1001--1100~~, provided that the "balance of
3 income available for the payment of fixed charges" and
4 "railway operating revenues remaining", as the terms are used
5 in this subsection, shall be computed before deduction of
6 federal income or excess profits taxes; and that in computing
7 "fixed charges" there shall be excluded interest and
8 amortization charges applicable to debt called for redemption
9 or which will otherwise mature within six months from the time
10 of investment and for the payment of which funds have been or
11 currently are being specifically set aside.

12 Sec. 124. Section 512A.10, subsection 1, Code 2005, is
13 amended to read as follows:

14 1. An organization shall present to the commissioner of
15 insurance for approval its articles of incorporation and any
16 subsequent amendment. The commissioner shall submit the
17 articles of incorporation and any subsequent amendment to the
18 attorney general for examination and, if found by the attorney
19 general to be in accordance with this chapter and the
20 ~~constitution~~ Constitution and laws of the ~~state~~ State of Iowa,
21 the attorney general shall certify such fact on the articles
22 of incorporation or amendment and return the articles or
23 amendment to the commissioner. Articles of incorporation or
24 an amendment to the articles shall not be approved by the
25 commissioner or recorded unless certified by the attorney
26 general.

27 Sec. 125. Section 512B.13, Code 2005, is amended to read
28 as follows:

29 512B.13 INSTITUTIONS.

30 A society may create, maintain, and operate, or may
31 establish organizations to operate, not-for-profit
32 institutions to further the purposes permitted by section
33 512B.5, subsection 1, paragraph "b". The institutions may
34 furnish services free or at a reasonable charge. Any real or
35 personal property owned, held, or leased by the society for

1 this purpose shall be reported in every annual statement. A
2 not-for-profit institution so established is a charitable
3 institution with all the rights, benefits, and privileges
4 given to charitable institutions under the ~~constitution~~
5 Constitution and laws of ~~this-state~~ the State of Iowa. The
6 commissioner may adopt appropriate rules and reporting
7 requirements.

8 Sec. 126. Section 514B.3, unnumbered paragraph 3, Code
9 2005, is amended to read as follows:

10 Upon receipt of an application for a certificate of
11 authority, the commissioner shall immediately transmit copies
12 of the application and accompanying documents to the director
13 of public health and the affected regional health planning
14 council, as authorized by ~~Public-Law~~ Pub. L. No. 89-749, §42
15 42 U.S.C. § 246(b) 2b) 2b, for their nonbinding consultation
16 and advice.

17 Sec. 127. Section 518.14, subsection 4, paragraph a, Code
18 Supplement 2005, is amended to read as follows:

19 a. UNITED STATES GOVERNMENT OBLIGATIONS. Bonds or other
20 evidences of indebtedness issued, assumed, or guaranteed by
21 the United States of America, or by any agency or
22 instrumentality of the United States of America, ~~include~~
23 including investments in an open-end management investment
24 company registered with the federal securities and exchange
25 commission under the federal Investment Company Act of 1940,
26 15 U.S.C. § 80(a) and operated in accordance with 17 C.F.R. §
27 270.2a-7, the portfolio of which is limited to the United
28 States obligations described in this paragraph, and which are
29 included in the national association of insurance
30 commissioners' securities valuation office's United States
31 direct obligation--full faith and credit list.

32 Sec. 128. Section 518A.12, subsection 4, paragraph a, Code
33 Supplement 2005, is amended to read as follows:

34 a. UNITED STATES GOVERNMENT OBLIGATIONS. Bonds or other
35 evidences of indebtedness issued, assumed, or guaranteed by

1 the United States of America, or by any agency or
2 instrumentality of the United States of America, ~~include~~
3 including investments in an open-end management investment
4 company registered with the federal securities and exchange
5 commission under the federal Investment Company Act of 1940,
6 15 U.S.C. § 80(a) and operated in accordance with 17 C.F.R. §
7 270.2a-7, the portfolio of which is limited to the United
8 States obligations described in this paragraph, and which are
9 included in the national association of insurance
10 commissioners' securities valuation office's United States
11 direct obligation--full faith and credit list.

12 Sec. 129. Section 518B.1, subsection 3, Code 2005, is
13 amended to read as follows:

14 3. "The Act" means Section 1223 of the Housing and Urban
15 Development Act of 1968, ~~Public-Law~~ Pub. L. No. 90-448, 90th
16 Congress approved August 1, 1968.

17 Sec. 130. Section 523.13, Code 2005, is amended to read as
18 follows:

19 523.13 EXCEPTIONS AS TO DOMESTIC STOCK COMPANIES.

20 The provisions of sections 523.7, 523.8 and 523.9 shall not
21 apply to equity securities of a domestic stock insurance
22 company if (1) such securities shall be registered, or shall
23 be required to be registered, pursuant to section 12 of the
24 Securities Exchange Act of 1934, ~~{48 48 Stat. 817, 1~~
25 codified at 15 U.S.C. ~~7~~ § 77b et ~~seq.} seq.~~, as amended, or if
26 (2) such domestic stock insurance company shall not have any
27 class of its equity securities held of record by one hundred
28 or more persons on the last business day of the year next
29 preceding the year in which equity securities of the company
30 would be subject to the provisions of sections 523.7, 523.8
31 and 523.9 except for the provisions of this subsection 2.

32 Sec. 131. Section 523C.1, subsection 6, Code 2005, is
33 amended to read as follows:

34 6. "Licensed service company" means a service company
35 which is licensed by the ~~commission~~ commissioner pursuant to

1 this chapter.

2 Sec. 132. Section 523C.9, subsection 1, paragraph a, Code
3 2005, is amended to read as follows:

4 a. The service company violated a lawful order of the
5 commission commissioner or any provision of this chapter.

6 Sec. 133. Section 523I.103, subsection 3, Code Supplement
7 2005, is amended to read as follows:

8 3. If a foreign person does not have a registered agent or
9 agents in the state of Iowa, doing business within this state
10 shall constitute the person's appointment of the secretary of
11 state of the state of Iowa to be its the person's true and
12 lawful attorney upon whom may be served all lawful process of
13 original notice in actions or proceedings arising or growing
14 out of any contract or tort.

15 Sec. 134. Section 523I.601, Code Supplement 2005, is
16 amended to read as follows:

17 523I.601 SETTLEMENT OF ESTATES -- MAINTENANCE FUND.

18 The court in which the estate of a deceased person is
19 administered, before final distribution, may allow and set
20 apart from the estate a sum sufficient to provide an income
21 adequate to pay for the perpetual care and upkeep of the
22 interment ~~spaces-upon~~ space in which the body of the deceased
23 is buried, except where perpetual care has otherwise been
24 provided for. The sum so allowed and set apart shall be paid
25 to a trustee as provided by this chapter.

26 Sec. 135. Section 524.1416, subsection 2, Code 2005, is
27 amended to read as follows:

28 2. A state bank which converts into a national bank or
29 federal savings association shall notify the superintendent of
30 the proposed conversion, provide such evidence of the adoption
31 of the plan as the superintendent may request, notify the
32 superintendent of any abandonment or disapproval of the plan,
33 and file with the superintendent and with the secretary of
34 state a certificate of the approval of the conversion by the
35 comptroller of the currency of the United States or director

1 of the office of thrift supervision, as applicable, and the
2 date upon which such conversion is to become effective. A
3 state bank that converts into a national bank or federal
4 savings association shall comply with the provisions of
5 section 524.310, subsection 1.

6 Sec. 136. Section 533.3, subsection 2, Code 2005, is
7 amended to read as follows:

8 2. The prohibitions contained in subsection 1 do not apply
9 to a credit union organized under this chapter or under the
10 Federal Credit Union Act, 12 U.S.C. Sec- § 1751 et seq., or to
11 the Iowa credit union league, or a chapter, affiliate or
12 subsidiary of the Iowa credit union league, or to a political
13 action committee formed under ~~Public-Law~~ Pub. L. No. 94-283 or
14 chapter 68A by the Iowa credit union league or by credit
15 unions organized under this chapter or federal law.

16 Sec. 137. Section 591.11, Code 2005, is amended to read as
17 follows:

18 591.11 FAILURE TO PUBLISH NOTICE OF AMENDMENT.

19 In all instances where notices of amendments to articles of
20 incorporation have not been published within three months
21 after the filing with and approval by the secretary of state
22 of such amendments, as provided in section 491.20, ~~of-the~~ Code
23 1954, but such notices have been thereafter published in the
24 form and manner as required by law and proof of publication
25 filed with the secretary of state, such notices are hereby
26 legalized and shall have the same force and effect as though
27 published within said period of three months and proper proof
28 of publication filed with the secretary of state.

29 Sec. 138. Section 598.21G, unnumbered paragraph 1, Code
30 Supplement 2005, is amended to read as follows:

31 In any order or judgment entered under this chapter or
32 chapter 234, 252A, 252C, 252F, 598, or 600B, or under any
33 other chapter which provides for temporary or permanent
34 support payments, if the parent ordered to pay support is less
35 than eighteen years of age, one of the following shall apply:

1 Sec. 139. Section 602.10125, Code 2005, is amended to read
2 as follows:

3 602.10125 ATTORNEY GENERAL -- APPROPRIATENESS OF PROCEDURE
4 -- ORDER FOR APPEARANCE.

5 If an action is commenced on the petition of an individual,
6 the court shall notify and refer the matter to the attorney
7 general. The attorney general, within thirty days of the
8 referral, shall submit a report to the court concerning the
9 appropriateness of bringing the action under this chapter.

10 The court shall not proceed with consideration of the merits
11 of the complaint until the report from the attorney general is
12 received. If the court deems the accusation sufficient to
13 justify further action, the court shall determine whether the
14 complaint is more appropriately pursued under this chapter
15 rather than the procedures established under Iowa court rules,
16 ~~chapter ch.~~ 35. If the court finds that proceeding under this
17 chapter is more appropriate, it shall cause an order to be
18 entered requiring the accused to appear and answer in the
19 court where the accusation has been filed on the day fixed in
20 the order, and shall cause a copy of the accusation and order
21 to be served upon the accused personally.

22 Sec. 140. Section 633.3, subsections 15, 17, 34, and 35,
23 Code Supplement 2005, are amended to read as follows:

24 15. ESTATE -- the real and personal property of either a
25 decedent or a ward, and may also refer to the real and
26 personal property of a trust ~~as-defined~~ described in section
27 633.10.

28 17. FIDUCIARY -- includes personal representative,
29 executor, administrator, guardian, conservator, and the
30 trustee of any trust ~~as-defined~~ described in section 633.10.

31 34. TRUSTEE -- the person or persons serving as trustee of
32 a trust ~~as-defined~~ described in section 633.10.

33 35. TRUSTS -- includes only those trusts ~~defined~~ described
34 in section 633.10.

35 Sec. 141. Section 633.10, unnumbered paragraph 1, Code

1 Supplement 2005, is amended to read as follows:

2 In addition to the jurisdiction granted the district court
3 under the trust code, chapter 633A, or elsewhere, the district
4 court sitting in probate shall have jurisdiction of:

5 Sec. 142. Section 633.699B, Code Supplement 2005, is
6 amended to read as follows:

7 633.699B APPLICABILITY OF LAW.

8 The terms of this division, and all other terms of this
9 probate code relating to trusts and trustees, shall apply only
10 to trusts that remain under continuous court supervision
11 pursuant to section 633.10 and to trusts that have not been
12 released from such continuous supervision pursuant to section
13 633.10. Regarding all such trusts, the terms of this chapter
14 shall supersede any inconsistent terms in the trust code,
15 chapter 633A, and such trusts shall be governed by terms of
16 the trust code, chapter 633A, that are not inconsistent with
17 this probate code.

18 Sec. 143. Section 679C.103, subsection 2, unnumbered
19 paragraph 1, Code Supplement 2005, is amended to read as
20 follows:

21 This chapter shall not apply to a mediation relating to or
22 conducted by under any of the following circumstances:

23 Sec. 144. Section 679C.104, subsection 1, Code Supplement
24 2005, is amended to read as follows:

25 1. Except as otherwise provided in section 679C.106, a
26 mediation communication is privileged as provided in
27 subsection 2 and is not subject to discovery or admissible in
28 evidence in a proceeding unless the privilege is waived or
29 precluded as provided by section 679C.105.

30 Sec. 145. Section 692B.2, Articles VIII and XI, Code 2005,
31 are amended to read as follows:

32 ARTICLE VIII -- MISCELLANEOUS PROVISIONS

33 (a) RELATION OF COMPACT TO CERTAIN FBI ACTIVITIES.

34 Administration of this compact shall not interfere with the
35 management and control of the director of the FBI over the

1 FBI's collection and dissemination of criminal history records
2 and the advisory function of the FBI's advisory policy board
3 chartered under the Federal Advisory Committee Act, (5 5
4 U.S.C. App.) App., for all purposes other than noncriminal
5 justice.

6 (b) NO AUTHORITY FOR NONAPPROPRIATED EXPENDITURES.
7 Nothing in this compact shall require the FBI to obligate or
8 expend funds beyond those appropriated to the FBI.

9 (c) RELATING TO PUBLIC-LAW PUB. L. NO. 92-544. Nothing in
10 this compact shall diminish or lessen the obligations,
11 responsibilities, and authorities of any state, whether a
12 party state or a nonparty state, or of any criminal history
13 record repository or other subdivision or component thereof,
14 under the Departments of State, Justice, and Commerce, the
15 Judiciary, and Related Agencies Appropriation Act, 1973
16 (~~Public-Law-92-544~~), Pub. L. No. 92-544, or regulations and
17 guidelines promulgated thereunder, including the rules and
18 procedures promulgated by the council under Article VI(a),
19 regarding the use and dissemination of criminal history
20 records and information.

21 ARTICLE XI -- ADJUDICATION OF DISPUTES

22 (a) IN GENERAL. The council shall

23 (1) have initial authority to make determinations with
24 respect to any dispute regarding

25 (A) interpretation of this compact;

26 (B) any rule or standard established by the council
27 pursuant to Article VI; and

28 (C) any dispute or controversy between any parties to this
29 compact; and

30 (2) hold a hearing concerning any dispute described in
31 paragraph (1) at a regularly scheduled meeting of the council
32 and only render a decision based upon a majority vote of the
33 members of the council. Such decision shall be published
34 pursuant to the requirements of Article VI(e).

35 (b) DUTIES OF FBI. The FBI shall exercise immediate and

1 necessary action to preserve the integrity of the III system,
2 maintain system policy and standards, protect the accuracy and
3 privacy of records, and to prevent abuses, until the council
4 holds a hearing on such matters.

5 (c) RIGHT OF APPEAL. The FBI or a party state may appeal
6 any decision of the council to the attorney general, and
7 thereafter may file suit in the appropriate district court of
8 the United States, which shall have original jurisdiction of
9 all cases or controversies arising under this compact. Any
10 suit arising under this compact and initiated in a state court
11 shall be removed to the appropriate district court of the
12 United States in the manner provided by ~~section-1446-of-title~~
13 ~~28,-United-States-Code~~ 28 U.S.C. § 1446, or other statutory
14 authority.

15 Sec. 146. Section 725.12, subsection 1, Code Supplement
16 2005, is amended to read as follows:

17 1. If any person ~~make~~ makes or ~~aid~~ aids in making or
18 establishing, or ~~advertise~~ advertises or ~~make~~ makes public a
19 scheme for a lottery; or ~~advertise~~ advertises, ~~offer~~ offers
20 for sale, ~~sell~~ sells, ~~distribute~~ distributes, ~~negotiate~~
21 negotiates, ~~dispose~~ disposes of, ~~purchase~~ purchases, or
22 ~~receive~~ receives a ticket or part of a ticket in a lottery or
23 number of a ticket in a lottery; or ~~have~~ has in the person's
24 possession a ticket, part of a ticket, or paper purporting to
25 be the number of a ticket of a lottery, with the intent to
26 sell or dispose of the ticket, part of a ticket, or paper on
27 the person's own account or as the agent of another, the
28 person commits a serious misdemeanor. However, this section
29 does not prohibit the advertising of a lottery or possession
30 by a person of a lottery ticket, part of a ticket, or number
31 of a lottery ticket from a lottery legally operated or
32 permitted under the laws of another jurisdiction. This
33 section also does not prohibit the advertising of a lottery,
34 game of chance, contest, or activity conducted by a not-for-
35 profit organization that would qualify as tax exempt under

1 section 501 of the Internal Revenue Code, as defined in
2 section 422.3, or conducted by a commercial organization as a
3 promotional activity which is clearly occasional and ancillary
4 to the primary business of that organization, provided that
5 the effective dates on any promotional activity shall be
6 clearly stated on all promotional materials. A lottery, game
7 of chance, contest, or activity shall be presumed to be a
8 promotional activity which is not occasional if the lottery,
9 game of chance, contest, or activity is in effect or available
10 to the public for a period of more than ninety days within a
11 one-year period.

12 Sec. 147. Section 729.1, Code 2005, is amended to read as
13 follows:

14 729.1 RELIGIOUS TEST.

15 Any violation of section 4, Article I of the Constitution
16 of the State of Iowa is hereby declared to be a simple
17 misdemeanor unless a greater penalty is otherwise provided by
18 law.

19 Sec. 148. Section 822.2, Code 2005, is amended to read as
20 follows:

21 822.2 SITUATIONS WHERE LAW APPLICABLE.

22 1. Any person who has been convicted of, or sentenced for,
23 a public offense and who claims that any of the following may
24 institute, without paying a filing fee, a proceeding under
25 this chapter to secure relief:

26 1- a. The conviction or sentence was in violation of the
27 Constitution of the United States or the Constitution or laws
28 of this state_{7.}

29 2- b. The court was without jurisdiction to impose
30 sentence_{7.}

31 3- c. The sentence exceeds the maximum authorized by
32 law_{7.}

33 4- d. There exists evidence of material facts, not
34 previously presented and heard, that requires vacation of the
35 conviction or sentence in the interest of justice_{7.}

1 5. e. The person's sentence has expired, or probation,
2 parole, or conditional release has been unlawfully revoked, or
3 the person is otherwise unlawfully held in custody or other
4 restraint.

5 6. f. The person's reduction of sentence pursuant to
6 sections 903A.1 through 903A.7 has been unlawfully forfeited
7 and the person has exhausted the appeal procedure of section
8 903A.3, subsection 2.

9 7. g. The conviction or sentence is otherwise subject to
10 collateral attack upon any ground of alleged error formerly
11 available under any common law, statutory or other writ,
12 motion, petition, proceeding, or remedy, except alleged error
13 relating to restitution, court costs, or fees under section
14 904.702 or chapter 815 or 910.

15 ~~may institute without paying a filing fee a proceeding under~~
16 ~~this chapter to secure relief.~~

17 2. This remedy is not a substitute for nor does it affect
18 any remedy, incident to the proceedings in the trial court, or
19 of direct review of the sentence or conviction. Except as
20 otherwise provided in this chapter, it comprehends and takes
21 the place of all other common law, statutory, or other
22 remedies formerly available for challenging the validity of
23 the conviction or sentence. It shall be used exclusively in
24 place of them.

25 Sec. 149. Section 822.3, Code 2005, is amended to read as
26 follows:

27 822.3 HOW TO COMMENCE PROCEEDING -- LIMITATION.

28 A proceeding is commenced by filing an application verified
29 by the applicant with the clerk of the district court in which
30 the conviction or sentence took place. However, if the
31 applicant is seeking relief under section 822.2, subsection 6
32 1, paragraph "f", the application shall be filed with the
33 clerk of the district court of the county in which the
34 applicant is being confined within ninety days from the date
35 the disciplinary decision is final. All other applications

1 must be filed within three years from the date the conviction
2 or decision is final or, in the event of an appeal, from the
3 date the writ of procedendo is issued. However, this
4 limitation does not apply to a ground of fact or law that
5 could not have been raised within the applicable time period.
6 Facts within the personal knowledge of the applicant and the
7 authenticity of all documents and exhibits included in or
8 attached to the application must be sworn to affirmatively as
9 true and correct. The supreme court may prescribe the form of
10 the application and verification. The clerk shall docket the
11 application upon its receipt and promptly bring it to the
12 attention of the court and deliver a copy to the county
13 attorney and the attorney general.

14 Sec. 150. Section 822.5, Code 2005, is amended to read as
15 follows:

16 822.5 PAYMENT OF COSTS.

17 If the applicant is unable to pay court costs and
18 stenographic and printing expenses, these costs and expenses
19 shall be made available to the applicant in the trial court,
20 and on review. Unless the applicant is confined in a state
21 institution and is seeking relief under section 822.2,
22 ~~subsections 5 and 6~~ subsection 1, paragraphs "e" and "f", the
23 costs and expenses of legal representation shall also be made
24 available to the applicant in the preparation of the
25 application, in the trial court, and on review if the
26 applicant is unable to pay. However, nothing in this section
27 shall be interpreted to require payment of expenses of legal
28 representation, including stenographic, printing, or other
29 legal services or consultation, when the applicant is self-
30 represented or is utilizing the services of an inmate.

31 Sec. 151. Section 822.7, Code 2005, is amended to read as
32 follows:

33 822.7 COURT TO HEAR APPLICATION.

34 The application shall be heard in, and before any judge of
35 the court in which the conviction or sentence took place.

1 However, if the applicant is seeking relief under section
2 822.2, subsection 6 1, paragraph "f", the application shall be
3 heard in, and before any judge of the court of the county in
4 which the applicant is being confined. A record of the
5 proceedings shall be made and preserved. All rules and
6 statutes applicable in civil proceedings including pretrial
7 and discovery procedures are available to the parties. The
8 court may receive proof of affidavits, depositions, oral
9 testimony, or other evidence, and may order the applicant
10 brought before it for the hearing. If the court finds in
11 favor of the applicant, it shall enter an appropriate order
12 with respect to the conviction or sentence in the former
13 proceedings, and any supplementary orders as to rearraignment,
14 retrial, custody, bail, discharge, correction of sentence, or
15 other matters that may be necessary and proper. The court
16 shall make specific findings of fact, and state expressly its
17 conclusions of law, relating to each issue presented. This
18 order is a final judgment.

19 Sec. 152. Section 822.9, Code 2005, is amended to read as
20 follows:

21 822.9 APPEAL.

22 An appeal from a final judgment entered under this chapter
23 may be taken, perfected, and prosecuted either by the
24 applicant or by the state in the manner and within the time
25 after judgment as provided in the rules of appellate procedure
26 for appeals from final judgments in criminal cases. However,
27 if a party is seeking an appeal under section 822.2,
28 subsection 6 1, paragraph "f", the appeal shall be by writ of
29 certiorari.

30 Sec. 153. Section 904.513, subsection 3, Code 2005, is
31 amended to read as follows:

32 3. The department shall adopt rules for the implementation
33 of this section. The rules shall include the requirement that
34 the treatment programs established pursuant to this chapter
35 meet the licensure standards of the ~~division-of-substance~~

1 ~~abuse-for~~ the department of public health under chapter 125.
2 The rules shall also include provisions for the funding of the
3 program by means of self-contribution by the offenders,
4 insurance reimbursement on behalf of offenders, or other forms
5 of funding, program structure, criteria for the evaluation of
6 offenders and programs, and all other issues the director
7 shall deem appropriate.

8 Sec. 154. Section 914.1, Code 2005, is amended to read as
9 follows:

10 914.1 POWER OF GOVERNOR.

11 The power of the governor under the ~~constitution~~
12 Constitution of the State of Iowa to grant a reprieve, pardon,
13 commutation of sentence, remission of fines and forfeitures,
14 or restoration of the rights of citizenship shall not be
15 impaired.

16 Sec. 155. 2004 Iowa Acts, chapter 1076, section 1,
17 subsection 1, enacting Code section 69.20, subsection 1, is
18 amended to read as follows:

19 1. A temporary vacancy in an elective office of a
20 political subdivision, community college, and hospital board
21 of trustees of this state occurs on the date when the person
22 filling that office is placed on ~~active~~ state military service
23 or federal service, as those terms are defined in section
24 29A.1, and when such a person will not be able to attend to
25 the duties of that person's elective position for a period
26 greater than sixty consecutive days. The temporary vacancy
27 terminates on the date when such person is released from such
28 service, or the term of office expires.

29 Sec. 156. 2005 Iowa Acts, chapter 136, section 20, the
30 bill section amending clause, is amended to read as follows:

31 SEC. 20. Section 455B.103, ~~subsections~~ subsection 3 and
32 subsection 4, unnumbered paragraph 1, Code 2005, are amended
33 to read as follows:

34 Sec. 157. Section 15.103, subsection 1, paragraph a, as
35 enacted by 2005 Iowa Acts, chapter 150, section 4, is amended

1 to read as follows:

2 a. The Iowa economic development board is created,
3 consisting of fifteen voting members appointed by the governor
4 and seven ex officio nonvoting members. The ex officio
5 nonvoting members are four legislative members; one president,
6 or the president's designee, of the university of northern
7 Iowa, the university of Iowa, or Iowa state university of
8 science and technology designated by the state board of
9 regents on a rotating basis; and one president, or the
10 president's designee, of a private college or university
11 appointed by the Iowa association of independent colleges and
12 universities; and one superintendent, or the superintendent's
13 designee, of a community college, appointed by the Iowa
14 association of community college presidents. The legislative
15 members are two state senators, one appointed by the president
16 of the senate, after consultation with the majority leader of
17 the senate, and one appointed by the minority leader of the
18 senate, after consultation with the president of the senate,
19 from their respective parties; and two state representatives,
20 one appointed by the speaker and one appointed by the minority
21 leader of the house of representatives from their respective
22 parties. Not more than eight of the voting members shall be
23 from the same political party. Beginning with the first
24 appointment to the board made after the effective date of this
25 division of this Act, at least one voting member shall have
26 been less than thirty years of age at the time of appointment.
27 The governor shall appoint the voting members of the board for
28 a term of four years beginning and ending as provided by
29 section 69.19, subject to confirmation by the senate, and the
30 governor's appointments shall include persons knowledgeable of
31 the various elements of the department's responsibilities.

32 Sec. 158. Section 455B.172, subsection 5, unnumbered
33 paragraph 2, Code 2005, as amended by 2005 Iowa Acts, chapter
34 153, section 2, is amended to read as follows:

35 The department shall by rule adopt standards for the

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1 commercial cleaning of private sewage disposal facilities,
2 including but not limited to septic tanks, and for the
3 disposal of waste from the facilities. The standards shall
4 not be in conflict with the state building code adopted
5 pursuant to section 103A.7. A person shall not commercially
6 clean such facilities or dispose of waste from such facilities
7 unless the person has been issued a license by the department.
8 The department shall be exclusively responsible for adopting
9 the standards and issuing licenses. However, county boards of
10 health shall enforce the standards and licensing requirements
11 established by the department. The department may contract
12 for the delegation of the authority for inspection of land
13 application sites, record reviews, and equipment inspections
14 to a county board of health. In the event of entering into
15 such a contract, the department shall retain concurrent
16 authority over such activities. Application for the license
17 shall be made in the manner provided by the department.
18 Licenses expire one year from the date of issue unless revoked
19 and may be renewed in the manner provided by the department.
20 A license application shall include registration applications
21 for each vehicle used by the applicant for purposes of
22 collecting septage from private sewage disposal facilities and
23 each vehicle used by the applicant for purposes of applying
24 septage to land. Septic disposal management plans shall be
25 submitted to the department and approved annually as a
26 condition of licensing and shall also be filed annually with
27 the county board of health in the county where a proposed
28 septage application site is located. The septic disposal
29 management plan shall include, but not be limited to, the
30 sites of septage application, the anticipated volume of
31 septage applied to each site, the area of each septage
32 application site, the type of application to be used at each
33 site, the volume of septage expected to be collected from
34 private sewage disposal facilities, and a list of registered
35 vehicles collecting septage from private sewage disposal

1 facilities and applying septage to land. The annual license
2 or license renewal fee for a person commercially cleaning
3 private sewage disposal facilities shall be established by the
4 department based on the volume of septage that is applied to
5 land. A septic management fund is created in the state
6 treasury under the control of the department. Annual license
7 and license renewal fees collected pursuant to this section
8 shall be deposited in the septic management fund and are
9 appropriated to the department for purposes of contracting
10 with county boards of health to conduct land application site
11 inspections, record reviews, and septic cleaning equipment
12 inspections. A person violating this section or the rules
13 adopted pursuant to this section as determined by the
14 department is subject to a civil penalty of not more than two
15 hundred fifty dollars. The department shall adopt rules
16 related to, but not limited to, recordkeeping requirements,
17 application procedures and limitations, contamination issues,
18 loss of septage, failure to file a septic disposal management
19 plan, application by vehicles that are not properly
20 registered, wrongful application, and violations of a septic
21 disposal management plan. Each day that a violation continues
22 constitutes a separate offense. The penalty shall be assessed
23 for the duration of time commencing with the time the
24 violation begins and ending with the time the violation is
25 corrected. The septic disposal management plan may be
26 examined to determine the duration of the violation. Moneys
27 collected by the department from the imposition of civil
28 penalties shall be deposited in the general fund of the state.
29 Moneys collected by a county board of health from the
30 imposition of civil penalties shall be deposited in the
31 general fund of the county.

32 Sec. 159. 2005 Iowa Acts, chapter 179, section 14,
33 unnumbered paragraph 1, is amended to read as follows:

34 There is appropriated from the general fund of the state to
35 the homeland security and emergency management division of the

1 department of public ~~safety~~ defense for the fiscal year
2 beginning July 1, 2005, and ending June 30, 2006, the
3 following amount, or so much thereof as is necessary, to be
4 used for the purpose designated:

5 Sec. 160. 2005 Iowa Acts, chapter 179, section 48, is
6 amended to read as follows:

7 SEC. 48. HEALTH FACILITIES ~~COUNCIL~~ DIVISION. If 2005 Iowa
8 Acts, House File 810, is enacted and includes an appropriation
9 from the general fund of the state to the department of
10 inspections and appeals for the health facilities ~~council~~
11 division for the fiscal year beginning July 1, 2005, and
12 ending June 30, 2006, any provision of that appropriation
13 designating the use of \$80,000 and a full-time equivalent
14 position for a particular purpose shall not be applied.

15 Sec. 161. Section 12B.6, as enacted by 2005 Iowa Acts,
16 chapter 179, section 98, is amended to read as follows:

17 12B.6 CERTAIN PUBLIC FUNDS OF POLITICAL SUBDIVISIONS.

18 All funds received, expended, or held by an association of
19 elected county officers before, on, or after the effective
20 date of this division of this Act, to implement a state-
21 authorized program, are subject to audit by the auditor of
22 state at the request of the government oversight committees or
23 the legislative council. All such funds received or held on
24 and after July 1, 2005, shall be deposited in a fund in the
25 office of the treasurer of state.

26 Sec. 162. The section of this Act amending section 147.7
27 is repealed effective July 1, 2008.

28 Sec. 163. EFFECTIVE DATES.

29 1. The section of this Act amending 2004 Acts, ch 1076,
30 section 1, being deemed of immediate importance, takes effect
31 upon enactment and applies retroactively to April 14, 2004.

32 2. The sections of this Act amending 2005 Acts, ch 136,
33 section 20; section 15.103, as amended by 2005 Acts, ch 150,
34 section 4; section 455B.172, as amended by 2005 Acts, ch 153,
35 section 2; 2005 Acts, ch 179, section 14; and 2005 Acts, ch

1 179, section 48, being deemed of immediate importance, take
2 effect upon enactment and apply retroactively to July 1, 2005.

3 3. The section of this Act amending section 12B.6, as
4 enacted by 2005 Acts, ch 179, section 98, being deemed of
5 immediate importance, takes effect upon enactment and applies
6 retroactively to June 16, 2005.

7 EXPLANATION

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

17 Code sections 2.1, 3.7, 3.14, 7.15, 16.2; section 42.3,
18 subsection 4, paragraph "a"; sections 42.4, 49.3, 55.3, 99G.8,
19 99G.21, 218.2, 257B.12, 261A.14, 331.301, 364.1, 364.2,

20 512A.10, 512B.13, 729.1, and 914.1: Standardizes
21 nonconforming references to the Constitution of the State of
22 Iowa in various provisions throughout the Code to facilitate
23 hypertext linkage in electronic publications of the Code.

24 Code section 9G.12: Updates the citation form used to
25 refer to an Act of Congress pertaining to title to certain
26 railroad lands to conform the citation to standard citation
27 form.

28 Code section 13.24: Updates citations to a 1986 Iowa Act
29 in a provision pertaining to legal services providers in farm
30 mediation cases under the farm assistance program in the
31 department of justice, to eliminate future electronic
32 hypertext linkage problems.

33 Code section 15.274: Replaces references to 2005 Iowa Acts
34 provisions establishing certified cultural and entertainment
35 districts with a reference to Code section 303.3B, the

1 codified provision directing the department of cultural
2 affairs to establish a cultural and entertainment district
3 certification program.

4 Code section 15A.9: Adds the word "former" to a reference
5 to section 427A.1 of the 1993 Code to eliminate an electronic
6 hypertext linkage problem in a provision relating to property
7 tax exemptions for property located in areas designated as
8 quality jobs enterprise zones.

9 Code section 15G.111: Strikes the words "if so amended" in
10 two places following references to chapter 262B in provisions
11 appropriating money from the grow Iowa values fund for
12 purposes of Code chapter 262B, relating to commercialization
13 of research. Code chapter 262B was amended in the manner
14 described in 2005 Iowa Acts, chapter 150. The bill also
15 conforms references to subsections within Code section 15E.232
16 to changes made in similar provisions.

17 Code section 15H.2: Strikes the word "and" to correct a
18 reference to the retired senior volunteer program.

19 Code section 16.15: Updates and standardizes references to
20 federal Acts and United States Code provisions in language
21 relating to housing assistance payments by the Iowa finance
22 authority.

23 Code section 22.3: Substitutes the phrase "examination and
24 copying" for the word "work" and eliminates a redundant
25 reference to "the work" to agree with other usages of the
26 phrase "examination and copying" in a provision relating to
27 the examination and copying of public records.

28 Code section 28.4: Adds the word "staff" to complete the
29 phrase "early care staff" as used throughout a provision
30 relating to the Iowa empowerment board's duties regarding
31 early care services.

32 Code sections 28J.2 and 28J.20: Corrects grammatical
33 errors in provisions allowing two or more political
34 subdivisions to create a port authority and allowing a port
35 authority to make loans for the acquisition or construction of

1 certain facilities within the port authority's jurisdiction.

2 Code section 29A.3: Corrects a reference to the army
3 national guard of the United States in a provision relating to
4 the organization of units, detachments, and organizations of
5 the guard.

6 Code sections 42.2, subsection 3, and 42.3, subsection 4,
7 paragraph "b": Updates and standardizes references to federal
8 public laws that relate to legislative redistricting.

9 Code section 49.46: Strikes a check mark symbol following
10 the words "a check mark" in a provision relating to marking of
11 ballots. The symbol does not exist in the computer database
12 used for the Code of Iowa.

13 Code sections 63A.2, 446.20, 446.38, and 483A.24: Corrects
14 references to the state supplementary assistance program in
15 provisions relating to persons permitted to administer oaths,
16 to tax sales, and to when hunting, fishing, or trapping
17 licenses are not required.

18 Code section 68A.404: Corrects the grammatical structure
19 of a provision relating to the requirement to file independent
20 expenditure statements under the campaign finance laws.

21 Code section 69.20: Corrects a grammatical error in a
22 provision relating to temporary vacancies in local elective
23 offices.

24 Code section 80.22: Substitutes the abbreviation "ch." for
25 the word "chapter" in a reference to 1939 Iowa Acts, chapter
26 120, to eliminate incorrect electronic hypertext linkage to
27 Code chapter 120.

28 Code section 80.33: Corrects a grammatical error in a
29 provision relating to peace officers' access to drug records.

30 Code sections 85.34, 191.2, 306C.24, 321.10, 321.210C,
31 321J.2, 327C.5, 437A.15, and 598.21G: Eliminates specific
32 references to the Code section or chapter within which the
33 reference is made.

34 Code section 96.12: Updates and standardizes references to
35 a federal Act and United States Code provisions regarding the

1 provision of state employment services.

2 Code section 97A.1: Makes a language change in a provision
3 referring to Code section 80.15 to agree with changes made to
4 that section in 2005.

5 Code section 97A.3: Adds references to predecessor
6 divisions or subunits in language relating to retirement
7 system membership of persons employed by certain divisions and
8 subunits of the department of public safety on July 4, 1949.
9 The names of the divisions of the department of public safety
10 specified in this provision were updated in 2005 by 2005 Iowa
11 Acts, ch 35.

12 Section 135B.1: Updates and standardizes references to a
13 federal Act in a definition of the term "hospital" in a Code
14 chapter governing the regulation of hospitals.

15 Code section 141A.11: Substitutes the words "department of
16 health and human services" for the words "public health
17 service" in a reference to the federal centers for disease
18 control and prevention.

19 Code section 147.7: Makes a grammatical change to clarify
20 that a person recognized for licensure in this state under
21 either the nurse licensure compact or the advanced practice
22 registered nurse compact shall meet the requirement contained
23 in the provision requiring a person to maintain a copy of the
24 person's out-of-state license. This section of the bill is
25 repealed July 1, 2008, when the latest enacted compact is
26 repealed.

27 Code section 152D.4: Corrects a grammatical error in a
28 provision making Code chapter 152D, regulating athletic
29 trainers, inapplicable to licensed physician assistants who do
30 not represent themselves to the public as athletic trainers.

31 Code section 163.27: Substitutes the words "two hundred
32 twelve degrees Fahrenheit" for the figures "212 F" and the
33 degree symbol. The degree symbol does not exist in the
34 computer database used for the Code of Iowa.

35 Code section 176A.2: Updates and standardizes references

1 to a federal Act in provisions relating to the provision of
2 county agricultural extension services.

3 Code section 177A.12: Updates language and standardizes a
4 reference to a federal Act in provisions relating to the
5 establishment of quarantines by the state entomologist.

6 Code section 184.9B: Makes a grammatical change to
7 eliminate the word "it" in this provision relating to the
8 duties of the Iowa egg council.

9 Code sections 207.1, 207.8, 207.16, and 207.19:
10 Standardizes several references to the federal Surface Mining
11 Control and Reclamation Act of 1977 and one reference to a
12 former Iowa Code provision under which coal mining operation
13 permits were issued in provisions relating to the
14 implementation in Iowa of that federal Act.

15 Code section 216.13: Standardizes a reference to a federal
16 Act in the civil rights chapter in language relating to
17 adjustments to a retirement benefit test based on regulations
18 issued pursuant to that federal Act.

19 Code sections 123.53, 216A.132, 235C.2, 321J.3, and
20 904.513: Replaces references to the division of substance
21 abuse within the Iowa department of public health with
22 appropriate references to the department and its duties under
23 Code chapter 125, relating to chemical substance abuse. The
24 division no longer exists within the department.

25 Code section 226.19: Makes a grammatical change by
26 substituting the words "Every patient" for the words "All
27 patients" in a provision relating to the discharge of state
28 mental health institute patients.

29 Code section 231.23A: Corrects a reference to the case
30 management program for frail elders in a provision relating to
31 programs administered by the department of elder affairs.

32 Code sections 231B.2 and 231C.3: Makes punctuation changes
33 for readability in provisions directing the department of
34 elder affairs to adopt minimum standards for the regulation of
35 elder group homes and assisted living programs.

1 Code sections 231B.13, 231C.13, and 231D.12: Makes
2 grammatical changes for readability in provisions prohibiting
3 an elder group home, assisted living program, or adult day
4 services program from discriminating or retaliating against a
5 tenant, participant, or employee who initiates a proceeding
6 under the applicable Code chapter.

7 Code section 237A.30: Substitutes the word "webpage" for
8 "page" in a provision allowing a child care facility's quality
9 rating pursuant to the voluntary quality rating system to be
10 included on the department of human services internet webpage
11 providing child care information to consumers, in order to be
12 consistent with other usages of the term.

13 Code section 249.1: Updates a reference to a federal Act
14 that amends Title XVI of the Social Security Act in a
15 definition contained in the state supplementary assistance
16 chapter.

17 Code section 257.33: Adds an additional reference to the
18 1991 Iowa Code after a citation to former Code chapter 442 and
19 deletes language that appeared after a citation to former Code
20 section 279.43 and that indicated that former Code chapter 442
21 and Code section 279.43 appeared in the 1991 Code, in
22 provisions relating to voter approval of the use of an
23 additional enrichment amount under former provisions in the
24 school funding formula. The change eliminates a problem
25 experienced with hypertext linkages in the electronic version
26 of this Code section.

27 Code section 276.10: Updates a reference to a federal Act
28 in a provision relating to establishment of community
29 education programs by school boards.

30 Code section 306A.3: Specifies that the department
31 referenced in a provision directing the department to adopt
32 rules embodying a utility accommodation policy is the state
33 department of transportation. The term "department" is not
34 defined for purposes of Code chapter 306A.

35 Code section 307.26: Standardizes a reference to a federal

1 Act in a provision relating to the duties of the state
2 administrator for rail and water as they relate to that
3 federal Act.

4 Code section 308.3: Standardizes a reference to a federal
5 Act in definitions relating to the establishment of the
6 Mississippi river parkway.

7 Code section 312.3B: Adds the word "fund" in the phrase
8 "farm-to-market road distributions" to clarify that
9 distributions are made from the farm-to-market road fund.

10 Code section 321.69: Strikes the words "of the title" in a
11 provision regulating the placement of language relating to the
12 status of a vehicle as wrecked or salvage on the certificate
13 of title and registration receipt to agree with language used
14 elsewhere in the Code section.

15 Code section 331.756: Replaces a reference to the division
16 of beer and liquor law enforcement with a reference to the
17 department of public safety in a provision directing the
18 county attorney to assist the division in the enforcement of
19 beer and liquor laws. The division no longer exists.

20 Code section 403.5: Standardizes references to a federal
21 Act relating to certification of need for disaster assistance
22 in provisions relating to approval of urban renewal plans or
23 projects.

24 Code section 414.14: Makes a grammatical change for
25 readability in a provision requiring the majority vote of a
26 city's board of adjustment to reverse an order of an
27 administrative official.

28 Code sections 421.1, 422.75, 425.7, 426A.6, and 429.2:
29 Updates language relating to the state board of tax review by
30 internally renumbering the Code section, adding numerical Code
31 chapter and subchapter references to a reference by name to
32 the Iowa merit system, and by correcting references to Code
33 section 421.1 in other Code sections. The update also moves
34 language describing the manner in which hearings and appeals
35 are to be conducted by the state board of tax review to a

1 separate subsection from the provision enumerating the board's
2 duty to advise and counsel with the director of revenue. The
3 subsection paragraph containing the language describing the
4 board's duty to advise and counsel is also updated to include
5 a reference to the conducting of hearings and appeals in
6 accordance with the language that was moved to the separate
7 subsection.

8 Code section 422.1: Updates references in an introductory
9 Code section in Code chapter 422, relating to the taxation of
10 income, to reflect the repeal and transfer of retail sales tax
11 provisions to Code chapter 423 and the addition of a chapter
12 division pertaining to livestock production tax credits to
13 this Code chapter.

14 Code section 422.16: Standardizes citations to the federal
15 Tax Reform Act of 1976 in language relating to the withholding
16 of income tax by the Iowa department of revenue.

17 Code section 423A.3: Substitutes the term "renting" for
18 "rental" in two places in a provision imposing a state hotel
19 and motel tax. The defined term for purposes of the Code
20 chapter is "renting".

21 Code sections 423B.5 and 423E.3: Eliminates superfluous
22 language in provisions relating to the imposition of local
23 sales and services taxes.

24 Code section 426A.13: Makes a grammatical change for
25 readability in a provision relating to a person making a claim
26 for a military property tax exemption.

27 Code section 432.12F: Corrects a reference to the name of
28 the economic development region revolving fund contribution
29 tax credit in a provision authorizing the reduction of the
30 insurance companies tax by the amount of the credit.

31 Code section 437A.3: Inserts a reference to "Code 1997"
32 after several internal Code references to clarify that each
33 reference is from the 1997 Code and to avoid incorrect
34 electronic hypertext linkages to the current Code provisions.

35 Code section 445.5: Adds the words "or entity" following

1 the words "such person" in a provision allowing a property
2 titleholder to have the tax statement for the property
3 delivered to another person or entity to agree with another
4 usage in the provision.

5 Code section 455A.4: Eliminates references to specific
6 subchapters of Code chapter 459 in a provision directing the
7 director of the department of natural resources to provide
8 overall supervision of functions to be administered under
9 certain Code provisions.

10 Code section 455G.4: Clarifies that the Iowa comprehensive
11 petroleum underground storage tank fund board shall
12 "establish" procedures for investigating and settling claims
13 made against the fund.

14 Code section 456A.27: Standardizes a reference to a
15 federal wildlife restoration Act and deletes a hyphen in the
16 word "cooperative" in language relating to the implementation
17 of the federal Act by the Iowa department of natural
18 resources.

19 Code section 459A.102: Adds the lead-in language "As used
20 in this chapter, unless the context otherwise requires:"
21 preceding several terms defined for use in Code chapter 459A.

22 Code section 466A.3: Clarifies that the legislative
23 members of the watershed improvement review board are in
24 addition to appointed members of the board.

25 Code section 468.378: Standardizes a reference to the
26 federal bankruptcy Act in language relating to the power of
27 drainage and levee districts to incur indebtedness and
28 otherwise make use of the provisions contained in the
29 referenced federal Act.

30 Code section 476.1D: Adds the word "line" in the term
31 "single flat-rated" in two places in a provision relating to
32 the regulation and deregulation of communications services to
33 agree with other usages of the term throughout the provision.

34 Code section 481B.2: Standardizes a reference to a federal
35 Act pertaining to endangered and threatened species in a

1 provision in the Code chapter pertaining to endangered plants
2 and wildlife.

3 Code section 490.1701: Eliminates two references to Code
4 chapter 176 in a provision relating to the application of Code
5 chapter 490 to business corporations regulated under Code
6 chapter 504, the nonprofit corporation Act. Code chapter 176
7 was repealed in 2005.

8 Code section 490A.1201: Corrects a drafting error by
9 striking the words "As used in this section" in a provision
10 defining the term "constituent entity" for purposes of certain
11 designated Code sections in the Code chapter relating to
12 limited liability companies.

13 Code section 501A.504: Strikes a reference to section
14 501A.503 and substitutes a reference to section 501A.201 in a
15 provision requiring an amendment to a cooperative
16 association's articles of organization to be filed with the
17 secretary of state. The filing requirements are contained in
18 Code section 501A.201.

19 Code sections 501A.601, 501A.715, 501A.1008, and 501A.1104:
20 Makes changes related to grammatical drafting errors in
21 provisions relating to the power of a cooperative association
22 to deal in certain commodities and products, the election of a
23 cooperative association's board of directors, indemnification
24 of a person by a cooperative association in certain
25 situations, regulation of the membership interests of a class
26 or series by a cooperative association, allocations and
27 distributions of net income to members of a cooperative
28 association, reversion of disbursements, and conversion of a
29 traditional cooperative to a cooperative.

30 Code section 501A.1101(2): Clarifies that a plan for
31 merger or consolidation of a cooperative association that is
32 an Iowa limited liability company must state the manner and
33 basis for converting interests in the "Iowa limited liability
34 company that is a party" rather than the "surviving Iowa
35 limited liability company".

1 Code section 507A.2: Standardizes references to a federal
2 Act in a provision relating to the regulation of unauthorized
3 insurers by the insurance division of the department of
4 commerce.

5 Code section 507B.1: Standardizes references to a federal
6 Act in a provision relating to regulation of insurance trade
7 practices.

8 Code section 511.8: Updates and standardizes references to
9 several federal Acts in provisions relating to the types of
10 permissible investments that may be made by life insurance
11 companies and associations.

12 Code section 514B.3: Standardizes a reference to a federal
13 Act in a provision relating to applications for certificates
14 of authority by health maintenance organizations.

15 Code sections 518.14 and 518A.12: Substitutes "including"
16 for "include" for grammatical correctness in provisions
17 relating to investments by county and state mutual insurance
18 associations.

19 Code section 518B.1: Standardizes a reference to the
20 federal Housing and Urban Development Act in provisions
21 relating to the implementation of the riot reinsurance
22 program.

23 Code section 523.13: Standardizes a reference to the
24 federal Securities Exchange Act of 1934 in a provision
25 relating to the registration of certain securities of domestic
26 stock companies.

27 Code sections 523C.1 and 523C.9: Replaces the word
28 "commission" with the word "commissioner" in language relating
29 to licensure of service companies performing services under a
30 residential service contract and issuance of orders relating
31 to residential service contracts. The commissioner of
32 insurance issues such licenses and orders.

33 Code section 523I.103: Substitutes the words "the
34 person's" for "its" to agree with the subject "a foreign
35 person" in a provision relating to the applicability of the

1 Iowa cemetery Act.

2 Code section 523I.601: Makes a grammatical change in
3 language relating to the interment space in which the body of
4 a deceased person is buried to make the reference to interment
5 spaces agree with the singular use of the word "body" and the
6 practice of burying bodies "in" and not "upon" interment
7 spaces.

8 Code section 524.1416: Adds the word "and" to the last
9 item in a series that describes the requirements that a state
10 bank must follow when converting into a national bank or
11 federal savings association.

12 Code section 533.3: Updates references to two federal Acts
13 in language describing what entities may use the term "credit
14 union" or any derivation of that term in the entity name while
15 doing business in this state.

16 Code section 591.11: Strikes the words "of the" and adds a
17 comma in a reference to former 1954 Code section 491.20 to
18 eliminate electronic hypertext linkage problems in this
19 provision relating to notices of amendments to articles of
20 incorporation of business corporations.

21 Code section 602.10125: Changes the word "chapter" to
22 "ch." in a reference to an Iowa court rule to avoid electronic
23 hypertext linkage problems in a provision relating to actions
24 involving the regulation of the activities of attorneys and
25 counselors.

26 Code section 633.3: In several provisions defining terms
27 for purposes of the probate code, clarifies that Code section
28 633.10 describes certain types of trusts rather than defining
29 the term "trust".

30 Code sections 633.10 and 633.699B: Adds a numeric
31 reference to Code chapter 633A where the trust Code is
32 referred to by name to facilitate electronic hypertext linkage
33 to that Code chapter.

34 Code section 679C.103: Corrects a grammatical error in a
35 provision describing the scope of Code chapter 679C, relating

1 to mediation.

2 Code section 679C.104: Adds the words "the privilege" in
3 language providing that a mediation communication is
4 privileged to clarify that it is the privilege that can be
5 waived or precluded rather than the communication.

6 Code section 692B.2: Standardizes references to federal
7 Acts in the interstate crime prevention and privacy compact.

8 Code section 725.12: Updates archaic language in a
9 provision prohibiting certain lottery activities.

10 Code sections 822.2, 822.3, 822.5, 822.7, and 822.9:
11 Updates an obsolete drafting style by moving qualifying
12 language to an introductory paragraph and renumbering and
13 relettering provisions in Code section 822.2 and by changing
14 internal references to that Code section in other locations in
15 the same chapter to correspond with the number and lettering
16 changes made in Code section 822.2.

17 2004 Iowa Acts, chapter 1076: Updates a 2004 Act to
18 reflect an editorial change made to a term of art in Code
19 section 69.20 at the time the Code section was codified. The
20 term "active state service" was changed to "state military
21 service" in 2004 Iowa Acts, ch 1086, in Code provisions
22 existing prior to 2004 and this change conforms this Act to
23 those changes and the language of Code section 69.20 as
24 codified. This provision is effective upon enactment and
25 applies retroactively to April 14, 2004.

26 2005 Iowa Acts, chapter 136: Corrects the bill section
27 amending clause to this 2005 Iowa Act to clarify that only
28 unnumbered paragraph 1 of subsection 4 of Code section
29 455B.103 was amended in that section of that Act. This
30 provision is effective upon enactment and is retroactively
31 applicable to July 1, 2005.

32 2005 Iowa Acts, chapter 150: Adds a reference to the
33 division of the Act within which these 2005 changes to Code
34 section 15.103 can be found. 2005 Iowa Acts, chapter 150
35 contained multiple effective dates, but when these changes to

1 Code section 15.103 were codified, the effective date of the
2 division of the Act in which these changes were found was
3 substituted for references to the Act's effective date. This
4 provision is effective upon enactment and is retroactively
5 applicable to July 1, 2005.

6 2005 Iowa Acts, chapter 153: Adds the word "with" to
7 language describing the duration of time for which a penalty
8 should be assessed for violations by private sewage disposal
9 facilities. The word "with" was included in otherwise
10 identical language in amendments to other subsections in Code
11 section 455B.172 contained in this same Act. This provision
12 is effective upon enactment and is retroactively applicable to
13 July 1, 2005.

14 2005 Iowa Acts, chapter 179, section 14: Corrects a
15 reference to the department of public safety in a provision
16 appropriating moneys to the homeland security and emergency
17 management division. The division is part of the department
18 of public defense rather than the department of public safety.
19 This provision is effective upon enactment and is
20 retroactively applicable to July 1, 2005.

21 2005 Iowa Acts, chapter 179, section 48: Changes "health
22 facilities council" to "health facilities division" in two
23 places in a provision relating to the applicability of another
24 2005 Iowa Acts provision appropriating funds to the department
25 of inspections and appeals for the division. The proper name
26 of the body is the health facilities division. This provision
27 is effective upon enactment and is retroactively applicable to
28 July 1, 2005.

29 2005 Iowa Acts, chapter 179, section 98: Adds a reference
30 to the division of the Act within which these 2005 changes to
31 Code section 12B.6 can be found. 2005 Iowa Acts, chapter 179
32 contained multiple effective dates, but when these changes to
33 Code section 12B.6 were codified, the effective date of the
34 division of the Act in which these changes were found was
35 substituted for references to the Act's effective date. This

1 provision is effective upon enactment and is retroactively
2 applicable to June 16, 2005.

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HOUSE FILE 2543

H-8061

1 Amend House File 2543 as follows:

2 1. Page 6, line 3, by striking the word and
3 figure "and 6" and inserting the following: "~~and~~ 6".

4 2. Page 10, by inserting after line 21, the
5 following:

6 "Sec. _____. Section 29B.48, Code 2005, is amended
7 to read as follows:

8 29B.48 REFUSAL TO APPEAR OR TESTIFY.

9 1. Any person not subject to this code ~~who is~~
10 guilty of a simple misdemeanor if the person does all
11 of the following:

12 ~~1.~~ a. Has been duly subpoenaed to appear as a
13 witness or to produce books and records before a
14 military court or before any military or civil officer
15 and designated to take a deposition to be read in
16 evidence before such a court~~;~~.

17 ~~2.~~ b. Has been duly paid or tendered the fees and
18 mileage of a witness at the rates allowed to witnesses
19 attending the courts of the state~~;~~ ~~and~~.

20 ~~3.~~ c. Willfully neglects or refuses to appear, or
21 refuses to qualify as a witness or to testify or to
22 produce any evidence which that person has been
23 legally subpoenaed to produce~~;~~
24 ~~is guilty of a simple misdemeanor.~~

25 2. Upon certification of the facts in a case under
26 this section by the military judge, president of
27 courts-martial without a military judge, or summary
28 courts-martial officer, the county attorney of the
29 county where the offense occurred shall prosecute the
30 offense as if it were included in the Iowa criminal
31 code.

32 Sec. _____. Section 29B.74, Code 2005, is amended to
33 read as follows:

34 29B.74 PRINCIPALS.

35 Any person subject to this code ~~who is a principal~~
36 if the person does any of the following:

37 1. Commits an offense punishable by this code, or
38 aids, abets, counsels, commands, or procures its
39 commission~~;~~ ~~or~~.

40 2. Causes an act to be done which if directly
41 performed by the person would be punishable by this
42 code~~;~~
43 ~~is a principal.~~

44 Sec. _____. Section 29B.80, Code 2005, is amended to
45 read as follows:

46 29B.80 FRAUDULENT ENLISTMENT -- APPOINTMENT OR
47 SEPARATION.

48 Any person ~~who shall be punished as a court-martial~~
49 may direct if the person does any of the following:

50 1. Procures the person's own enlistment or

H-8061

1 appointment in the state military forces by knowingly
2 false representation or deliberate concealment as to
3 the person's qualifications for that enlistment or
4 appointment and receives pay or allowances thereunder;
5 ~~or.~~

6 2. Procures the person's own separation from the
7 state military forces by knowingly false
8 representation or deliberate concealment as to the
9 person's eligibility for that separation;
10 ~~shall be punished as a court-martial may direct.~~

11 Sec. _____. Section 29B.83, Code 2005, is amended to
12 read as follows:

13 29B.83 ABSENCE WITHOUT LEAVE.

14 Any person subject to this code ~~who~~ shall be
15 punished as a court-martial may direct, if the person
16 without authority does any of the following:

17 1. Fails to go to the person's appointed place of
18 duty at the time prescribed;

19 2. Goes from that place; ~~or.~~

20 3. Leaves or remains absent from the unit,
21 organization, or place of duty at which the person is
22 required to be at the time prescribed;

23 ~~shall be punished as a court-martial may direct.~~

24 Sec. _____. Section 29B.87, Code 2005, is amended to
25 read as follows:

26 29B.87 ASSAULTING OR WILLFULLY DISOBEYING SUPERIOR
27 COMMISSIONED OFFICER.

28 Any person subject to this code ~~who~~ shall be
29 punished as a court-martial may direct if the person
30 does any of the following:

31 1. Strikes the person's superior commissioned
32 officer or draws or lifts up any weapon or offers any
33 violence against the superior commissioned officer
34 while the superior commissioned officer is in the
35 execution of the officer's office; ~~or.~~

36 2. Willfully disobeys a lawful command of the
37 person's superior commissioned officer; ~~or~~
38 ~~shall be punished as a court-martial may direct.~~

39 Sec. _____. Section 29B.88, Code 2005, is amended to
40 read as follows:

41 29B.88 INSUBORDINATE CONDUCT TOWARD WARRANT
42 OFFICER, NONCOMMISSIONED OFFICER OR PETTY OFFICER.

43 Any warrant officer or enlisted member ~~who~~ shall be
44 punished as a court-martial may direct if the person
45 does any of the following:

46 1. Strikes or assaults a warrant officer,
47 noncommissioned officer or petty officer, while that
48 officer is in the execution of the officer's office;

49 2. Willfully disobeys the lawful order of a
50 warrant officer, noncommissioned officer, or petty

1 officer, ~~or.~~

2 3. Treats with contempt or is disrespectful in
3 language or deportment toward a warrant officer,
4 noncommissioned officer, or petty officer, while that
5 officer is in the execution of the officer's office,
6 ~~shall be punished as a court-martial may direct.~~

7 Sec. ____ . Section 29B.89, Code 2005, is amended to
8 read as follows:

9 29B.89 FAILURE TO OBEY ORDER OR REGULATION.

10 Any person subject to this code ~~who~~ shall be
11 punished as a court-martial may direct if the person
12 does any of the following:

13 1. Violates or fails to obey any lawful general
14 order or regulation, ~~or.~~

15 2. Having knowledge of any other lawful order
16 issued by a member of the state military forces which
17 it is the person's duty to obey, fails to obey the
18 order, ~~or.~~

19 3. Is derelict in the performance of the person's
20 duties,
21 ~~shall be punished as a court-martial may direct.~~

22 Sec. ____ . Section 29B.95, Code 2005, is amended to
23 read as follows:

24 29B.95 NONCOMPLIANCE WITH PROCEDURAL RULES.

25 Any person subject to this code ~~who~~ shall be
26 punished as a court-martial may direct if the person
27 does any of the following:

28 1. Is responsible for unnecessary delay in the
29 disposition of any case of a person accused of an
30 offense under this code, ~~or.~~

31 2. Knowingly and intentionally fails to enforce or
32 comply with any provisions of this code regulating the
33 proceedings before, during, or after trial of an
34 accused,
35 ~~shall be punished as a court-martial may direct.~~

36 Sec. ____ . Section 29B.96, Code 2005, is amended to
37 read as follows:

38 29B.96 MISBEHAVIOR BEFORE THE ENEMY.

39 Any person subject to this code ~~who~~ shall be
40 punished as a court-martial may direct if the person,
41 before or in the presence of the enemy, does any of
42 the following:

43 1. Runs away, ~~or.~~

44 2. Shamefully abandons, surrenders, or delivers up
45 any command, unit, place, or military property which
46 it is the person's duty to defend, ~~or.~~

47 3. Through disobedience, neglect, or intentional
48 misconduct endangers the safety of any such command,
49 unit, place, or military property, ~~or.~~

50 4. Casts away the person's arms or ammunition, ~~or.~~

1 5. Is guilty of cowardly conduct~~+~~.

2 6. Quits the person's place of duty to plunder or
3 pillage~~+~~.

4 7. Causes false alarms in any command, unit, or
5 place under control of the armed forces of the United
6 States or the state military forces~~+~~.

7 8. Willfully fails to do the person's utmost to
8 encounter, engage, capture, or destroy any enemy
9 troops, combatants, vessels, aircraft, or any other
10 thing, which it is the person's duty so to encounter,
11 engage, capture or destroy~~+~~~~or~~.

12 9. Does not afford all practicable relief and
13 assistance to any troops, combatants, vessels, or
14 aircraft of the armed forces belonging to the United
15 States or their allies, to the state, or to any other
16 state, when engaged in battle~~+~~
17 ~~shall be punished as a court-martial may direct.~~

18 Sec. ____ . Section 29B.101, Code 2005, is amended
19 to read as follows:

20 29B.101 AIDING THE ENEMY.

21 Any person subject to this code ~~who~~ shall be
22 punished as a court-martial may direct if the person
23 does any of the following:

24 1. Aids, or attempts to aid, the enemy with arms,
25 ammunition, supplies, money, or other things~~+~~~~or~~.

26 2. Without proper authority, knowingly harbors or
27 protects or gives intelligence to, or communicates or
28 corresponds with or holds any intercourse with the
29 enemy, either directly or indirectly~~+~~
30 ~~shall be punished as a court-martial may direct.~~

31 Sec. ____ . Section 29B.102, Code 2005, is amended
32 to read as follows:

33 29B.102 MISCONDUCT OF A PRISONER.

34 Any person subject to this code ~~who~~ shall be
35 punished as a court-martial may direct if the person,
36 while in the hands of the enemy in time of war, does
37 any of the following:

38 1. For the purpose of securing favorable treatment
39 by the captors acts without proper authority in a
40 manner contrary to law, custom, or regulation, to the
41 detriment of others of whatever nationality held by
42 the enemy as civilian or military prisoners~~+~~~~or~~.

43 2. While in a position of authority over such
44 persons maltreats them without justifiable cause~~+~~
45 ~~shall be punished as a court-martial may direct.~~

46 Sec. ____ . Section 29B.109, Code 2005, is amended
47 to read as follows:

48 29B.109 MALINGERING.

49 Any person subject to this code ~~who~~ shall be
50 punished as a court-martial may direct if the person

1 for the purpose of avoiding work, duty, or service in
2 the state military forces does any of the following:

3 1. Feigns illness, physical disablement, mental
4 lapse or derangement, ~~or.~~

5 2. Intentionally inflicts self-injury
6 ~~shall be punished as a court-martial may direct.~~

7 Sec. ____ Section 29B.113, Code 2005, is amended
8 to read as follows:

9 29B.113 FRAUDS AGAINST THE GOVERNMENT.

10 Any person subject to this code shall, upon
11 conviction of any of the following, be punished as a
12 court-martial may direct:

13 1. ~~Who~~ The person, knowing it to be false or
14 fraudulent does any of the following:

15 a. Makes any claim against the United States, the
16 state, or any officer thereof, ~~or~~

17 b. Presents to any person in the civil or military
18 service thereof, for approval or payment any claim
19 against the United States, the state, or any officer
20 thereof, ~~or~~

21 2. ~~Who~~ The person, for the purpose of obtaining
22 the approval, allowance, or payment of any claim
23 against the United States, the state, or any officer
24 thereof, does any of the following:

25 a. Makes or uses any writing or other paper
26 knowing it to contain any false or fraudulent
27 statements, ~~or~~.

28 b. Makes any oath to any fact or to any writing or
29 other paper knowing the oath to be false, ~~or~~.

30 c. Forges or counterfeits any signature upon any
31 writing or other paper, or uses any such signature
32 knowing it to be forged or counterfeited, ~~or~~.

33 3. ~~Who~~ The person, having charge, possession,
34 custody, or control of any money, or other property of
35 the United States or the state, furnished or intended
36 for the armed forces of the United States or the state
37 military forces, knowingly delivers to any person
38 having authority to receive it, any amount thereof
39 less than that for which the person receives a
40 certificate or receipt, ~~or~~.

41 4. ~~Who~~ The person, being authorized to make or
42 deliver any paper certifying the receipt of any
43 property of the United States or the state, furnished
44 or intended for the armed forces of the United States
45 or the state military forces, makes or delivers to any
46 person such writing without having full knowledge of
47 the truth of the statements therein contained and with
48 intent to defraud the United States or the state, ~~or~~
49 ~~shall, upon conviction, be punished as a court-martial~~
50 ~~may direct.~~

1 Sec. ____ Section 29B.114, Coded 2005, is amended
2 to read as follows:

3 29B.114 LARCENY AND WRONGFUL APPROPRIATION.

4 1. Any person subject to this code who wrongfully
5 takes, obtains, or withholds, by any means, from the
6 possession of the owner or of any other person any
7 money, personal property, or article of value of any
8 kind:

9 ~~1-~~ a. With intent permanently to deprive or
10 defraud another person of the use and benefit of
11 property or to appropriate it to the person's own use
12 or the use of any person other than the owner, steals
13 that property and is guilty of larceny; or

14 ~~2-~~ b. With intent temporarily to deprive or
15 defraud another person of the use and benefit of
16 property or to appropriate it to the person's own use
17 or the use of any person other than the owner, is
18 guilty of wrongful appropriation.

19 2. Any person found guilty of larceny or wrongful
20 appropriation shall be punished as a court-martial may
21 direct."

22 3. Page 16, line 19, by striking the word "are"
23 and inserting the following: "is".

24 4. Page 44, line 23, by striking the words "of
25 an" and inserting the following: "of ~~an~~ a".

26 5. Page 53, line 15, by striking the words and
27 figure "~~Public Law 346~~" and inserting the following:
28 "Public Law 346".

29 6. Page 53, line 16, by striking the words and
30 figure "~~Session, Pub. L. No. 78-348~~" and inserting the
31 following: "~~Session, Pub. L. No. 78-268~~".

32 7. Page 53, line 17, by striking the word and
33 figures "~~58 Stat. 291~~" and inserting the following:
34 "~~58 Stat. 284~~".

35 8. Page 56, by striking lines 22 through 26, and
36 inserting the following: "company if ~~(1) such~~ either
37 of the following apply:

38 1. The securities ~~shall be~~ are registered, or
39 ~~shall be~~ are required to be registered, pursuant to
40 section 12 of the Securities Exchange Act of 1934, ~~-(48~~
41 ~~48 Stat. 881,~~ 15 U.S.C. § 77b et ~~seq.~~ seq.,
42 ~~amended, or if (2) such.~~

43 2. The domestic stock insurance company ~~shall~~ does
44 not have any".

45 9. Page 67, line 1, by striking the words "~~for~~
46 the" and inserting the following: "~~for the~~".

47 10. By renumbering as necessary.

COMMITTEE ON JUDICIARY
PAULSEN of Linn, CHAIRPERSON

HOUSE FILE 2543
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 628)

(As Amended and Passed by the House March 6, 2006)

Passed House, Date _____ Passed Senate, Date 3-8-06
Vote: Ayes _____ Nays _____ Vote: Ayes 50 Nays 0
Approved _____

A BILL FOR

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

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House Amendments _____
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1 Section 1. Section 2.1, Code 2005, is amended to read as
2 follows:

3 2.1 SESSIONS -- PLACE.

4 The sessions of the general assembly shall be held annually
5 at the seat of government, unless the governor shall convene
6 them at some other place in times of pestilence or public
7 danger. Each annual session of the general assembly shall
8 commence on the second Monday in January of each year. The
9 general assembly may recess from time to time during each year
10 in such manner as it may provide, subject to Article III,
11 section 14 of the Constitution of the ~~state~~ State of Iowa.

12 Sec. 2. Section 3.7, subsection 8, Code 2005, is amended
13 to read as follows:

14 8. An Act or resolution under this section is also subject
15 to the applicable provisions of Article III, sections 16 and
16 17 ~~of Article III~~ of the Constitution of the State of Iowa.

17 Sec. 3. Section 3.14, Code 2005, is amended to read as
18 follows:

19 3.14 CERTAIN APPROPRIATIONS PROHIBITED.

20 ~~No-appropriations~~ An appropriation shall not be made to any
21 institution not wholly under the control of the state of Iowa.

22 Sec. 4. Section 7.15, Code 2005, is amended to read as
23 follows:

24 7.15 FEDERAL FUNDS FOR HIGHWAY SAFETY.

25 The governor, in addition to other duties and
26 responsibilities conferred by the Constitution and laws of
27 this state, is hereby empowered to contract for the benefits
28 available to this state under any Act of Congress for highway
29 safety, law enforcement, or other related programs, and in so
30 doing, to co-operate with federal and state agencies, private
31 and public organizations, and with individuals, to effectuate
32 the purposes of these enactments. The governor shall be
33 responsible for and is hereby empowered to administer, either
34 through the governor's office or through one or more state
35 departments or agencies designated by the governor or any

1 combination of the foregoing the highway safety, law
2 enforcement and related programs of this state and those of
3 its political subdivisions, all in accordance with said Acts
4 and the Constitution of the state State of Iowa, in
5 implementation thereof.

6 Sec. 5. Section 9G.12, Code 2005, is amended to read as
7 follows:

8 9G.12 DUBUQUE AND PACIFIC RAILROAD LANDS.

9 The secretary of state is hereby authorized upon the
10 application of any person claiming title under the trust deeds
11 executed by the Dubuque and Pacific Railroad Company, to
12 secure its construction bonds, to any lands included in the
13 list of lands certified to the state of Iowa, by the
14 commissioner of the general land office and approved by the
15 secretary of the interior, as selected to satisfy the grant
16 made to the state of Iowa, by Act of Congress approved May 15,
17 1856 ~~††, 11~~ Stat. ~~†-9†~~ 9, in aid of the construction of a
18 railroad from Dubuque to Sioux City; to certify said land as
19 inuring to the grantees of the said Dubuque and Pacific
20 Railroad Company, which certificate shall be signed by the
21 governor, and attested by the secretary of state, with the
22 seal of the state, and deliver the same to such applicant who
23 is hereby authorized to have said certificate recorded in the
24 county in which the land so certified is situated, and when so
25 recorded, shall be notice to all persons the same as deeds now
26 are, and shall be evidence of the title from the state of Iowa
27 to any person deriving title to said land under the Dubuque
28 and Pacific Railroad Company, to the land therein described
29 under the grant of Congress by which the land was certified to
30 the state so far as the certified lists made by the
31 commissioner aforesaid, conferred title to the state, but
32 where lands embraced in such lists are not of the character
33 embraced by such Acts of Congress or the Acts of the general
34 assembly of the state, and are not intended to be granted
35 thereby, the lists so far as these lands are concerned, shall

1 be void; nor shall the secretary include, in any of the lists
2 so certified to the state, lands which have been adjudicated
3 by the proper courts to belong to any other grant, or
4 adjudicated to belong to any county or individual under the
5 swampland grant, or any homestead or ~~pre-emption~~ preemption
6 settlement; nor shall said certificate so issued confer any
7 right or title as against any person or company having any
8 vested right, either legal or equitable, to any of the lands
9 so certified.

10 Sec. 6. Section 13.24, subsection 1, Code 2005, is amended
11 to read as follows:

12 1. The legal services provider which enters into a
13 contract with the coordinator under authority of 1986 Iowa
14 Acts, ~~chapter~~ ch. 1214 shall submit to the coordinator a
15 working plan for the accomplishment of the objectives of
16 ~~chapter~~ 1986 Iowa Acts, ch. 1214 within thirty days after the
17 contract is awarded. The plan must establish priorities and
18 procedures, and set forth its annual operating budget for the
19 fiscal year including projected salaries and all anticipated
20 expenses. This budget shall set forth the maximum obligation
21 of financial aid proposed for payment by the state and the
22 availability of any additional funds or resources from the
23 federal government and other sources to meet such expenses of
24 operation.

25 Sec. 7. Section 15.274, Code Supplement 2005, is amended
26 to read as follows:

27 15.274 PROMOTIONAL PROGRAM FOR NATIONAL HISTORIC LANDMARKS
28 AND CULTURAL AND ENTERTAINMENT DISTRICTS.

29 The department of economic development, in cooperation with
30 the state department of transportation and the department of
31 cultural affairs, shall establish and administer a program
32 designed to promote knowledge of and access to buildings,
33 sites, districts, structures, and objects located in this
34 state that have been designated by the secretary of the
35 interior of the United States as a national historic landmark,

1 unless the national historic landmark is protected under
2 section 22.7, subsection 20, and certified cultural and
3 entertainment districts, as established ~~in-2005-Iowa-Acts~~, if
4 enacted pursuant to section 303.3B. The program shall be
5 designed to maximize the visibility and visitation of national
6 historic landmarks in this state and buildings, sites,
7 structures, and objects located in certified cultural and
8 entertainment districts, as established ~~in-2005-Iowa-Acts~~, if
9 enacted pursuant to section 303.3B. Methods used to maximize
10 the visibility and visitation of such locations may include
11 the use of tourism literature, signage on highways, maps of
12 the state and cities, and internet websites. For purposes of
13 this section, "highway" means the same as defined in section
14 325A.1.

15 Sec. 8. Section 15A.9, subsection 5, paragraph a, Code
16 Supplement 2005, is amended to read as follows:

17 a. All property, as defined in former section 427A.1,
18 subsection 1, paragraphs "e" and "j", Code 1993, used by the
19 primary business or a supporting business and located within
20 the zone, shall be exempt from property taxation for a period
21 of twenty years beginning with the year it is first assessed
22 for taxation. In order to be eligible for this exemption, the
23 property shall be acquired or leased by the primary business
24 or a supporting business or relocated by the primary business
25 or a supporting business to the zone from outside the state
26 prior to project completion.

27 Sec. 9. Section 15G.111, subsection 2, unnumbered
28 paragraphs 1 and 2, Code Supplement 2005, are amended to read
29 as follows:

30 For the fiscal period beginning July 1, 2005, and ending
31 June 30, 2015, there is appropriated each fiscal year from the
32 grow Iowa values fund created in section 15G.108 to the
33 department of economic development five million dollars for
34 financial assistance to institutions of higher learning under
35 the control of the state board of regents for capacity

1 building infrastructure in areas related to technology
2 commercialization, for marketing and business development
3 efforts in areas related to technology commercialization,
4 entrepreneurship, and business growth, and for infrastructure
5 projects and programs needed to assist in the implementation
6 of activities under chapter 262B, ~~if so amended~~. In
7 allocating moneys to institutions under the control of the
8 state board of regents, the board shall require the
9 institutions to provide a one-to-one match of additional
10 moneys for the activities funded with moneys appropriated
11 under this subsection. The state board of regents shall
12 annually prepare a report for submission to the governor, the
13 general assembly, and the legislative services agency
14 regarding the activities, projects, and programs funded with
15 moneys appropriated under this subsection.

16 The state board of regents may allocate any moneys
17 appropriated under this subsection and received from the
18 department for financial assistance to a single biosciences
19 development organization determined by the department to
20 possess expertise in promoting the area of bioscience
21 entrepreneurship. The organization must be composed of
22 representatives of both the public and the private sector and
23 shall be composed of subunits or subcommittees in the areas of
24 existing identified biosciences platforms, education and
25 workforce development, commercialization, communication,
26 policy and governance, and finance. Such financial assistance
27 shall be used for purposes of activities related to
28 biosciences and bioeconomy development under chapter 262B, ~~if~~
29 ~~so amended~~, and to accredited private universities in this
30 state.

31 Sec. 10. Section 15G.111, subsection 6, paragraph a, Code
32 Supplement 2005, is amended to read as follows:

33 a. For the fiscal period beginning July 1, 2005, and
34 ending June 30, 2015, there is appropriated each fiscal year
35 from the grow Iowa values fund created in section 15G.108 to

1 the department of economic development one million dollars for
2 providing economic development region financial assistance
3 under section 15E.232, subsections 3, ~~4~~ 5, and 6, 7, and 8,
4 and under section 15E.233.

5 Sec. 11. Section 15H.2, subsection 3, paragraph i, Code
6 Supplement 2005, is amended to read as follows:

7 i. Administer the retired ~~and~~ senior volunteer program.

8 Sec. 12. Section 16.2, subsection 8, Code 2005, is amended
9 to read as follows:

10 8. The net earnings of the authority, beyond that
11 necessary for retirement of its notes, bonds or other
12 obligations, or to implement the public purposes and programs
13 herein authorized, shall not inure to the benefit of any
14 person other than the state. Upon termination of the
15 existence of the authority, title to all property owned by the
16 authority, including any such net earnings of the authority,
17 shall vest in the state. The state reserves the right at any
18 time to alter, amend, repeal, or otherwise change the
19 structure, organization, programs or activities of the
20 authority, including the power to terminate the authority,
21 except that no law shall ever be passed impairing the
22 obligation of any contract or contracts entered into by the
23 authority to the extent that any such law would contravene
24 Article I, section 21 of the Constitution of the ~~state~~ State
25 of Iowa or Article I, section 10 of the Constitution of the
26 United States.

27 Sec. 13. Section 16.15, subsections 1, 5, 6, and 7, Code
28 2005, are amended to read as follows:

29 1. The authority shall participate in the housing
30 assistance payments program under section 8 of the United
31 States Housing Act of 1937, ~~section-1401-et-seq., title-42,~~
32 ~~United-States-Code,~~ as amended by section 201 of the Housing
33 and Community Development Act of 1974 (~~Public-Law-93-383~~),
34 Pub. L. No. 93-383, codified at 42 U.S.C. § 1437 et seq. The
35 purpose of participation is to enable the authority to obtain,

1 on behalf of the state of Iowa, set-asides of contract
2 authorization reserved by the United States secretary of
3 housing and urban development for public housing agencies, to
4 enter into annual contributions contracts, to otherwise
5 expedite use of the program through the use of state housing
6 finance funds, and to encourage new construction and
7 substantial rehabilitation of housing suitable for assistance
8 under the program. Assistance may be provided for existing
9 housing units made available by owners for the program, as
10 well as for newly constructed housing units. Maximum rents
11 shall be established by the authority in conformity with
12 federal law.

13 5. The authority shall, when appropriate, take necessary
14 steps to cooperate with the United States department of
15 agriculture in implementation of sections 517 and 521 of the
16 Housing Act of 1949, ~~sections 1487 and 1490a, title 42, United~~
17 ~~States Code~~ codified at 42 U.S.C. § 1487 and 1490a, as amended
18 by section 514 of the Housing and Community Development Act of
19 1974 (~~Public Law 93-383~~), Pub. L. No. 93-383. The purpose of
20 such programs is to extend to rural areas the provisions of
21 housing assistance payments programs.

22 6. The authority shall, when appropriate, take necessary
23 steps to participate in the programs of federal assistance to
24 state housing finance agencies for expanding the supply of
25 housing available to low or moderate income families, as
26 provided in section 802 of the Housing and Community
27 Development Act of 1974 (~~Public Law 93-383~~), Pub. L. No. 93-
28 383.

29 7. The authority may participate in other programs under
30 the Housing and Community Development Act of 1974 (~~Public Law~~
31 ~~93-383~~), Pub. L. No. 93-383, and in other federal programs
32 designed to increase the supply of adequate housing for low or
33 moderate income families and may recommend appropriate
34 legislation to the general assembly where further legislation
35 is needed to accomplish such participation. However, failure

1 of the authority to participate in the federal programs set
2 out in this section does not invalidate any bonds, notes or
3 other obligations of the authority.

4 Sec. 14. Section 22.3, Code Supplement 2005, is amended to
5 read as follows:

6 22.3 SUPERVISION -- FEES.

7 1. The examination and copying of public records shall be
8 done under the supervision of the lawful custodian of the
9 records or the custodian's authorized designee. The lawful
10 custodian shall not require the physical presence of a person
11 requesting or receiving a copy of a public record and shall
12 fulfill requests for a copy of a public record received in
13 writing, by telephone, or by electronic means. Fulfillment of
14 a request for a copy of a public record may be contingent upon
15 receipt of payment of expenses to be incurred in fulfilling
16 the request and such estimated expenses shall be communicated
17 to the requester upon receipt of the request. The lawful
18 custodian may adopt and enforce reasonable rules regarding the
19 examination and copying of the records and the protection of
20 the records against damage or disorganization. The lawful
21 custodian shall provide a suitable place for the examination
22 and copying of the records, but if it is impracticable to do
23 the examination and copying of the records in the office of
24 the lawful custodian, the person desiring to examine or copy
25 shall pay any necessary expenses of providing a place for the
26 work examination and copying.

27 2. All expenses of the work examination and copying shall
28 be paid by the person desiring to examine or copy. The lawful
29 custodian may charge a reasonable fee for the services of the
30 lawful custodian or the custodian's authorized designee in
31 supervising the examination and copying of the records during
32 the-work. If copy equipment is available at the office of the
33 lawful custodian of any public records, the lawful custodian
34 shall provide any person a reasonable number of copies of any
35 public record in the custody of the office upon the payment of

1 a fee. The fee for the copying service as determined by the
2 lawful custodian shall not exceed the actual cost of providing
3 the service. Actual costs shall include only those expenses
4 directly attributable to supervising the examination of and
5 making and providing copies of public records. Actual costs
6 shall not include charges for ordinary expenses or costs such
7 as employment benefits, depreciation, maintenance,
8 electricity, or insurance associated with the administration
9 of the office of the lawful custodian.

10 Sec. 15. Section 28.4, subsection 14, Code Supplement
11 2005, is amended to read as follows:

12 14. With the assistance of the state departments
13 represented on the Iowa empowerment board and the community
14 empowerment office, develop and implement requirements for
15 community empowerment areas and the state administrators of
16 programs providing early care or early care services to
17 annually report to the public and the early care staff
18 designated pursuant to section 28.3 regarding the results
19 produced by the community empowerment initiative and by the
20 programs. Source data shall also be made available to the
21 early care staff.

22 Sec. 16. Section 28J.2, subsection 1, Code Supplement
23 2005, is amended to read as follows:

24 1. Two or more political subdivisions may create a port
25 authority under this chapter by resolution. If a proposal to
26 create a port authority receives a favorable majority of the
27 members of the elected legislative body of each of the
28 political subdivision subdivisions, the port authority is
29 created at the time provided in the resolution. The
30 jurisdiction of a port authority includes the territory
31 described in section 28J.8.

32 Sec. 17. Section 28J.20, subsection 1, paragraph a, Code
33 Supplement 2005, is amended to read as follows:

34 a. Make loans for the acquisition or construction of the
35 facility to such person upon such terms as the port authority

1 may determine or authorize including secured or unsecured
2 loans; and enter into loan agreements and other agreements,
3 accept notes and other forms of obligation to evidence such
4 indebtedness and mortgages, liens, pledges, assignments, or
5 other security interests to secure such indebtedness, which
6 may be prior or subordinate to or on a parity with other
7 indebtedness, obligations, mortgages, pledges, assignments,
8 other security interests, or liens or encumbrances, and take
9 actions considered appropriate to protect such security and
10 safeguard against losses, including, without limitation,
11 foreclosure and the bidding upon and purchase of property upon
12 foreclosure or other sale.

13 Sec. 18. Section 29A.3, Code 2005, is amended to read as
14 follows:

15 29A.3 UNITS OF GUARD.

16 The Iowa units, detachments, and organizations of the army
17 national guard of the United States and the air national guard
18 of the United States shall consist of such units, detachments,
19 and organizations, as may be specified by the secretary of
20 defense with the approval of the governor, in accordance with
21 law and regulations.

22 Sec. 19. Section 29B.48, Code 2005, is amended to read as
23 follows:

24 29B.48 REFUSAL TO APPEAR OR TESTIFY.

25 1. Any person not subject to this code who is guilty of a
26 simple misdemeanor if the person does all of the following:

27 1- a. Has been duly subpoenaed to appear as a witness or
28 to produce books and records before a military court or before
29 any military or civil officer and designated to take a
30 deposition to be read in evidence before such a court.

31 2- b. Has been duly paid or tendered the fees and mileage
32 of a witness at the rates allowed to witnesses attending the
33 courts of the state; ~~and.~~

34 3- c. Willfully neglects or refuses to appear, or refuses
35 to qualify as a witness or to testify or to produce any

1 evidence which that person has been legally subpoenaed to
2 produce; ~~is guilty of a simple misdemeanor.~~

3 2. Upon certification of the facts in a case under this
4 section by the military judge, president of courts-martial
5 without a military judge, or summary courts-martial officer,
6 the county attorney of the county where the offense occurred
7 shall prosecute the offense as if it were included in the Iowa
8 criminal code.

9 Sec. 20. Section 29B.74, Code 2005, is amended to read as
10 follows:

11 29B.74 PRINCIPALS.

12 Any person subject to this code who is a principal if the
13 person does any of the following:

14 1. Commits an offense punishable by this code, or aids,
15 abets, counsels, commands, or procures its commission; ~~or.~~

16 2. Causes an act to be done which if directly performed by
17 the person would be punishable by this code; ~~is a principal.~~

18 Sec. 21. Section 29B.80, Code 2005, is amended to read as
19 follows:

20 29B.80 FRAUDULENT ENLISTMENT -- APPOINTMENT OR SEPARATION.

21 Any person who shall be punished as a court-martial may
22 direct if the person does any of the following:

23 1. Procures the person's own enlistment or appointment in
24 the state military forces by knowingly false representation or
25 deliberate concealment as to the person's qualifications for
26 that enlistment or appointment and receives pay or allowances
27 thereunder; ~~or.~~

28 2. Procures the person's own separation from the state
29 military forces by knowingly false representation or
30 deliberate concealment as to the person's eligibility for that
31 separation; ~~shall be punished as a court-martial may direct.~~

32 Sec. 22. Section 29B.83, Code 2005, is amended to read as
33 follows:

34 29B.83 ABSENCE WITHOUT LEAVE.

35 Any person subject to this code who shall be punished as a

1 court-martial may direct, if the person without authority does
2 any of the following:

3 1. Fails to go to the person's appointed place of duty at
4 the time prescribed~~;~~.

5 2. Goes from that place~~;-er.~~

6 3. Leaves or remains absent from the unit, organization,
7 or place of duty at which the person is required to be at the
8 time prescribed~~;-shall-be-punished-as-a-court-martial-may~~
9 ~~direct.~~

10 Sec. 23. Section 29B.87, Code 2005, is amended to read as
11 follows:

12 29B.87 ASSAULTING OR WILLFULLY DISOBEYING SUPERIOR
13 COMMISSIONED OFFICER.

14 Any person subject to this code who shall be punished as a
15 court-martial may direct if the person does any of the
16 following:

17 1. Strikes the person's superior commissioned officer or
18 draws or lifts up any weapon or offers any violence against
19 the superior commissioned officer while the superior
20 commissioned officer is in the execution of the officer's
21 office~~;-er.~~

22 2. Willfully disobeys a lawful command of the person's
23 superior commissioned officer~~;-or-shall-be-punished-as-a~~
24 ~~court-martial-may-direct.~~

25 Sec. 24. Section 29B.88, Code 2005, is amended to read as
26 follows:

27 29B.88 INSUBORDINATE CONDUCT TOWARD WARRANT OFFICER,
28 NONCOMMISSIONED OFFICER OR PETTY OFFICER.

29 Any warrant officer or enlisted member who shall be
30 punished as a court-martial may direct if the person does any
31 of the following:

32 1. Strikes or assaults a warrant officer, noncommissioned
33 officer or petty officer, while that officer is in the
34 execution of the officer's office~~;~~.

35 2. Willfully disobeys the lawful order of a warrant

1 officer, noncommissioned officer, or petty officer, ~~or.~~

2 3. Treats with contempt or is disrespectful in language or
3 deportment toward a warrant officer, noncommissioned officer,
4 or petty officer, while that officer is in the execution of
5 the officer's office; ~~shall be punished as a court-martial may~~
6 ~~direct.~~

7 Sec. 25. Section 29B.89, Code 2005, is amended to read as
8 follows:

9 29B.89 FAILURE TO OBEY ORDER OR REGULATION.

10 Any person subject to this code ~~who shall be punished as a~~
11 ~~court-martial may direct if the person does any of the~~
12 ~~following:~~

13 1. Violates or fails to obey any lawful general order or
14 regulation, ~~or.~~

15 2. Having knowledge of any other lawful order issued by a
16 member of the state military forces which it is the person's
17 duty to obey, fails to obey the order, ~~or.~~

18 3. Is derelict in the performance of the person's duties;
19 ~~shall be punished as a court-martial may direct.~~

20 Sec. 26. Section 29B.95, Code 2005, is amended to read as
21 follows:

22 29B.95 NONCOMPLIANCE WITH PROCEDURAL RULES.

23 Any person subject to this code ~~who shall be punished as a~~
24 ~~court-martial may direct if the person does any of the~~
25 ~~following:~~

26 1. Is responsible for unnecessary delay in the disposition
27 of any case of a person accused of an offense under this code;
28 ~~or.~~

29 2. Knowingly and intentionally fails to enforce or comply
30 with any provisions of this code regulating the proceedings
31 before, during, or after trial of an accused; ~~shall be~~
32 ~~punished as a court-martial may direct.~~

33 Sec. 27. Section 29B.96, Code 2005, is amended to read as
34 follows:

35 29B.96 MISBEHAVIOR BEFORE THE ENEMY.

1 Any person subject to this code who shall be punished as a
2 court-martial may direct if the person, before or in the
3 presence of the enemy, does any of the following:

4 1. Runs away~~er~~.

5 2. Shamefully abandons, surrenders, or delivers up any
6 command, unit, place, or military property which it is the
7 person's duty to defend~~er~~.

8 3. Through disobedience, neglect, or intentional
9 misconduct endangers the safety of any such command, unit,
10 place, or military property~~er~~.

11 4. Casts away the person's arms or ammunition~~er~~.

12 5. Is guilty of cowardly conduct~~er~~.

13 6. Quits the person's place of duty to plunder or
14 pillage~~er~~.

15 7. Causes false alarms in any command, unit, or place
16 under control of the armed forces of the United States or the
17 state military forces~~er~~.

18 8. Willfully fails to do the person's utmost to encounter,
19 engage, capture, or destroy any enemy troops, combatants,
20 vessels, aircraft, or any other thing, which it is the
21 person's duty so to encounter, engage, capture or destroy~~er~~.

22 9. Does not afford all practicable relief and assistance
23 to any troops, combatants, vessels, or aircraft of the armed
24 forces belonging to the United States or their allies, to the
25 state, or to any other state, when engaged in battle~~er-shall-be~~
26 ~~punished-as-a-court-martial-may-direct.~~

27 Sec. 28. Section 29B.101, Code 2005, is amended to read as
28 follows:

29 29B.101 AIDING THE ENEMY.

30 Any person subject to this code who shall be punished as a
31 court-martial may direct if the person does any of the
32 following:

33 1. Aids, or attempts to aid, the enemy with arms,
34 ammunition, supplies, money, or other things~~er~~.

35 2. Without proper authority, knowingly harbors or protects

1 or gives intelligence to, or communicates or corresponds with
2 or holds any intercourse with the enemy, either directly or
3 indirectly;~~shall be punished as a court-martial may direct.~~

4 Sec. 29. Section 29B.102, Code 2005, is amended to read as
5 follows:

6 29B.102 MISCONDUCT OF A PRISONER.

7 Any person subject to this code ~~who shall be punished as a~~
8 court-martial may direct if the person, while in the hands of
9 the enemy in time of war, does any of the following:

10 1. For the purpose of securing favorable treatment by the
11 captors acts without proper authority in a manner contrary to
12 law, custom, or regulation, to the detriment of others of
13 whatever nationality held by the enemy as civilian or military
14 prisoners;~~or.~~

15 2. While in a position of authority over such persons
16 maltreats them without justifiable cause;~~shall be punished as~~
17 ~~a court-martial may direct.~~

18 Sec. 30. Section 29B.109, Code 2005, is amended to read as
19 follows:

20 29B.109 MALINGERING.

21 Any person subject to this code ~~who shall be punished as a~~
22 court-martial may direct if the person for the purpose of
23 avoiding work, duty, or service in the state military forces
24 does any of the following:

25 1. Feigns illness, physical disablement, mental lapse or
26 derangement;~~or.~~

27 2. Intentionally inflicts self-injury;~~shall be punished~~
28 ~~as a court-martial may direct.~~

29 Sec. 31. Section 29B.113, Code 2005, is amended to read as
30 follows:

31 29B.113 FRAUDS AGAINST THE GOVERNMENT.

32 Any person subject to this code shall, upon conviction of
33 any of the following, be punished as a court-martial may
34 direct:

35 1. Who The person, knowing it to be false or fraudulent

1 does any of the following:

2 a. Makes any claim against the United States, the state,
3 or any officer thereof, ~~or~~

4 b. Presents to any person in the civil or military service
5 thereof, for approval or payment any claim against the United
6 States, the state, or any officer thereof,

7 2. ~~Who~~ The person, for the purpose of obtaining the
8 approval, allowance, or payment of any claim against the
9 United States, the state, or any officer thereof, does any of
10 the following:

11 a. Makes or uses any writing or other paper knowing it to
12 contain any false or fraudulent statements, .

13 b. Makes any oath to any fact or to any writing or other
14 paper knowing the oath to be false, ~~or~~ .

15 c. Forges or counterfeits any signature upon any writing
16 or other paper, or uses any such signature knowing it to be
17 forged or counterfeited, .

18 3. ~~Who~~ The person, having charge, possession, custody, or
19 control of any money, or other property of the United States
20 or the state, furnished or intended for the armed forces of
21 the United States or the state military forces, knowingly
22 delivers to any person having authority to receive it, any
23 amount thereof less than that for which the person receives a
24 certificate or receipt, ~~or~~ .

25 4. ~~Who~~ The person, being authorized to make or deliver any
26 paper certifying the receipt of any property of the United
27 States or the state, furnished or intended for the armed
28 forces of the United States or the state military forces,
29 makes or delivers to any person such writing without having
30 full knowledge of the truth of the statements therein
31 contained and with intent to defraud the United States or the
32 state, ~~shall, upon conviction, be punished as a court-martial~~
33 ~~may direct.~~

34 Sec. 32. Section 29B.114, Code 2005, is amended to read as
35 follows:

1 29B.114 LARCENY AND WRONGFUL APPROPRIATION.

2 1. Any person subject to this code who wrongfully takes,
3 obtains, or withholds, by any means, from the possession of
4 the owner or of any other person any money, personal property,
5 or article of value of any kind:

6 ~~1-~~ a. With intent permanently to deprive or defraud
7 another person of the use and benefit of property or to
8 appropriate it to the person's own use or the use of any
9 person other than the owner, steals that property and is
10 guilty of larceny; or

11 ~~2-~~ b. With intent temporarily to deprive or defraud
12 another person of the use and benefit of property or to
13 appropriate it to the person's own use or the use of any
14 person other than the owner, is guilty of wrongful
15 appropriation.

16 2. Any person found guilty of larceny or wrongful
17 appropriation shall be punished as a court-martial may direct.

18 Sec. 33. Section 42.2, subsection 3, Code 2005, is amended
19 to read as follows:

20 3. As soon as possible after January 1 of each year ending
21 in one, the legislative services agency shall obtain from the
22 United States bureau of the census the population data needed
23 for legislative districting which the census bureau is
24 required to provide this state under United States Pub. L. No.
25 94-171, and shall use that data to assign a population figure
26 based upon certified federal census data to each geographic or
27 political unit described pursuant to subsection 2, paragraph
28 "a". Upon completing that task, the legislative services
29 agency shall begin the preparation of congressional and
30 legislative districting plans as required by section 42.3.

31 Sec. 34. Section 42.3, subsection 4, Code 2005, is amended
32 to read as follows:

33 4. Notwithstanding subsections 1, 2 and 3 of this section:

34 a. If population data from the federal census which is
35 sufficient to permit preparation of a congressional

1 districting plan complying with ~~article~~ Article III, section
2 37 of the Constitution of the State of Iowa becomes available
3 at an earlier time than the population data needed to permit
4 preparation of a legislative districting plan in accordance
5 with section 42.4, the legislative services agency shall so
6 inform the presiding officers of the senate and house of
7 representatives. If the presiding officers so direct, the
8 legislative services agency shall prepare a separate bill
9 establishing congressional districts and submit it separately
10 from the bill establishing legislative districts. It is the
11 intent of this chapter that the general assembly shall proceed
12 to consider the congressional districting bill in
13 substantially the manner prescribed by subsections 1, 2 and 3
14 of this section.

15 b. If the population data for legislative districting
16 which the United States census bureau is required to provide
17 this state under United States Pub. L. No. 94-171 and, if used
18 by the legislative services agency, the corresponding
19 topologically integrated geographic encoding and referencing
20 data file for that population data, is not available to the
21 legislative services agency on or before February 1 of the
22 year ending in one, the dates set forth in this section shall
23 be extended by a number of days equal to the number of days
24 after February 1 of the year ending in one that the federal
25 census population data and the topologically integrated
26 geographic encoding and referencing data file for legislative
27 districting becomes available.

28 Sec. 35. Section 42.4, subsection 1, paragraph b, Code
29 2005, is amended to read as follows:

30 b. Congressional districts shall each have a population as
31 nearly equal as practicable to the ideal district population,
32 derived as prescribed in paragraph "a" of this subsection. No
33 congressional district shall have a population which varies by
34 more than one percent from the applicable ideal district
35 population, except as necessary to comply with ~~article~~ Article

1 III, section 37 of the Constitution of the State of Iowa.

2 Sec. 36. Section 42.4, subsection 8, unnumbered paragraph
3 1, Code 2005, is amended to read as follows:

4 Each bill embodying a plan drawn under this section shall
5 include provisions for election of senators to the general
6 assemblies which take office in the years ending in three and
7 five, which shall be in conformity with ~~article~~ Article III,
8 section 6 of the Constitution of the State of Iowa. With
9 respect to any plan drawn for consideration in the year 2001,
10 those provisions shall be substantially as follows:

11 Sec. 37. Section 49.3, subsection 2, paragraph b, Code
12 2005, is amended to read as follows:

13 b. When the general assembly by resolution designates a
14 period after the federal decennial census is taken and before
15 the next succeeding reapportionment of legislative districts
16 required by Article III, section 35, of the Constitution of
17 the ~~state~~ State of Iowa as amended in 1968, during which
18 precincts may be drawn without regard to the boundaries of
19 existing legislative districts.

20 Sec. 38. Section 49.46, Code 2005, is amended by striking
21 the section and inserting in lieu thereof the following:

22 49.46 MARKING BALLOTS ON PUBLIC MEASURES.

23 The elector shall designate a vote by making the
24 appropriate mark in the voting target. On paper ballots an
25 "X", or a check mark may be placed in the proper target.

26 Sec. 39. Section 55.3, Code 2005, is amended to read as
27 follows:

28 55.3 SERVICE ON BOARDS, COMMISSIONS, TASK FORCES, AND
29 COMMITTEES.

30 For the purpose of this section, "state board" includes any
31 board, commission, committee, council, or task force of the
32 state government created by the ~~constitution~~ Constitution of
33 the State of Iowa, or by statute, resolution of the general
34 assembly, motion of the legislative council, executive order
35 of the governor, or supreme court order, but does not include

1 any such state board, commission, committee, council, or task
2 force for which an annual salary is provided for its members.
3 A person who is appointed to serve on a state board, upon
4 written application to the person's employer, shall be granted
5 leaves of absence from regular employment to attend the
6 meetings of the state board, except if leaves of absence are
7 prohibited by federal law. The leaves of absence may be
8 granted without pay and shall be granted without loss of net
9 credited service and benefits earned. This section does not
10 apply if the employer employs less than twenty full-time
11 employees.

12 Sec. 40. Section 63A.2, subsection 6, Code 2005, is
13 amended to read as follows:

14 6. All investigators for ~~supplemental~~ supplementary
15 assistance as provided for under chapter 249.

16 Sec. 41. Section 68A.404, subsection 2, paragraph a, Code
17 Supplement 2005, is amended to read as follows:

18 a. The ~~filing-of~~ requirement to file an independent
19 expenditure statement under this section does not ~~alone~~
20 require by itself mean that the person filing the independent
21 expenditure statement is required to register and file reports
22 under sections 68A.201 and 68A.402.

23 Sec. 42. Section 69.20, subsection 1, Code 2005, is
24 amended to read as follows:

25 1. A temporary vacancy in an elective office of a
26 political subdivision, community college, and or hospital
27 board of trustees of this state occurs on the date when the
28 person filling that office is placed on state military service
29 or federal service, as those terms are defined in section
30 29A.1, and when such a person will not be able to attend to
31 the duties of that person's elective position for a period
32 greater than sixty consecutive days. The temporary vacancy
33 terminates on the date when such person is released from such
34 service, or the term of office expires.

35 Sec. 43. Section 80.22, Code 2005, is amended to read as

1 follows:

2 80.22 PROHIBITION ON OTHER DEPARTMENTS.

3 All other departments and bureaus of the state are hereby
4 prohibited from employing special peace officers or conferring
5 upon regular employees any police powers to enforce provisions
6 of the statutes which are specifically reserved by 1939 Iowa
7 Acts, chapter ch. 120, to the department of public safety.
8 But the commissioner of public safety shall, upon the
9 requisition of the attorney general, from time to time assign
10 for service in the department of justice such of its officers,
11 not to exceed six in number, as may be requisitioned by the
12 attorney general for special service in the department of
13 justice, and when so assigned such officers shall be under the
14 exclusive direction and control of the attorney general.

15 Sec. 44. Section 80.33, Code Supplement 2005, is amended
16 to read as follows:

17 80.33 ACCESS TO DRUG RECORDS BY PEACE OFFICERS.

18 A person required by law to keep records, and a carrier
19 maintaining records with respect to any shipment containing
20 any controlled or counterfeit substances shall, upon request
21 of an authorized peace officer of the department, designated
22 by the commissioner, permit such peace officer at reasonable
23 times to have access to and copy such records. For the
24 purpose of examining and verifying such records, an authorized
25 peace officer of the department, designated by the
26 commissioner, may enter at reasonable times any place or
27 vehicle in which any controlled or counterfeit substance is
28 held, manufactured, dispensed, compounded, processed, sold,
29 delivered, or otherwise disposed of and inspect such place or
30 vehicle and the contents of such place or vehicle. For the
31 purpose of enforcing laws relating to controlled or
32 counterfeit substances, and upon good cause shown, ~~the~~ a peace
33 officer of the department shall be allowed to inspect audits
34 and records in the possession of the state board of pharmacy
35 examiners.

1 Sec. 45. Section 85.34, subsection 7, paragraph b, Code
2 Supplement 2005, is amended to read as follows:

3 b. If an injured employee has a preexisting disability
4 that was caused by a prior injury arising out of and in the
5 course of employment with the same employer, and the
6 preexisting disability was compensable under the same
7 paragraph of ~~section-85-34~~, subsection 2, as the employee's
8 present injury, the employer is liable for the combined
9 disability that is caused by the injuries, measured in
10 relation to the employee's condition immediately prior to the
11 first injury. In this instance, the employer's liability for
12 the combined disability shall be considered to be already
13 partially satisfied to the extent of the percentage of
14 disability for which the employee was previously compensated
15 by the employer.

16 If, however, an employer is liable to an employee for a
17 combined disability that is payable under ~~section-85-34~~
18 subsection 2, paragraph "u", and the employee has a
19 preexisting disability that causes the employee's earnings to
20 be less at the time of the present injury than if the prior
21 injury had not occurred, the employer's liability for the
22 combined disability shall be considered to be already
23 partially satisfied to the extent of the percentage of
24 disability for which the employee was previously compensated
25 by the employer minus the percentage that the employee's
26 earnings are less at the time of the present injury than if
27 the prior injury had not occurred.

28 Sec. 46. Section 96.12, subsection 1, Code 2005, is
29 amended to read as follows:

30 1. DUTIES OF DEPARTMENT. The department shall establish
31 and maintain free public employment services accessible to all
32 Iowans for the purposes of this chapter, and for the purpose
33 of performing the duties required by federal and state laws
34 relating to employment and training including the Wagner-
35 Peyser Act, 48 Stat. 5- 113, codified at 29 U.S.C. § 49. All

1 duties and powers conferred upon any other department, agency,
2 or officer of this state relating to the establishment,
3 maintenance, and operation of free employment services shall
4 be vested in the department. This state accepts and shall
5 comply with the provisions of the Wagner-Peyser Act, as
6 amended. The department is designated and constituted the
7 agency of this state for the purpose of the Wagner-Peyser Act.
8 The department may cooperate with the railroad retirement
9 board with respect to the establishment, maintenance, and use
10 of department facilities. The railroad retirement board shall
11 compensate the department for the services or facilities in
12 the amount determined by the department to be fair and
13 reasonable.

14 Sec. 47. Section 97A.1, subsection 13, Code Supplement
15 2005, is amended to read as follows:

16 13. "Peace officer" means a member, except a non-peace
17 officer member, of the division of state patrol, narcotics
18 enforcement, state fire marshal, or criminal investigation,
19 including but not limited to a gaming enforcement officer, who
20 has passed a satisfactory physical and mental examination and
21 has been duly appointed ~~as a member of~~ by the department of
22 public safety in accordance with section 80.15.

23 Sec. 48. Section 97A.3, subsection 1, Code Supplement
24 2005, is amended to read as follows:

25 1. All peace officer members of the division of state
26 patrol and the division of criminal investigation or the
27 predecessor divisions or subunits in the department of public
28 safety, excepting the members of the clerical force, who are
29 employed by the state of Iowa on July 4, 1949, and all persons
30 thereafter employed as members of such divisions or the
31 predecessor divisions or subunits in the department of public
32 safety or division of narcotics enforcement or division of
33 state fire marshal or the predecessor divisions or subunits,
34 except the members of the clerical force, shall be members of
35 this system, except as otherwise provided in subsection 3.

1 Effective July 1, 1994, gaming enforcement officers employed
2 by the division of criminal investigation for excursion boat
3 gambling enforcement activities and fire prevention inspector
4 peace officers employed by the department of public safety
5 shall be members of this system, except as otherwise provided
6 in subsection 3 or section 97B.42B. Such members shall not be
7 required to make contributions under any other pension or
8 retirement system of the state of Iowa, anything to the
9 contrary notwithstanding.

10 Sec. 49. Section 99G.8, subsection 15, Code 2005, is
11 amended to read as follows:

12 15. The board of directors may delegate to the chief
13 executive officer of the authority such powers and duties as
14 it may deem proper to the extent such delegation is not
15 inconsistent with the Constitution of ~~this-state~~ the State of
16 Iowa.

17 Sec. 50. Section 99G.21, subsection 2, unnumbered
18 paragraph 1, Code 2005, is amended to read as follows:

19 The authority shall have any and all powers necessary or
20 convenient to carry out and effectuate the purposes and
21 provisions of this chapter which are not in conflict with the
22 Constitution of ~~this-state~~ the State of Iowa, including, but
23 without limiting the generality of the foregoing, the
24 following powers:

25 Sec. 51. Section 123.53, subsection 3, Code Supplement
26 2005, is amended to read as follows:

27 3. The treasurer of state shall transfer into a special
28 revenue account in the general fund of the state, a sum of
29 money at least equal to seven percent of the gross amount of
30 sales made by the division from the beer and liquor control
31 fund on a monthly basis but not less than nine million dollars
32 annually, and any amounts so transferred shall be used by the
33 ~~substance-abuse-division-of-the~~ Iowa department of public
34 health staff who administer the comprehensive substance abuse
35 program under chapter 125 for substance abuse treatment and

1 prevention programs in an amount determined by the general
2 assembly and any amounts received in excess of the amounts
3 appropriated to the ~~substance-abuse-division-of-the~~ Iowa
4 department of public health for use by the staff who
5 administer the comprehensive substance abuse program under
6 chapter 125 shall be considered part of the general fund
7 balance.

8 Sec. 52. Section 135B.1, subsection 3, Code 2005, is
9 amended to read as follows:

10 3. "Hospital" means a place which is devoted primarily to
11 the maintenance and operation of facilities for the diagnosis,
12 treatment or care over a period exceeding twenty-four hours of
13 two or more nonrelated individuals suffering from illness,
14 injury, or deformity, or a place which is devoted primarily to
15 the rendering over a period exceeding twenty-four hours of
16 obstetrical or other medical or nursing care for two or more
17 nonrelated individuals, or any institution, place, building or
18 agency in which any accommodation is primarily maintained,
19 furnished or offered for the care over a period exceeding
20 twenty-four hours of two or more nonrelated aged or infirm
21 persons requiring or receiving chronic or convalescent care;
22 and shall include sanatoriums or other related institutions
23 within the meaning of this chapter. Provided, however,
24 nothing in this chapter shall apply to hotels or other similar
25 places that furnish only food and lodging, or either, to their
26 guests or to a freestanding hospice facility which operates a
27 hospice program in accordance with 42 C.F.R. § 418.
28 "Hospital" shall include, in any event, any facilities wholly
29 or partially constructed or to be constructed with federal
30 financial assistance, pursuant to ~~Public Law 725-79th~~
31 Congress Pub. L. No. 79-725, 60 Stat. 1040, approved August
32 13, 1946.

33 Sec. 53. Section 141A.11, subsection 7, Code 2005, is
34 amended to read as follows:

35 7. This chapter shall not be construed to impose civil

1 liability or criminal sanctions for disclosure of HIV-related
2 test results in accordance with any reporting requirement for
3 a diagnosed case of AIDS or a related condition by the
4 department or the centers for disease control and prevention
5 of the United States ~~public-health-service~~ department of
6 health and human services.

7 Sec. 54. Section 147.7, unnumbered paragraph 2, Code
8 Supplement 2005, is amended to read as follows:

9 This section shall not apply to a person who is licensed in
10 another state and recognized for licensure in this state
11 pursuant to the nurse licensure compact contained in section
12 152E.1 or pursuant to the advanced practice registered nurse
13 compact contained in section 152E.3. A person licensed in
14 another state and recognized for licensure in this state
15 pursuant to ~~the~~ either compact shall, however, maintain a copy
16 of a license issued by the person's home state available for
17 inspection when engaged in the practice of nursing in this
18 state.

19 Sec. 55. Section 152D.4, subsection 1, Code 2005, is
20 amended to read as follows:

21 1. Persons otherwise licensed to practice medicine and
22 surgery, osteopathy, osteopathic medicine and surgery,
23 optometry, occupational therapy, nursing, chiropractic,
24 podiatry, dentistry, or physical therapy, ~~or-a~~ and licensed
25 physician ~~assistant~~ assistants who do not represent themselves
26 to the public as athletic trainers.

27 Sec. 56. Section 163.27, Code 2005, is amended by striking
28 the section and inserting in lieu thereof the following:

29 163.27 BOILING GARBAGE.

30 It shall be unlawful for any person, firm, partnership, or
31 corporation to feed garbage to animals unless such garbage has
32 been heated to a temperature of two hundred twelve degrees
33 Fahrenheit for thirty minutes, or other acceptable method, as
34 provided by rules promulgated by the department, provided this
35 requirement shall not apply to an individual who feeds to the

1 individual's own animals only the garbage obtained from the
2 individual's own household. It shall be unlawful for any
3 person, firm, partnership, or corporation to feed any public
4 or commercial garbage to swine after September 1, 1970.

5 Sec. 57. Section 176A.2, Code 2005, is amended to read as
6 follows:

7 176A.2 DECLARATION OF POLICY.

8 It is the policy of the legislature to provide for aid in
9 disseminating among the people of Iowa useful and practical
10 information on subjects relating to agriculture, home
11 economics, and community and economic development, and to
12 encourage the application of the information in the counties
13 of the state through extension work to be carried on in
14 cooperation with Iowa state university of science and
15 technology and the United States department of agriculture as
16 provided in the Act of Congress known as the Smith-Lever Act,
17 adopted May 8, 1914, as amended by Public Law 83 of the
18 Eighty-third Congress, 38 Stat. 372--374, codified at 7 U.S.C.
19 § 341--349.

20 Sec. 58. Section 177A.12, subsection 2, Code 2005, is
21 amended to read as follows:

22 2. The state entomologist, the entomologist's inspectors
23 or duly authorized agents are authorized to seize, destroy, or
24 return to the point of origin any material received in this
25 state in violation of any state quarantine established under
26 the authority of subsection 1 hereof, or in violation of any
27 federal quarantine established under the authority of the Act
28 of August 20, 1912, ~~{37 37 Stat. 308}~~ 308, or any
29 amendment thereto to that Act.

30 Sec. 59. Section 184.9B, subsection 3, Code Supplement
31 2005, is amended to read as follows:

32 3. As part of the council's education programs or
33 projects, ~~it~~ the council may provide for the dissemination of
34 information of public interest, including but not limited to
35 the development or publication of materials in a printed or

1 electronic format.

2 Sec. 60. Section 191.2, subsection 9, paragraph b, Code
3 2005, is amended to read as follows:

4 b. When such milk and milk products do not conform to
5 their definitions as contained in this chapter and chapters
6 1907-191 and 192.

7 Sec. 61. Section 207.1, subsection 2, Code 2005, is
8 amended to read as follows:

9 2. The general assembly finds and declares that because
10 the federal Surface Mining Control and Reclamation Act of
11 1977, Pub. L. No. 95-87, provides for a permit system to
12 regulate the mining of coal and reclamation of the mining
13 sites and provides that permits may be issued by states which
14 are authorized to implement the provisions of that Act, it is
15 in the interest of the people of Iowa to enact the provisions
16 of this chapter in order to authorize the state to implement
17 the provisions of the federal Surface Mining Control and
18 Reclamation Act of 1977 and federal regulations and guidelines
19 issued pursuant to that Act.

20 Sec. 62. Section 207.8, subsection 2, Code 2005, is
21 amended to read as follows:

22 2. The requirements of this section do not apply to lands
23 on which coal mining operations are being conducted as of
24 August 3, 1977, or under a permit issued pursuant to this
25 chapter or pursuant to section 83A.12 ~~of the~~ Code 1979, ~~Code~~
26 or where substantial legal and financial commitments in an
27 operation were in existence prior to January 4, 1977.

28 Sec. 63. Section 207.16, subsection 1, Code 2005, is
29 amended to read as follows:

30 1. Each operator upon completion of any reclamation work
31 required by this chapter shall apply to the division in
32 writing for approval of the work. The division shall
33 promulgate rules consistent with Pub. L. No. 95-87, section
34 519, regarding procedures and requirements to release
35 performance bonds or deposits.

1 Sec. 64. Section 207.19, unnumbered paragraph 1, Code
2 2005, is amended to read as follow:

3 The provisions of this chapter shall be applicable to
4 surface operations and surface impacts incident to an
5 underground coal mine with such modifications to the permit
6 application requirements, permit approval or denial
7 procedures, and bond requirements as are necessary to
8 accommodate the distinct difference between surface and
9 underground coal mining. The division shall promulgate such
10 modifications in its rules to allow for such distinct
11 differences and still fulfill the purposes of this chapter and
12 be consistent with the requirements in section 516 of Pub. L.
13 No. 95-87 and the permanent regulations issued pursuant to
14 that Act.

15 Sec. 65. Section 216.13, subsection 1, paragraph a, Code
16 2005, is amended to read as follows:

17 a. The involuntary retirement of a person who has attained
18 the age of sixty-five and has for the two prior years been
19 employed in a bona fide executive or high policy-making
20 position and who is entitled to an immediate, nonforfeitable
21 annual retirement benefit from a pension, profit-sharing,
22 savings or deferred compensation plan of the employer which
23 equals twenty-seven thousand dollars. This retirement benefit
24 test may be adjusted according to the regulations prescribed
25 by the United States secretary of labor pursuant to ~~Public Law~~
26 Pub. L. No. 95-256, section 3.

27 Sec. 66. Section 216A.132, unnumbered paragraph 2, Code
28 2005, is amended to read as follows:

29 The departments of human services, corrections, and public
30 safety, the division on the status of African-Americans, the
31 ~~division of substance abuse of the~~ Iowa department of public
32 health, the chairperson of the board of parole, the attorney
33 general, the state public defender, and the chief justice of
34 the supreme court shall each designate a person to serve on
35 the council. The person appointed by the Iowa department of

1 public health shall be from the departmental staff who
2 administer the comprehensive substance abuse program under
3 chapter 125.

4 Sec. 67. Section 218.2, unnumbered paragraph 1, Code 2005,
5 is amended to read as follows:

6 Nothing contained in section 218.1 shall limit the general
7 supervisory or examining powers vested in the governor by the
8 laws or Constitution of the ~~state~~ State of Iowa, or legally
9 vested by the governor in any committee appointed by the
10 governor.

11 Sec. 68. Section 226.19, subsection 1, Code Supplement
12 2005, is amended to read as follows:

13 1. ~~All-patients~~ Every patient shall be discharged in
14 accordance with the procedure prescribed in section 229.3 or
15 section 229.16, whichever is applicable, immediately on
16 regaining the patient's good mental health.

17 Sec. 69. Section 231.23A, subsection 3, Code Supplement
18 2005, is amended to read as follows:

19 3. The case management program for ~~the frail elderly~~
20 elders.

21 Sec. 70. Section 231B.2, subsection 1, unnumbered
22 paragraph 1, Code Supplement 2005, is amended to read as
23 follows:

24 The department shall establish by rule, in accordance with
25 chapter 17A, minimum standards for certification and
26 monitoring of elder group homes. The department may adopt by
27 reference, with or without amendment, nationally recognized
28 standards and rules for elder group homes. The standards and
29 rules shall be formulated in consultation with the department
30 of inspections and appeals and affected industry,
31 professional, and consumer groups, and shall be designed to
32 accomplish the purposes of this chapter, and shall include but
33 not be limited to rules relating to all of the following:

34 Sec. 71. Section 231B.13, Code Supplement 2005, is amended
35 to read as follows:

1 231B.13 RETALIATION BY ELDER GROUP HOME PROHIBITED.

2 An elder group home shall not discriminate or retaliate in
3 any way against a tenant, a tenant's family, or an employee of
4 the elder group home who has initiated or participated in any
5 proceeding authorized by this chapter. An elder group home
6 that violates this section is subject to a penalty as
7 established by administrative rule in accordance with chapter
8 17A, and to be assessed and collected by the department of
9 inspections and appeals, and paid into the state treasury to
10 be, and credited to the general fund of the state.

11 Sec. 72. Section 231C.3, subsection 1, unnumbered
12 paragraph 1, Code Supplement 2005, is amended to read as
13 follows:

14 The department shall establish by rule in accordance with
15 chapter 17A minimum standards for certification and monitoring
16 of assisted living programs. The department may adopt by
17 reference with or without amendment, nationally recognized
18 standards and rules for assisted living programs. The rules
19 shall include specification of recognized accrediting entities
20 and provisions related to dementia-specific programs. The
21 standards and rules shall be formulated in consultation with
22 the department of inspections and appeals and affected
23 industry, professional, and consumer groups, and shall be
24 designed to accomplish the purposes of this chapter, and shall
25 include but are not limited to rules relating to all of the
26 following:

27 Sec. 73. Section 231C.13, Code 2005, is amended to read as
28 follows:

29 231C.13 RETALIATION BY ASSISTED LIVING PROGRAM PROHIBITED.

30 An assisted living program shall not discriminate or
31 retaliate in any way against a tenant, tenant's family, or an
32 employee of the program who has initiated or participated in
33 any proceeding authorized by this chapter. An assisted living
34 program that violates this section is subject to a penalty as
35 established by administrative rule in accordance with chapter

1 17A, and to be assessed and collected by the department of
2 inspections and appeals, and paid into the state treasury to
3 be, and credited to the general fund of the state.

4 Sec. 74. Section 231D.12, subsection 1, Code Supplement
5 2005, is amended to read as follows:

6 1. An adult day services program shall not discriminate or
7 retaliate in any way against a participant, participant's
8 family, or an employee of the program who has initiated or
9 participated in any proceeding authorized by this chapter. An
10 adult day services program that violates this section is
11 subject to a penalty as established by administrative rule, to
12 be assessed and collected by the department of inspections and
13 appeals, and paid into the state treasury to-be, and credited
14 to the general fund of the state.

15 Sec. 75. Section 235C.2, subsection 1, Code 2005, is
16 amended to read as follows:

17 1. Two members of the Iowa department of public health
18 selected by the director of the Iowa department of public
19 health, one from the staff who administer the comprehensive
20 division-of substance abuse program under chapter 125, and one
21 from the division of family and community health.

22 Sec. 76. Section 237A.30, subsection 3, Code Supplement
23 2005, is amended to read as follows:

24 3. A facility's quality rating may be included on the
25 internet page webpage and in the consumer information provided
26 by the department pursuant to section 237A.25 and shall be
27 identified in the child care provider referrals made by child
28 care resource and referral service grantees under section
29 237A.26.

30 Sec. 77. Section 249.1, subsection 3, Code Supplement
31 2005, is amended to read as follows:

32 3. "Federal supplemental security income" means cash
33 payments made to individuals by the United States government
34 under Title XVI of the Social Security Act as amended by
35 United-States-public-law Pub. L. No. 92-603, or any other

1 amendments thereto.

2 Sec. 78. Section 257.33, unnumbered paragraph 1, Code
3 2005, is amended to read as follows:

4 If the electors of a school district approved the use of
5 the additional enrichment amount prior to July 1, 1991, under
6 chapter 442, Code 1991, or section 279.43, ~~as they appeared in~~
7 Code 1991, the approval for use of the enrichment amount shall
8 continue in effect until the expiration of the period for
9 which it was approved and districts may use the additional
10 enrichment amount during that period. However, section 257.28
11 applies to the use of the additional enrichment amount.

12 Sec. 79. Section 257B.12, Code 2005, is amended to read as
13 follows:

14 257B.12 BONDS TO COVER LOSSES.

15 When any sum not less than one thousand dollars shall be so
16 audited and so become a debt of the state to the fund, as
17 provided by the Constitution of the State of Iowa, the auditor
18 of state shall issue the bond or bonds of the state in favor
19 of the fund, bearing interest at a rate not exceeding that
20 permitted by chapter 74A, payable semiannually on the first
21 day of January and July after issuance, and the amount to pay
22 the interest as it becomes due is appropriated out of any
23 funds in the state treasury.

24 Sec. 80. Section 261A.14, unnumbered paragraph 2, Code
25 2005, is amended to read as follows:

26 This chapter does not authorize the authority or any
27 department, board, commission, or other agency to create an
28 obligation of the state within the meaning of the ~~constitution~~
29 Constitution or laws of the State of Iowa.

30 Sec. 81. Section 276.10, subsection 6, Code 2005, is
31 amended to read as follows:

32 6. The board may use opportunities available under ~~Public~~
33 Law Pub. L. No. 93-380.

34 Sec. 82. Section 306A.3, unnumbered paragraph 2, Code
35 Supplement 2005, is amended to read as follows:

1 The state department of transportation shall adopt rules,
2 pursuant to chapter 17A, embodying a utility accommodation
3 policy which imposes reasonable restrictions on placements
4 occurring on or after the effective date of the rules, on
5 primary road rights-of-way. The rules may require utilities
6 to give notice to the department prior to installation of a
7 utility system on a primary road right-of-way and obtain prior
8 permission from the department for the proposed installation.
9 The rules shall recognize emergency situations and the need
10 for immediate installation of service extensions subject to
11 the standards adopted by the department and the utilities
12 board. The rules shall be no less stringent than the
13 standards adopted by the utilities board pursuant to chapters
14 478, 479, and 479B. This paragraph shall not be construed as
15 granting the department authority which has been expressly
16 granted to the utilities board to determine the route of
17 utility installations. If the department requires a utility
18 company permit, the department shall be required to act upon
19 the permit application within thirty days of its filing. In
20 cases of federal-aid highway projects on nonprimary highways,
21 the local authority with jurisdiction over the highway and the
22 department shall comply with all federal regulations and
23 statutes regarding utility accommodation.

24 Sec. 83. Section 306C.24, subsection 2, Code 2005, is
25 amended to read as follows:

26 2. JUST COMPENSATION REQUIRED. Political subdivisions of
27 this state shall not remove, take, alter, or cause to be
28 removed, taken, or altered a lawfully erected off-premises
29 advertising device without paying just compensation in cash to
30 the owner of the advertising device and to the owner of the
31 real property on which the advertising device is located, as
32 provided in section 306C.16. The department shall not remove,
33 take, alter or cause to be removed, taken, or altered a
34 lawfully erected off-premises advertising device subject to
35 control under chapter 306B or ~~306C~~ this chapter without paying

1 just compensation when required under 23 U.S.C. § 131(g) to
2 the owner of the advertising device and to the owner of the
3 real property on which the advertising device is located, as
4 provided in section 306C.16. For the department, the sole
5 intent of this section is to comply with 23 U.S.C. § 131(g)
6 and it is not the intent of this section to, in any manner,
7 relinquish any powers of the department relating to the
8 control and removal of advertising devices under police power.

9 Sec. 84. Section 307.26, subsection 14, Code 2005, is
10 amended to read as follows:

11 14. Enter the role of "applicant" pursuant to the Railroad
12 Revitalization and Regulatory Reform Act of 1976, United
13 ~~States-Public-Law~~ Pub. L. No. 94-210, and take such actions as
14 are necessary to accomplish this role.

15 Sec. 85. Section 308.3, subsection 3, Code 2005, is
16 amended to read as follows:

17 3. "National parkway" has the same meaning as defined in
18 ~~Public-Law~~ Pub. L. No. 93-87, first session, Ninety-third
19 Congress of the United States.

20 Sec. 86. Section 312.3B, unnumbered paragraph 2, Code
21 Supplement 2005, is amended to read as follows:

22 The Iowa county engineers association service bureau shall
23 annually compute the secondary road fund and farm-to-market
24 road fund distributions using the methodology determined by
25 the secondary road fund distribution committee pursuant to
26 section 312.3C. The Iowa county engineers association service
27 bureau shall report the computations to the secondary road
28 fund distribution committee, the department, the treasurer of
29 state, and the counties.

30 Sec. 87. Section 321.10, unnumbered paragraph 2, Code
31 2005, is amended to read as follows:

32 Any records or certified copies of records prepared
33 pursuant to this section and any certified abstract, or a copy
34 of a certified abstract, of the operating record of a driver
35 or a motor vehicle owner prepared pursuant to this chapter

1 ~~321~~, chapter 321A, or chapter 321J, shall be received in
2 evidence if determined to be relevant, in any court,
3 preliminary hearing, grand jury proceeding, civil proceeding,
4 administrative hearing, or forfeiture proceeding in the same
5 manner and with the same force and effect as if the director
6 or the director's designee had testified in person.

7 Sec. 88. Section 321.69, subsection 9, Code Supplement
8 2005, is amended to read as follows:

9 9. Except for subsections 10 and 11, this section does not
10 apply to motor trucks and truck tractors with a gross vehicle
11 weight rating of sixteen thousand pounds or more, vehicles
12 more than seven model years old, motorcycles, motorized
13 bicycles, and special mobile equipment. This section does
14 apply to motor homes. The requirement in subsection 1 that
15 the new certificate of title and registration receipt shall
16 state on the face ~~of the title~~ whether a prior owner had
17 disclosed that the vehicle was damaged to the extent that it
18 was a wrecked or salvage vehicle as defined in section 321.52,
19 subsection 4, paragraph "d", does not apply to a vehicle with
20 a certificate of title bearing a designation that the vehicle
21 was previously titled on a salvage certificate of title
22 pursuant to section 321.52, subsection 4, paragraph "b", or to
23 a vehicle with a certificate of title bearing a "REBUILT" or
24 "SALVAGE" designation pursuant to section 321.24, subsection 4
25 or 5. Except for subsections 10 and 11, this section does not
26 apply to new motor vehicles with a true mileage, as defined in
27 section 321.71, of one thousand miles or less, unless such
28 vehicle has incurred damage as described in subsection 2.

29 Sec. 89. Section 321.210C, Code 2005, is amended to read
30 as follows:

31 321.210C PROBATION PERIOD.

32 A person whose driver's license or operating privileges
33 have been suspended, revoked, or barred under this chapter ~~321~~
34 for a conviction of a moving traffic violation, or suspended,
35 revoked, or barred under section 321.205 or section 321.210,

1 subsection 1, paragraph "e", or chapter 321J, must
2 satisfactorily complete a twelve-month probation period
3 beginning immediately after the end of the period of
4 suspension, revocation, or bar. Upon conviction of a moving
5 traffic violation which occurred during the probation period,
6 the department may suspend the driver's license or operating
7 privileges for an additional period equal in duration to the
8 original period of suspension, revocation, or bar, or for one
9 year, whichever is the shorter period.

10 Sec. 90. Section 321J.2, subsection 3, paragraph a,
11 subparagraph (5), Code 2005, is amended to read as follows:

12 (5) If the offense under this chapter ~~321J~~ results in
13 bodily injury to a person other than the defendant.

14 Sec. 91. Section 321J.3, subsection 3, Code 2005, is
15 amended to read as follows:

16 3. The state department of transportation, in cooperation
17 with the judicial branch, shall adopt rules, pursuant to the
18 procedure in section 125.33, regarding the assignment of
19 persons ordered under section 321J.17 to submit to substance
20 abuse evaluation and treatment. The rules shall be applicable
21 only to persons other than those committed to the custody of
22 the director of the department of corrections under section
23 321J.2. The rules shall be consistent with the practices and
24 procedures of the judicial branch in sentencing persons to
25 substance abuse evaluation and treatment under section 321J.2.
26 The rules shall include the requirement that the treatment
27 programs utilized by a person pursuant to an order of the
28 department meet the licensure standards of the ~~division-of~~
29 ~~substance-abuse-for-the~~ department of public health for
30 substance abuse treatment programs under chapter 125. The
31 rules shall also include provisions for payment of costs by
32 the offenders, including insurance reimbursement on behalf of
33 offenders, or other forms of funding, and shall also address
34 reporting requirements of the facility, consistent with the
35 provisions of sections 125.84 and 125.86. The department

1 shall be entitled to treatment information contained in
2 reports to the department, notwithstanding any provision of
3 chapter 125 that would restrict department access to treatment
4 information and records.

5 Sec. 92. Section 327C.5, unnumbered paragraph 1, Code
6 2005, is amended to read as follows:

7 Violations of the provisions of this chapter and chapters
8 ~~327E~~ 327D to 327G, shall be punished as a schedule "one"
9 penalty unless otherwise indicated. Violations of a
10 continuing nature shall constitute a separate offense for each
11 violation unless otherwise provided. The schedule of
12 violations shall be:

13 Sec. 93. Section 331.301, subsection 1, Code 2005, is
14 amended to read as follows:

15 1. A county may, except as expressly limited by the
16 Constitution of the State of Iowa, and if not inconsistent
17 with the laws of the general assembly, exercise any power and
18 perform any function it deems appropriate to protect and
19 preserve the rights, privileges, and property of the county or
20 of its residents, and to preserve and improve the peace,
21 safety, health, welfare, comfort, and convenience of its
22 residents. This grant of home rule powers does not include
23 the power to enact private or civil law governing civil
24 relationships, except as incident to an exercise of an
25 independent county power.

26 Sec. 94. Section 331.756, subsection 25, Code Supplement
27 2005, is amended to read as follows:

28 25. Assist the ~~division-of-beer-and-liquor-law-enforcement~~
29 department of public safety in the enforcement of beer and
30 liquor laws as provided in section 123.14. The county
31 attorney shall also prosecute nuisances, forfeitures of
32 abatement bonds, and foreclosures of the bonds as provided in
33 sections 123.62 and 123.86.

34 Sec. 95. Section 364.1, Code 2005, is amended to read as
35 follows:

1 364.1 SCOPE.

2 A city may, except as expressly limited by the Constitution
3 of the State of Iowa, and if not inconsistent with the laws of
4 the general assembly, exercise any power and perform any
5 function it deems appropriate to protect and preserve the
6 rights, privileges, and property of the city or of its
7 residents, and to preserve and improve the peace, safety,
8 health, welfare, comfort, and convenience of its residents.
9 This grant of home rule powers does not include the power to
10 enact private or civil law governing civil relationships,
11 except as incident to an exercise of an independent city
12 power.

13 Sec. 96. Section 364.2, subsection 2, Code Supplement
14 2005, is amended to read as follows:

15 2. The enumeration of a specific power of a city does not
16 limit or restrict the general grant of home rule power
17 conferred by the Constitution of the State of Iowa. A city
18 may exercise its general powers subject only to limitations
19 expressly imposed by a state or city law.

20 Sec. 97. Section 403.5, subsection 7, Code 2005, is
21 amended to read as follows:

22 7. Notwithstanding any other provisions of this chapter,
23 where the local governing body certifies that an area is in
24 need of redevelopment or rehabilitation as a result of a
25 flood, fire, hurricane, earthquake, storm, or other
26 catastrophe respecting which the governor of the state has
27 certified the need for disaster assistance under Pub. L. No.
28 875 81-875, Eighty-first Congress, 64 Stat. 1109, codified
29 at 42 U.S.C. § 1855-1855g 1855--1855g or other federal law,
30 the local governing body may approve an urban renewal plan and
31 an urban renewal project with respect to such area without
32 regard to the provisions of subsection 4 and without regard to
33 provisions of this section requiring notification and
34 consultation, a general plan for the municipality, and a
35 public hearing on the urban renewal plan or project.

1 Sec. 98. Section 414.14, Code Supplement 2005, is amended
2 to read as follows:

3 414.14 VOTE REQUIRED.

4 The concurring vote of three members of the board in the
5 case of a five-member board, and four members in the case of a
6 seven-member board, and five members in the case of a nine-
7 member board, shall be necessary to reverse any order,
8 requirement, decision, or determination of any such
9 administrative official, or to decide in favor of the
10 applicant on any matter upon which it is required to pass
11 under any such ordinance or to effect any variation in such
12 ordinance.

13 Sec. 99. Section 421.1, Code 2005, is amended to read as
14 follows:

15 421.1 STATE BOARD OF TAX REVIEW.

16 1. There is hereby established within the department of
17 revenue for administrative and budgetary purposes a state
18 board of tax review for the state of Iowa. The state board of
19 tax review, hereinafter called the state board, shall consist
20 of three members.

21 ~~The members of the state board~~ who shall be registered
22 voters of the state and shall hold no other elective or
23 appointive public office.

24 Members of the state board shall serve for six-year
25 staggered terms beginning and ending as provided by section
26 69.19. A member who is appointed for a six-year term shall
27 not be permitted a successive term.

28 Members shall be appointed by the governor subject to
29 confirmation by the senate. Appointments to the board shall
30 be bipartisan.

31 The members of the state board shall qualify by taking the
32 regular oath of office as prescribed by law for state
33 officers. A vacancy on the board shall be filled by
34 appointment by the governor in the same manner as the original
35 appointment.

1 The members of the state board shall be allowed their
2 necessary travel and expenses while engaged in their official
3 duties. Each member of the board may also be eligible to
4 receive compensation as provided in section 7E.6. They The
5 members shall organize the board and select one of their
6 members as chairperson.

7 2. The place of office of the state board shall be in the
8 office of the tax department in the capitol of the state.

9 3. The state board shall meet as deemed necessary by the
10 chairperson. Special meetings of the state board may be
11 called by the chairperson on five days' notice given to each
12 member. All meetings shall be held at the office of the tax
13 department unless a different place within the state is
14 designated by the state board or in the notice of the meeting.

15 4. It shall be the responsibility of the state board to
16 exercise the following general powers and duties:

17 1- a. Determine and adopt such policies as are authorized
18 by law and are necessary for the more efficient operation of
19 any phase of tax review.

20 2- b. Perform such duties prescribed by law as it may
21 find necessary for the improvement of the state system of
22 taxation in carrying out the purposes and objectives of the
23 tax laws.

24 3- c. Employ, pursuant to the Iowa merit system
25 provisions in chapter 8A, subchapter IV, adequate clerical
26 help to keep such records as are necessary to set forth
27 clearly all actions and proceedings of the state board.

28 4- d. Advise and counsel with the director of revenue
29 concerning the tax laws and the rules adopted pursuant to the
30 ~~law; and, upon its own motion or upon appeal by any affected~~
31 ~~taxpayer, review the record evidence and the decisions of, and~~
32 ~~any orders or directive issued by, the director of revenue for~~
33 ~~the identification of taxable property, classification of~~
34 ~~property as real or personal, or for assessment and collection~~
35 ~~of taxes by the department or an order to reassess or to raise~~

1 assessments to any local assessor, and shall affirm, modify,
2 reverse, or remand them within sixty days from the date the
3 case is submitted to the board for decision. -- For an appeal to
4 the board to be valid, written notice must be given to the
5 department within thirty days of the rendering of the
6 decision, order, or directive from which the appeal is taken.
7 The director shall certify to the board the record, documents,
8 reports, audits, and all other information pertinent to the
9 decision, order, or directive from which the appeal is taken
10 conduct hearings and hear appeals in the manner provided in
11 subsection 5.

12 The affected taxpayer and the department shall be given at
13 least fifteen days' written notice by the board of the date
14 the appeal shall be heard and both parties may be present at
15 such hearing if they desire. -- The board shall adopt and
16 promulgate, pursuant to chapter 17A, rules for the conduct of
17 appeals by the board. -- The record and all documents, reports,
18 audits and all other information certified to the board by the
19 director, and hearings held by the board pursuant to the
20 appeal and the decision of the board thereon shall be open to
21 the public notwithstanding the provisions of section 422.72,
22 subsection 1, and section 422.20, except that the board upon
23 the application of the affected taxpayer may order the record
24 and all documents, reports, audits, and all other information
25 certified to it by the director, or so much thereof as it
26 deems necessary, held confidential, if the public disclosure
27 of same would reveal trade secrets or any other confidential
28 information that would give the affected taxpayer's competitor
29 a competitive advantage. -- Any deliberation of the board in
30 reaching a decision on any appeal shall be confidential.

31 Judicial review of the decisions or orders of the board
32 resulting from the review of decisions or orders of the
33 director of revenue for assessment and collection of taxes by
34 the department may be sought by the taxpayer or the director
35 of revenue in accordance with the terms of chapter 17A.

1 5. e. Adopt a long-range program for the state system of
2 tax reform based upon special studies, surveys, research, and
3 recommendations submitted by or proposed under the direction
4 of the director of revenue.

5 f. ~~The state board shall constitute~~ Constitute a
6 continuing research commission as to tax matters in the state
7 and cause to be prepared and submitted to each regular session
8 of the general assembly a report containing such
9 recommendations as to revisions, amendments, and new
10 provisions of the law as the state board has decided should be
11 submitted to the ~~legislature~~ general assembly for its
12 consideration.

13 6. 5. Upon its own motion or upon appeal by any affected
14 taxpayer, the state board shall review the record evidence and
15 the decisions of, and any orders or directive issued by, the
16 director of revenue for the identification of taxable
17 property, classification of property as real or personal, or
18 for assessment and collection of taxes by the department or an
19 order to reassess or to raise assessments to any local
20 assessor, and shall affirm, modify, reverse, or remand them
21 within sixty days from the date the case is submitted to the
22 board for decision. For an appeal to the board to be valid,
23 written notice must be given to the department within thirty
24 days of the rendering of the decision, order, or directive
25 from which the appeal is taken. The director shall certify to
26 the board the record, documents, reports, audits, and all
27 other information pertinent to the decision, order, or
28 directive from which the appeal is taken.

29 The affected taxpayer and the department shall be given at
30 least fifteen days' written notice by the board of the date
31 the appeal shall be heard and both parties may be present at
32 such hearing if they desire. The board shall adopt and
33 promulgate, pursuant to chapter 17A, rules for the conduct of
34 appeals by the board. The record and all documents, reports,
35 audits and all other information certified to the board by the

1 director, and hearings held by the board pursuant to the
2 appeal and the decision of the board thereon shall be open to
3 the public notwithstanding the provisions of section 422.72,
4 subsection 1, and section 422.20; except that the board upon
5 the application of the affected taxpayer may order the record
6 and all documents, reports, audits, and all other information
7 certified to it by the director, or so much thereof as it
8 deems necessary, held confidential, if the public disclosure
9 of same would reveal trade secrets or any other confidential
10 information that would give the affected taxpayer's competitor
11 a competitive advantage. Any deliberation of the board in
12 reaching a decision on any appeal shall be confidential.

13 Judicial review of the decisions or orders of the board
14 resulting from the review of decisions or orders of the
15 director of revenue for assessment and collection of taxes by
16 the department may be sought by the taxpayer or the director
17 of revenue in accordance with the terms of chapter 17A.

18 All of the provisions of section 422.70 shall also be
19 applicable to the state board of tax review.

20 Sec. 100. Section 422.1, Code 2005, is amended to read as
21 follows:

22 422.1 CLASSIFICATION OF CHAPTER.

23 The provisions of this chapter are herein classified and
24 designated as follows:

- 25 Division I Introductory provisions.
- 26 Division II Personal net income tax.
- 27 Division III Business tax on corporations.
- 28 Division IV ~~Retail-sales-tax~~ Repealed by 2003 Acts, 1st
29 Ex., ch. 2, § 151, 205; see chapter 423.
- 30 Division V Taxation of financial institutions.
- 31 Division VI Administration.
- 32 Division VII Estimated taxes by corporations and financial
33 institutions.
- 34 Division VIII Allocation of revenues.
- 35 Division IX Fuel tax credit.

1 Division X Livestock production tax credit.

2 Sec. 101. Section 422.16, subsection 13, Code Supplement
3 2005, is amended to read as follows:

4 13. The director shall enter into an agreement with the
5 secretary of the treasury of the United States with respect to
6 withholding of income tax as provided by this chapter,
7 pursuant to an Act of Congress, section 1207 of the Tax Reform
8 Act of 1976, Public Law Pub. L. No. 94-455, amending title 5,
9 section 5517 of the United States Code amending 5 U.S.C. §
10 5517.

11 Sec. 102. Section 422.75, Code 2005, is amended to read as
12 follows:

13 422.75 STATISTICS -- PUBLICATION.

14 The department shall prepare and publish an annual report
15 which shall include statistics reasonably available, with
16 respect to the operation of this chapter, including amounts
17 collected, classification of taxpayers, and such other facts
18 as are deemed pertinent and valuable. The annual report shall
19 also include the reports and information required pursuant to
20 section 421.1, subsection 5 4, paragraph "e"; section 421.17,
21 subsection 13; section 421.17, subsection 27, paragraph "h";
22 section 421.60, subsection 2, paragraphs "i" and "l"; and 1997
23 Iowa Acts, chapter 211, section 22, subsection 5, paragraph
24 "a".

25 Sec. 103. Section 423A.3, Code Supplement 2005, is amended
26 to read as follows:

27 423A.3 STATE-IMPOSED HOTEL AND MOTEL TAX.

28 A tax of five percent is imposed upon the sales price for
29 the ~~rental~~ renting of any lodging if the ~~rental~~ renting occurs
30 in this state. The tax shall be collected by any lessor of
31 lodging from the user of that lodging. The lessor shall add
32 the tax to the sales price of the lodging, and the state-
33 imposed tax, when collected, shall be stated as a distinct
34 item, separate and apart from the sales price of the lodging
35 and the local tax imposed, if any, under section 423A.4.

1 Sec. 104. Section 423B.5, unnumbered paragraph 1, Code
2 Supplement 2005, is amended to read as follows:

3 A local sales and services tax at the rate of not more than
4 one percent may be imposed by a county on the sales price
5 taxed by the state under chapter 423, subchapter II. A local
6 sales and services tax shall be imposed on the same basis as
7 the state sales and services tax or in the case of the use of
8 natural gas, natural gas service, electricity, or electric
9 service on the same basis as the state use tax and shall not
10 be imposed on the sale of any property or on any service not
11 taxed by the state, except the tax shall not be imposed on the
12 sales price from the sale of motor fuel or special fuel as
13 defined in chapter 452A which is consumed for highway use or
14 in watercraft or aircraft if the fuel tax is paid on the
15 transaction and a refund has not or will not be allowed, on
16 the sales price from the sale of equipment by the state
17 department of transportation, ~~and-except-the-tax-shall-not-be~~
18 ~~imposed~~ or on the sales price from the sale or use of natural
19 gas, natural gas service, electricity, or electric service in
20 a city or county where the sales price from the sale of
21 natural gas or electric energy is subject to a franchise fee
22 or user fee during the period the franchise or user fee is
23 imposed. A local sales and services tax is applicable to
24 transactions within those incorporated and unincorporated
25 areas of the county where it is imposed and shall be collected
26 by all persons required to collect state sales taxes. All
27 cities contiguous to each other shall be treated as part of
28 one incorporated area and the tax would be imposed in each of
29 those contiguous cities only if the majority of those voting
30 in the total area covered by the contiguous cities favors its
31 imposition.

32 Sec. 105. Section 423E.3, subsection 2, Code Supplement
33 2005, is amended to read as follows:

34 2. The tax shall be imposed on the same basis as the state
35 sales and services tax or in the case of the use of natural

1 gas, natural gas service, electricity, or electric service on
2 the same basis as the state use tax and shall not be imposed
3 on the sale of any property or on any service not taxed by the
4 state, except the tax shall not be imposed on the sales price
5 from the sale of motor fuel or special fuel as defined in
6 chapter 452A which is consumed for highway use or in
7 watercraft or aircraft if the fuel tax is paid on the
8 transaction and a refund has not or will not be allowed, on
9 the sales price from the sale of equipment by the state
10 department of transportation, ~~and-except-the-tax-shall-not-be~~
11 ~~imposed~~ or on the sales price from the sale or use of natural
12 gas, natural gas service, electricity, or electric service in
13 a city or county where the sales price from the sale of
14 natural gas or electric energy is subject to a franchise fee
15 or user fee during the period the franchise or user fee is
16 imposed.

17 Sec. 106. Section 425.7, subsection 3, unnumbered
18 paragraph 1, Code 2005, is amended to read as follows:

19 If the director of revenue determines that a claim for
20 homestead credit has been allowed by the board of supervisors
21 which is not justifiable under the law and not substantiated
22 by proper facts, the director may, at any time within thirty-
23 six months from July 1 of the year in which the claim is
24 allowed, set aside the allowance. Notice of the disallowance
25 shall be given to the county auditor of the county in which
26 the claim has been improperly granted and a written notice of
27 the disallowance shall also be addressed to the claimant at
28 the claimant's last known address. The claimant or board of
29 supervisors may appeal to the state board of tax review
30 pursuant to section 421.1, subsection 4, paragraph "d". The
31 claimant or the board of supervisors may seek judicial review
32 of the action of the state board of tax review in accordance
33 with chapter 17A.

34 Sec. 107. Section 426A.6, Code 2005, is amended to read as
35 follows:

1 426A.6 SETTING ASIDE ALLOWANCE.

2 If the director of revenue determines that a claim for
3 military service tax exemption has been allowed by a board of
4 supervisors which is not justifiable under the law and not
5 substantiated by proper facts, the director may, at any time
6 within thirty-six months from July 1 of the year in which the
7 claim is allowed, set aside the allowance. Notice of the
8 disallowance shall be given to the county auditor of the
9 county in which the claim has been improperly granted and a
10 written notice of the disallowance shall also be addressed to
11 the claimant at the claimant's last known address. The
12 claimant or the board of supervisors may appeal to the state
13 board of tax review pursuant to section 421.1, subsection 4,
14 paragraph "d". The claimant or the board of supervisors may
15 seek judicial review of the action of the state board of tax
16 review in accordance with chapter 17A. If a claim is
17 disallowed by the director of revenue and not appealed to the
18 state board of tax review or appealed to the state board of
19 tax review and thereafter upheld upon final resolution,
20 including judicial review, the credits allowed and paid from
21 the general fund of the state become a lien upon the property
22 on which the credit was originally granted, if still in the
23 hands of the claimant and not in the hands of a bona fide
24 purchaser, the amount so erroneously paid shall be collected
25 by the county treasurer in the same manner as other taxes, and
26 the collections shall be returned to the department of revenue
27 and credited to the general fund of the state. The director
28 of revenue may institute legal proceedings against a military
29 service tax exemption claimant for the collection of payments
30 made on disallowed exemptions.

31 Sec. 108. Section 426A.13, unnumbered paragraph 1, Code
32 Supplement 2005, is amended to read as follows:

33 A person named in section 426A.11, who is a resident of and
34 domiciled in the state of Iowa, shall receive a reduction
35 equal to the exemption, to be made from any property owned by

1 the person or owned by a family farm corporation of which the
2 person is a shareholder and ~~who-occupies~~ occupant of the
3 property and so designated by proceeding as provided in the
4 section. To be eligible to receive the exemption the person
5 claiming it shall have recorded in the office of the county
6 recorder of the county in which is located the property
7 designated for the exemption, evidence of property ownership
8 by that person or the family farm corporation of which the
9 person is a shareholder and the military certificate of
10 satisfactory service, order transferring to inactive status,
11 reserve, retirement, order of separation from service,
12 honorable discharge or a copy of any of these documents of the
13 person claiming or through whom is claimed the exemption. In
14 the case of a person claiming the exemption as a veteran
15 described in section 35.1, subsection 2, paragraph "b",
16 subparagraph (6) or (7), the person shall file the statement
17 required by section 35.2.

18 Sec. 109. Section 429.2, subsection 1, Code 2005, is
19 amended to read as follows:

20 1. Notwithstanding the provisions of chapter 17A, the
21 taxpayer shall have thirty days from the date of the notice of
22 assessment to appeal the assessment to the state board of tax
23 review. Thereafter, the proceedings before the state board of
24 tax review shall conform to the provisions of subsection 2,
25 section 421.1, subsection 4, paragraph "d", and chapter 17A.

26 Sec. 110. Section 429.2, subsection 2, unnumbered
27 paragraph 1, Code 2005, is amended to read as follows:

28 The following rules shall apply to the appeal proceedings
29 in addition to those stated in section 421.1, subsection 4,
30 paragraph "d", and chapter 17A:

31 Sec. 111. Section 432.12F, Code Supplement 2005, is
32 amended to read as follows:

33 432.12F ECONOMIC DEVELOPMENT REGION REVOLVING FUND
34 CONTRIBUTION TAX CREDITS.

35 The tax imposed under this chapter shall be reduced by an

1 economic development region revolving fund contribution tax
2 credit authorized pursuant to section 15E.232.

3 Sec. 112. Section 437A.3, subsection 3, Code 2005, is
4 amended to read as follows:

5 3. "Centrally assessed property tax" means property tax
6 imposed with respect to the value of property determined by
7 the director pursuant to section 427.1, subsection 2, Code
8 1997, section 428.29, chapter Code 1997, and chapters 437~~7~~ and
9 chapter 438, Code 1997, and allocated to electric service and
10 natural gas service. For purposes of this subsection,
11 "natural gas service" means such service provided by natural
12 gas pipelines permitted pursuant to chapter 479.

13 Sec. 113. Section 437A.15, subsection 3, paragraph e, Code
14 Supplement 2005, is amended to read as follows:

15 e. Notwithstanding the provisions of this section, if
16 during the tax year a person who was not a taxpayer during the
17 prior tax year acquires a new major addition, as defined in
18 section 437A.3, subsection 18, paragraph "a", subparagraph
19 (4), the replacement tax associated with that major addition
20 shall be allocated, for that tax year, under this section in
21 accordance with the general allocating formula on the basis of
22 the general property tax equivalents established under ~~section~~
23 437A.15 paragraph "a" of this subsection, except that the levy
24 rates established and reported to the department of management
25 on or before June 30 following the tax year in which the major
26 addition was acquired shall be applied to the prorated
27 assessed value of the major addition and provided that section
28 437A.19, subsection 2, paragraph "b", subparagraph (2), is in
29 any event applicable. For purposes of this paragraph,
30 "prorated assessed value of the major addition" means the
31 assessed value of the major addition as of January 1 of the
32 year following the tax year in which the major addition was
33 acquired multiplied by the percentage derived by dividing the
34 number of months that the major addition existed during the
35 tax year by twelve, counting any portion of a month as a full

1 month.

2 Sec. 114. Section 445.5, subsection 4, Code Supplement
3 2005, is amended to read as follows:

4 4. The titleholder may make written request to the
5 treasurer to have the tax statement delivered to a person or
6 entity in lieu of to the titleholder. A fee shall not be
7 charged by the treasurer for delivering the tax statement to
8 such person or entity in lieu of to the titleholder.

9 Sec. 115. Section 446.20, subsection 2, unnumbered
10 paragraph 2, Code 2005, is amended to read as follows:

11 Service of the notice shall also be made by mail on any
12 mortgagee having a lien upon the parcel, a vendor of the
13 parcel under a recorded contract of sale, a lessor who has a
14 recorded lease or memorandum of a recorded lease, and any
15 other person who has an interest of record, at the person's
16 last known address, if the mortgagee, vendor, lessor, or other
17 person has filed a request for notice, as prescribed in
18 section 446.9, subsection 3, and on the state of Iowa in case
19 of an a old-age supplementary assistance lien by service upon
20 the department of human services. The notice shall also be
21 served on any city where the parcel is situated. Failure to
22 receive a mailed notice is not a defense to the payment of the
23 total amount due.

24 Sec. 116. Section 446.38, Code 2005, is amended to read as
25 follows:

26 446.38 SUSPENDED TAXES OF OLD-AGE SUPPLEMENTARY ASSISTANCE
27 RECIPIENTS.

28 In cases where taxes were suspended one year or more upon
29 the parcel of a deceased old-age supplementary assistance
30 recipient and no estate was opened within ninety days after
31 the death of the recipient and the surviving spouse of the
32 recipient is not occupying the parcel, the county may apply to
33 the probate court to have the parcel conveyed to it for
34 satisfaction of the suspended taxes. The probate court shall
35 prescribe the manner and notices to be given. The probate

1 court shall order the parcel conveyed to the county for
2 satisfaction of the suspended taxes if an estate is not opened
3 within a time specified by the court. The probate court shall
4 make and enter all appropriate orders to effect this
5 conveyance to the county if an estate is not opened within the
6 time specified. The parcel, at the election of the county
7 treasurer, may be offered at tax sale in accordance with this
8 chapter in lieu of the county making application to the
9 probate court.

10 Sec. 117. Section 455A.4, subsection 1, paragraph b, Code
11 Supplement 2005, is amended to read as follows:

12 b. Provide overall supervision, direction, and
13 coordination of functions to be administered by the
14 administrators under chapters 321G, 321I, 455B, 455C, 456,
15 456A, 456B, 457A, 458A, 459, ~~subchapters I, II, III, IV, and~~
16 ~~VI, chapters~~ 461A, 462A, 462B, 464A, 465C, 473, 481A, 481B,
17 483A, 484A, and 484B.

18 Sec. 118. Section 455G.4, subsection 3, paragraph a, Code
19 Supplement 2005, is amended to read as follows:

20 a. The board shall adopt rules regarding its practice and
21 procedures, develop underwriting standards, establish
22 procedures for investigating and settling claims made against
23 the fund, and otherwise implement and administer this chapter.

24 Sec. 119. Section 456A.27, Code 2005, is amended to read
25 as follows:

26 456A.27 FEDERAL WILDLIFE ACT -- ASSENT.

27 The state of Iowa assents to the provisions of the Act of
28 Congress entitled "An Act to provide that the United States
29 shall aid the states in wildlife restoration projects, and for
30 other purposes", approved September 2, 1937, 50 Stat. 57 917,
31 and the department may perform acts as necessary to the
32 conduct and establishment of ~~co-operative~~ cooperative wildlife
33 restoration projects, as defined in the Act of Congress, in
34 compliance with the Act and with regulations promulgated by
35 the secretary of agriculture under the Act. No funds accruing

1 to the state of Iowa from license fees paid by hunters shall
2 be diverted for any other purpose than as set out in sections
3 456A.17 and 456A.19.

4 Sec. 120. Section 459A.102, Code Supplement 2005, is
5 amended by adding the following new unnumbered paragraph
6 before subsection 1:

7 NEW UNNUMBERED PARAGRAPH. As used in this chapter, unless
8 the context otherwise requires:

9 Sec. 121. Section 466A.3, subsection 1, paragraph b, Code
10 Supplement 2005, is amended to read as follows:

11 b. The board shall ~~consist-of~~ also include four members of
12 the general assembly who shall serve as voting members. Not
13 more than one member from each house shall be from the same
14 political party. Two state senators shall be appointed, one
15 by the majority leader of the senate and one by the minority
16 leader of the senate. Two state representatives shall be
17 appointed, one by the speaker of the house of representatives
18 and one by the minority leader of the house of
19 representatives. A member may designate another person to
20 attend a board meeting if the member is unavailable. Only the
21 member is eligible for per diem and expenses as provided in
22 section 2.10.

23 Sec. 122. Section 468.378, Code 2005, is amended to read
24 as follows:

25 468.378 BANKRUPTCY PROCEEDINGS.

26 All drainage districts with pumping plant and levee, which
27 have power to incur indebtedness, through action of their own
28 governing bodies are hereby authorized to proceed under and
29 take advantage of all laws enacted by the Congress of the
30 United States under the federal bankruptcy powers, which laws
31 have for their object the relief of municipal indebtedness,
32 including 48 Stat. ~~En~~ 345, entitled "An Act to amend an Act
33 entitled 'An Act to establish a uniform system of bankruptcy
34 throughout the United States', approved July 1, 1898, and Acts
35 amendatory thereof and supplementary thereto", approved May

1 24, 1934, and the officials and governing bodies of such
2 drainage, pumping plant and levee districts, are authorized to
3 adopt all proceedings and to do any and all acts necessary or
4 convenient to fully avail such drainage, pumping plant, and
5 levee districts, of the provisions of such Acts of Congress.

6 Sec. 123. Section 476.1D, subsection 1, paragraph c,
7 unnumbered paragraph 1, Code Supplement 2005, is amended to
8 read as follows:

9 In addition to other services or facilities previously
10 deregulated, effective July 1, 2005, and at the election of
11 each telephone utility subject to rate regulation, the
12 jurisdiction of the board is not applicable to the retail rate
13 regulation of business and retail local exchange services
14 provided throughout the state except for single line flat-
15 rated residential and business service rates provided by a
16 telephone utility subject to rate regulation on January 1,
17 2005. For each such telephone utility, the initial single
18 line flat-rated residential and business service rates shall
19 be the corresponding rates charged by the utility as of
20 January 31, 2005. The initial single line flat-rated
21 residential monthly service rates may be increased by an
22 amount not to exceed one dollar per twelve-month period
23 beginning July 1, 2005, and ending June 30, 2008. The initial
24 single line flat-rated business monthly service rates may be
25 increased by an amount not to exceed two dollars per twelve-
26 month period beginning July 1, 2005, and ending June 30, 2008.
27 However, the single line flat-rated residential service rate
28 shall not exceed nineteen dollars per month and the single
29 line flat-rated business service rate shall not exceed
30 thirty-eight dollars per month prior to July 1, 2008, not
31 including charges for extended area service, regulatory
32 charges, taxes, and other fees. Each telephone utility's
33 extended area service rates shall not be greater than the
34 corresponding rates charged by the telephone utility as of
35 January 31, 2005. The board shall determine a telephone

1 utility's extended area service rates for new extended area
2 service established on or after July 1, 2005. If a telephone
3 utility fails to impose the rate increase during any twelve-
4 month period, the utility shall not impose the unused increase
5 in any subsequent year. In addition to the rate increases
6 permitted pursuant to this section, the telephone utility may
7 adjust its single line flat-rated residential and business
8 service rates by a percentage equal to the most recent annual
9 percentage change in the gross domestic product price index as
10 published by the federal government. The board may also
11 authorize additional changes in the monthly rates for single
12 line flat-rated residential and business services to reflect
13 exogenous factors beyond the control of the telephone utility.

14 Sec. 124. Section 481B.2, Code 2005, is amended to read as
15 follows:

16 481B.2 COOPERATION WITH FEDERAL GOVERNMENT.

17 The commission shall perform those acts necessary for the
18 conservation, protection, restoration, and propagation of
19 endangered and threatened species in cooperation with the
20 federal government, pursuant to ~~Public-Law~~ Pub. L. No. 93-205,
21 and pursuant to rules promulgated by the secretary of the
22 interior.

23 Sec. 125. Section 483A.24, subsection 6, Code Supplement
24 2005, is amended to read as follows:

25 6. A license shall not be required of minor pupils of the
26 state school for the blind, state school for the deaf, or of
27 minor residents of other state institutions under the control
28 of an administrator of a division of the department of human
29 services. In addition, a person who is on active duty with
30 the armed forces of the United States, on authorized leave
31 from a duty station located outside of this state, and a
32 resident of the state of Iowa shall not be required to have a
33 license to hunt or fish in this state. The military person
34 shall carry the person's leave papers and a copy of the
35 person's current earnings statement showing a deduction for

1 Iowa income taxes while hunting or fishing. In lieu of
2 carrying the person's earnings statement, the military person
3 may also claim residency if the person is registered to vote
4 in this state. If a deer or wild turkey is taken, the
5 military person shall immediately contact a state conservation
6 officer to obtain an appropriate tag to transport the animal.
7 A license shall not be required of residents of county care
8 facilities or any person who is receiving ~~old-age~~
9 supplementary assistance under chapter 249.

10 Sec. 126. Section 490.1701, subsection 3, paragraph b,
11 Code Supplement 2005, is amended to read as follows:

12 b. The instrument shall be delivered to the secretary of
13 state for filing and recording in the secretary of state's
14 office. If the corporation was organized under chapter ~~1767~~
15 524~~7~~ or 533, the instrument shall also be filed and recorded
16 in the office of the county recorder. The corporation shall
17 at the time it files the instrument with the secretary of
18 state deliver also to the secretary of state for filing in the
19 secretary of state's office any biennial report which is then
20 due.

21 If the county of the initial registered office as stated in
22 the instrument for a corporation organized under chapter ~~1767~~
23 524~~7~~ or 533 is one which is other than the county where the
24 principal place of business of the corporation, as designated
25 in its articles of incorporation, was located, the corporation
26 shall forward to the county recorder of the county in which
27 the principal place of business of the corporation was located
28 a copy of the instrument and the corporation shall forward to
29 the recorder of the county in which the initial registered
30 office of the corporation is located, in addition to a copy of
31 the original instrument, a copy of the articles of
32 incorporation of the corporation together with all amendments
33 to them as then on file in the secretary of state's office.
34 The corporation shall, through an officer or director, certify
35 to the secretary of state that a copy has been sent to each

1 applicable county recorder, including the date each copy was
2 sent.

3 Sec. 127. Section 490A.1201, Code Supplement 2005, is
4 amended to read as follows:

5 490A.1201 CONSTITUENT ENTITY.

6 ~~As-used-in-this-section, unless~~ Unless the context
7 otherwise requires, "constituent entity", as used in sections
8 490A.1202, 490A.1204, 490A.1205, and 490A.1207, includes a
9 domestic cooperative. However, as used in section 490A.1203,
10 "constituent entity" does not include a domestic cooperative.

11 Sec. 128. Section 501A.504, subsection 4, unnumbered
12 paragraph 1, Code Supplement 2005, is amended to read as
13 follows:

14 An amendment of the articles shall be filed with the
15 secretary as required in section ~~501A.503~~ 501A.201. The
16 amendment is effective as provided in subchapter II. After an
17 amendment to the articles of organization has been adopted and
18 approved in the manner required by this chapter and by the
19 articles of organization, the cooperative shall deliver to the
20 secretary of state for filing articles of amendment which
21 shall set forth all of the following:

22 Sec. 129. Section 501A.601, subsection 2, Code Supplement
23 2005, is amended to read as follows:

24 2. DEALING IN PRODUCTS. A cooperative may buy, sell, or
25 deal in its own commodities or products or those of another
26 person, including but not limited to those of its members,
27 patrons, or nonmembers; or commodities or products of another
28 cooperative organized under this chapter or another
29 cooperative association organized under other law including a
30 traditional cooperative, or members or patrons of such
31 cooperatives or cooperative associations. A cooperative may
32 negotiate the price at which its commodities or products may
33 be sold.

34 Sec. 130. Section 501A.715, subsection 2, paragraph a,
35 unnumbered paragraph 1, Code Supplement 2005, is amended to

1 read as follows:

2 Subject to the provisions of subsection 4, a cooperative
3 shall indemnify a person made or threatened to be made a party
4 to a proceeding by reason of the former or present official
5 capacity of the person against judgments, penalties, and
6 fines, including, without limitation, excise taxes assessed
7 against the person with respect to an employee benefit plan,
8 settlements, and reasonable expenses, including attorney fees
9 and disbursements incurred by the person in connection with
10 the proceeding, if, with respect to the acts or omissions of
11 the person complained of in the proceeding, any of the
12 following applies:

13 Sec. 131. Section 501A.1008, subsection 5, paragraph b,
14 Code Supplement 2005, is amended to read as follows:

15 b. Economic development including private or joint public
16 and private investments involving the creation of economic
17 opportunities for ~~its~~ the cooperative's members or the
18 retention of existing sources of income that would otherwise
19 be lost.

20 Sec. 132. Section 501A.1101, subsection 2, paragraph c,
21 Code Supplement 2005, is amended to read as follows:

22 c. The manner and basis of converting membership or
23 ownership interests of the constituent domestic cooperative,
24 the ~~surviving~~ Iowa limited liability company that is a party
25 as provided in section 490A.1207, or foreign business entity
26 into membership or ownership interests in the surviving or new
27 domestic cooperative, the surviving Iowa limited liability
28 company as authorized in section 490A.1207, or foreign
29 business entity.

30 Sec. 133. Section 501A.1104, subsection 1, paragraph a,
31 Code Supplement 2005, is amended to read as follows:

32 a. A traditional cooperative ~~organized~~ may convert to a
33 cooperative and become subject to this chapter by amending its
34 organizational documents to conform to the requirements of
35 this chapter.

1 Sec. 134. Section 507A.2, unnumbered paragraph 2, Code
2 2005, is amended to read as follows:

3 In furtherance of such state interest, the general assembly
4 herein provides methods for substituted service of process
5 upon such persons or insurers in any proceeding, suit or
6 action in any court and substitute service of any notice,
7 order, pleading or process upon such persons or insurers in
8 any proceeding before the commissioner of insurance to enforce
9 or effect full compliance with the insurance and tax laws of
10 this state. In so doing, the state exercises its powers to
11 protect residents of this state and to define what constitutes
12 doing an insurance business in this state, and also exercises
13 powers and privileges available to this state by virtue of
14 ~~Public-Law~~ Pub. L. No. 79-15, 79th Congress of the United
15 States, Chapter 20, 1st Sess., S. 340, 59 Stat. 5- 337,
16 codified at 15 U.S.C. § 1011--1015,
17 which declares that the business of insurance and every person
18 engaged therein shall be subject to the laws of the several
19 states.

20 Sec. 135. Section 507B.1, Code 2005, is amended to read as
21 follows:

22 507B.1 DECLARATION OF PURPOSE.

23 The purpose of this chapter is to regulate trade practices
24 in the business of insurance in accordance with the intent of
25 Congress as expressed in the Act of Congress of March 9, 1945,
26 ~~Public-Law-157-79th-Congress~~ Pub. L. No. 79-15, 59 Stat. 5-
27 337, codified at 15 U.S.C. § 1011--1015, by
28 defining, or providing for the determination of, all such
29 practices in this state which constitute unfair methods of
30 competition or unfair or deceptive acts or practices and by
31 prohibiting the trade practices so defined or determined.

32 Sec. 136. Section 511.8, subsection 9, paragraphs b, c,
33 and e, Code 2005, are amended to read as follows:

34 b. Bonds, notes, or other evidences of indebtedness
35 representing loans and advances of credit that have been

1 issued, guaranteed, or insured, in accordance with the terms
2 and provisions of an Act of Congress of the United States of
3 America approved June 27, 1934, entitled the "National Housing
4 Act", 48 Stat. 1246, 12 U.S.C. § 1701, et seq., as heretofore
5 and hereafter amended.

6 c. Bonds, notes, or other evidences of indebtedness
7 representing loans and advances of credit that have been
8 issued or guaranteed, in whole or in part, in accordance with
9 the terms and provisions of Title III of an Act of Congress of
10 the United States of America approved June 22, 1944, known as
11 Public Law 346 ---Seventy-eighth-Congress, Chapter-268---2nd
12 Session, Pub. L. No. 78-268, cited as the "Servicemen's
13 Readjustment Act of 1944", 58 Stat. 284, recodified at 72
14 Stat. 1105, 1273, 38 U.S.C. § 3701, et seq., as heretofore and
15 hereafter amended.

16 e. Bonds, notes, or other evidences of indebtedness
17 representing loans and advances of credit that have been
18 issued or guaranteed, in whole or in part, in accordance with
19 Title I of the Bankhead-Jones Farm Tenant Act, an Act of the
20 Congress of the United States, cited as the "Farmers Home
21 Administration Act of 1946", 60 Stat. 1062, as heretofore or
22 hereafter amended.

23 Sec. 137. Section 511.8, subsection 15, paragraph b,
24 subparagraph (2), unnumbered paragraph 2, Code 2005, is
25 amended to read as follows:

26 The terms "class I railroads", "balance of income available
27 for the payment of fixed charges", "fixed charges" and
28 "railway operating revenues" when used in this subsection, are
29 to be given the same meaning as in the accounting reports
30 filed by a railroad company in accordance with the regulations
31 for common carriers by rail of the Interstate Commerce Act, 24
32 Stat. 57 379, codified at 49 U.S.C. § 1-to-40-inc., 1001-to
33 1100-inc. 1--40, 1001--1100, provided that the "balance of
34 income available for the payment of fixed charges" and
35 "railway operating revenues remaining", as the terms are used

1 in this subsection, shall be computed before deduction of
2 federal income or excess profits taxes; and that in computing
3 "fixed charges" there shall be excluded interest and
4 amortization charges applicable to debt called for redemption
5 or which will otherwise mature within six months from the time
6 of investment and for the payment of which funds have been or
7 currently are being specifically set aside.

8 Sec. 138. Section 512A.10, subsection 1, Code 2005, is
9 amended to read as follows:

10 1. An organization shall present to the commissioner of
11 insurance for approval its articles of incorporation and any
12 subsequent amendment. The commissioner shall submit the
13 articles of incorporation and any subsequent amendment to the
14 attorney general for examination and, if found by the attorney
15 general to be in accordance with this chapter and the
16 ~~constitution~~ Constitution and laws of the ~~state~~ State of Iowa,
17 the attorney general shall certify such fact on the articles
18 of incorporation or amendment and return the articles or
19 amendment to the commissioner. Articles of incorporation or
20 an amendment to the articles shall not be approved by the
21 commissioner or recorded unless certified by the attorney
22 general.

23 Sec. 139. Section 512B.13, Code 2005, is amended to read
24 as follows:

25 512B.13 INSTITUTIONS.

26 A society may create, maintain, and operate, or may
27 establish organizations to operate, not-for-profit
28 institutions to further the purposes permitted by section
29 512B.5, subsection 1, paragraph "b". The institutions may
30 furnish services free or at a reasonable charge. Any real or
31 personal property owned, held, or leased by the society for
32 this purpose shall be reported in every annual statement. A
33 not-for-profit institution so established is a charitable
34 institution with all the rights, benefits, and privileges
35 given to charitable institutions under the ~~constitution~~

1 Constitution and laws of ~~this-state~~ the State of Iowa. The
2 commissioner may adopt appropriate rules and reporting
3 requirements.

4 Sec. 140. Section 514B.3, unnumbered paragraph 3, Code
5 2005, is amended to read as follows:

6 Upon receipt of an application for a certificate of
7 authority, the commissioner shall immediately transmit copies
8 of the application and accompanying documents to the director
9 of public health and the affected regional health planning
10 council, as authorized by ~~Public-Law~~ Pub. L. No. 89-749, (42
11 42 U.S.C. § 246(b) 2b) 2b, for their nonbinding consultation
12 and advice.

13 Sec. 141. Section 518.14, subsection 4, paragraph a, Code
14 Supplement 2005, is amended to read as follows:

15 a. UNITED STATES GOVERNMENT OBLIGATIONS. Bonds or other
16 evidences of indebtedness issued, assumed, or guaranteed by
17 the United States of America, or by any agency or
18 instrumentality of the United States of America, ~~include~~
19 including investments in an open-end management investment
20 company registered with the federal securities and exchange
21 commission under the federal Investment Company Act of 1940,
22 15 U.S.C. § 80(a) and operated in accordance with 17 C.F.R. §
23 270.2a-7, the portfolio of which is limited to the United
24 States obligations described in this paragraph, and which are
25 included in the national association of insurance
26 commissioners' securities valuation office's United States
27 direct obligation--full faith and credit list.

28 Sec. 142. Section 518A.12, subsection 4, paragraph a, Code
29 Supplement 2005, is amended to read as follows:

30 a. UNITED STATES GOVERNMENT OBLIGATIONS. Bonds or other
31 evidences of indebtedness issued, assumed, or guaranteed by
32 the United States of America, or by any agency or
33 instrumentality of the United States of America, ~~include~~
34 including investments in an open-end management investment
35 company registered with the federal securities and exchange

1 commission under the federal Investment Company Act of 1940,
2 15 U.S.C. § 80(a) and operated in accordance with 17 C.F.R. §
3 270.2a-7, the portfolio of which is limited to the United
4 States obligations described in this paragraph, and which are
5 included in the national association of insurance
6 commissioners' securities valuation office's United States
7 direct obligation--full faith and credit list.

8 Sec. 143. Section 518B.1, subsection 3, Code 2005, is
9 amended to read as follows:

10 3. "The Act" means Section 1223 of the Housing and Urban
11 Development Act of 1968, ~~Public Law~~ Pub. L. No. 90-448, 90th
12 Congress approved August 1, 1968.

13 Sec. 144. Section 523.13, Code 2005, is amended to read as
14 follows:

15 523.13 EXCEPTIONS AS TO DOMESTIC STOCK COMPANIES.

16 The provisions of sections 523.7, 523.8 and 523.9 shall not
17 apply to equity securities of a domestic stock insurance
18 company if ~~(1)-such~~ either of the following apply:

19 1. The securities shall-be are registered, or shall-be are
20 required to be registered, pursuant to section 12 of the
21 Securities Exchange Act of 1934, [48 48 Stat. 881, 15
22 U.S.C. 7 § 77b et seq.] seq., as amended, or-if-(2)-such.

23 2. The domestic stock insurance company shall does not
24 have any class of its equity securities held of record by one
25 hundred or more persons on the last business day of the year
26 next preceding the year in which equity securities of the
27 company would be subject to the provisions of sections 523.7,
28 523.8 and 523.9 except for the provisions of this subsection
29 2.

30 Sec. 145. Section 523C.1, subsection 6, Code 2005, is
31 amended to read as follows:

32 6. "Licensed service company" means a service company
33 which is licensed by the ~~commission~~ commissioner pursuant to
34 this chapter.

35 Sec. 146. Section 523C.9, subsection 1, paragraph a, Code

1 2005, is amended to read as follows:

2 a. The service company violated a lawful order of the
3 ~~commission~~ commissioner or any provision of this chapter.

4 Sec. 147. Section 523I.103, subsection 3, Code Supplement
5 2005, is amended to read as follows:

6 3. If a foreign person does not have a registered agent or
7 agents in the state of Iowa, doing business within this state
8 shall constitute the person's appointment of the secretary of
9 state of the state of Iowa to be ~~its~~ the person's true and
10 lawful attorney upon whom may be served all lawful process of
11 original notice in actions or proceedings arising or growing
12 out of any contract or tort.

13 Sec. 148. Section 523I.601, Code Supplement 2005, is
14 amended to read as follows:

15 523I.601 SETTLEMENT OF ESTATES -- MAINTENANCE FUND.

16 The court in which the estate of a deceased person is
17 administered, before final distribution, may allow and set
18 apart from the estate a sum sufficient to provide an income
19 adequate to pay for the perpetual care and upkeep of the
20 interment ~~spaces-upon~~ space in which the body of the deceased
21 is buried, except where perpetual care has otherwise been
22 provided for. The sum so allowed and set apart shall be paid
23 to a trustee as provided by this chapter.

24 Sec. 149. Section 524.1416, subsection 2, Code 2005, is
25 amended to read as follows:

26 2. A state bank which converts into a national bank or
27 federal savings association shall notify the superintendent of
28 the proposed conversion, provide such evidence of the adoption
29 of the plan as the superintendent may request, notify the
30 superintendent of any abandonment or disapproval of the plan,
31 and file with the superintendent and with the secretary of
32 state a certificate of the approval of the conversion by the
33 comptroller of the currency of the United States or director
34 of the office of thrift supervision, as applicable, and the
35 date upon which such conversion is to become effective. A

1 state bank that converts into a national bank or federal
2 savings association shall comply with the provisions of
3 section 524.310, subsection 1.

4 Sec. 150. Section 533.3, subsection 2, Code 2005, is
5 amended to read as follows:

6 2. The prohibitions contained in subsection 1 do not apply
7 to a credit union organized under this chapter or under the
8 Federal Credit Union Act, 12 U.S.C. Sec. § 1751 et seq., or to
9 the Iowa credit union league, or a chapter, affiliate or
10 subsidiary of the Iowa credit union league, or to a political
11 action committee formed under ~~Public Law~~ Pub. L. No. 94-283 or
12 chapter 68A by the Iowa credit union league or by credit
13 unions organized under this chapter or federal law.

14 Sec. 151. Section 591.11, Code 2005, is amended to read as
15 follows:

16 591.11 FAILURE TO PUBLISH NOTICE OF AMENDMENT.

17 In all instances where notices of amendments to articles of
18 incorporation have not been published within three months
19 after the filing with and approval by the secretary of state
20 of such amendments, as provided in section 491.20, ~~of the~~ Code
21 1954, but such notices have been thereafter published in the
22 form and manner as required by law and proof of publication
23 filed with the secretary of state, such notices are hereby
24 legalized and shall have the same force and effect as though
25 published within said period of three months and proper proof
26 of publication filed with the secretary of state.

27 Sec. 152. Section 598.21G, unnumbered paragraph 1, Code
28 Supplement 2005, is amended to read as follows:

29 In any order or judgment entered under this chapter or
30 chapter 234, 252A, 252C, 252F, 598~~7~~ or 600B, or under any
31 other chapter which provides for temporary or permanent
32 support payments, if the parent ordered to pay support is less
33 than eighteen years of age, one of the following shall apply:

34 Sec. 153. Section 602.10125, Code 2005, is amended to read
35 as follows:

1 602.10125 ATTORNEY GENERAL -- APPROPRIATENESS OF PROCEDURE
2 -- ORDER FOR APPEARANCE.

3 If an action is commenced on the petition of an individual,
4 the court shall notify and refer the matter to the attorney
5 general. The attorney general, within thirty days of the
6 referral, shall submit a report to the court concerning the
7 appropriateness of bringing the action under this chapter.
8 The court shall not proceed with consideration of the merits
9 of the complaint until the report from the attorney general is
10 received. If the court deems the accusation sufficient to
11 justify further action, the court shall determine whether the
12 complaint is more appropriately pursued under this chapter
13 rather than the procedures established under Iowa court rules,
14 ~~chapter~~ ch. 35. If the court finds that proceeding under this
15 chapter is more appropriate, it shall cause an order to be
16 entered requiring the accused to appear and answer in the
17 court where the accusation has been filed on the day fixed in
18 the order, and shall cause a copy of the accusation and order
19 to be served upon the accused personally.

20 Sec. 154. Section 633.3, subsections 15, 17, 34, and 35,
21 Code Supplement 2005, are amended to read as follows:

22 15. ESTATE -- the real and personal property of either a
23 decedent or a ward, and may also refer to the real and
24 personal property of a trust ~~as-defined~~ described in section
25 633.10.

26 17. FIDUCIARY -- includes personal representative,
27 executor, administrator, guardian, conservator, and the
28 trustee of any trust ~~as-defined~~ described in section 633.10.

29 34. TRUSTEE -- the person or persons serving as trustee of
30 a trust ~~as-defined~~ described in section 633.10.

31 35. TRUSTS -- includes only those trusts ~~defined~~ described
32 in section 633.10.

33 Sec. 155. Section 633.10, unnumbered paragraph 1, Code
34 Supplement 2005, is amended to read as follows:

35 In addition to the jurisdiction granted the district court

1 under the trust code, chapter 633A, or elsewhere, the district
2 court sitting in probate shall have jurisdiction of:

3 Sec. 156. Section 633.699B, Code Supplement 2005, is
4 amended to read as follows:

5 633.699B APPLICABILITY OF LAW.

6 The terms of this division, and all other terms of this
7 probate code relating to trusts and trustees, shall apply only
8 to trusts that remain under continuous court supervision
9 pursuant to section 633.10 and to trusts that have not been
10 released from such continuous supervision pursuant to section
11 633.10. Regarding all such trusts, the terms of this chapter
12 shall supersede any inconsistent terms in the trust code,
13 chapter 633A, and such trusts shall be governed by terms of
14 the trust code, chapter 633A, that are not inconsistent with
15 this probate code.

16 Sec. 157. Section 679C.103, subsection 2, unnumbered
17 paragraph 1, Code Supplement 2005, is amended to read as
18 follows:

19 This chapter shall not apply to a mediation relating to or
20 conducted by under any of the following circumstances:

21 Sec. 158. Section 679C.104, subsection 1, Code Supplement
22 2005, is amended to read as follows:

23 1. Except as otherwise provided in section 679C.106, a
24 mediation communication is privileged as provided in
25 subsection 2 and is not subject to discovery or admissible in
26 evidence in a proceeding unless the privilege is waived or
27 precluded as provided by section 679C.105.

28 Sec. 159. Section 692B.2, Articles VIII and XI, Code 2005,
29 are amended to read as follows:

30 ARTICLE VIII -- MISCELLANEOUS PROVISIONS

31 (a) RELATION OF COMPACT TO CERTAIN FBI ACTIVITIES.

32 Administration of this compact shall not interfere with the
33 management and control of the director of the FBI over the
34 FBI's collection and dissemination of criminal history records
35 and the advisory function of the FBI's advisory policy board

1 chartered under the Federal Advisory Committee Act, ~~5~~ 5
2 U.S.C. ~~App.~~ App., for all purposes other than noncriminal
3 justice.

4 (b) NO AUTHORITY FOR NONAPPROPRIATED EXPENDITURES.
5 Nothing in this compact shall require the FBI to obligate or
6 expend funds beyond those appropriated to the FBI.

7 (c) RELATING TO ~~PUBLIC-LAW~~ PUB. L. NO. 92-544. Nothing in
8 this compact shall diminish or lessen the obligations,
9 responsibilities, and authorities of any state, whether a
10 party state or a nonparty state, or of any criminal history
11 record repository or other subdivision or component thereof,
12 under the Departments of State, Justice, and Commerce, the
13 Judiciary, and Related Agencies Appropriation Act, 1973
14 ~~(Public-Law-92-544)~~, Pub. L. No. 92-544, or regulations and
15 guidelines promulgated thereunder, including the rules and
16 procedures promulgated by the council under Article VI(a),
17 regarding the use and dissemination of criminal history
18 records and information.

19 ARTICLE XI -- ADJUDICATION OF DISPUTES

20 (a) IN GENERAL. The council shall

21 (1) have initial authority to make determinations with
22 respect to any dispute regarding

23 (A) interpretation of this compact;

24 (B) any rule or standard established by the council
25 pursuant to Article VI; and

26 (C) any dispute or controversy between any parties to this
27 compact; and

28 (2) hold a hearing concerning any dispute described in
29 paragraph (1) at a regularly scheduled meeting of the council
30 and only render a decision based upon a majority vote of the
31 members of the council. Such decision shall be published
32 pursuant to the requirements of Article VI(e).

33 (b) DUTIES OF FBI. The FBI shall exercise immediate and

34 necessary action to preserve the integrity of the III system,
35 maintain system policy and standards, protect the accuracy and

1 privacy of records, and to prevent abuses, until the council
2 holds a hearing on such matters.

3 (c) RIGHT OF APPEAL. The FBI or a party state may appeal
4 any decision of the council to the attorney general, and
5 thereafter may file suit in the appropriate district court of
6 the United States, which shall have original jurisdiction of
7 all cases or controversies arising under this compact. Any
8 suit arising under this compact and initiated in a state court
9 shall be removed to the appropriate district court of the
10 United States in the manner provided by ~~section-1446-of-title~~
11 ~~287-United-States-Code~~ 28 U.S.C. § 1446, or other statutory
12 authority.

13 Sec. 160. Section 725.12, subsection 1, Code Supplement
14 2005, is amended to read as follows:

15 1. If any person ~~make~~ makes or ~~aid~~ aids in making or
16 establishing, or ~~advertise~~ advertises or ~~make~~ makes public a
17 scheme for a lottery; or ~~advertise~~ advertises, ~~offer~~ offers
18 for sale, ~~sell~~ sells, ~~distribute~~ distributes, ~~negotiate~~
19 negotiates, ~~dispose~~ disposes of, ~~purchase~~ purchases, or
20 ~~receive~~ receives a ticket or part of a ticket in a lottery or
21 number of a ticket in a lottery; or ~~have~~ has in the person's
22 possession a ticket, part of a ticket, or paper purporting to
23 be the number of a ticket of a lottery, with the intent to
24 sell or dispose of the ticket, part of a ticket, or paper on
25 the person's own account or as the agent of another, the
26 person commits a serious misdemeanor. However, this section
27 does not prohibit the advertising of a lottery or possession
28 by a person of a lottery ticket, part of a ticket, or number
29 of a lottery ticket from a lottery legally operated or
30 permitted under the laws of another jurisdiction. This
31 section also does not prohibit the advertising of a lottery,
32 game of chance, contest, or activity conducted by a not-for-
33 profit organization that would qualify as tax exempt under
34 section 501 of the Internal Revenue Code, as defined in
35 section 422.3, or conducted by a commercial organization as a

1 promotional activity which is clearly occasional and ancillary
2 to the primary business of that organization, provided that
3 the effective dates on any promotional activity shall be
4 clearly stated on all promotional materials. A lottery, game
5 of chance, contest, or activity shall be presumed to be a
6 promotional activity which is not occasional if the lottery,
7 game of chance, contest, or activity is in effect or available
8 to the public for a period of more than ninety days within a
9 one-year period.

10 Sec. 161. Section 729.1, Code 2005, is amended to read as
11 follows:

12 729.1 RELIGIOUS TEST.

13 Any violation of section 4, Article I of the Constitution
14 of the State of Iowa is hereby declared to be a simple
15 misdemeanor unless a greater penalty is otherwise provided by
16 law.

17 Sec. 162. Section 822.2, Code 2005, is amended to read as
18 follows:

19 822.2 SITUATIONS WHERE LAW APPLICABLE.

20 1. Any person who has been convicted of, or sentenced for,
21 a public offense and who claims that any of the following may
22 institute, without paying a filing fee, a proceeding under
23 this chapter to secure relief:

24 1- a. The conviction or sentence was in violation of the
25 Constitution of the United States or the Constitution or laws
26 of this state.

27 2- b. The court was without jurisdiction to impose
28 sentence.

29 3- c. The sentence exceeds the maximum authorized by
30 law.

31 4- d. There exists evidence of material facts, not
32 previously presented and heard, that requires vacation of the
33 conviction or sentence in the interest of justice.

34 5- e. The person's sentence has expired, or probation,
35 parole, or conditional release has been unlawfully revoked, or

1 the person is otherwise unlawfully held in custody or other
2 restraint~~;~~.

3 ~~6-~~ f. The person's reduction of sentence pursuant to
4 sections 903A.1 through 903A.7 has been unlawfully forfeited
5 and the person has exhausted the appeal procedure of section
6 903A.3, subsection 2~~;-or.~~.

7 ~~7-~~ g. The conviction or sentence is otherwise subject to
8 collateral attack upon any ground of alleged error formerly
9 available under any common law, statutory or other writ,
10 motion, petition, proceeding, or remedy, except alleged error
11 relating to restitution, court costs, or fees under section
12 904.702 or chapter 815 or 910~~;~~
13 ~~may-institute,-without-paying-a-filing-fee,-a-proceeding-under~~
14 ~~this-chapter-to-secure-relief.~~

15 2. This remedy is not a substitute for nor does it affect
16 any remedy, incident to the proceedings in the trial court, or
17 of direct review of the sentence or conviction. Except as
18 otherwise provided in this chapter, it comprehends and takes
19 the place of all other common law, statutory, or other
20 remedies formerly available for challenging the validity of
21 the conviction or sentence. It shall be used exclusively in
22 place of them.

23 Sec. 163. Section 822.3, Code 2005, is amended to read as
24 follows:

25 822.3 HOW TO COMMENCE PROCEEDING -- LIMITATION.

26 A proceeding is commenced by filing an application verified
27 by the applicant with the clerk of the district court in which
28 the conviction or sentence took place. However, if the
29 applicant is seeking relief under section 822.2, subsection 6
30 1, paragraph "f", the application shall be filed with the
31 clerk of the district court of the county in which the
32 applicant is being confined within ninety days from the date
33 the disciplinary decision is final. All other applications
34 must be filed within three years from the date the conviction
35 or decision is final or, in the event of an appeal, from the

1 date the writ of procedendo is issued. However, this
2 limitation does not apply to a ground of fact or law that
3 could not have been raised within the applicable time period.
4 Facts within the personal knowledge of the applicant and the
5 authenticity of all documents and exhibits included in or
6 attached to the application must be sworn to affirmatively as
7 true and correct. The supreme court may prescribe the form of
8 the application and verification. The clerk shall docket the
9 application upon its receipt and promptly bring it to the
10 attention of the court and deliver a copy to the county
11 attorney and the attorney general.

12 Sec. 164. Section 822.5, Code 2005, is amended to read as
13 follows:

14 822.5 PAYMENT OF COSTS.

15 If the applicant is unable to pay court costs and
16 stenographic and printing expenses, these costs and expenses
17 shall be made available to the applicant in the trial court,
18 and on review. Unless the applicant is confined in a state
19 institution and is seeking relief under section 822.2,
20 ~~subsections-5-and-6~~ subsection 1, paragraphs "e" and "f", the
21 costs and expenses of legal representation shall also be made
22 available to the applicant in the preparation of the
23 application, in the trial court, and on review if the
24 applicant is unable to pay. However, nothing in this section
25 shall be interpreted to require payment of expenses of legal
26 representation, including stenographic, printing, or other
27 legal services or consultation, when the applicant is self-
28 represented or is utilizing the services of an inmate.

29 Sec. 165. Section 822.7, Code 2005, is amended to read as
30 follows:

31 822.7 COURT TO HEAR APPLICATION.

32 The application shall be heard in, and before any judge of
33 the court in which the conviction or sentence took place.
34 However, if the applicant is seeking relief under section
35 822.2, subsection 6 1, paragraph "f", the application shall be

1 heard in, and before any judge of the court of the county in
2 which the applicant is being confined. A record of the
3 proceedings shall be made and preserved. All rules and
4 statutes applicable in civil proceedings including pretrial
5 and discovery procedures are available to the parties. The
6 court may receive proof of affidavits, depositions, oral
7 testimony, or other evidence, and may order the applicant
8 brought before it for the hearing. If the court finds in
9 favor of the applicant, it shall enter an appropriate order
10 with respect to the conviction or sentence in the former
11 proceedings, and any supplementary orders as to rearraignment,
12 retrial, custody, bail, discharge, correction of sentence, or
13 other matters that may be necessary and proper. The court
14 shall make specific findings of fact, and state expressly its
15 conclusions of law, relating to each issue presented. This
16 order is a final judgment.

17 Sec. 166. Section 822.9, Code 2005, is amended to read as
18 follows:

19 822.9 APPEAL.

20 An appeal from a final judgment entered under this chapter
21 may be taken, perfected, and prosecuted either by the
22 applicant or by the state in the manner and within the time
23 after judgment as provided in the rules of appellate procedure
24 for appeals from final judgments in criminal cases. However,
25 if a party is seeking an appeal under section 822.2,
26 subsection 6 1, paragraph "f", the appeal shall be by writ of
27 certiorari.

28 Sec. 167. Section 904.513, subsection 3, Code 2005, is
29 amended to read as follows:

30 3. The department shall adopt rules for the implementation
31 of this section. The rules shall include the requirement that
32 the treatment programs established pursuant to this chapter
33 meet the licensure standards of the ~~division-of-substance~~
34 ~~abuse-for-the~~ department of public health under chapter 125.
35 The rules shall also include provisions for the funding of the

1 program by means of self-contribution by the offenders,
2 insurance reimbursement on behalf of offenders, or other forms
3 of funding, program structure, criteria for the evaluation of
4 offenders and programs, and all other issues the director
5 shall deem appropriate.

6 Sec. 168. Section 914.1, Code 2005, is amended to read as
7 follows:

8 914.1 POWER OF GOVERNOR.

9 The power of the governor under the ~~constitution~~
10 Constitution of the State of Iowa to grant a reprieve, pardon,
11 commutation of sentence, remission of fines and forfeitures,
12 or restoration of the rights of citizenship shall not be
13 impaired.

14 Sec. 169. 2004 Iowa Acts, chapter 1076, section 1,
15 subsection 1, enacting Code section 69.20, subsection 1, is
16 amended to read as follows:

17 1. A temporary vacancy in an elective office of a
18 political subdivision, community college, and hospital board
19 of trustees of this state occurs on the date when the person
20 filling that office is placed on ~~active~~ state military service
21 or federal service, as those terms are defined in section
22 29A.1, and when such a person will not be able to attend to
23 the duties of that person's elective position for a period
24 greater than sixty consecutive days. The temporary vacancy
25 terminates on the date when such person is released from such
26 service, or the term of office expires.

27 Sec. 170. 2005 Iowa Acts, chapter 136, section 20, the
28 bill section amending clause, is amended to read as follows:

29 SEC. 20. Section 455B.103, ~~subsections~~ subsection 3 and
30 subsection 4, unnumbered paragraph 1, Code 2005, are amended
31 to read as follows:

32 Sec. 171. Section 15.103, subsection 1, paragraph a, as
33 enacted by 2005 Iowa Acts, chapter 150, section 4, is amended
34 to read as follows:

35 a. The Iowa economic development board is created,

1 consisting of fifteen voting members appointed by the governor
2 and seven ex officio nonvoting members. The ex officio
3 nonvoting members are four legislative members; one president,
4 or the president's designee, of the university of northern
5 Iowa, the university of Iowa, or Iowa state university of
6 science and technology designated by the state board of
7 regents on a rotating basis; and one president, or the
8 president's designee, of a private college or university
9 appointed by the Iowa association of independent colleges and
10 universities; and one superintendent, or the superintendent's
11 designee, of a community college, appointed by the Iowa
12 association of community college presidents. The legislative
13 members are two state senators, one appointed by the president
14 of the senate, after consultation with the majority leader of
15 the senate, and one appointed by the minority leader of the
16 senate, after consultation with the president of the senate,
17 from their respective parties; and two state representatives,
18 one appointed by the speaker and one appointed by the minority
19 leader of the house of representatives from their respective
20 parties. Not more than eight of the voting members shall be
21 from the same political party. Beginning with the first
22 appointment to the board made after the effective date of this
23 division of this Act, at least one voting member shall have
24 been less than thirty years of age at the time of appointment.
25 The governor shall appoint the voting members of the board for
26 a term of four years beginning and ending as provided by
27 section 69.19, subject to confirmation by the senate, and the
28 governor's appointments shall include persons knowledgeable of
29 the various elements of the department's responsibilities.

30 Sec. 172. Section 455B.172, subsection 5, unnumbered
31 paragraph 2, Code 2005, as amended by 2005 Iowa Acts, chapter
32 153, section 2, is amended to read as follows:

33 The department shall by rule adopt standards for the
34 commercial cleaning of private sewage disposal facilities,
35 including but not limited to septic tanks, and for the

1 disposal of waste from the facilities. The standards shall
2 not be in conflict with the state building code adopted
3 pursuant to section 103A.7. A person shall not commercially
4 clean such facilities or dispose of waste from such facilities
5 unless the person has been issued a license by the department.
6 The department shall be exclusively responsible for adopting
7 the standards and issuing licenses. However, county boards of
8 health shall enforce the standards and licensing requirements
9 established by the department. The department may contract
10 for the delegation of the authority for inspection of land
11 application sites, record reviews, and equipment inspections
12 to a county board of health. In the event of entering into
13 such a contract, the department shall retain concurrent
14 authority over such activities. Application for the license
15 shall be made in the manner provided by the department.
16 Licenses expire one year from the date of issue unless revoked
17 and may be renewed in the manner provided by the department.
18 A license application shall include registration applications
19 for each vehicle used by the applicant for purposes of
20 collecting septage from private sewage disposal facilities and
21 each vehicle used by the applicant for purposes of applying
22 septage to land. Septic disposal management plans shall be
23 submitted to the department and approved annually as a
24 condition of licensing and shall also be filed annually with
25 the county board of health in the county where a proposed
26 septage application site is located. The septic disposal
27 management plan shall include, but not be limited to, the
28 sites of septage application, the anticipated volume of
29 septage applied to each site, the area of each septage
30 application site, the type of application to be used at each
31 site, the volume of septage expected to be collected from
32 private sewage disposal facilities, and a list of registered
33 vehicles collecting septage from private sewage disposal
34 facilities and applying septage to land. The annual license
35 or license renewal fee for a person commercially cleaning

1 private sewage disposal facilities shall be established by the
2 department based on the volume of septage that is applied to
3 land. A septic management fund is created in the state
4 treasury under the control of the department. Annual license
5 and license renewal fees collected pursuant to this section
6 shall be deposited in the septic management fund and are
7 appropriated to the department for purposes of contracting
8 with county boards of health to conduct land application site
9 inspections, record reviews, and septic cleaning equipment
10 inspections. A person violating this section or the rules
11 adopted pursuant to this section as determined by the
12 department is subject to a civil penalty of not more than two
13 hundred fifty dollars. The department shall adopt rules
14 related to, but not limited to, recordkeeping requirements,
15 application procedures and limitations, contamination issues,
16 loss of septage, failure to file a septic disposal management
17 plan, application by vehicles that are not properly
18 registered, wrongful application, and violations of a septic
19 disposal management plan. Each day that a violation continues
20 constitutes a separate offense. The penalty shall be assessed
21 for the duration of time commencing with the time the
22 violation begins and ending with the time the violation is
23 corrected. The septic disposal management plan may be
24 examined to determine the duration of the violation. Moneys
25 collected by the department from the imposition of civil
26 penalties shall be deposited in the general fund of the state.
27 Moneys collected by a county board of health from the
28 imposition of civil penalties shall be deposited in the
29 general fund of the county.

30 Sec. 173. 2005 Iowa Acts, chapter 179, section 14,
31 unnumbered paragraph 1, is amended to read as follows:

32 There is appropriated from the general fund of the state to
33 the homeland security and emergency management division of the
34 department of public ~~safety~~ defense for the fiscal year
35 beginning July 1, 2005, and ending June 30, 2006, the

1 following amount, or so much thereof as is necessary, to be
2 used for the purpose designated:

3 Sec. 174. 2005 Iowa Acts, chapter 179, section 48, is
4 amended to read as follows:

5 SEC. 48. HEALTH FACILITIES ~~COUNCIL~~ DIVISION. If 2005 Iowa
6 Acts, House File 810, is enacted and includes an appropriation
7 from the general fund of the state to the department of
8 inspections and appeals for the health facilities ~~council~~
9 division for the fiscal year beginning July 1, 2005, and
10 ending June 30, 2006, any provision of that appropriation
11 designating the use of \$80,000 and a full-time equivalent
12 position for a particular purpose shall not be applied.

13 Sec. 175. Section 12B.6, as enacted by 2005 Iowa Acts,
14 chapter 179, section 98, is amended to read as follows:

15 12B.6 CERTAIN PUBLIC FUNDS OF POLITICAL SUBDIVISIONS.

16 All funds received, expended, or held by an association of
17 elected county officers before, on, or after the effective
18 date of this division of this Act, to implement a state-
19 authorized program, are subject to audit by the auditor of
20 state at the request of the government oversight committees or
21 the legislative council. All such funds received or held on
22 and after July 1, 2005, shall be deposited in a fund in the
23 office of the treasurer of state.

24 Sec. 176. The section of this Act amending section 147.7
25 is repealed effective July 1, 2008.

26 Sec. 177. EFFECTIVE DATES.

27 1. The section of this Act amending 2004 Acts, ch 1076,
28 section 1, being deemed of immediate importance, takes effect
29 upon enactment and applies retroactively to April 14, 2004.

30 2. The sections of this Act amending 2005 Acts, ch 136,
31 section 20; section 15.103, as amended by 2005 Acts, ch 150,
32 section 4; section 455B.172, as amended by 2005 Acts, ch 153,
33 section 2; 2005 Acts, ch 179, section 14; and 2005 Acts, ch
34 179, section 48, being deemed of immediate importance, take
35 effect upon enactment and apply retroactively to July 1, 2005.

1 3. The section of this Act amending section 12B.6, as
2 enacted by 2005 Acts, ch 179, section 98, being deemed of
3 immediate importance, takes effect upon enactment and applies
4 retroactively to June 16, 2005.

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Succeeded **HSB 628**
SF / HF **2543** JUDICIARY

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

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

A BILL FOR

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

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1 Section 1. Section 2.1, Code 2005, is amended to read as
2 follows:

3 2.1 SESSIONS -- PLACE.

4 The sessions of the general assembly shall be held annually
5 at the seat of government, unless the governor shall convene
6 them at some other place in times of pestilence or public
7 danger. Each annual session of the general assembly shall
8 commence on the second Monday in January of each year. The
9 general assembly may recess from time to time during each year
10 in such manner as it may provide, subject to Article III,
11 section 14 of the Constitution of the ~~state~~ State of Iowa.

12 Sec. 2. Section 3.7, subsection 8, Code 2005, is amended
13 to read as follows:

14 8. An Act or resolution under this section is also subject
15 to the applicable provisions of Article III, sections 16 and
16 ~~17 of Article III~~ of the Constitution of the State of Iowa.

17 Sec. 3. Section 3.14, Code 2005, is amended to read as
18 follows:

19 3.14 CERTAIN APPROPRIATIONS PROHIBITED.

20 ~~No-appropriations~~ An appropriation shall not be made to any
21 institution not wholly under the control of the state of Iowa.

22 Sec. 4. Section 7.15, Code 2005, is amended to read as
23 follows:

24 7.15 FEDERAL FUNDS FOR HIGHWAY SAFETY.

25 The governor, in addition to other duties and
26 responsibilities conferred by the Constitution and laws of
27 this state, is hereby empowered to contract for the benefits
28 available to this state under any Act of Congress for highway
29 safety, law enforcement, or other related programs, and in so
30 doing, to co-operate with federal and state agencies, private
31 and public organizations, and with individuals, to effectuate
32 the purposes of these enactments. The governor shall be
33 responsible for and is hereby empowered to administer, either
34 through the governor's office or through one or more state
35 departments or agencies designated by the governor or any

1 combination of the foregoing the highway safety, law
2 enforcement and related programs of this state and those of
3 its political subdivisions, all in accordance with said Acts
4 and the Constitution of the state State of Iowa, in
5 implementation thereof.

6 Sec. 5. Section 9G.12, Code 2005, is amended to read as
7 follows:

8 9G.12 DUBUQUE AND PACIFIC RAILROAD LANDS.

9 The secretary of state is hereby authorized upon the
10 application of any person claiming title under the trust deeds
11 executed by the Dubuque and Pacific Railroad Company, to
12 secure its construction bonds, to any lands included in the
13 list of lands certified to the state of Iowa, by the
14 commissioner of the general land office and approved by the
15 secretary of the interior, as selected to satisfy the grant
16 made to the state of Iowa, by Act of Congress approved May 15,
17 1856 [~~11~~, 11 Stat. ~~57-9~~ 9], in aid of the construction of a
18 railroad from Dubuque to Sioux City; to certify said land as
19 inuring to the grantees of the said Dubuque and Pacific
20 Railroad Company, which certificate shall be signed by the
21 governor, and attested by the secretary of state, with the
22 seal of the state, and deliver the same to such applicant who
23 is hereby authorized to have said certificate recorded in the
24 county in which the land so certified is situated, and when so
25 recorded, shall be notice to all persons the same as deeds now
26 are, and shall be evidence of the title from the state of Iowa
27 to any person deriving title to said land under the Dubuque
28 and Pacific Railroad Company, to the land therein described
29 under the grant of Congress by which the land was certified to
30 the state so far as the certified lists made by the
31 commissioner aforesaid, conferred title to the state, but
32 where lands embraced in such lists are not of the character
33 embraced by such Acts of Congress or the Acts of the general
34 assembly of the state, and are not intended to be granted
35 thereby, the lists so far as these lands are concerned, shall

1 be void; nor shall the secretary include, in any of the lists
2 so certified to the state, lands which have been adjudicated
3 by the proper courts to belong to any other grant, or
4 adjudicated to belong to any county or individual under the
5 swampland grant, or any homestead or pre-emption preemption
6 settlement; nor shall said certificate so issued confer any
7 right or title as against any person or company having any
8 vested right, either legal or equitable, to any of the lands
9 so certified.

10 Sec. 6. Section 13.24, subsection 1, Code 2005, is amended
11 to read as follows:

12 1. The legal services provider which enters into a
13 contract with the coordinator under authority of 1986 Iowa
14 Acts, chapter ch. 1214 shall submit to the coordinator a
15 working plan for the accomplishment of the objectives of
16 chapter 1986 Iowa Acts, ch. 1214 within thirty days after the
17 contract is awarded. The plan must establish priorities and
18 procedures, and set forth its annual operating budget for the
19 fiscal year including projected salaries and all anticipated
20 expenses. This budget shall set forth the maximum obligation
21 of financial aid proposed for payment by the state and the
22 availability of any additional funds or resources from the
23 federal government and other sources to meet such expenses of
24 operation.

25 Sec. 7. Section 15.274, Code Supplement 2005, is amended
26 to read as follows:

27 15.274 PROMOTIONAL PROGRAM FOR NATIONAL HISTORIC LANDMARKS
28 AND CULTURAL AND ENTERTAINMENT DISTRICTS.

29 The department of economic development, in cooperation with
30 the state department of transportation and the department of
31 cultural affairs, shall establish and administer a program
32 designed to promote knowledge of and access to buildings,
33 sites, districts, structures, and objects located in this
34 state that have been designated by the secretary of the
35 interior of the United States as a national historic landmark,

1 unless the national historic landmark is protected under
2 section 22.7, subsection 20, and certified cultural and
3 entertainment districts, as established ~~in-2005-Iowa-Acts,-if~~
4 enacted pursuant to section 303.3B. The program shall be
5 designed to maximize the visibility and visitation of national
6 historic landmarks in this state and buildings, sites,
7 structures, and objects located in certified cultural and
8 entertainment districts, as established ~~in-2005-Iowa-Acts,-if~~
9 enacted pursuant to section 303.3B. Methods used to maximize
10 the visibility and visitation of such locations may include
11 the use of tourism literature, signage on highways, maps of
12 the state and cities, and internet websites. For purposes of
13 this section, "highway" means the same as defined in section
14 325A.1.

15 Sec. 8. Section 15A.9, subsection 5, paragraph a, Code
16 Supplement 2005, is amended to read as follows:

17 a. All property, as defined in former section 427A.1,
18 subsection 1, paragraphs "e" and "j", Code 1993, used by the
19 primary business or a supporting business and located within
20 the zone, shall be exempt from property taxation for a period
21 of twenty years beginning with the year it is first assessed
22 for taxation. In order to be eligible for this exemption, the
23 property shall be acquired or leased by the primary business
24 or a supporting business or relocated by the primary business
25 or a supporting business to the zone from outside the state
26 prior to project completion.

27 Sec. 9. Section 15G.111, subsection 2, unnumbered
28 paragraphs 1 and 2, Code Supplement 2005, are amended to read
29 as follows:

30 For the fiscal period beginning July 1, 2005, and ending
31 June 30, 2015, there is appropriated each fiscal year from the
32 grow Iowa values fund created in section 15G.108 to the
33 department of economic development five million dollars for
34 financial assistance to institutions of higher learning under
35 the control of the state board of regents for capacity

1 building infrastructure in areas related to technology
2 commercialization, for marketing and business development
3 efforts in areas related to technology commercialization,
4 entrepreneurship, and business growth, and for infrastructure
5 projects and programs needed to assist in the implementation
6 of activities under chapter 262B~~7--if-so-amended~~. In
7 allocating moneys to institutions under the control of the
8 state board of regents, the board shall require the
9 institutions to provide a one-to-one match of additional
10 moneys for the activities funded with moneys appropriated
11 under this subsection. The state board of regents shall
12 annually prepare a report for submission to the governor, the
13 general assembly, and the legislative services agency
14 regarding the activities, projects, and programs funded with
15 moneys appropriated under this subsection.

16 The state board of regents may allocate any moneys
17 appropriated under this subsection and received from the
18 department for financial assistance to a single biosciences
19 development organization determined by the department to
20 possess expertise in promoting the area of bioscience
21 entrepreneurship. The organization must be composed of
22 representatives of both the public and the private sector and
23 shall be composed of subunits or subcommittees in the areas of
24 existing identified biosciences platforms, education and
25 workforce development, commercialization, communication,
26 policy and governance, and finance. Such financial assistance
27 shall be used for purposes of activities related to
28 biosciences and bioeconomy development under chapter 262B, ~~if~~
29 ~~so-amended~~, and to accredited private universities in this
30 state.

31 Sec. 10. Section 15G.111, subsection 6, paragraph a, Code
32 Supplement 2005, is amended to read as follows:

33 a. For the fiscal period beginning July 1, 2005, and
34 ending June 30, 2015, there is appropriated each fiscal year
35 from the grow Iowa values fund created in section 15G.108 to

1 the department of economic development one million dollars for
2 providing economic development region financial assistance
3 under section 15E.232, subsections 3, ~~4~~ 5, and 6, 7, and 8,
4 and under section 15E.233.

5 Sec. 11. Section 15H.2, subsection 3, paragraph i, Code
6 Supplement 2005, is amended to read as follows:

7 i. Administer the retired and senior volunteer program.

8 Sec. 12. Section 16.2, subsection 8, Code 2005, is amended
9 to read as follows:

10 8. The net earnings of the authority, beyond that
11 necessary for retirement of its notes, bonds or other
12 obligations, or to implement the public purposes and programs
13 herein authorized, shall not inure to the benefit of any
14 person other than the state. Upon termination of the
15 existence of the authority, title to all property owned by the
16 authority, including any such net earnings of the authority,
17 shall vest in the state. The state reserves the right at any
18 time to alter, amend, repeal, or otherwise change the
19 structure, organization, programs or activities of the
20 authority, including the power to terminate the authority,
21 except that no law shall ever be passed impairing the
22 obligation of any contract or contracts entered into by the
23 authority to the extent that any such law would contravene
24 Article I, section 21 of the Constitution of the ~~state~~ State
25 of Iowa or Article I, section 10 of the Constitution of the
26 United States.

27 Sec. 13. Section 16.15, subsections 1, 5, 6, and 7, Code
28 2005, are amended to read as follows:

29 1. The authority shall participate in the housing
30 assistance payments program under section 8 of the United
31 States Housing Act of 1937, ~~section-1401-et-seq-7-title-427~~
32 ~~United-States-Code,~~ as amended by section 201 of the Housing
33 and Community Development Act of 1974 (~~Public-Law-93-383~~),
34 Pub. L. No. 93-383, codified at 42 U.S.C. § 1437 et seq. The
35 purpose of participation is to enable the authority to obtain,

1 on behalf of the state of Iowa, set-asides of contract
2 authorization reserved by the United States secretary of
3 housing and urban development for public housing agencies, to
4 enter into annual contributions contracts, to otherwise
5 expedite use of the program through the use of state housing
6 finance funds, and to encourage new construction and
7 substantial rehabilitation of housing suitable for assistance
8 under the program. Assistance may be provided for existing
9 housing units made available by owners for the program, as
10 well as for newly constructed housing units. Maximum rents
11 shall be established by the authority in conformity with
12 federal law.

13 5. The authority shall, when appropriate, take necessary
14 steps to cooperate with the United States department of
15 agriculture in implementation of sections 517 and 521 of the
16 Housing Act of 1949, ~~sections-1487-and-1490a, title-42, United~~
17 ~~States-Code~~ codified at 42 U.S.C. § 1487 and 1490a, as amended
18 by section 514 of the Housing and Community Development Act of
19 1974 (~~Public-Law-93-383~~), Pub. L. No. 93-383. The purpose of
20 such programs is to extend to rural areas the provisions of
21 housing assistance payments programs.

22 6. The authority shall, when appropriate, take necessary
23 steps to participate in the programs of federal assistance to
24 state housing finance agencies for expanding the supply of
25 housing available to low or moderate income families, as
26 provided in section 802 of the Housing and Community
27 Development Act of 1974 (~~Public-Law-93-383~~), Pub. L. No. 93-
28 383.

29 7. The authority may participate in other programs under
30 the Housing and Community Development Act of 1974 (~~Public-Law~~
31 ~~93-383~~), Pub. L. No. 93-383, and in other federal programs
32 designed to increase the supply of adequate housing for low or
33 moderate income families and may recommend appropriate
34 legislation to the general assembly where further legislation
35 is needed to accomplish such participation. However, failure

1 of the authority to participate in the federal programs set
2 out in this section does not invalidate any bonds, notes or
3 other obligations of the authority.

4 Sec. 14. Section 22.3, Code Supplement 2005, is amended to
5 read as follows:

6 22.3 SUPERVISION -- FEES.

7 1. The examination and copying of public records shall be
8 done under the supervision of the lawful custodian of the
9 records or the custodian's authorized designee. The lawful
10 custodian shall not require the physical presence of a person
11 requesting or receiving a copy of a public record and shall
12 fulfill requests for a copy of a public record received in
13 writing, by telephone, or by electronic means. Fulfillment of
14 a request for a copy of a public record may be contingent upon
15 receipt of payment of expenses to be incurred in fulfilling
16 the request and such estimated expenses shall be communicated
17 to the requester upon receipt of the request. The lawful
18 custodian may adopt and enforce reasonable rules regarding the
19 examination and copying of the records and the protection of
20 the records against damage or disorganization. The lawful
21 custodian shall provide a suitable place for the examination
22 and copying of the records, but if it is impracticable to do
23 the examination and copying of the records in the office of
24 the lawful custodian, the person desiring to examine or copy
25 shall pay any necessary expenses of providing a place for the
26 work examination and copying.

27 2. All expenses of the work examination and copying shall
28 be paid by the person desiring to examine or copy. The lawful
29 custodian may charge a reasonable fee for the services of the
30 lawful custodian or the custodian's authorized designee in
31 supervising the examination and copying of the records during
32 the-work. If copy equipment is available at the office of the
33 lawful custodian of any public records, the lawful custodian
34 shall provide any person a reasonable number of copies of any
35 public record in the custody of the office upon the payment of

1 a fee. The fee for the copying service as determined by the
2 lawful custodian shall not exceed the actual cost of providing
3 the service. Actual costs shall include only those expenses
4 directly attributable to supervising the examination of and
5 making and providing copies of public records. Actual costs
6 shall not include charges for ordinary expenses or costs such
7 as employment benefits, depreciation, maintenance,
8 electricity, or insurance associated with the administration
9 of the office of the lawful custodian.

10 Sec. 15. Section 28.4, subsection 14, Code Supplement
11 2005, is amended to read as follows:

12 14. With the assistance of the state departments
13 represented on the Iowa empowerment board and the community
14 empowerment office, develop and implement requirements for
15 community empowerment areas and the state administrators of
16 programs providing early care or early care services to
17 annually report to the public and the early care staff
18 designated pursuant to section 28.3 regarding the results
19 produced by the community empowerment initiative and by the
20 programs. Source data shall also be made available to the
21 early care staff.

22 Sec. 16. Section 28J.2, subsection 1, Code Supplement
23 2005, is amended to read as follows:

24 1. Two or more political subdivisions may create a port
25 authority under this chapter by resolution. If a proposal to
26 create a port authority receives a favorable majority of the
27 members of the elected legislative body of each of the
28 political subdivision subdivisions, the port authority is
29 created at the time provided in the resolution. The
30 jurisdiction of a port authority includes the territory
31 described in section 28J.8.

32 Sec. 17. Section 28J.20, subsection 1, paragraph a, Code
33 Supplement 2005, is amended to read as follows:

34 a. Make loans for the acquisition or construction of the
35 facility to such person upon such terms as the port authority

1 may determine or authorize including secured or unsecured
2 loans; and enter into loan agreements and other agreements,
3 accept notes and other forms of obligation to evidence such
4 indebtedness and mortgages, liens, pledges, assignments, or
5 other security interests to secure such indebtedness, which
6 may be prior or subordinate to or on a parity with other
7 indebtedness, obligations, mortgages, pledges, assignments,
8 other security interests, or liens or encumbrances, and take
9 actions considered appropriate to protect such security and
10 safeguard against losses, including, without limitation,
11 foreclosure and the bidding upon and purchase of property upon
12 foreclosure or other sale.

13 Sec. 18. Section 29A.3, Code 2005, is amended to read as
14 follows:

15 29A.3 UNITS OF GUARD.

16 The Iowa units, detachments, and organizations of the army
17 national guard of the United States and the air national guard
18 of the United States shall consist of such units, detachments,
19 and organizations, as may be specified by the secretary of
20 defense with the approval of the governor, in accordance with
21 law and regulations.

22 Sec. 19. Section 42.2, subsection 3, Code 2005, is amended
23 to read as follows:

24 3. As soon as possible after January 1 of each year ending
25 in one, the legislative services agency shall obtain from the
26 United States bureau of the census the population data needed
27 for legislative districting which the census bureau is
28 required to provide this state under United States Pub. L. No.
29 94-171, and shall use that data to assign a population figure
30 based upon certified federal census data to each geographic or
31 political unit described pursuant to subsection 2, paragraph
32 "a". Upon completing that task, the legislative services
33 agency shall begin the preparation of congressional and
34 legislative districting plans as required by section 42.3.

35 Sec. 20. Section 42.3, subsection 4, Code 2005, is amended

1 to read as follows:

2 4. Notwithstanding subsections 1, 2 and 3 of this section:

3 a. If population data from the federal census which is
4 sufficient to permit preparation of a congressional
5 districting plan complying with ~~article~~ Article III, section
6 37 of the Constitution of the State of Iowa becomes available
7 at an earlier time than the population data needed to permit
8 preparation of a legislative districting plan in accordance
9 with section 42.4, the legislative services agency shall so
10 inform the presiding officers of the senate and house of
11 representatives. If the presiding officers so direct, the
12 legislative services agency shall prepare a separate bill
13 establishing congressional districts and submit it separately
14 from the bill establishing legislative districts. It is the
15 intent of this chapter that the general assembly shall proceed
16 to consider the congressional districting bill in
17 substantially the manner prescribed by subsections 1, 2 and 3
18 of this section.

19 b. If the population data for legislative districting
20 which the United States census bureau is required to provide
21 this state under United States Pub. L. No. 94-171 and, if used
22 by the legislative services agency, the corresponding
23 topologically integrated geographic encoding and referencing
24 data file for that population data, is not available to the
25 legislative services agency on or before February 1 of the
26 year ending in one, the dates set forth in this section shall
27 be extended by a number of days equal to the number of days
28 after February 1 of the year ending in one that the federal
29 census population data and the topologically integrated
30 geographic encoding and referencing data file for legislative
31 districting becomes available.

32 Sec. 21. Section 42.4, subsection 1, paragraph b, Code
33 2005, is amended to read as follows:

34 b. Congressional districts shall each have a population as
35 nearly equal as practicable to the ideal district population,

1 derived as prescribed in paragraph "a" of this subsection. No
2 congressional district shall have a population which varies by
3 more than one percent from the applicable ideal district
4 population, except as necessary to comply with ~~article~~ Article
5 III, section 37 of the Constitution of the State of Iowa.

6 Sec. 22. Section 42.4, subsection 8, unnumbered paragraph
7 1, Code 2005, is amended to read as follows:

8 Each bill embodying a plan drawn under this section shall
9 include provisions for election of senators to the general
10 assemblies which take office in the years ending in three and
11 five, which shall be in conformity with ~~article~~ Article III,
12 section 6 of the Constitution of the State of Iowa. With
13 respect to any plan drawn for consideration in the year 2001,
14 those provisions shall be substantially as follows:

15 Sec. 23. Section 49.3, subsection 2, paragraph b, Code
16 2005, is amended to read as follows:

17 b. When the general assembly by resolution designates a
18 period after the federal decennial census is taken and before
19 the next succeeding reapportionment of legislative districts
20 required by Article III, section 35, of the Constitution of
21 the ~~state~~ State of Iowa as amended in 1968, during which
22 precincts may be drawn without regard to the boundaries of
23 existing legislative districts.

24 Sec. 24. Section 49.46, Code 2005, is amended by striking
25 the section and inserting in lieu thereof the following:

26 49.46 MARKING BALLOTS ON PUBLIC MEASURES.

27 The elector shall designate a vote by making the
28 appropriate mark in the voting target. On paper ballots an
29 "X", or a check mark may be placed in the proper target.

30 Sec. 25. Section 55.3, Code 2005, is amended to read as
31 follows:

32 55.3 SERVICE ON BOARDS, COMMISSIONS, TASK FORCES, AND
33 COMMITTEES.

34 For the purpose of this section, "state board" includes any
35 board, commission, committee, council, or task force of the

1 state government created by the constitution Constitution of
2 the State of Iowa, or by statute, resolution of the general
3 assembly, motion of the legislative council, executive order
4 of the governor, or supreme court order, but does not include
5 any such state board, commission, committee, council, or task
6 force for which an annual salary is provided for its members.
7 A person who is appointed to serve on a state board, upon
8 written application to the person's employer, shall be granted
9 leaves of absence from regular employment to attend the
10 meetings of the state board, except if leaves of absence are
11 prohibited by federal law. The leaves of absence may be
12 granted without pay and shall be granted without loss of net
13 credited service and benefits earned. This section does not
14 apply if the employer employs less than twenty full-time
15 employees.

16 Sec. 26. Section 63A.2, subsection 6, Code 2005, is
17 amended to read as follows:

18 6. All investigators for ~~supplemental~~ supplementary
19 assistance as provided for under chapter 249.

20 Sec. 27. Section 68A.404, subsection 2, paragraph a, Code
21 Supplement 2005, is amended to read as follows:

22 a. The ~~filing-of~~ requirement to file an independent
23 expenditure statement under this section does not ~~alone~~
24 require by itself mean that the person filing the independent
25 expenditure statement is required to register and file reports
26 under sections 68A.201 and 68A.402.

27 Sec. 28. Section 69.20, subsection 1, Code 2005, is
28 amended to read as follows:

29 1. A temporary vacancy in an elective office of a
30 political subdivision, community college, and or hospital
31 board of trustees of this state occurs on the date when the
32 person filling that office is placed on state military service
33 or federal service, as those terms are defined in section
34 29A.1, and when such a person will not be able to attend to
35 the duties of that person's elective position for a period

1 greater than sixty consecutive days. The temporary vacancy
2 terminates on the date when such person is released from such
3 service, or the term of office expires.

4 Sec. 29. Section 80.22, Code 2005, is amended to read as
5 follows:

6 80.22 PROHIBITION ON OTHER DEPARTMENTS.

7 All other departments and bureaus of the state are hereby
8 prohibited from employing special peace officers or conferring
9 upon regular employees any police powers to enforce provisions
10 of the statutes which are specifically reserved by 1939 Iowa
11 Acts, chapter ch. 120, to the department of public safety.

12 But the commissioner of public safety shall, upon the
13 requisition of the attorney general, from time to time assign
14 for service in the department of justice such of its officers,
15 not to exceed six in number, as may be requisitioned by the
16 attorney general for special service in the department of
17 justice, and when so assigned such officers shall be under the
18 exclusive direction and control of the attorney general.

19 Sec. 30. Section 80.33, Code Supplement 2005, is amended
20 to read as follows:

21 80.33 ACCESS TO DRUG RECORDS BY PEACE OFFICERS.

22 A person required by law to keep records, and a carrier
23 maintaining records with respect to any shipment containing
24 any controlled or counterfeit substances shall, upon request
25 of an authorized peace officer of the department, designated
26 by the commissioner, permit such peace officer at reasonable
27 times to have access to and copy such records. For the
28 purpose of examining and verifying such records, an authorized
29 peace officer of the department, designated by the
30 commissioner, may enter at reasonable times any place or
31 vehicle in which any controlled or counterfeit substance is
32 held, manufactured, dispensed, compounded, processed, sold,
33 delivered, or otherwise disposed of and inspect such place or
34 vehicle and the contents of such place or vehicle. For the
35 purpose of enforcing laws relating to controlled or

1 counterfeit substances, and upon good cause shown, the a peace
2 officer of the department shall be allowed to inspect audits
3 and records in the possession of the state board of pharmacy
4 examiners.

5 Sec. 31. Section 85.34, subsection 7, paragraph b, Code
6 Supplement 2005, is amended to read as follows:

7 b. If an injured employee has a preexisting disability
8 that was caused by a prior injury arising out of and in the
9 course of employment with the same employer, and the
10 preexisting disability was compensable under the same
11 paragraph of ~~section-85-347~~ subsection 27 as the employee's
12 present injury, the employer is liable for the combined
13 disability that is caused by the injuries, measured in
14 relation to the employee's condition immediately prior to the
15 first injury. In this instance, the employer's liability for
16 the combined disability shall be considered to be already
17 partially satisfied to the extent of the percentage of
18 disability for which the employee was previously compensated
19 by the employer.

20 If, however, an employer is liable to an employee for a
21 combined disability that is payable under ~~section-85-347~~
22 subsection 2, paragraph "u", and the employee has a
23 preexisting disability that causes the employee's earnings to
24 be less at the time of the present injury than if the prior
25 injury had not occurred, the employer's liability for the
26 combined disability shall be considered to be already
27 partially satisfied to the extent of the percentage of
28 disability for which the employee was previously compensated
29 by the employer minus the percentage that the employee's
30 earnings are less at the time of the present injury than if
31 the prior injury had not occurred.

32 Sec. 32. Section 96.12, subsection 1, Code 2005, is
33 amended to read as follows:

34 1. DUTIES OF DEPARTMENT. The department shall establish
35 and maintain free public employment services accessible to all

1 Iowans for the purposes of this chapter, and for the purpose
2 of performing the duties required by federal and state laws
3 relating to employment and training including the Wagner-
4 Peyser Act, 48 Stat. B- 113, codified at 29 U.S.C. § 49. All
5 duties and powers conferred upon any other department, agency,
6 or officer of this state relating to the establishment,
7 maintenance, and operation of free employment services shall
8 be vested in the department. This state accepts and shall
9 comply with the provisions of the Wagner-Peyser Act, as
10 amended. The department is designated and constituted the
11 agency of this state for the purpose of the Wagner-Peyser Act.
12 The department may cooperate with the railroad retirement
13 board with respect to the establishment, maintenance, and use
14 of department facilities. The railroad retirement board shall
15 compensate the department for the services or facilities in
16 the amount determined by the department to be fair and
17 reasonable.

18 Sec. 33. Section 97A.1, subsection 13, Code Supplement
19 2005, are amended to read as follows:

20 13. "Peace officer" means a member, except a non-peace
21 officer member, of the division of state patrol, narcotics
22 enforcement, state fire marshal, or criminal investigation,
23 including but not limited to a gaming enforcement officer, who
24 has passed a satisfactory physical and mental examination and
25 has been duly appointed ~~as-a-member-of~~ by the department of
26 public safety in accordance with section 80.15.

27 Sec. 34. Section 97A.3, subsection 1, Code Supplement
28 2005, is amended to read as follows:

29 1. All peace officer members of the division of state
30 patrol and the division of criminal investigation or the
31 predecessor divisions or subunits in the department of public
32 safety, excepting the members of the clerical force, who are
33 employed by the state of Iowa on July 4, 1949, and all persons
34 thereafter employed as members of such divisions or the
35 predecessor divisions or subunits in the department of public

1 safety or division of narcotics enforcement or division of
2 state fire marshal or the predecessor divisions or subunits,
3 except the members of the clerical force, shall be members of
4 this system, except as otherwise provided in subsection 3.
5 Effective July 1, 1994, gaming enforcement officers employed
6 by the division of criminal investigation for excursion boat
7 gambling enforcement activities and fire prevention inspector
8 peace officers employed by the department of public safety
9 shall be members of this system, except as otherwise provided
10 in subsection 3 or section 97B.42B. Such members shall not be
11 required to make contributions under any other pension or
12 retirement system of the state of Iowa, anything to the
13 contrary notwithstanding.

14 Sec. 35. Section 99G.8, subsection 15, Code 2005, is
15 amended to read as follows:

16 15. The board of directors may delegate to the chief
17 executive officer of the authority such powers and duties as
18 it may deem proper to the extent such delegation is not
19 inconsistent with the Constitution of ~~this-state~~ the State of
20 Iowa.

21 Sec. 36. Section 99G.21, subsection 2, unnumbered
22 paragraph 1, Code 2005, is amended to read as follows:

23 The authority shall have any and all powers necessary or
24 convenient to carry out and effectuate the purposes and
25 provisions of this chapter which are not in conflict with the
26 Constitution of ~~this-state~~ the State of Iowa, including, but
27 without limiting the generality of the foregoing, the
28 following powers:

29 Sec. 37. Section 123.53, subsection 3, Code Supplement
30 2005, is amended to read as follows:

31 3. The treasurer of state shall transfer into a special
32 revenue account in the general fund of the state, a sum of
33 money at least equal to seven percent of the gross amount of
34 sales made by the division from the beer and liquor control
35 fund on a monthly basis but not less than nine million dollars

1 annually, and any amounts so transferred shall be used by the
2 ~~substance-abuse-division-of-the~~ Iowa department of public
3 health staff who administer the comprehensive substance abuse
4 program under chapter 125 for substance abuse treatment and
5 prevention programs in an amount determined by the general
6 assembly and any amounts received in excess of the amounts
7 appropriated to the ~~substance-abuse-division-of-the~~ Iowa
8 department of public health for use by the staff who
9 administer the comprehensive substance abuse program under
10 chapter 125 shall be considered part of the general fund
11 balance.

12 Sec. 38. Section 135B.1, subsection 3, Code 2005, is
13 amended to read as follows:

14 3. "Hospital" means a place which is devoted primarily to
15 the maintenance and operation of facilities for the diagnosis,
16 treatment or care over a period exceeding twenty-four hours of
17 two or more nonrelated individuals suffering from illness,
18 injury, or deformity, or a place which is devoted primarily to
19 the rendering over a period exceeding twenty-four hours of
20 obstetrical or other medical or nursing care for two or more
21 nonrelated individuals, or any institution, place, building or
22 agency in which any accommodation is primarily maintained,
23 furnished or offered for the care over a period exceeding
24 twenty-four hours of two or more nonrelated aged or infirm
25 persons requiring or receiving chronic or convalescent care;
26 and shall include sanatoriums or other related institutions
27 within the meaning of this chapter. Provided, however,
28 nothing in this chapter shall apply to hotels or other similar
29 places that furnish only food and lodging, or either, to their
30 guests or to a freestanding hospice facility which operates a
31 hospice program in accordance with 42 C.F.R. § 418.

32 "Hospital" shall include, in any event, any facilities wholly
33 or partially constructed or to be constructed with federal
34 financial assistance, pursuant to ~~Public-Law-7257-79th~~
35 Congress Pub. L. No. 79-725, 60 Stat. 1040, approved August

1 13, 1946.

2 Sec. 39. Section 141A.11, subsection 7, Code 2005, is
3 amended to read as follows:

4 7. This chapter shall not be construed to impose civil
5 liability or criminal sanctions for disclosure of HIV-related
6 test results in accordance with any reporting requirement for
7 a diagnosed case of AIDS or a related condition by the
8 department or the centers for disease control and prevention
9 of the United States ~~public-health-service~~ department of
10 health and human services.

11 Sec. 40. Section 147.7, unnumbered paragraph 2, Code
12 Supplement 2005, is amended to read as follows:

13 This section shall not apply to a person who is licensed in
14 another state and recognized for licensure in this state
15 pursuant to the nurse licensure compact contained in section
16 152E.1 or pursuant to the advanced practice registered nurse
17 compact contained in section 152E.3. A person licensed in
18 another state and recognized for licensure in this state
19 pursuant to the either compact shall, however, maintain a copy
20 of a license issued by the person's home state available for
21 inspection when engaged in the practice of nursing in this
22 state.

23 Sec. 41. Section 152D.4, subsection 1, Code 2005, is
24 amended to read as follows:

25 1. Persons otherwise licensed to practice medicine and
26 surgery, osteopathy, osteopathic medicine and surgery,
27 optometry, occupational therapy, nursing, chiropractic,
28 podiatry, dentistry, or physical therapy, ~~or-a~~ and licensed
29 physician ~~assistant~~ assistants who do not represent themselves
30 to the public as athletic trainers.

31 Sec. 42. Section 163.27, Code 2005, is amended by striking
32 the section and inserting in lieu thereof the following:

33 163.27 BOILING GARBAGE.

34 It shall be unlawful for any person, firm, partnership, or
35 corporation to feed garbage to animals unless such garbage has

1 been heated to a temperature of two hundred twelve degrees
2 Fahrenheit for thirty minutes, or other acceptable method, as
3 provided by rules promulgated by the department, provided this
4 requirement shall not apply to an individual who feeds to the
5 individual's own animals only the garbage obtained from the
6 individual's own household. It shall be unlawful for any
7 person, firm, partnership, or corporation to feed any public
8 or commercial garbage to swine after September 1, 1970.

9 Sec. 43. Section 176A.2, Code 2005, is amended to read as
10 follows:

11 176A.2 DECLARATION OF POLICY.

12 It is the policy of the legislature to provide for aid in
13 disseminating among the people of Iowa useful and practical
14 information on subjects relating to agriculture, home
15 economics, and community and economic development, and to
16 encourage the application of the information in the counties
17 of the state through extension work to be carried on in
18 cooperation with Iowa state university of science and
19 technology and the United States department of agriculture as
20 provided in the Act of Congress known as the Smith-Lever Act,
21 adopted May 8, 1914, as amended by Public Law 83 of the
22 Eighty-third Congress, 38 Stat. 372--374, codified at 7 U.S.C.
23 § 341--349.

24 Sec. 44. Section 177A.12, subsection 2, Code 2005, is
25 amended to read as follows:

26 2. The state entomologist, the entomologist's inspectors
27 or duly authorized agents are authorized to seize, destroy, or
28 return to the point of origin any material received in this
29 state in violation of any state quarantine established under
30 the authority of subsection 1 hereof, or in violation of any
31 federal quarantine established under the authority of the Act
32 of August 20, 1912, ~~{37 37 Stat. ch 308}~~ 308, or any
33 amendment ~~thereto~~ to that Act.

34 Sec. 45. Section 184.9B, subsection 3, Code Supplement
35 2005, is amended to read as follows:

1 3. As part of the council's education programs or
2 projects, it the council may provide for the dissemination of
3 information of public interest, including but not limited to
4 the development or publication of materials in a printed or
5 electronic format.

6 Sec. 46. Section 191.2, subsection 9, paragraph b, Code
7 2005, is amended to read as follows:

8 b. When such milk and milk products do not conform to
9 their definitions as contained in this chapter and chapters
10 1907-191 and 192.

11 Sec. 47. Section 207.1, subsection 2, Code 2005, is
12 amended to read as follows:

13 2. The general assembly finds and declares that because
14 the federal Surface Mining Control and Reclamation Act of
15 1977, Pub. L. No. 95-87, provides for a permit system to
16 regulate the mining of coal and reclamation of the mining
17 sites and provides that permits may be issued by states which
18 are authorized to implement the provisions of that Act, it is
19 in the interest of the people of Iowa to enact the provisions
20 of this chapter in order to authorize the state to implement
21 the provisions of the federal Surface Mining Control and
22 Reclamation Act of 1977 and federal regulations and guidelines
23 issued pursuant to that Act.

24 Sec. 48. Section 207.8, subsection 2, Code 2005, is
25 amended to read as follows:

26 2. The requirements of this section do not apply to lands
27 on which coal mining operations are being conducted as of
28 August 3, 1977, or under a permit issued pursuant to this
29 chapter or pursuant to section 83A.12 ~~of the~~, Code 1979, Code
30 or where substantial legal and financial commitments in an
31 operation were in existence prior to January 4, 1977.

32 Sec. 49. Section 207.16, subsection 1, Code 2005, is
33 amended to read as follows:

34 1. Each operator upon completion of any reclamation work
35 required by this chapter shall apply to the division in

1 writing for approval of the work. The division shall
2 promulgate rules consistent with Pub. L. No. 95-87, section
3 519, regarding procedures and requirements to release
4 performance bonds or deposits.

5 Sec. 50. Section 207.19, unnumbered paragraph 1, Code
6 2005, is amended to read as follow:

7 The provisions of this chapter shall be applicable to
8 surface operations and surface impacts incident to an
9 underground coal mine with such modifications to the permit
10 application requirements, permit approval or denial
11 procedures, and bond requirements as are necessary to
12 accommodate the distinct difference between surface and
13 underground coal mining. The division shall promulgate such
14 modifications in its rules to allow for such distinct
15 differences and still fulfill the purposes of this chapter and
16 be consistent with the requirements in section 516 of Pub. L.
17 No. 95-87 and the permanent regulations issued pursuant to
18 that Act.

19 Sec. 51. Section 216.13, subsection 1, paragraph a, Code
20 2005, is amended to read as follows:

21 a. The involuntary retirement of a person who has attained
22 the age of sixty-five and has for the two prior years been
23 employed in a bona fide executive or high policy-making
24 position and who is entitled to an immediate, nonforfeitable
25 annual retirement benefit from a pension, profit-sharing,
26 savings or deferred compensation plan of the employer which
27 equals twenty-seven thousand dollars. This retirement benefit
28 test may be adjusted according to the regulations prescribed
29 by the United States secretary of labor pursuant to ~~Public Law~~
30 Pub. L. No. 95-256, section 3.

31 Sec. 52. Section 216A.132, unnumbered paragraph 2, Code
32 2005, is amended to read as follows:

33 The departments of human services, corrections, and public
34 safety, the division on the status of African-Americans, the
35 ~~division-of-substance-abuse-of-the~~ Iowa department of public

1 health, the chairperson of the board of parole, the attorney
2 general, the state public defender, and the chief justice of
3 the supreme court shall each designate a person to serve on
4 the council. The person appointed by the Iowa department of
5 public health shall be from the departmental staff who
6 administer the comprehensive substance abuse program under
7 chapter 125.

8 Sec. 53. Section 218.2, unnumbered paragraph 1, Code 2005,
9 is amended to read as follows:

10 Nothing contained in section 218.1 shall limit the general
11 supervisory or examining powers vested in the governor by the
12 laws or Constitution of the state State of Iowa, or legally
13 vested by the governor in any committee appointed by the
14 governor.

15 Sec. 54. Section 226.19, subsection 1, Code Supplement
16 2005, is amended to read as follows:

17 1. ~~All-patients~~ Every patient shall be discharged in
18 accordance with the procedure prescribed in section 229.3 or
19 section 229.16, whichever is applicable, immediately on
20 regaining the patient's good mental health.

21 Sec. 55. Section 231.23A, subsection 3, Code Supplement
22 2005, is amended to read as follows:

23 3. The case management program for ~~the frail elderly~~
24 elders.

25 Sec. 56. Section 231B.2, subsection 1, unnumbered
26 paragraph 1, Code Supplement 2005, is amended to read as
27 follows:

28 The department shall establish by rule, in accordance with
29 chapter 17A, minimum standards for certification and
30 monitoring of elder group homes. The department may adopt by
31 reference, with or without amendment, nationally recognized
32 standards and rules for elder group homes. The standards and
33 rules shall be formulated in consultation with the department
34 of inspections and appeals and affected industry,
35 professional, and consumer groups, and shall be designed to

1 accomplish the purposes of this chapter, and shall include but
2 not be limited to rules relating to all of the following:

3 Sec. 57. Section 231B.13, Code Supplement 2005, is amended
4 to read as follows:

5 231B.13 RETALIATION BY ELDER GROUP HOME PROHIBITED.

6 An elder group home shall not discriminate or retaliate in
7 any way against a tenant, a tenant's family, or an employee of
8 the elder group home who has initiated or participated in any
9 proceeding authorized by this chapter. An elder group home
10 that violates this section is subject to a penalty as
11 established by administrative rule in accordance with chapter
12 17A, and to be assessed and collected by the department of
13 inspections and appeals, and paid into the state treasury to
14 be, and credited to the general fund of the state.

15 Sec. 58. Section 231C.3, subsection 1, unnumbered
16 paragraph 1, Code Supplement 2005, is amended to read as
17 follows:

18 The department shall establish by rule in accordance with
19 chapter 17A minimum standards for certification and monitoring
20 of assisted living programs. The department may adopt by
21 reference with or without amendment, nationally recognized
22 standards and rules for assisted living programs. The rules
23 shall include specification of recognized accrediting entities
24 and provisions related to dementia-specific programs. The
25 standards and rules shall be formulated in consultation with
26 the department of inspections and appeals and affected
27 industry, professional, and consumer groups, and shall be
28 designed to accomplish the purposes of this chapter, and shall
29 include but are not limited to rules relating to all of the
30 following:

31 Sec. 59. Section 231C.13, Code 2005, is amended to read as
32 follows:

33 231C.13 RETALIATION BY ASSISTED LIVING PROGRAM PROHIBITED.

34 An assisted living program shall not discriminate or
35 retaliate in any way against a tenant, tenant's family, or an

1 employee of the program who has initiated or participated in
2 any proceeding authorized by this chapter. An assisted living
3 program that violates this section is subject to a penalty as
4 established by administrative rule in accordance with chapter
5 17A, and to be assessed and collected by the department of
6 inspections and appeals, and paid into the state treasury to
7 be, and credited to the general fund of the state.

8 Sec. 60. Section 231D.12, subsection 1, Code Supplement
9 2005, is amended to read as follows:

10 1. An adult day services program shall not discriminate or
11 retaliate in any way against a participant, participant's
12 family, or an employee of the program who has initiated or
13 participated in any proceeding authorized by this chapter. An
14 adult day services program that violates this section is
15 subject to a penalty as established by administrative rule, to
16 be assessed and collected by the department of inspections and
17 appeals, and paid into the state treasury to-be, and credited
18 to the general fund of the state.

19 Sec. 61. Section 235C.2, subsection 1, Code 2005, is
20 amended to read as follows:

21 1. Two members of the Iowa department of public health
22 selected by the director of the Iowa department of public
23 health, one from the staff who administer the comprehensive
24 division-of substance abuse program under chapter 125, and one
25 from the division of family and community health.

26 Sec. 62. Section 237A.30, subsection 3, Code Supplement
27 2005, is amended to read as follows:

28 3. A facility's quality rating may be included on the
29 internet page webpage and in the consumer information provided
30 by the department pursuant to section 237A.25 and shall be
31 identified in the child care provider referrals made by child
32 care resource and referral service grantees under section
33 237A.26.

34 Sec. 63. Section 249.1, subsection 3, Code Supplement
35 2005, is amended to read as follows:

1 3. "Federal supplemental security income" means cash
2 payments made to individuals by the United States government
3 under Title XVI of the Social Security Act as amended by
4 ~~United-States-public-law~~ Pub. L. No. 92-603, or any other
5 amendments thereto.

6 Sec. 64. Section 257.33, unnumbered paragraph 1, Code
7 2005, is amended to read as follows:

8 If the electors of a school district approved the use of
9 the additional enrichment amount prior to July 1, 1991, under
10 chapter 442, Code 1991, or section 279.43, ~~as-they-appeared-in~~
11 Code 1991, the approval for use of the enrichment amount shall
12 continue in effect until the expiration of the period for
13 which it was approved and districts may use the additional
14 enrichment amount during that period. However, section 257.28
15 applies to the use of the additional enrichment amount.

16 Sec. 65. Section 257B.12, Code 2005, is amended to read as
17 follows:

18 257B.12 BONDS TO COVER LOSSES.

19 When any sum not less than one thousand dollars shall be so
20 audited and so become a debt of the state to the fund, as
21 provided by the Constitution of the State of Iowa, the auditor
22 of state shall issue the bond or bonds of the state in favor
23 of the fund, bearing interest at a rate not exceeding that
24 permitted by chapter 74A, payable semiannually on the first
25 day of January and July after issuance, and the amount to pay
26 the interest as it becomes due is appropriated out of any
27 funds in the state treasury.

28 Sec. 66. Section 261A.14, unnumbered paragraph 2, Code
29 2005, is amended to read as follows:

30 This chapter does not authorize the authority or any
31 department, board, commission, or other agency to create an
32 obligation of the state within the meaning of the constitution
33 Constitution or laws of the State of Iowa.

34 Sec. 67. Section 276.10, subsection 6, Code 2005, is
35 amended to read as follows:

1 6. The board may use opportunities available under Public
2 Law Pub. L. No. 93-380.

3 Sec. 68. Section 306A.3, unnumbered paragraph 2, Code
4 Supplement 2005, is amended to read as follows:

5 The state department of transportation shall adopt rules,
6 pursuant to chapter 17A, embodying a utility accommodation
7 policy which imposes reasonable restrictions on placements
8 occurring on or after the effective date of the rules, on
9 primary road rights-of-way. The rules may require utilities
10 to give notice to the department prior to installation of a
11 utility system on a primary road right-of-way and obtain prior
12 permission from the department for the proposed installation.
13 The rules shall recognize emergency situations and the need
14 for immediate installation of service extensions subject to
15 the standards adopted by the department and the utilities
16 board. The rules shall be no less stringent than the
17 standards adopted by the utilities board pursuant to chapters
18 478, 479, and 479B. This paragraph shall not be construed as
19 granting the department authority which has been expressly
20 granted to the utilities board to determine the route of
21 utility installations. If the department requires a utility
22 company permit, the department shall be required to act upon
23 the permit application within thirty days of its filing. In
24 cases of federal-aid highway projects on nonprimary highways,
25 the local authority with jurisdiction over the highway and the
26 department shall comply with all federal regulations and
27 statutes regarding utility accommodation.

28 Sec. 69. Section 306C.24, subsection 2, Code 2005, is
29 amended to read as follows:

30 2. JUST COMPENSATION REQUIRED. Political subdivisions of
31 this state shall not remove, take, alter, or cause to be
32 removed, taken, or altered a lawfully erected off-premises
33 advertising device without paying just compensation in cash to
34 the owner of the advertising device and to the owner of the
35 real property on which the advertising device is located, as

1 provided in section 306C.16. The department shall not remove,
2 take, alter or cause to be removed, taken, or altered a
3 lawfully erected off-premises advertising device subject to
4 control under chapter 306B or ~~306E~~ this chapter without paying
5 just compensation when required under 23 U.S.C. § 131(g) to
6 the owner of the advertising device and to the owner of the
7 real property on which the advertising device is located, as
8 provided in section 306C.16. For the department, the sole
9 intent of this section is to comply with 23 U.S.C. § 131(g)
10 and it is not the intent of this section to, in any manner,
11 relinquish any powers of the department relating to the
12 control and removal of advertising devices under police power.

13 Sec. 70. Section 307.26, subsection 14, Code 2005, is
14 amended to read as follows:

15 14. Enter the role of "applicant" pursuant to the Railroad
16 Revitalization and Regulatory Reform Act of 1976, United
17 ~~States-Public-Law~~ Pub. L. No. 94-210, and take such actions as
18 are necessary to accomplish this role.

19 Sec. 71. Section 308.3, subsection 3, Code 2005, is
20 amended to read as follows:

21 3. "National parkway" has the same meaning as defined in
22 ~~Public-Law~~ Pub. L. No. 93-87, first session, Ninety-third
23 Congress of the United States.

24 Sec. 72. Section 312.3B, unnumbered paragraph 2, Code
25 Supplement 2005, is amended to read as follows:

26 The Iowa county engineers association service bureau shall
27 annually compute the secondary road fund and farm-to-market
28 road fund distributions using the methodology determined by
29 the secondary road fund distribution committee pursuant to
30 section 312.3C. The Iowa county engineers association service
31 bureau shall report the computations to the secondary road
32 fund distribution committee, the department, the treasurer of
33 state, and the counties.

34 Sec. 73. Section 321.10, unnumbered paragraph 2, Code
35 2005, is amended to read as follows:

1 Any records or certified copies of records prepared
2 pursuant to this section and any certified abstract, or a copy
3 of a certified abstract, of the operating record of a driver
4 or a motor vehicle owner prepared pursuant to this chapter
5 ~~321~~, chapter 321A, or chapter 321J, shall be received in
6 evidence if determined to be relevant, in any court,
7 preliminary hearing, grand jury proceeding, civil proceeding,
8 administrative hearing, or forfeiture proceeding in the same
9 manner and with the same force and effect as if the director
10 or the director's designee had testified in person.

11 Sec. 74. Section 321.69, subsection 9, Code Supplement
12 2005, is amended to read as follows:

13 9. Except for subsections 10 and 11, this section does not
14 apply to motor trucks and truck tractors with a gross vehicle
15 weight rating of sixteen thousand pounds or more, vehicles
16 more than seven model years old, motorcycles, motorized
17 bicycles, and special mobile equipment. This section does
18 apply to motor homes. The requirement in subsection 1 that
19 the new certificate of title and registration receipt shall
20 state on the face ~~of the title~~ whether a prior owner had
21 disclosed that the vehicle was damaged to the extent that it
22 was a wrecked or salvage vehicle as defined in section 321.52,
23 subsection 4, paragraph "d", does not apply to a vehicle with
24 a certificate of title bearing a designation that the vehicle
25 was previously titled on a salvage certificate of title
26 pursuant to section 321.52, subsection 4, paragraph "b", or to
27 a vehicle with a certificate of title bearing a "REBUILT" or
28 "SALVAGE" designation pursuant to section 321.24, subsection 4
29 or 5. Except for subsections 10 and 11, this section does not
30 apply to new motor vehicles with a true mileage, as defined in
31 section 321.71, of one thousand miles or less, unless such
32 vehicle has incurred damage as described in subsection 2.

33 Sec. 75. Section 321.210C, Code 2005, is amended to read
34 as follows:

35 321.210C PROBATION PERIOD.

1 A person whose driver's license or operating privileges
2 have been suspended, revoked, or barred under this chapter 321
3 for a conviction of a moving traffic violation, or suspended,
4 revoked, or barred under section 321.205 or section 321.210,
5 subsection 1, paragraph "e", or chapter 321J, must
6 satisfactorily complete a twelve-month probation period
7 beginning immediately after the end of the period of
8 suspension, revocation, or bar. Upon conviction of a moving
9 traffic violation which occurred during the probation period,
10 the department may suspend the driver's license or operating
11 privileges for an additional period equal in duration to the
12 original period of suspension, revocation, or bar, or for one
13 year, whichever is the shorter period.

14 Sec. 76. Section 321J.2, subsection 3, paragraph a,
15 subparagraph (5), Code 2005, is amended to read as follows:

16 (5) If the offense under this chapter 321 results in
17 bodily injury to a person other than the defendant.

18 Sec. 77. Section 321J.3, subsection 3, Code 2005, is
19 amended to read as follows:

20 3. The state department of transportation, in cooperation
21 with the judicial branch, shall adopt rules, pursuant to the
22 procedure in section 125.33, regarding the assignment of
23 persons ordered under section 321J.17 to submit to substance
24 abuse evaluation and treatment. The rules shall be applicable
25 only to persons other than those committed to the custody of
26 the director of the department of corrections under section
27 321J.2. The rules shall be consistent with the practices and
28 procedures of the judicial branch in sentencing persons to
29 substance abuse evaluation and treatment under section 321J.2.
30 The rules shall include the requirement that the treatment
31 programs utilized by a person pursuant to an order of the
32 department meet the licensure standards of the ~~division of~~
33 ~~substance-abuse-for-the~~ department of public health for
34 substance abuse treatment programs under chapter 125. The
35 rules shall also include provisions for payment of costs by

1 the offenders, including insurance reimbursement on behalf of
2 offenders, or other forms of funding, and shall also address
3 reporting requirements of the facility, consistent with the
4 provisions of sections 125.84 and 125.86. The department
5 shall be entitled to treatment information contained in
6 reports to the department, notwithstanding any provision of
7 chapter 125 that would restrict department access to treatment
8 information and records.

9 Sec. 78. Section 327C.5, unnumbered paragraph 1, Code
10 2005, is amended to read as follows:

11 Violations of the provisions of this chapter and chapters
12 ~~327E~~ 327D to 327G, shall be punished as a schedule "one"
13 penalty unless otherwise indicated. Violations of a
14 continuing nature shall constitute a separate offense for each
15 violation unless otherwise provided. The schedule of
16 violations shall be:

17 Sec. 79. Section 331.301, subsection 1, Code 2005, is
18 amended to read as follows:

19 1. A county may, except as expressly limited by the
20 Constitution of the State of Iowa, and if not inconsistent
21 with the laws of the general assembly, exercise any power and
22 perform any function it deems appropriate to protect and
23 preserve the rights, privileges, and property of the county or
24 of its residents, and to preserve and improve the peace,
25 safety, health, welfare, comfort, and convenience of its
26 residents. This grant of home rule powers does not include
27 the power to enact private or civil law governing civil
28 relationships, except as incident to an exercise of an
29 independent county power.

30 Sec. 80. Section 331.756, subsection 25, Code Supplement
31 2005, is amended to read as follows:

32 25. Assist the ~~division-of-beer-and-liquor-law-enforcement~~
33 department of public safety in the enforcement of beer and
34 liquor laws as provided in section 123.14. The county
35 attorney shall also prosecute nuisances, forfeitures of

1 abatement bonds, and foreclosures of the bonds as provided in
2 sections 123.62 and 123.86.

3 Sec. 81. Section 364.1, Code 2005, is amended to read as
4 follows:

5 364.1 SCOPE.

6 A city may, except as expressly limited by the Constitution
7 of the State of Iowa, and if not inconsistent with the laws of
8 the general assembly, exercise any power and perform any
9 function it deems appropriate to protect and preserve the
10 rights, privileges, and property of the city or of its
11 residents, and to preserve and improve the peace, safety,
12 health, welfare, comfort, and convenience of its residents.
13 This grant of home rule powers does not include the power to
14 enact private or civil law governing civil relationships,
15 except as incident to an exercise of an independent city
16 power.

17 Sec. 82. Section 364.2, subsection 2, Code Supplement
18 2005, is amended to read as follows:

19 2. The enumeration of a specific power of a city does not
20 limit or restrict the general grant of home rule power
21 conferred by the Constitution of the State of Iowa. A city
22 may exercise its general powers subject only to limitations
23 expressly imposed by a state or city law.

24 Sec. 83. Section 403.5, subsection 7, Code 2005, is
25 amended to read as follows:

26 7. Notwithstanding any other provisions of this chapter,
27 where the local governing body certifies that an area is in
28 need of redevelopment or rehabilitation as a result of a
29 flood, fire, hurricane, earthquake, storm, or other
30 catastrophe respecting which the governor of the state has
31 certified the need for disaster assistance under Pub. L. No.
32 875 81-875, Eighty-first Congress, 64 Stat. ~~5~~ 1109, codified
33 at 42 U.S.C. § ~~1855-1855g~~ 1855--1855g or other federal law,
34 the local governing body may approve an urban renewal plan and
35 an urban renewal project with respect to such area without

1 regard to the provisions of subsection 4 and without regard to
2 provisions of this section requiring notification and
3 consultation, a general plan for the municipality, and a
4 public hearing on the urban renewal plan or project.

5 Sec. 84. Section 414.14, Code Supplement 2005, is amended
6 to read as follows:

7 414.14 VOTE REQUIRED.

8 The concurring vote of three members of the board in the
9 case of a five-member board, and four members in the case of a
10 seven-member board, and five members in the case of a nine-
11 member board, shall be necessary to reverse any order,
12 requirement, decision, or determination of any such
13 administrative official, or to decide in favor of the
14 applicant on any matter upon which it is required to pass
15 under any such ordinance or to effect any variation in such
16 ordinance.

17 Sec. 85. Section 421.1, Code 2005, is amended to read as
18 follows:

19 421.1 STATE BOARD OF TAX REVIEW.

20 1. There is hereby established within the department of
21 revenue for administrative and budgetary purposes a state
22 board of tax review for the state of Iowa. The state board of
23 tax review, hereinafter called the state board, shall consist
24 of three members-

25 ~~The members of the state board~~ who shall be registered
26 voters of the state and shall hold no other elective or
27 appointive public office.

28 Members of the state board shall serve for six-year
29 staggered terms beginning and ending as provided by section
30 69.19. A member who is appointed for a six-year term shall
31 not be permitted a successive term.

32 Members shall be appointed by the governor subject to
33 confirmation by the senate. Appointments to the board shall
34 be bipartisan.

35 The members of the state board shall qualify by taking the

1 regular oath of office as prescribed by law for state
2 officers. A vacancy on the board shall be filled by
3 appointment by the governor in the same manner as the original
4 appointment.

5 The members of the state board shall be allowed their
6 necessary travel and expenses while engaged in their official
7 duties. Each member of the board may also be eligible to
8 receive compensation as provided in section 7E.6. ~~They~~ The
9 members shall organize the board and select one of their
10 members as chairperson.

11 2. The place of office of the state board shall be in the
12 office of the tax department in the capitol of the state.

13 3. The state board shall meet as deemed necessary by the
14 chairperson. Special meetings of the state board may be
15 called by the chairperson on five days' notice given to each
16 member. All meetings shall be held at the office of the tax
17 department unless a different place within the state is
18 designated by the state board or in the notice of the meeting.

19 4. It shall be the responsibility of the state board to
20 exercise the following general powers and duties:

21 ~~1-~~ a. Determine and adopt such policies as are authorized
22 by law and are necessary for the more efficient operation of
23 any phase of tax review.

24 ~~2-~~ b. Perform such duties prescribed by law as it may
25 find necessary for the improvement of the state system of
26 taxation in carrying out the purposes and objectives of the
27 tax laws.

28 ~~3-~~ c. Employ, pursuant to the Iowa merit system
29 provisions in chapter 8A, subchapter IV, adequate clerical
30 help to keep such records as are necessary to set forth
31 clearly all actions and proceedings of the state board.

32 ~~4-~~ d. Advise and counsel with the director of revenue
33 concerning the tax laws and the rules adopted pursuant to the
34 law ~~and upon its own motion or upon appeal by any affected~~
35 ~~taxpayer review the record evidence and the decisions of and~~

1 any orders or directive issued by, the director of revenue for
2 the identification of taxable property, classification of
3 property as real or personal, or for assessment and collection
4 of taxes by the department or an order to reassess or to raise
5 assessments to any local assessor, and shall affirm, modify,
6 reverse, or remand them within sixty days from the date the
7 case is submitted to the board for decision. For an appeal to
8 the board to be valid, written notice must be given to the
9 department within thirty days of the rendering of the
10 decision, order, or directive from which the appeal is taken.
11 The director shall certify to the board the record, documents,
12 reports, audits, and all other information pertinent to the
13 decision, order, or directive from which the appeal is taken
14 conduct hearings and hear appeals in the manner provided in
15 subsection 5.

16 The affected taxpayer and the department shall be given at
17 least fifteen days' written notice by the board of the date
18 the appeal shall be heard and both parties may be present at
19 such hearing if they desire. The board shall adopt and
20 promulgate, pursuant to chapter 17A, rules for the conduct of
21 appeals by the board. The record and all documents, reports,
22 audits and all other information certified to the board by the
23 director, and hearings held by the board pursuant to the
24 appeal and the decision of the board thereon shall be open to
25 the public notwithstanding the provisions of section 422.72,
26 subsection 1, and section 422.20, except that the board upon
27 the application of the affected taxpayer may order the record
28 and all documents, reports, audits, and all other information
29 certified to it by the director, or so much thereof as it
30 deems necessary, held confidential, if the public disclosure
31 of same would reveal trade secrets or any other confidential
32 information that would give the affected taxpayer's competitor
33 a competitive advantage. Any deliberation of the board in
34 reaching a decision on any appeal shall be confidential.
35 Judicial review of the decisions or orders of the board

1 ~~resulting from the review of decisions or orders of the~~
2 ~~director of revenue for assessment and collection of taxes by~~
3 ~~the department may be sought by the taxpayer or the director~~
4 ~~of revenue in accordance with the terms of chapter 17A.~~

5 5. e. Adopt a long-range program for the state system of
6 tax reform based upon special studies, surveys, research, and
7 recommendations submitted by or proposed under the direction
8 of the director of revenue.

9 f. ~~The state board shall constitute~~ Constitute a
10 continuing research commission as to tax matters in the state
11 and cause to be prepared and submitted to each regular session
12 of the general assembly a report containing such
13 recommendations as to revisions, amendments, and new
14 provisions of the law as the state board has decided should be
15 submitted to the ~~legislature~~ general assembly for its
16 consideration.

17 6. 5. Upon its own motion or upon appeal by any affected
18 taxpayer, the state board shall review the record evidence and
19 the decisions of, and any orders or directive issued by, the
20 director of revenue for the identification of taxable
21 property, classification of property as real or personal, or
22 for assessment and collection of taxes by the department or an
23 order to reassess or to raise assessments to any local
24 assessor, and shall affirm, modify, reverse, or remand them
25 within sixty days from the date the case is submitted to the
26 board for decision. For an appeal to the board to be valid,
27 written notice must be given to the department within thirty
28 days of the rendering of the decision, order, or directive
29 from which the appeal is taken. The director shall certify to
30 the board the record, documents, reports, audits, and all
31 other information pertinent to the decision, order, or
32 directive from which the appeal is taken.

33 The affected taxpayer and the department shall be given at
34 least fifteen days' written notice by the board of the date
35 the appeal shall be heard and both parties may be present at

1 such hearing if they desire. The board shall adopt and
2 promulgate, pursuant to chapter 17A, rules for the conduct of
3 appeals by the board. The record and all documents, reports,
4 audits and all other information certified to the board by the
5 director, and hearings held by the board pursuant to the
6 appeal and the decision of the board thereon shall be open to
7 the public notwithstanding the provisions of section 422.72,
8 subsection 1, and section 422.20; except that the board upon
9 the application of the affected taxpayer may order the record
10 and all documents, reports, audits, and all other information
11 certified to it by the director, or so much thereof as it
12 deems necessary, held confidential, if the public disclosure
13 of same would reveal trade secrets or any other confidential
14 information that would give the affected taxpayer's competitor
15 a competitive advantage. Any deliberation of the board in
16 reaching a decision on any appeal shall be confidential.

17 Judicial review of the decisions or orders of the board
18 resulting from the review of decisions or orders of the
19 director of revenue for assessment and collection of taxes by
20 the department may be sought by the taxpayer or the director
21 of revenue in accordance with the terms of chapter 17A.

22 All of the provisions of section 422.70 shall also be
23 applicable to the state board of tax review.

24 Sec. 86. Section 422.1, Code 2005, is amended to read as
25 follows:

26 422.1 CLASSIFICATION OF CHAPTER.

27 The provisions of this chapter are herein classified and
28 designated as follows:

- | | | |
|----|--------------|--|
| 29 | Division I | Introductory provisions. |
| 30 | Division II | Personal net income tax. |
| 31 | Division III | Business tax on corporations. |
| 32 | Division IV | <u>Retail-sales-tax Repealed by 2003 Acts, 1st</u> |
| 33 | | <u>Ex., ch. 2, § 151, 205; see chapter 423.</u> |
| 34 | Division V | Taxation of financial institutions. |
| 35 | Division VI | Administration. |

1 Division VII Estimated taxes by corporations and financial
2 institutions.

3 Division VIII Allocation of revenues.

4 Division IX Fuel tax credit.

5 Division X Livestock production tax credit.

6 Sec. 87. Section 422.16, subsection 13, Code Supplement
7 2005, is amended to read as follows:

8 13. The director shall enter into an agreement with the
9 secretary of the treasury of the United States with respect to
10 withholding of income tax as provided by this chapter,
11 pursuant to an Act of Congress, section 1207 of the Tax Reform
12 Act of 1976, Public Law Pub. L. No. 94-455, amending title 5,
13 section 5517 of the United States Code amending 5 U.S.C. §
14 5517.

15 Sec. 88. Section 422.75, Code 2005, is amended to read as
16 follows:

17 422.75 STATISTICS -- PUBLICATION.

18 The department shall prepare and publish an annual report
19 which shall include statistics reasonably available, with
20 respect to the operation of this chapter, including amounts
21 collected, classification of taxpayers, and such other facts
22 as are deemed pertinent and valuable. The annual report shall
23 also include the reports and information required pursuant to
24 section 421.1, subsection 5 4, paragraph "e"; section 421.17,
25 subsection 13; section 421.17, subsection 27, paragraph "h";
26 section 421.60, subsection 2, paragraphs "i" and "l"; and 1997
27 Iowa Acts, chapter 211, section 22, subsection 5, paragraph
28 "a".

29 Sec. 89. Section 423A.3, Code Supplement 2005, is amended
30 to read as follows:

31 423A.3 STATE-IMPOSED HOTEL AND MOTEL TAX.

32 A tax of five percent is imposed upon the sales price for
33 the ~~rental~~ renting of any lodging if the ~~rental~~ renting occurs
34 in this state. The tax shall be collected by any lessor of
35 lodging from the user of that lodging. The lessor shall add

1 the tax to the sales price of the lodging, and the state-
2 imposed tax, when collected, shall be stated as a distinct
3 item, separate and apart from the sales price of the lodging
4 and the local tax imposed, if any, under section 423A.4.

5 Sec. 90. Section 423B.5, unnumbered paragraph 1, Code
6 Supplement 2005, is amended to read as follows:

7 A local sales and services tax at the rate of not more than
8 one percent may be imposed by a county on the sales price
9 taxed by the state under chapter 423, subchapter II. A local
10 sales and services tax shall be imposed on the same basis as
11 the state sales and services tax or in the case of the use of
12 natural gas, natural gas service, electricity, or electric
13 service on the same basis as the state use tax and shall not
14 be imposed on the sale of any property or on any service not
15 taxed by the state, except the tax shall not be imposed on the
16 sales price from the sale of motor fuel or special fuel as
17 defined in chapter 452A which is consumed for highway use or
18 in watercraft or aircraft if the fuel tax is paid on the
19 transaction and a refund has not or will not be allowed, on
20 the sales price from the sale of equipment by the state
21 department of transportation, ~~and-except-the-tax-shall-not-be~~
22 imposed or on the sales price from the sale or use of natural
23 gas, natural gas service, electricity, or electric service in
24 a city or county where the sales price from the sale of
25 natural gas or electric energy is subject to a franchise fee
26 or user fee during the period the franchise or user fee is
27 imposed. A local sales and services tax is applicable to
28 transactions within those incorporated and unincorporated
29 areas of the county where it is imposed and shall be collected
30 by all persons required to collect state sales taxes. All
31 cities contiguous to each other shall be treated as part of
32 one incorporated area and the tax would be imposed in each of
33 those contiguous cities only if the majority of those voting
34 in the total area covered by the contiguous cities favors its
35 imposition.

1 Sec. 91. Section 423E.3, subsection 2, Code Supplement
2 2005, is amended to read as follows:

3 2. The tax shall be imposed on the same basis as the state
4 sales and services tax or in the case of the use of natural
5 gas, natural gas service, electricity, or electric service on
6 the same basis as the state use tax and shall not be imposed
7 on the sale of any property or on any service not taxed by the
8 state, except the tax shall not be imposed on the sales price
9 from the sale of motor fuel or special fuel as defined in
10 chapter 452A which is consumed for highway use or in
11 watercraft or aircraft if the fuel tax is paid on the
12 transaction and a refund has not or will not be allowed, on
13 the sales price from the sale of equipment by the state
14 department of transportation, ~~and-except-the-tax-shall-not-be~~
15 imposed or on the sales price from the sale or use of natural
16 gas, natural gas service, electricity, or electric service in
17 a city or county where the sales price from the sale of
18 natural gas or electric energy is subject to a franchise fee
19 or user fee during the period the franchise or user fee is
20 imposed.

21 Sec. 92. Section 425.7, subsection 3, unnumbered paragraph
22 1, Code 2005, is amended to read as follows:

23 If the director of revenue determines that a claim for
24 homestead credit has been allowed by the board of supervisors
25 which is not justifiable under the law and not substantiated
26 by proper facts, the director may, at any time within thirty-
27 six months from July 1 of the year in which the claim is
28 allowed, set aside the allowance. Notice of the disallowance
29 shall be given to the county auditor of the county in which
30 the claim has been improperly granted and a written notice of
31 the disallowance shall also be addressed to the claimant at
32 the claimant's last known address. The claimant or board of
33 supervisors may appeal to the state board of tax review
34 pursuant to section 421.1, subsection 4, paragraph "d". The
35 claimant or the board of supervisors may seek judicial review

1 of the action of the state board of tax review in accordance
2 with chapter 17A.

3 Sec. 93. Section 426A.6, Code 2005, is amended to read as
4 follows:

5 426A.6 SETTING ASIDE ALLOWANCE.

6 If the director of revenue determines that a claim for
7 military service tax exemption has been allowed by a board of
8 supervisors which is not justifiable under the law and not
9 substantiated by proper facts, the director may, at any time
10 within thirty-six months from July 1 of the year in which the
11 claim is allowed, set aside the allowance. Notice of the
12 disallowance shall be given to the county auditor of the
13 county in which the claim has been improperly granted and a
14 written notice of the disallowance shall also be addressed to
15 the claimant at the claimant's last known address. The
16 claimant or the board of supervisors may appeal to the state
17 board of tax review pursuant to section 421.1, subsection 4,
18 paragraph "d". The claimant or the board of supervisors may
19 seek judicial review of the action of the state board of tax
20 review in accordance with chapter 17A. If a claim is
21 disallowed by the director of revenue and not appealed to the
22 state board of tax review or appealed to the state board of
23 tax review and thereafter upheld upon final resolution,
24 including judicial review, the credits allowed and paid from
25 the general fund of the state become a lien upon the property
26 on which the credit was originally granted, if still in the
27 hands of the claimant and not in the hands of a bona fide
28 purchaser, the amount so erroneously paid shall be collected
29 by the county treasurer in the same manner as other taxes, and
30 the collections shall be returned to the department of revenue
31 and credited to the general fund of the state. The director
32 of revenue may institute legal proceedings against a military
33 service tax exemption claimant for the collection of payments
34 made on disallowed exemptions.

35 Sec. 94. Section 426A.13, unnumbered paragraph 1, Code

1 Supplement 2005, is amended to read as follows:

2 A person named in section 426A.11, who is a resident of and
3 domiciled in the state of Iowa, shall receive a reduction
4 equal to the exemption, to be made from any property owned by
5 the person or owned by a family farm corporation of which the
6 person is a shareholder and ~~who-occupies~~ occupant of the
7 property and so designated by proceeding as provided in the
8 section. To be eligible to receive the exemption the person
9 claiming it shall have recorded in the office of the county
10 recorder of the county in which is located the property
11 designated for the exemption, evidence of property ownership
12 by that person or the family farm corporation of which the
13 person is a shareholder and the military certificate of
14 satisfactory service, order transferring to inactive status,
15 reserve, retirement, order of separation from service,
16 honorable discharge or a copy of any of these documents of the
17 person claiming or through whom is claimed the exemption. In
18 the case of a person claiming the exemption as a veteran
19 described in section 35.1, subsection 2, paragraph "b",
20 subparagraph (6) or (7), the person shall file the statement
21 required by section 35.2.

22 Sec. 95. Section 429.2, subsection 1, Code 2005, is
23 amended to read as follows:

24 1. Notwithstanding the provisions of chapter 17A, the
25 taxpayer shall have thirty days from the date of the notice of
26 assessment to appeal the assessment to the state board of tax
27 review. Thereafter, the proceedings before the state board of
28 tax review shall conform to the provisions of subsection 2,
29 section 421.1, subsection 4, paragraph "d", and chapter 17A.

30 Sec. 96. Section 429.2, subsection 2, unnumbered paragraph
31 1, Code 2005, is amended to read as follows:

32 The following rules shall apply to the appeal proceedings
33 in addition to those stated in section 421.1, subsection 4,
34 paragraph "d", and chapter 17A:

35 Sec. 97. Section 432.12F, Code Supplement 2005, is amended

1 to read as follows:

2 432.12F ECONOMIC DEVELOPMENT REGION REVOLVING FUND
3 CONTRIBUTION TAX CREDITS.

4 The tax imposed under this chapter shall be reduced by an
5 economic development region revolving fund contribution tax
6 credit authorized pursuant to section 15E.232.

7 Sec. 98. Section 437A.3, subsection 3, Code 2005, is
8 amended to read as follows:

9 3. "Centrally assessed property tax" means property tax
10 imposed with respect to the value of property determined by
11 the director pursuant to section 427.1, subsection 2, Code
12 1997, section 428.29, chapter Code 1997, and chapters 437~~7~~ and
13 chapter 438, Code 1997, and allocated to electric service and
14 natural gas service. For purposes of this subsection,
15 "natural gas service" means such service provided by natural
16 gas pipelines permitted pursuant to chapter 479.

17 Sec. 99. Section 437A.15, subsection 3, paragraph e, Code
18 Supplement 2005, is amended to read as follows:

19 e. Notwithstanding the provisions of this section, if
20 during the tax year a person who was not a taxpayer during the
21 prior tax year acquires a new major addition, as defined in
22 section 437A.3, subsection 18, paragraph "a", subparagraph
23 (4), the replacement tax associated with that major addition
24 shall be allocated, for that tax year, under this section in
25 accordance with the general allocating formula on the basis of
26 the general property tax equivalents established under section
27 437A.15 paragraph "a" of this subsection, except that the levy
28 rates established and reported to the department of management
29 on or before June 30 following the tax year in which the major
30 addition was acquired shall be applied to the prorated
31 assessed value of the major addition and provided that section
32 437A.19, subsection 2, paragraph "b", subparagraph (2), is in
33 any event applicable. For purposes of this paragraph,
34 "prorated assessed value of the major addition" means the
35 assessed value of the major addition as of January 1 of the

1 year following the tax year in which the major addition was
2 acquired multiplied by the percentage derived by dividing the
3 number of months that the major addition existed during the
4 tax year by twelve, counting any portion of a month as a full
5 month.

6 Sec. 100. Section 445.5, subsection 4, Code Supplement
7 2005, is amended to read as follows:

8 4. The titleholder may make written request to the
9 treasurer to have the tax statement delivered to a person or
10 entity in lieu of to the titleholder. A fee shall not be
11 charged by the treasurer for delivering the tax statement to
12 such person or entity in lieu of to the titleholder.

13 Sec. 101. Section 446.20, subsection 2, unnumbered
14 paragraph 2, Code 2005, is amended to read as follows:

15 Service of the notice shall also be made by mail on any
16 mortgagee having a lien upon the parcel, a vendor of the
17 parcel under a recorded contract of sale, a lessor who has a
18 recorded lease or memorandum of a recorded lease, and any
19 other person who has an interest of record, at the person's
20 last known address, if the mortgagee, vendor, lessor, or other
21 person has filed a request for notice, as prescribed in
22 section 446.9, subsection 3, and on the state of Iowa in case
23 of an old-age supplementary assistance lien by service upon
24 the department of human services. The notice shall also be
25 served on any city where the parcel is situated. Failure to
26 receive a mailed notice is not a defense to the payment of the
27 total amount due.

28 Sec. 102. Section 446.38, Code 2005, is amended to read as
29 follows:

30 446.38 SUSPENDED TAXES OF OLD-AGE SUPPLEMENTARY ASSISTANCE
31 RECIPIENTS.

32 In cases where taxes were suspended one year or more upon
33 the parcel of a deceased old-age supplementary assistance
34 recipient and no estate was opened within ninety days after
35 the death of the recipient and the surviving spouse of the

1 recipient is not occupying the parcel, the county may apply to
2 the probate court to have the parcel conveyed to it for
3 satisfaction of the suspended taxes. The probate court shall
4 prescribe the manner and notices to be given. The probate
5 court shall order the parcel conveyed to the county for
6 satisfaction of the suspended taxes if an estate is not opened
7 within a time specified by the court. The probate court shall
8 make and enter all appropriate orders to effect this
9 conveyance to the county if an estate is not opened within the
10 time specified. The parcel, at the election of the county
11 treasurer, may be offered at tax sale in accordance with this
12 chapter in lieu of the county making application to the
13 probate court.

14 Sec. 103. Section 455A.4, subsection 1, paragraph b, Code
15 Supplement 2005, is amended to read as follows:

16 b. Provide overall supervision, direction, and
17 coordination of functions to be administered by the
18 administrators under chapters 321G, 321I, 455B, 455C, 456,
19 456A, 456B, 457A, 458A, 459, ~~subchapters I, II, III, IV, and~~
20 ~~VI, chapters~~ 461A, 462A, 462B, 464A, 465C, 473, 481A, 481B,
21 483A, 484A, and 484B.

22 Sec. 104. Section 455G.4, subsection 3, paragraph a, Code
23 Supplement 2005, is amended to read as follows:

24 a. The board shall adopt rules regarding its practice and
25 procedures, develop underwriting standards, establish
26 procedures for investigating and settling claims made against
27 the fund, and otherwise implement and administer this chapter.

28 Sec. 105. Section 456A.27, Code 2005, is amended to read
29 as follows:

30 456A.27 FEDERAL WILDLIFE ACT -- ASSENT.

31 The state of Iowa assents to the provisions of the Act of
32 Congress entitled "An Act to provide that the United States
33 shall aid the states in wildlife restoration projects, and for
34 other purposes", approved September 2, 1937, 50 Stat. 5- 917,
35 and the department may perform acts as necessary to the

1 conduct and establishment of co-operative cooperative wildlife
2 restoration projects, as defined in the Act of Congress, in
3 compliance with the Act and with regulations promulgated by
4 the secretary of agriculture under the Act. No funds accruing
5 to the state of Iowa from license fees paid by hunters shall
6 be diverted for any other purpose than as set out in sections
7 456A.17 and 456A.19.

8 Sec. 106. Section 459A.102, Code Supplement 2005, is
9 amended by adding the following new unnumbered paragraph
10 before subsection 1:

11 NEW UNNUMBERED PARAGRAPH. As used in this chapter, unless
12 the context otherwise requires:

13 Sec. 107. Section 466A.3, subsection 1, paragraph b, Code
14 Supplement 2005, is amended to read as follows:

15 b. The board shall ~~consist-of~~ also include four members of
16 the general assembly who shall serve as voting members. Not
17 more than one member from each house shall be from the same
18 political party. Two state senators shall be appointed, one
19 by the majority leader of the senate and one by the minority
20 leader of the senate. Two state representatives shall be
21 appointed, one by the speaker of the house of representatives
22 and one by the minority leader of the house of
23 representatives. A member may designate another person to
24 attend a board meeting if the member is unavailable. Only the
25 member is eligible for per diem and expenses as provided in
26 section 2.10.

27 Sec. 108. Section 468.378, Code 2005, is amended to read
28 as follows:

29 468.378 BANKRUPTCY PROCEEDINGS.

30 All drainage districts with pumping plant and levee, which
31 have power to incur indebtedness, through action of their own
32 governing bodies are hereby authorized to proceed under and
33 take advantage of all laws enacted by the Congress of the
34 United States under the federal bankruptcy powers, which laws
35 have for their object the relief of municipal indebtedness,

1 including 48 Stat. B--eh 345, entitled "An Act to amend an Act
2 entitled 'An Act to establish a uniform system of bankruptcy
3 throughout the United States', approved July 1, 1898, and Acts
4 amendatory thereof and supplementary thereto", approved May
5 24, 1934, and the officials and governing bodies of such
6 drainage, pumping plant and levee districts, are authorized to
7 adopt all proceedings and to do any and all acts necessary or
8 convenient to fully avail such drainage, pumping plant, and
9 levee districts, of the provisions of such Acts of Congress.

10 Sec. 109. Section 476.1D, subsection 1, paragraph c,
11 unnumbered paragraph 1, Code Supplement 2005, is amended to
12 read as follows:

13 In addition to other services or facilities previously
14 deregulated, effective July 1, 2005, and at the election of
15 each telephone utility subject to rate regulation, the
16 jurisdiction of the board is not applicable to the retail rate
17 regulation of business and retail local exchange services
18 provided throughout the state except for single line flat-
19 rated residential and business service rates provided by a
20 telephone utility subject to rate regulation on January 1,
21 2005. For each such telephone utility, the initial single
22 line flat-rated residential and business service rates shall
23 be the corresponding rates charged by the utility as of
24 January 31, 2005. The initial single line flat-rated
25 residential monthly service rates may be increased by an
26 amount not to exceed one dollar per twelve-month period
27 beginning July 1, 2005, and ending June 30, 2008. The initial
28 single line flat-rated business monthly service rates may be
29 increased by an amount not to exceed two dollars per twelve-
30 month period beginning July 1, 2005, and ending June 30, 2008.
31 However, the single line flat-rated residential service rate
32 shall not exceed nineteen dollars per month and the single
33 line flat-rated business service rate shall not exceed
34 thirty-eight dollars per month prior to July 1, 2008, not
35 including charges for extended area service, regulatory

1 charges, taxes, and other fees. Each telephone utility's
2 extended area service rates shall not be greater than the
3 corresponding rates charged by the telephone utility as of
4 January 31, 2005. The board shall determine a telephone
5 utility's extended area service rates for new extended area
6 service established on or after July 1, 2005. If a telephone
7 utility fails to impose the rate increase during any twelve-
8 month period, the utility shall not impose the unused increase
9 in any subsequent year. In addition to the rate increases
10 permitted pursuant to this section, the telephone utility may
11 adjust its single line flat-rated residential and business
12 service rates by a percentage equal to the most recent annual
13 percentage change in the gross domestic product price index as
14 published by the federal government. The board may also
15 authorize additional changes in the monthly rates for single
16 line flat-rated residential and business services to reflect
17 exogenous factors beyond the control of the telephone utility.

18 Sec. 110. Section 481B.2, Code 2005, is amended to read as
19 follows:

20 481B.2 COOPERATION WITH FEDERAL GOVERNMENT.

21 The commission shall perform those acts necessary for the
22 conservation, protection, restoration, and propagation of
23 endangered and threatened species in cooperation with the
24 federal government, pursuant to ~~Public-Law~~ Pub. L. No. 93-205,
25 and pursuant to rules promulgated by the secretary of the
26 interior.

27 Sec. 111. Section 483A.24, subsection 6, Code Supplement
28 2005, is amended to read as follows:

29 6. A license shall not be required of minor pupils of the
30 state school for the blind, state school for the deaf, or of
31 minor residents of other state institutions under the control
32 of an administrator of a division of the department of human
33 services. In addition, a person who is on active duty with
34 the armed forces of the United States, on authorized leave
35 from a duty station located outside of this state, and a

1 resident of the state of Iowa shall not be required to have a
2 license to hunt or fish in this state. The military person
3 shall carry the person's leave papers and a copy of the
4 person's current earnings statement showing a deduction for
5 Iowa income taxes while hunting or fishing. In lieu of
6 carrying the person's earnings statement, the military person
7 may also claim residency if the person is registered to vote
8 in this state. If a deer or wild turkey is taken, the
9 military person shall immediately contact a state conservation
10 officer to obtain an appropriate tag to transport the animal.
11 A license shall not be required of residents of county care
12 facilities or any person who is receiving ~~old-age~~
13 supplementary assistance under chapter 249.

14 Sec. 112. Section 490.1701, subsection 3, paragraph b,
15 Code Supplement 2005, is amended to read as follows:

16 b. The instrument shall be delivered to the secretary of
17 state for filing and recording in the secretary of state's
18 office. If the corporation was organized under chapter ~~1767~~
19 524~~7~~ or 533, the instrument shall also be filed and recorded
20 in the office of the county recorder. The corporation shall
21 at the time it files the instrument with the secretary of
22 state deliver also to the secretary of state for filing in the
23 secretary of state's office any biennial report which is then
24 due.

25 If the county of the initial registered office as stated in
26 the instrument for a corporation organized under chapter ~~1767~~
27 524~~7~~ or 533 is one which is other than the county where the
28 principal place of business of the corporation, as designated
29 in its articles of incorporation, was located, the corporation
30 shall forward to the county recorder of the county in which
31 the principal place of business of the corporation was located
32 a copy of the instrument and the corporation shall forward to
33 the recorder of the county in which the initial registered
34 office of the corporation is located, in addition to a copy of
35 the original instrument, a copy of the articles of

1 incorporation of the corporation together with all amendments
2 to them as then on file in the secretary of state's office.
3 The corporation shall, through an officer or director, certify
4 to the secretary of state that a copy has been sent to each
5 applicable county recorder, including the date each copy was
6 sent.

7 Sec. 113. Section 490A.1201, Code Supplement 2005, is
8 amended to read as follows:

9 490A.1201 CONSTITUENT ENTITY.

10 ~~As-used-in-this-section,-unless~~ Unless the context
11 otherwise requires, "constituent entity", as used in sections
12 490A.1202, 490A.1204, 490A.1205, and 490A.1207, includes a
13 domestic cooperative. However, as used in section 490A.1203,
14 "constituent entity" does not include a domestic cooperative.

15 Sec. 114. Section 501A.504, subsection 4, unnumbered
16 paragraph 1, Code Supplement 2005, is amended to read as
17 follows:

18 An amendment of the articles shall be filed with the
19 secretary as required in section ~~501A-503~~ 501A.201. The
20 amendment is effective as provided in subchapter II. After an
21 amendment to the articles of organization has been adopted and
22 approved in the manner required by this chapter and by the
23 articles of organization, the cooperative shall deliver to the
24 secretary of state for filing articles of amendment which
25 shall set forth all of the following:

26 Sec. 115. Section 501A.601, subsection 2, Code Supplement
27 2005, is amended to read as follows:

28 2. DEALING IN PRODUCTS. A cooperative may buy, sell, or
29 deal in its own commodities or products or those of another
30 person, including but not limited to those of its members,
31 patrons, or nonmembers; or commodities or products of another
32 cooperative organized under this chapter or another
33 cooperative association organized under other law including a
34 traditional cooperative, or members or patrons of such
35 cooperatives or cooperative associations. A cooperative may

1 negotiate the price at which its commodities or products may
2 be sold.

3 Sec. 116. Section 501A.715, subsection 2, paragraph a,
4 unnumbered paragraph 1, Code Supplement 2005, is amended to
5 read as follows:

6 Subject to the provisions of subsection 4, a cooperative
7 shall indemnify a person made or threatened to be made a party
8 to a proceeding by reason of the former or present official
9 capacity of the person against judgments, penalties, and
10 fines, including, without limitation, excise taxes assessed
11 against the person with respect to an employee benefit plan,
12 settlements, and reasonable expenses, including attorney fees
13 and disbursements incurred by the person in connection with
14 the proceeding, if, with respect to the acts or omissions of
15 the person complained of in the proceeding, any of the
16 following applies:

17 Sec. 117. Section 501A.1008, subsection 5, paragraph b,
18 Code Supplement 2005, is amended to read as follows:

19 b. Economic development including private or joint public
20 and private investments involving the creation of economic
21 opportunities for ~~its~~ the cooperative's members or the
22 retention of existing sources of income that would otherwise
23 be lost.

24 Sec. 118. Section 501A.1101, subsection 2, paragraph c,
25 Code Supplement 2005, is amended to read as follows:

26 c. The manner and basis of converting membership or
27 ownership interests of the constituent domestic cooperative,
28 the ~~surviving~~ Iowa limited liability company that is a party
29 as provided in section 490A.1207, or foreign business entity
30 into membership or ownership interests in the surviving or new
31 domestic cooperative, the surviving Iowa limited liability
32 company as authorized in section 490A.1207, or foreign
33 business entity.

34 Sec. 119. Section 501A.1104, subsection 1, paragraph a,
35 Code Supplement 2005, is amended to read as follows:

1 a. A traditional cooperative organized may convert to a
2 cooperative and become subject to this chapter by amending its
3 organizational documents to conform to the requirements of
4 this chapter.

5 Sec. 120. Section 507A.2, unnumbered paragraph 2, Code
6 2005, is amended to read as follows:

7 In furtherance of such state interest, the general assembly
8 herein provides methods for substituted service of process
9 upon such persons or insurers in any proceeding, suit or
10 action in any court and substitute service of any notice,
11 order, pleading or process upon such persons or insurers in
12 any proceeding before the commissioner of insurance to enforce
13 or effect full compliance with the insurance and tax laws of
14 this state. In so doing, the state exercises its powers to
15 protect residents of this state and to define what constitutes
16 doing an insurance business in this state, and also exercises
17 powers and privileges available to this state by virtue of
18 Public-Law Pub. L. No. 79-15, 79th Congress of the United
19 States, Chapter 20, 1st Sess., S. 340, 59 Stat. 337,
20 codified at 15 U.S.C. § ~~1011 to 1015, inclusive~~ 1011--1015,
21 which declares that the business of insurance and every person
22 engaged therein shall be subject to the laws of the several
23 states.

24 Sec. 121. Section 507B.1, Code 2005, is amended to read as
25 follows:

26 507B.1 DECLARATION OF PURPOSE.

27 The purpose of this chapter is to regulate trade practices
28 in the business of insurance in accordance with the intent of
29 Congress as expressed in the Act of Congress of March 9, 1945,
30 Public-Law-157-79th-Congress Pub. L. No. 79-15, 59 Stat. 337,
31 codified at 15 U.S.C. § ~~1011 to 1015, inc.~~ 1011--1015, by
32 defining, or providing for the determination of, all such
33 practices in this state which constitute unfair methods of
34 competition or unfair or deceptive acts or practices and by
35 prohibiting the trade practices so defined or determined.

1 Sec. 122. Section 511.8, subsection 9, paragraphs b, c,
2 and e, Code 2005, are amended to read as follows:

3 b. Bonds, notes, or other evidences of indebtedness
4 representing loans and advances of credit that have been
5 issued, guaranteed, or insured, in accordance with the terms
6 and provisions of an Act of Congress of the United States of
7 America approved June 27, 1934, entitled the "National Housing
8 Act", 48 Stat. 1246, 12 U.S.C. § 1701, et seq., as heretofore
9 and hereafter amended.

10 c. Bonds, notes, or other evidences of indebtedness
11 representing loans and advances of credit that have been
12 issued or guaranteed, in whole or in part, in accordance with
13 the terms and provisions of Title III of an Act of Congress of
14 the United States of America approved June 22, 1944, known as
15 ~~Public-Law-346---Seventy-eighth-Congress, Chapter-268---2nd~~
16 ~~Session, Pub. L. No. 78-348,~~ cited as the "Servicemen's
17 Readjustment Act of 1944", 58 Stat. 291, recodified at 72
18 Stat. 1105, 1273, 38 U.S.C. § 3701, et seq., as heretofore and
19 hereafter amended.

20 e. Bonds, notes, or other evidences of indebtedness
21 representing loans and advances of credit that have been
22 issued or guaranteed, in whole or in part, in accordance with
23 Title I of the Bankhead-Jones Farm Tenant Act, an Act of the
24 Congress of the United States, cited as the "Farmers Home
25 Administration Act of 1946", 60 Stat. 1062, as heretofore or
26 hereafter amended.

27 Sec. 123. Section 511.8, subsection 15, paragraph b,
28 subparagraph (2), unnumbered paragraph 2, Code 2005, is
29 amended to read as follows:

30 The terms "class I railroads", "balance of income available
31 for the payment of fixed charges", "fixed charges" and
32 "railway operating revenues" when used in this subsection, are
33 to be given the same meaning as in the accounting reports
34 filed by a railroad company in accordance with the regulations
35 for common carriers by rail of the Interstate Commerce Act; 24

1 Stat. Br 379; codified at 49 U.S.C. § ~~1-to-40-inc-7-1001-to~~
2 ~~1100-inc- 1--40, 1001--1100~~, provided that the "balance of
3 income available for the payment of fixed charges" and
4 "railway operating revenues remaining", as the terms are used
5 in this subsection, shall be computed before deduction of
6 federal income or excess profits taxes; and that in computing
7 "fixed charges" there shall be excluded interest and
8 amortization charges applicable to debt called for redemption
9 or which will otherwise mature within six months from the time
10 of investment and for the payment of which funds have been or
11 currently are being specifically set aside.

12 Sec. 124. Section 512A.10, subsection 1, Code 2005, is
13 amended to read as follows:

14 1. An organization shall present to the commissioner of
15 insurance for approval its articles of incorporation and any
16 subsequent amendment. The commissioner shall submit the
17 articles of incorporation and any subsequent amendment to the
18 attorney general for examination and, if found by the attorney
19 general to be in accordance with this chapter and the
20 ~~constitution~~ Constitution and laws of the ~~state~~ State of Iowa,
21 the attorney general shall certify such fact on the articles
22 of incorporation or amendment and return the articles or
23 amendment to the commissioner. Articles of incorporation or
24 an amendment to the articles shall not be approved by the
25 commissioner or recorded unless certified by the attorney
26 general.

27 Sec. 125. Section 512B.13, Code 2005, is amended to read
28 as follows:

29 512B.13 INSTITUTIONS.

30 A society may create, maintain, and operate, or may
31 establish organizations to operate, not-for-profit
32 institutions to further the purposes permitted by section
33 512B.5, subsection 1, paragraph "b". The institutions may
34 furnish services free or at a reasonable charge. Any real or
35 personal property owned, held, or leased by the society for

1 this purpose shall be reported in every annual statement. A
2 not-for-profit institution so established is a charitable
3 institution with all the rights, benefits, and privileges
4 given to charitable institutions under the ~~constitution~~
5 Constitution and laws of ~~this-state~~ the State of Iowa. The
6 commissioner may adopt appropriate rules and reporting
7 requirements.

8 Sec. 126. Section 514B.3, unnumbered paragraph 3, Code
9 2005, is amended to read as follows:

10 Upon receipt of an application for a certificate of
11 authority, the commissioner shall immediately transmit copies
12 of the application and accompanying documents to the director
13 of public health and the affected regional health planning
14 council, as authorized by ~~Public-Law~~ Pub. L. No. 89-749, ~~42~~
15 42 U.S.C. § 246(b) 2b) 2b, for their nonbinding consultation
16 and advice.

17 Sec. 127. Section 518.14, subsection 4, paragraph a, Code
18 Supplement 2005, is amended to read as follows:

19 a. UNITED STATES GOVERNMENT OBLIGATIONS. Bonds or other
20 evidences of indebtedness issued, assumed, or guaranteed by
21 the United States of America, or by any agency or
22 instrumentality of the United States of America, ~~include~~
23 including investments in an open-end management investment
24 company registered with the federal securities and exchange
25 commission under the federal Investment Company Act of 1940,
26 15 U.S.C. § 80(a) and operated in accordance with 17 C.F.R. §
27 270.2a-7, the portfolio of which is limited to the United
28 States obligations described in this paragraph, and which are
29 included in the national association of insurance
30 commissioners' securities valuation office's United States
31 direct obligation--full faith and credit list.

32 Sec. 128. Section 518A.12, subsection 4, paragraph a, Code
33 Supplement 2005, is amended to read as follows:

34 a. UNITED STATES GOVERNMENT OBLIGATIONS. Bonds or other
35 evidences of indebtedness issued, assumed, or guaranteed by

1 the United States of America, or by any agency or
2 instrumentality of the United States of America, ~~include~~
3 including investments in an open-end management investment
4 company registered with the federal securities and exchange
5 commission under the federal Investment Company Act of 1940,
6 15 U.S.C. § 80(a) and operated in accordance with 17 C.F.R. §
7 270.2a-7, the portfolio of which is limited to the United
8 States obligations described in this paragraph, and which are
9 included in the national association of insurance
10 commissioners' securities valuation office's United States
11 direct obligation--full faith and credit list.

12 Sec. 129. Section 518B.1, subsection 3, Code 2005, is
13 amended to read as follows:

14 3. "The Act" means Section 1223 of the Housing and Urban
15 Development Act of 1968, ~~Public-law~~ Pub. L. No. 90-448, 90th
16 Congress approved August 1, 1968.

17 Sec. 130. Section 523.13, Code 2005, is amended to read as
18 follows:

19 523.13 EXCEPTIONS AS TO DOMESTIC STOCK COMPANIES.

20 The provisions of sections 523.7, 523.8 and 523.9 shall not
21 apply to equity securities of a domestic stock insurance
22 company if (1) such securities shall be registered, or shall
23 be required to be registered, pursuant to section 12 of the
24 Securities Exchange Act of 1934, ~~48 48 Stat. 881~~
25 codified at 15 U.S.C. § 77b et seq. ~~seq.~~, as amended, or if
26 (2) such domestic stock insurance company shall not have any
27 class of its equity securities held of record by one hundred
28 or more persons on the last business day of the year next
29 preceding the year in which equity securities of the company
30 would be subject to the provisions of sections 523.7, 523.8
31 and 523.9 except for the provisions of this subsection 2.

32 Sec. 131. Section 523C.1, subsection 6, Code 2005, is
33 amended to read as follows:

34 6. "Licensed service company" means a service company
35 which is licensed by the ~~commission~~ commissioner pursuant to

1 this chapter.

2 Sec. 132. Section 523C.9, subsection 1, paragraph a, Code
3 2005, is amended to read as follows:

4 a. The service company violated a lawful order of the
5 ~~commission commissioner~~ or any provision of this chapter.

6 Sec. 133. Section 523I.103, subsection 3, Code Supplement
7 2005, is amended to read as follows:

8 3. If a foreign person does not have a registered agent or
9 agents in the state of Iowa, doing business within this state
10 shall constitute the person's appointment of the secretary of
11 state of the state of Iowa to be ~~its~~ the person's true and
12 lawful attorney upon whom may be served all lawful process of
13 original notice in actions or proceedings arising or growing
14 out of any contract or tort.

15 Sec. 134. Section 523I.601, Code Supplement 2005, is
16 amended to read as follows:

17 523I.601 SETTLEMENT OF ESTATES -- MAINTENANCE FUND.

18 The court in which the estate of a deceased person is
19 administered, before final distribution, may allow and set
20 apart from the estate a sum sufficient to provide an income
21 adequate to pay for the perpetual care and upkeep of the
22 interment ~~spaces-upon~~ space in which the body of the deceased
23 is buried, except where perpetual care has otherwise been
24 provided for. The sum so allowed and set apart shall be paid
25 to a trustee as provided by this chapter.

26 Sec. 135. Section 524.1416, subsection 2, Code 2005, is
27 amended to read as follows:

28 2. A state bank which converts into a national bank or
29 federal savings association shall notify the superintendent of
30 the proposed conversion, provide such evidence of the adoption
31 of the plan as the superintendent may request, notify the
32 superintendent of any abandonment or disapproval of the plan,
33 and file with the superintendent and with the secretary of
34 state a certificate of the approval of the conversion by the
35 comptroller of the currency of the United States or director

1 of the office of thrift supervision, as applicable, and the
2 date upon which such conversion is to become effective. A
3 state bank that converts into a national bank or federal
4 savings association shall comply with the provisions of
5 section 524.310, subsection 1.

6 Sec. 136. Section 533.3, subsection 2, Code 2005, is
7 amended to read as follows:

8 2. The prohibitions contained in subsection 1 do not apply
9 to a credit union organized under this chapter or under the
10 Federal Credit Union Act, 12 U.S.C. ~~Sec.~~ § 1751 et seq., or to
11 the Iowa credit union league, or a chapter, affiliate or
12 subsidiary of the Iowa credit union league, or to a political
13 action committee formed under ~~Public-Law~~ Pub. L. No. 94-283 or
14 chapter 68A by the Iowa credit union league or by credit
15 unions organized under this chapter or federal law.

16 Sec. 137. Section 591.11, Code 2005, is amended to read as
17 follows:

18 591.11 FAILURE TO PUBLISH NOTICE OF AMENDMENT.

19 In all instances where notices of amendments to articles of
20 incorporation have not been published within three months
21 after the filing with and approval by the secretary of state
22 of such amendments, as provided in section 491.20, ~~of-the~~ Code
23 1954, but such notices have been thereafter published in the
24 form and manner as required by law and proof of publication
25 filed with the secretary of state, such notices are hereby
26 legalized and shall have the same force and effect as though
27 published within said period of three months and proper proof
28 of publication filed with the secretary of state.

29 Sec. 138. Section 598.21G, unnumbered paragraph 1, Code
30 Supplement 2005, is amended to read as follows:

31 In any order or judgment entered under this chapter or
32 chapter 234, 252A, 252C, 252F, 598~~7~~ or 600B, or under any
33 other chapter which provides for temporary or permanent
34 support payments, if the parent ordered to pay support is less
35 than eighteen years of age, one of the following shall apply:

1 Sec. 139. Section 602.10125, Code 2005, is amended to read
2 as follows:

3 602.10125 ATTORNEY GENERAL -- APPROPRIATENESS OF PROCEDURE
4 -- ORDER FOR APPEARANCE.

5 If an action is commenced on the petition of an individual,
6 the court shall notify and refer the matter to the attorney
7 general. The attorney general, within thirty days of the
8 referral, shall submit a report to the court concerning the
9 appropriateness of bringing the action under this chapter.
10 The court shall not proceed with consideration of the merits
11 of the complaint until the report from the attorney general is
12 received. If the court deems the accusation sufficient to
13 justify further action, the court shall determine whether the
14 complaint is more appropriately pursued under this chapter
15 rather than the procedures established under Iowa court rules,
16 chapter ch. 35. If the court finds that proceeding under this
17 chapter is more appropriate, it shall cause an order to be
18 entered requiring the accused to appear and answer in the
19 court where the accusation has been filed on the day fixed in
20 the order, and shall cause a copy of the accusation and order
21 to be served upon the accused personally.

22 Sec. 140. Section 633.3, subsections 15, 17, 34, and 35,
23 Code Supplement 2005, are amended to read as follows:

24 15. ESTATE -- the real and personal property of either a
25 decedent or a ward, and may also refer to the real and
26 personal property of a trust as-defined described in section
27 633.10.

28 17. FIDUCIARY -- includes personal representative,
29 executor, administrator, guardian, conservator, and the
30 trustee of any trust as-defined described in section 633.10.

31 34. TRUSTEE -- the person or persons serving as trustee of
32 a trust as-defined described in section 633.10.

33 35. TRUSTS -- includes only those trusts defined described
34 in section 633.10.

35 Sec. 141. Section 633.10, unnumbered paragraph 1, Code

1 Supplement 2005, is amended to read as follows:

2 In addition to the jurisdiction granted the district court
3 under the trust code, chapter 633A, or elsewhere, the district
4 court sitting in probate shall have jurisdiction of:

5 Sec. 142. Section 633.699B, Code Supplement 2005, is
6 amended to read as follows:

7 633.699B APPLICABILITY OF LAW.

8 The terms of this division, and all other terms of this
9 probate code relating to trusts and trustees, shall apply only
10 to trusts that remain under continuous court supervision
11 pursuant to section 633.10 and to trusts that have not been
12 released from such continuous supervision pursuant to section
13 633.10. Regarding all such trusts, the terms of this chapter
14 shall supersede any inconsistent terms in the trust code,
15 chapter 633A, and such trusts shall be governed by terms of
16 the trust code, chapter 633A, that are not inconsistent with
17 this probate code.

18 Sec. 143. Section 679C.103, subsection 2, unnumbered
19 paragraph 1, Code Supplement 2005, is amended to read as
20 follows:

21 This chapter shall not apply to a mediation relating to or
22 conducted by under any of the following circumstances:

23 Sec. 144. Section 679C.104, subsection 1, Code Supplement
24 2005, is amended to read as follows:

25 1. Except as otherwise provided in section 679C.106, a
26 mediation communication is privileged as provided in
27 subsection 2 and is not subject to discovery or admissible in
28 evidence in a proceeding unless the privilege is waived or
29 precluded as provided by section 679C.105.

30 Sec. 145. Section 692B.2, Articles VIII and XI, Code 2005,
31 are amended to read as follows:

32 ARTICLE VIII -- MISCELLANEOUS PROVISIONS

33 (a) RELATION OF COMPACT TO CERTAIN FBI ACTIVITIES.

34 Administration of this compact shall not interfere with the
35 management and control of the director of the FBI over the

1 FBI's collection and dissemination of criminal history records
2 and the advisory function of the FBI's advisory policy board
3 chartered under the Federal Advisory Committee Act, (5 5
4 U.S.C. App-) App., for all purposes other than noncriminal
5 justice.

6 (b) NO AUTHORITY FOR NONAPPROPRIATED EXPENDITURES.
7 Nothing in this compact shall require the FBI to obligate or
8 expend funds beyond those appropriated to the FBI.

9 (c) RELATING TO ~~PUBLIC-LAW~~ PUB. L. NO. 92-544. Nothing in
10 this compact shall diminish or lessen the obligations,
11 responsibilities, and authorities of any state, whether a
12 party state or a nonparty state, or of any criminal history
13 record repository or other subdivision or component thereof,
14 under the Departments of State, Justice, and Commerce, the
15 Judiciary, and Related Agencies Appropriation Act, 1973
16 (~~Public-Law-92-544~~), Pub. L. No. 92-544, or regulations and
17 guidelines promulgated thereunder, including the rules and
18 procedures promulgated by the council under Article VI(a),
19 regarding the use and dissemination of criminal history
20 records and information.

21 ARTICLE XI -- ADJUDICATION OF DISPUTES

22 (a) IN GENERAL. The council shall

23 (1) have initial authority to make determinations with
24 respect to any dispute regarding

25 (A) interpretation of this compact;

26 (B) any rule or standard established by the council
27 pursuant to Article VI; and

28 (C) any dispute or controversy between any parties to this
29 compact; and

30 (2) hold a hearing concerning any dispute described in
31 paragraph (1) at a regularly scheduled meeting of the council
32 and only render a decision based upon a majority vote of the
33 members of the council. Such decision shall be published
34 pursuant to the requirements of Article VI(e).

35 (b) DUTIES OF FBI. The FBI shall exercise immediate and

1 necessary action to preserve the integrity of the III system,
2 maintain system policy and standards, protect the accuracy and
3 privacy of records, and to prevent abuses, until the council
4 holds a hearing on such matters.

5 (c) RIGHT OF APPEAL. The FBI or a party state may appeal
6 any decision of the council to the attorney general, and
7 thereafter may file suit in the appropriate district court of
8 the United States, which shall have original jurisdiction of
9 all cases or controversies arising under this compact. Any
10 suit arising under this compact and initiated in a state court
11 shall be removed to the appropriate district court of the
12 United States in the manner provided by ~~section-1446-of-title~~
13 ~~287-United-States-Code~~ 28 U.S.C. § 1446, or other statutory
14 authority.

15 Sec. 146. Section 725.12, subsection 1, Code Supplement
16 2005, is amended to read as follows:

17 1. If any person ~~make~~ makes or ~~aid~~ aids in making or
18 establishing, or ~~advertise~~ advertises or ~~make~~ makes public a
19 scheme for a lottery; or ~~advertise~~ advertises, ~~offer~~ offers
20 for sale, ~~sell~~ sells, ~~distribute~~ distributes, ~~negotiate~~
21 negotiates, ~~dispose~~ disposes of, ~~purchase~~ purchases, or
22 ~~receive~~ receives a ticket or part of a ticket in a lottery or
23 number of a ticket in a lottery; or have has in the person's
24 possession a ticket, part of a ticket, or paper purporting to
25 be the number of a ticket of a lottery, with the intent to
26 sell or dispose of the ticket, part of a ticket, or paper on
27 the person's own account or as the agent of another, the
28 person commits a serious misdemeanor. However, this section
29 does not prohibit the advertising of a lottery or possession
30 by a person of a lottery ticket, part of a ticket, or number
31 of a lottery ticket from a lottery legally operated or
32 permitted under the laws of another jurisdiction. This
33 section also does not prohibit the advertising of a lottery,
34 game of chance, contest, or activity conducted by a not-for-
35 profit organization that would qualify as tax exempt under

1 section 501 of the Internal Revenue Code, as defined in
2 section 422.3, or conducted by a commercial organization as a
3 promotional activity which is clearly occasional and ancillary
4 to the primary business of that organization, provided that
5 the effective dates on any promotional activity shall be
6 clearly stated on all promotional materials. A lottery, game
7 of chance, contest, or activity shall be presumed to be a
8 promotional activity which is not occasional if the lottery,
9 game of chance, contest, or activity is in effect or available
10 to the public for a period of more than ninety days within a
11 one-year period.

12 Sec. 147. Section 729.1, Code 2005, is amended to read as
13 follows:

14 729.1 RELIGIOUS TEST.

15 Any violation of section 4, Article I of the Constitution
16 of the State of Iowa is hereby declared to be a simple
17 misdemeanor unless a greater penalty is otherwise provided by
18 law.

19 Sec. 148. Section 822.2, Code 2005, is amended to read as
20 follows:

21 822.2 SITUATIONS WHERE LAW APPLICABLE.

22 1. Any person who has been convicted of, or sentenced for,
23 a public offense and who claims that any of the following may
24 institute, without paying a filing fee, a proceeding under
25 this chapter to secure relief:

26 1- a. The conviction or sentence was in violation of the
27 Constitution of the United States or the Constitution or laws
28 of this state.

29 2- b. The court was without jurisdiction to impose
30 sentence.

31 3- c. The sentence exceeds the maximum authorized by
32 law.

33 4- d. There exists evidence of material facts, not
34 previously presented and heard, that requires vacation of the
35 conviction or sentence in the interest of justice.

1 5- e. The person's sentence has expired, or probation,
2 parole, or conditional release has been unlawfully revoked, or
3 the person is otherwise unlawfully held in custody or other
4 restraint.

5 6- f. The person's reduction of sentence pursuant to
6 sections 903A.1 through 903A.7 has been unlawfully forfeited
7 and the person has exhausted the appeal procedure of section
8 903A.3, subsection 2-or.

9 7- g. The conviction or sentence is otherwise subject to
10 collateral attack upon any ground of alleged error formerly
11 available under any common law, statutory or other writ,
12 motion, petition, proceeding, or remedy, except alleged error
13 relating to restitution, court costs, or fees under section
14 904.702 or chapter 815 or 910
15 ~~may-institute-without-paying-a-filing-fee-a-proceeding-under~~
16 ~~this-chapter-to-secure-relief.~~

17 2. This remedy is not a substitute for nor does it affect
18 any remedy, incident to the proceedings in the trial court, or
19 of direct review of the sentence or conviction. Except as
20 otherwise provided in this chapter, it comprehends and takes
21 the place of all other common law, statutory, or other
22 remedies formerly available for challenging the validity of
23 the conviction or sentence. It shall be used exclusively in
24 place of them.

25 Sec. 149. Section 822.3, Code 2005, is amended to read as
26 follows:

27 822.3 HOW TO COMMENCE PROCEEDING -- LIMITATION.

28 A proceeding is commenced by filing an application verified
29 by the applicant with the clerk of the district court in which
30 the conviction or sentence took place. However, if the
31 applicant is seeking relief under section 822.2, subsection 6
32 1, paragraph "f", the application shall be filed with the
33 clerk of the district court of the county in which the
34 applicant is being confined within ninety days from the date
35 the disciplinary decision is final. All other applications

1 must be filed within three years from the date the conviction
2 or decision is final or, in the event of an appeal, from the
3 date the writ of procedendo is issued. However, this
4 limitation does not apply to a ground of fact or law that
5 could not have been raised within the applicable time period.
6 Facts within the personal knowledge of the applicant and the
7 authenticity of all documents and exhibits included in or
8 attached to the application must be sworn to affirmatively as
9 true and correct. The supreme court may prescribe the form of
10 the application and verification. The clerk shall docket the
11 application upon its receipt and promptly bring it to the
12 attention of the court and deliver a copy to the county
13 attorney and the attorney general.

14 Sec. 150. Section 822.5, Code 2005, is amended to read as
15 follows:

16 822.5 PAYMENT OF COSTS.

17 If the applicant is unable to pay court costs and
18 stenographic and printing expenses, these costs and expenses
19 shall be made available to the applicant in the trial court,
20 and on review. Unless the applicant is confined in a state
21 institution and is seeking relief under section 822.2,
22 subsections-5-and-6 subsection 1, paragraphs "e" and "f", the
23 costs and expenses of legal representation shall also be made
24 available to the applicant in the preparation of the
25 application, in the trial court, and on review if the
26 applicant is unable to pay. However, nothing in this section
27 shall be interpreted to require payment of expenses of legal
28 representation, including stenographic, printing, or other
29 legal services or consultation, when the applicant is self-
30 represented or is utilizing the services of an inmate.

31 Sec. 151. Section 822.7, Code 2005, is amended to read as
32 follows:

33 822.7 COURT TO HEAR APPLICATION.

34 The application shall be heard in, and before any judge of
35 the court in which the conviction or sentence took place.

1 However, if the applicant is seeking relief under section
2 822.2, subsection 6 1, paragraph "f", the application shall be
3 heard in, and before any judge of the court of the county in
4 which the applicant is being confined. A record of the
5 proceedings shall be made and preserved. All rules and
6 statutes applicable in civil proceedings including pretrial
7 and discovery procedures are available to the parties. The
8 court may receive proof of affidavits, depositions, oral
9 testimony, or other evidence, and may order the applicant
10 brought before it for the hearing. If the court finds in
11 favor of the applicant, it shall enter an appropriate order
12 with respect to the conviction or sentence in the former
13 proceedings, and any supplementary orders as to rearraignment,
14 retrial, custody, bail, discharge, correction of sentence, or
15 other matters that may be necessary and proper. The court
16 shall make specific findings of fact, and state expressly its
17 conclusions of law, relating to each issue presented. This
18 order is a final judgment.

19 Sec. 152. Section 822.9, Code 2005, is amended to read as
20 follows:

21 822.9 APPEAL.

22 An appeal from a final judgment entered under this chapter
23 may be taken, perfected, and prosecuted either by the
24 applicant or by the state in the manner and within the time
25 after judgment as provided in the rules of appellate procedure
26 for appeals from final judgments in criminal cases. However,
27 if a party is seeking an appeal under section 822.2,
28 subsection 6 1, paragraph "f", the appeal shall be by writ of
29 certiorari.

30 Sec. 153. Section 904.513, subsection 3, Code 2005, is
31 amended to read as follows:

32 3. The department shall adopt rules for the implementation
33 of this section. The rules shall include the requirement that
34 the treatment programs established pursuant to this chapter
35 meet the licensure standards of the ~~division-of-substance~~

1 ~~abuse-for~~ the department of public health under chapter 125.

2 The rules shall also include provisions for the funding of the
3 program by means of self-contribution by the offenders,
4 insurance reimbursement on behalf of offenders, or other forms
5 of funding, program structure, criteria for the evaluation of
6 offenders and programs, and all other issues the director
7 shall deem appropriate.

8 Sec. 154. Section 914.1, Code 2005, is amended to read as
9 follows:

10 914.1 POWER OF GOVERNOR.

11 The power of the governor under the ~~constitution~~
12 Constitution of the State of Iowa to grant a reprieve, pardon,
13 commutation of sentence, remission of fines and forfeitures,
14 or restoration of the rights of citizenship shall not be
15 impaired.

16 Sec. 155. 2004 Iowa Acts, chapter 1076, section 1,
17 subsection 1, enacting Code section 69.20, subsection 1, is
18 amended to read as follows:

19 1. A temporary vacancy in an elective office of a
20 political subdivision, community college, and hospital board
21 of trustees of this state occurs on the date when the person
22 filling that office is placed on ~~active~~ state military service
23 or federal service, as those terms are defined in section
24 29A.1, and when such a person will not be able to attend to
25 the duties of that person's elective position for a period
26 greater than sixty consecutive days. The temporary vacancy
27 terminates on the date when such person is released from such
28 service, or the term of office expires.

29 Sec. 156. 2005 Iowa Acts, chapter 136, section 20, the
30 bill section amending clause, is amended to read as follows:

31 SEC. 20. Section 455B.103, ~~subsections~~ subsection 3 and
32 subsection 4, unnumbered paragraph 1, Code 2005, are amended
33 to read as follows:

34 Sec. 157. Section 15.103, subsection 1, paragraph a, as
35 enacted by 2005 Iowa Acts, chapter 150, section 4, is amended

1 to read as follows:

2 a. The Iowa economic development board is created,
3 consisting of fifteen voting members appointed by the governor
4 and seven ex officio nonvoting members. The ex officio
5 nonvoting members are four legislative members; one president,
6 or the president's designee, of the university of northern
7 Iowa, the university of Iowa, or Iowa state university of
8 science and technology designated by the state board of
9 regents on a rotating basis; and one president, or the
10 president's designee, of a private college or university
11 appointed by the Iowa association of independent colleges and
12 universities; and one superintendent, or the superintendent's
13 designee, of a community college, appointed by the Iowa
14 association of community college presidents. The legislative
15 members are two state senators, one appointed by the president
16 of the senate, after consultation with the majority leader of
17 the senate, and one appointed by the minority leader of the
18 senate, after consultation with the president of the senate,
19 from their respective parties; and two state representatives,
20 one appointed by the speaker and one appointed by the minority
21 leader of the house of representatives from their respective
22 parties. Not more than eight of the voting members shall be
23 from the same political party. Beginning with the first
24 appointment to the board made after the effective date of this
25 division of this Act, at least one voting member shall have
26 been less than thirty years of age at the time of appointment.
27 The governor shall appoint the voting members of the board for
28 a term of four years beginning and ending as provided by
29 section 69.19, subject to confirmation by the senate, and the
30 governor's appointments shall include persons knowledgeable of
31 the various elements of the department's responsibilities.

32 Sec. 158. Section 455B.172, subsection 5, unnumbered
33 paragraph 2, Code 2005, as amended by 2005 Iowa Acts, chapter
34 153, section 2, is amended to read as follows:

35 The department shall by rule adopt standards for the

1 commercial cleaning of private sewage disposal facilities,
2 including but not limited to septic tanks, and for the
3 disposal of waste from the facilities. The standards shall
4 not be in conflict with the state building code adopted
5 pursuant to section 103A.7. A person shall not commercially
6 clean such facilities or dispose of waste from such facilities
7 unless the person has been issued a license by the department.
8 The department shall be exclusively responsible for adopting
9 the standards and issuing licenses. However, county boards of
10 health shall enforce the standards and licensing requirements
11 established by the department. The department may contract
12 for the delegation of the authority for inspection of land
13 application sites, record reviews, and equipment inspections
14 to a county board of health. In the event of entering into
15 such a contract, the department shall retain concurrent
16 authority over such activities. Application for the license
17 shall be made in the manner provided by the department.
18 Licenses expire one year from the date of issue unless revoked
19 and may be renewed in the manner provided by the department.
20 A license application shall include registration applications
21 for each vehicle used by the applicant for purposes of
22 collecting septage from private sewage disposal facilities and
23 each vehicle used by the applicant for purposes of applying
24 septage to land. Septic disposal management plans shall be
25 submitted to the department and approved annually as a
26 condition of licensing and shall also be filed annually with
27 the county board of health in the county where a proposed
28 septage application site is located. The septic disposal
29 management plan shall include, but not be limited to, the
30 sites of septage application, the anticipated volume of
31 septage applied to each site, the area of each septage
32 application site, the type of application to be used at each
33 site, the volume of septage expected to be collected from
34 private sewage disposal facilities, and a list of registered
35 vehicles collecting septage from private sewage disposal

1 facilities and applying septage to land. The annual license
2 or license renewal fee for a person commercially cleaning
3 private sewage disposal facilities shall be established by the
4 department based on the volume of septage that is applied to
5 land. A septic management fund is created in the state
6 treasury under the control of the department. Annual license
7 and license renewal fees collected pursuant to this section
8 shall be deposited in the septic management fund and are
9 appropriated to the department for purposes of contracting
10 with county boards of health to conduct land application site
11 inspections, record reviews, and septic cleaning equipment
12 inspections. A person violating this section or the rules
13 adopted pursuant to this section as determined by the
14 department is subject to a civil penalty of not more than two
15 hundred fifty dollars. The department shall adopt rules
16 related to, but not limited to, recordkeeping requirements,
17 application procedures and limitations, contamination issues,
18 loss of septage, failure to file a septic disposal management
19 plan, application by vehicles that are not properly
20 registered, wrongful application, and violations of a septic
21 disposal management plan. Each day that a violation continues
22 constitutes a separate offense. The penalty shall be assessed
23 for the duration of time commencing with the time the
24 violation begins and ending with the time the violation is
25 corrected. The septic disposal management plan may be
26 examined to determine the duration of the violation. Moneys
27 collected by the department from the imposition of civil
28 penalties shall be deposited in the general fund of the state.
29 Moneys collected by a county board of health from the
30 imposition of civil penalties shall be deposited in the
31 general fund of the county.

32 Sec. 159. 2005 Iowa Acts, chapter 179, section 14,
33 unnumbered paragraph 1, is amended to read as follows:

34 There is appropriated from the general fund of the state to
35 the homeland security and emergency management division of the

1 department of public safety defense for the fiscal year
2 beginning July 1, 2005, and ending June 30, 2006, the
3 following amount, or so much thereof as is necessary, to be
4 used for the purpose designated:

5 Sec. 160. 2005 Iowa Acts, chapter 179, section 48, is
6 amended to read as follows:

7 SEC. 48. HEALTH FACILITIES COUNCIL DIVISION. If 2005 Iowa
8 Acts, House File 810, is enacted and includes an appropriation
9 from the general fund of the state to the department of
10 inspections and appeals for the health facilities ~~council~~
11 division for the fiscal year beginning July 1, 2005, and
12 ending June 30, 2006, any provision of that appropriation
13 designating the use of \$80,000 and a full-time equivalent
14 position for a particular purpose shall not be applied.

15 Sec. 161. Section 12B.6, as enacted by 2005 Iowa Acts,
16 chapter 179, section 98, is amended to read as follows:

17 12B.6 CERTAIN PUBLIC FUNDS OF POLITICAL SUBDIVISIONS.

18 All funds received, expended, or held by an association of
19 elected county officers before, on, or after the effective
20 date of this division of this Act, to implement a state-
21 authorized program, are subject to audit by the auditor of
22 state at the request of the government oversight committees or
23 the legislative council. All such funds received or held on
24 and after July 1, 2005, shall be deposited in a fund in the
25 office of the treasurer of state.

26 Sec. 162. The section of this Act amending section 147.7
27 is repealed effective July 1, 2008.

28 Sec. 163. EFFECTIVE DATES.

29 1. The section of this Act amending 2004 Acts, ch 1076,
30 section 1, being deemed of immediate importance, takes effect
31 upon enactment and applies retroactively to April 14, 2004.

32 2. The sections of this Act amending 2005 Acts, ch 136,
33 section 20; section 15.103, as amended by 2005 Acts, ch 150,
34 section 4; section 455B.172, as amended by 2005 Acts, ch 153,
35 section 2; 2005 Acts, ch 179, section 14; and 2005 Acts, ch

1 179, section 48, being deemed of immediate importance, take
2 effect upon enactment and apply retroactively to July 1, 2005.

3 3. The section of this Act amending section 12B.6, as
4 enacted by 2005 Acts, ch 179, section 98, being deemed of
5 immediate importance, takes effect upon enactment and applies
6 retroactively to June 16, 2005.

7 EXPLANATION

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

17 Code sections 2.1, 3.7, 3.14, 7.15, 16.2; section 42.3,
18 subsection 4, paragraph "a"; sections 42.4, 49.3, 55.3, 99G.8,
19 99G.21, 218.2, 257B.12, 261A.14, 331.301, 364.1, 364.2,
20 512A.10, 512B.13, 729.1, and 914.1: Standardizes

21 nonconforming references to the Constitution of the State of
22 Iowa in various provisions throughout the Code to facilitate
23 hypertext linkage in electronic publications of the Code.

24 Code section 9G.12: Updates the citation form used to
25 refer to an Act of Congress pertaining to title to certain
26 railroad lands to conform the citation to standard citation
27 form.

28 Code section 13.24: Updates citations to an 1986 Iowa Act
29 in a provision pertaining to legal services providers in farm
30 mediation cases under the farm assistance program in the
31 department of justice, to eliminate future electronic
32 hypertext linkage problems.

33 Code section 15.274: Replaces references to 2005 Iowa Acts
34 provisions establishing certified cultural and entertainment
35 districts with a reference to Code section 303.3B, the

1 codified provision directing the department of cultural
2 affairs to establish a cultural and entertainment district
3 certification program.

4 Code section 15A.9: Adds the word "former" to a reference
5 to section 427A.1 of the 1993 Code to eliminate an electronic
6 hypertext linkage problem in a provision relating to property
7 tax exemptions for property located in areas designated as
8 quality jobs enterprise zones.

9 Code section 15G.111: Strikes the words "if so amended" in
10 two places following references to chapter 262B in provisions
11 appropriating money from the grow Iowa values fund for
12 purposes of Code chapter 262B, relating to commercialization
13 of research. Code chapter 262B was amended in the manner
14 described in 2005 Iowa Acts, chapter 150. The bill also
15 conforms references to subsections within Code section 15E.232
16 to changes made in similar provisions.

17 Code section 15H.2: Strikes the word "and" to correct a
18 reference to the retired senior volunteer program.

19 Code section 16.15: Updates and standardizes references to
20 federal Acts and United States Code provisions in language
21 relating to housing assistance payments by the Iowa finance
22 authority.

23 Code section 22.3: Substitutes the phrase "examination and
24 copying" for the word "work" and eliminates a redundant
25 reference to "the work" to agree with other usages of the
26 phrase "examination and copying" in a provision relating to
27 the examination and copying of public records.

28 Code section 28.4: Adds the word "staff" to complete the
29 phrase "early care staff" as used throughout a provision
30 relating to the Iowa empowerment board's duties regarding
31 early care services.

32 Code sections 28J.2 and 28J.20: Corrects grammatical
33 errors in provisions allowing two or more political
34 subdivisions to create a port authority and allowing a port
35 authority to make loans for the acquisition or construction of

1 certain facilities within the port authority's jurisdiction.

2 Code section 29A.3: Corrects a reference to the army
3 national guard of the United States in a provision relating to
4 the organization of units, detachments, and organizations of
5 the guard.

6 Code sections 42.2, subsection 3, and 42.3, subsection 4,
7 paragraph "b": Updates and standardizes references to federal
8 public laws that relate to legislative redistricting.

9 Code section 49.46: Strikes a check mark symbol following
10 the words "a check mark" in a provision relating to marking of
11 ballots. The symbol does not exist in the computer database
12 used for the Code of Iowa.

13 Code sections 63A.2, 446.20, 446.38, and 483A.24: Corrects
14 references to the state supplementary assistance program in
15 provisions relating to persons permitted to administer oaths,
16 to tax sales, and to when hunting, fishing, or trapping
17 licenses are not required.

18 Code section 68A.404: Corrects the grammatical structure
19 of a provision relating to the requirement to file independent
20 expenditure statements under the campaign finance laws.

21 Code section 69.20: Corrects a grammatical error in a
22 provision relating to temporary vacancies in local elective
23 offices.

24 Code section 80.22: Substitutes the abbreviation "ch." for
25 the word "chapter" in a reference to 1939 Iowa Acts, chapter
26 120, to eliminate incorrect electronic hypertext linkage to
27 Code chapter 120.

28 Code section 80.33: Corrects a grammatical error in a
29 provision relating to peace officers' access to drug records.

30 Code sections 85.34, 191.2, 306C.24, 321.10, 321.210C,
31 321J.2, 327C.5, 437A.15, and 598.21G: Eliminates specific
32 references to the Code section or chapter within which the
33 reference is made.

34 Code section 96.12: Updates and standardizes references to
35 a federal Act and United States Code provisions regarding the

1 provision of state employment services.

2 Code section 97A.1: Makes a language change in a provision
3 referring to Code section 80.15 to agree with changes made to
4 that section in 2005.

5 Code section 97A.3: Adds references to predecessor
6 divisions or subunits in language relating to retirement
7 system membership of persons employed by certain divisions and
8 subunits of the department of public safety on July 4, 1949.
9 The names of the divisions of the department of public safety
10 specified in this provision were updated in 2005 by 2005 Iowa
11 Acts, ch 35.

12 Section 135B.1: Updates and standardizes references to a
13 federal Act in a definition of the term "hospital" in a Code
14 chapter governing the regulation of hospitals.

15 Code section 141A.11: Substitutes the words "department of
16 health and human services" for the words "public health
17 service" in a reference to the federal centers for disease
18 control and prevention.

19 Code section 147.7: Makes a grammatical change to clarify
20 that a person recognized for licensure in this state under
21 either the nurse licensure compact or the advanced practice
22 registered nurse compact shall meet the requirement contained
23 in the provision requiring a person to maintain a copy of the
24 person's out-of-state license. This section of the bill is
25 repealed July 1, 2008, when the latest enacted compact is
26 repealed.

27 Code section 152D.4: Corrects a grammatical error in a
28 provision making Code chapter 152D, regulating athletic
29 trainers, inapplicable to licensed physician assistants who do
30 not represent themselves to the public as athletic trainers.

31 Code section 163.27: Substitutes the words "two hundred
32 twelve degrees Fahrenheit" for the figures "212 F" and the
33 degree symbol. The degree symbol does not exist in the
34 computer database used for the Code of Iowa.

35 Code section 176A.2: Updates and standardizes references

1 to a federal Act in provisions relating to the provision of
2 county agricultural extension services.

3 Code section 177A.12: Updates language and standardizes a
4 reference to a federal Act in provisions relating to the
5 establishment of quarantines by the state entomologist.

6 Code section 184.9B: Makes a grammatical change to
7 eliminate the word "it" in this provision relating to the
8 duties of the Iowa egg council.

9 Code sections 207.1, 207.8, 207.16, and 207.19:
10 Standardizes several references to the federal Surface Mining
11 Control and Reclamation Act of 1977 and one reference to a
12 former Iowa Code provision under which coal mining operation
13 permits were issued in provisions relating to the
14 implementation in Iowa of that federal Act.

15 Code section 216.13: Standardizes a reference to a federal
16 Act in the civil rights chapter in language relating to
17 adjustments to a retirement benefit test based on regulations
18 issued pursuant to that federal Act.

19 Code sections 123.53, 216A.132, 235C.2, 321J.3, and
20 904.513: Replaces references to the division of substance
21 abuse within the Iowa department of public health with
22 appropriate references to the department and its duties under
23 Code chapter 125, relating to chemical substance abuse. The
24 division no longer exists within the department.

25 Code section 226.19: Makes a grammatical change by
26 substituting the words "Every patient" for the words "All
27 patients" in a provision relating to the discharge of state
28 mental health institute patients.

29 Code section 231.23A: Corrects a reference to the case
30 management program for frail elders in a provision relating to
31 programs administered by the department of elder affairs.

32 Code sections 231B.2 and 231C.3: Makes punctuation changes
33 for readability in provisions directing the department of
34 elder affairs to adopt minimum standards for the regulation of
35 elder group homes and assisted living programs.

1 Code sections 231B.13, 231C.13, and 231D.12: Makes
2 grammatical changes for readability in provisions prohibiting
3 an elder group home, assisted living program, or adult day
4 services program from discriminating or retaliating against a
5 tenant, participant, or employee who initiates a proceeding
6 under the applicable Code chapter.

7 Code section 237A.30: Substitutes the word "webpage" for
8 "page" in a provision allowing a child care facility's quality
9 rating pursuant to the voluntary quality rating system to be
10 included on the department of human services internet webpage
11 providing child care information to consumers, in order to be
12 consistent with other usages of the term.

13 Code section 249.1: Updates a reference to a federal Act
14 that amends Title XVI of the Social Security Act in a
15 definition contained in the state supplementary assistance
16 chapter.

17 Code section 257.33: Adds an additional reference to the
18 1991 Iowa Code after a citation to former Code chapter 442 and
19 deletes language that appeared after a citation to former Code
20 section 279.43 and that indicated that former Code chapter 442
21 and Code section 279.43 appeared in the 1991 Code, in
22 provisions relating to voter approval of the use of an
23 additional enrichment amount under former provisions in the
24 school funding formula. The change eliminate a problem
25 experienced with hypertext linkages in the electronic version
26 of this Code section.

27 Code section 276.10: Updates a reference to a federal Act
28 in a provision relating to establishment of community
29 education programs by school boards.

30 Code section 306A.3: Specifies that the department
31 referenced in a provision directing the department to adopt
32 rules embodying a utility accommodation policy is the state
33 department of transportation. The term "department" is not
34 defined for purposes of Code chapter 306A.

35 Code section 307.26: Standardizes a reference to a federal

1 Act in a provision relating to the duties of the state
2 administrator for rail and water as they relate to that
3 federal Act.

4 Code section 308.3: Standardizes a reference to a federal
5 Act in definitions relating to the establishment of the
6 Mississippi river parkway.

7 Code section 312.3B: Adds the word "fund" in the phrase
8 "farm-to-market road distributions" to clarify that
9 distributions are made from the farm-to-market road fund.

10 Code section 321.69: Strikes the words "of the title" in a
11 provision regulating the placement of language relating to the
12 status of a vehicle as wrecked or salvage on the certificate
13 of title and registration receipt to agree with language used
14 elsewhere in the Code section.

15 Code section 331.756: Replaces a reference to the division
16 of beer and liquor law enforcement with a reference to the
17 department of public safety in a provision directing the
18 county attorney to assist the division in the enforcement of
19 beer and liquor laws. The division no longer exists.

20 Code section 403.5: Standardizes references to a federal
21 Act relating to certification of need for disaster assistance
22 in provisions relating to approval of urban renewal plans or
23 projects.

24 Code section 414.14: Makes a grammatical change for
25 readability in a provision requiring the majority vote of a
26 city's board of adjustment to reverse an order of an
27 administrative official.

28 Code sections 421.1, 422.75, 425.7, 426A.6, and 429.2:
29 Updates language relating to the state board of tax review by
30 internally renumbering the Code section, adding numerical Code
31 chapter and subchapter references to a reference by name to
32 the Iowa merit system, and by correcting references to Code
33 421.1 in other Code sections. The update also moves language
34 describing the manner in which hearings and appeals are to be
35 conducted by the state board of tax review to a separate

1 subsection from the provision enumerating the board's duty to
2 advise and counsel with the director of revenue. The
3 subsection paragraph containing the language describing the
4 board's duty to advise and counsel is also updated to include
5 a reference to the conducting of hearings and appeals in
6 accordance with the language that was moved to the separate
7 subsection.

8 Code section 422.1: Updates references in an introductory
9 Code section in Code chapter 422, relating to the taxation of
10 income, to reflect the repeal and transfer of retail sales tax
11 provisions to Code chapter 423 and the addition of a chapter
12 division pertaining to livestock production tax credits to
13 this Code chapter.

14 Code section 422.16: Standardizes citations to the federal
15 Tax Reform Act of 1976 in language relating to the withholding
16 of income tax by the Iowa department of revenue.

17 Code section 423A.3: Substitutes the term "renting" for
18 "rental" in two places in a provision imposing a state hotel
19 and motel tax. The defined term for purposes of the Code
20 chapter is "renting".

21 Code sections 423B.5 and 423E.3: Eliminates superfluous
22 language in provisions relating to the imposition of local
23 sales and services taxes.

24 Code section 426A.13: Makes a grammatical change for
25 readability in a provision relating to a person making a claim
26 for a military property tax exemption.

27 Code section 432.12F: Corrects a reference to the name of
28 the economic development region revolving fund contribution
29 tax credit in a provision authorizing the reduction of the
30 insurance companies tax by the amount of the credit.

31 Code section 437A.3: Inserts a reference to "Code 1997"
32 after several internal Code references to clarify that each
33 reference is from the 1997 Code and to avoid incorrect
34 electronic hypertext linkages to the current Code provisions.

35 Code section 445.5: Adds the words "or entity" following

1 the words "such person" in a provision allowing a property
2 titleholder to have the tax statement for the property
3 delivered to another person or entity to agree with another
4 usage in the provision.

5 Code section 455A.4: Eliminates references to specific
6 subchapters of Code chapter 459 in a provision directing the
7 director of the department of natural resources to provide
8 overall supervision of functions to be administered under
9 certain Code provisions.

10 Code section 455G.4: Clarifies that the Iowa comprehensive
11 petroleum underground storage tank fund board shall
12 "establish" procedures for investigating and settling claims
13 made against the fund.

14 Code section 456A.27: Standardizes a reference to a
15 federal wildlife restoration Act and deletes a hyphen in the
16 word "cooperative" in language relating to the implementation
17 of the federal Act by the Iowa department of natural
18 resources.

19 Code section 459A.102: Adds the lead-in language "As used
20 in this chapter, unless the context otherwise requires:"
21 preceding several terms defined for use in Code chapter 459A.

22 Code section 466A.3: Clarifies that the legislative
23 members of the watershed improvement review board are in
24 addition to appointed members of the board.

25 Code section 468.378: Standardizes a reference to the
26 federal bankruptcy Act in language relating to the power of
27 drainage and levee districts to incur indebtedness and
28 otherwise make use of the provisions contained in the
29 referenced federal Act.

30 Code section 476.1D: Adds the word "line" in the term
31 "single flat-rated" in two places in a provision relating to
32 the regulation and deregulation of communications services to
33 agree with other usages of the term throughout the provision.

34 Code section 481B.2: Standardizes a reference to a federal
35 Act pertaining to endangered and threatened species in a

1 provision in the Code chapter pertaining to endangered plants
2 and wildlife.

3 Code section 490.1701: Eliminates two references to Code
4 chapter 176 in a provision relating to the application of Code
5 chapter 490 to business corporations regulated under Code
6 chapter 504, the nonprofit corporation Act. Code chapter 176
7 was repealed in 2005.

8 Code section 490A.1201: Corrects a drafting error by
9 striking the words "As used in this section" in a provision
10 defining the term "constituent entity" for purposes of certain
11 designated Code sections in the Code chapter relating to
12 limited liability companies.

13 Code section 501A.504: Strikes a reference to section
14 501A.503 and substitutes a reference to section 501A.201 in a
15 provision requiring an amendment to a cooperative
16 association's articles of organization to be filed with the
17 secretary of state. The filing requirements are contained in
18 Code section 501A.201.

19 Code sections 501A.601, 501A.715, 501A.1008, and 501A.1104:
20 Makes changes related to grammatical drafting errors in
21 provisions relating to the power of a cooperative association
22 to deal in certain commodities and products, the election of a
23 cooperative association's board of directors, indemnification
24 of a person by a cooperative association in certain
25 situations, regulation of the membership interests of a class
26 or series by a cooperative association, allocations and
27 distributions of net income to members of a cooperative
28 association, reversion of disbursements, and conversion of a
29 traditional cooperative to a cooperative.

30 Code section 501A.1101(2): Clarifies that a plan for
31 merger or consolidation of a cooperative association that is
32 an Iowa limited liability company must state the manner and
33 basis for converting interests in the "Iowa limited liability
34 company that is a party" rather than the "surviving Iowa
35 limited liability company".

1 Code section 507A.2: Standardizes references to a federal
2 Act in a provision relating to the regulation of unauthorized
3 insurers by the insurance division of the department of
4 commerce.

5 Code section 507B.1: Standardizes references to a federal
6 Act in a provision relating to regulation of insurance trade
7 practices.

8 Code section 511.8: Updates and standardizes references to
9 several federal Acts in provisions relating to the types of
10 permissible investments that may be made by life insurance
11 companies and associations.

12 Code section 514B.3: Standardizes a reference to a federal
13 Act in a provision relating to applications for certificates
14 of authority by health maintenance organizations.

15 Code sections 518.14 and 518A.12: Substitutes "including"
16 for "include" for grammatical correctness in provisions
17 relating to investments by county and state mutual insurance
18 associations.

19 Code section 518B.1: Standardizes a reference to the
20 federal Housing and Urban Development Act in provisions
21 relating to the implementation of the riot reinsurance
22 program.

23 Code section 523.13: Standardizes a reference to the
24 federal Securities Exchange Act of 1934 in a provision
25 relating to the registration of certain securities of domestic
26 stock companies.

27 Code sections 523C.1 and 523C.9: Replaces the word
28 "commission" with the word "commissioner" in language relating
29 to licensure of service companies performing services under a
30 residential service contract and issuance of orders relating
31 to residential service contracts. The commissioner of
32 insurance issues such licenses and orders.

33 Code section 523I.103: Substitutes the words "the
34 person's" for "its" to agree with the subject "a foreign
35 person" in a provision relating to the applicability of the

1 Iowa cemetery Act.

2 Code section 523I.601: Makes a grammatical change in
3 language relating the interment space in which the body of a
4 deceased person is buried to make the reference to interment
5 spaces agree with the singular use of the word "body" and the
6 practice of burying bodies "in" and not "upon" interment
7 spaces.

8 Code section 524.1416: Adds the word "and" to the last
9 item in a series that describes the requirements that a state
10 bank must follow when converting into a national bank or
11 federal savings association.

12 Code section 533.3: Updates references to two federal Acts
13 in language describing what entities may use the term "credit
14 union" or any derivation of that term in the entity name while
15 doing business in this state.

16 Code section 591.11: Strikes the words "of the" and adds a
17 comma in a reference to former 1954 Code section 491.20 to
18 eliminate electronic hypertext linkage problems in this
19 provision relating to notices of amendments to articles of
20 incorporation of business corporations.

21 Code section 602.10125: Changes the word "chapter" to
22 "ch." in a reference to an Iowa court rule to avoid electronic
23 hypertext linkage problems in a provision relating to actions
24 involving the regulation of the activities of attorneys and
25 counselors.

26 Code section 633.3: In several provisions defining terms
27 for purposes of the probate code, clarifies that Code section
28 633.10 describes certain types of trusts rather than defining
29 the term "trust".

30 Code sections 633.10 and 633.699B: Adds a numeric
31 reference to Code chapter 633A where the trust Code is
32 referred to by name to facilitate electronic hypertext linkage
33 to that Code chapter.

34 Code section 679C.103: Corrects a grammatical error in a
35 provision describing the scope of Code chapter 679C, relating

1 to mediation.

2 Code section 679C.104: Adds the words "the privilege" in
3 language providing that a mediation communication is
4 privileged to clarify that is the privilege that can be waived
5 or precluded rather than the communication.

6 Code section 692B.2: Standardizes references to federal
7 Acts in the interstate crime prevention and privacy compact.

8 Code section 725.12: Updates archaic language in a
9 provision prohibiting certain lottery activities.

10 Code sections 822.2, 822.3, 822.5, 822.7, and 822.9:
11 Updates an obsolete drafting style by moving qualifying
12 language to an introductory paragraph and renumbering and
13 relettering provisions in Code section 822.2 and by changing
14 internal references to that Code section in other locations in
15 the same chapter to correspond with the number and lettering
16 changes made in Code section 822.2.

17 2005 Iowa Acts, chapter 136: Corrects the bill section
18 amending clause to this 2005 Iowa Act to clarify that only
19 unnumbered paragraph 1 of subsection 4 of Code section
20 455B.103 was amended in that section of that Act. This
21 provision is effective upon enactment and is retroactively
22 applicable to July 1, 2005.

23 2005 Iowa Acts, chapter 150: Adds a reference to the
24 division of the Act within which these 2005 changes to Code
25 section 15.103 can be found. 2005 Iowa Acts, chapter 150
26 contained multiple effective dates, but when these changes to
27 Code section 15.103 were codified, the effective date of the
28 division of the Act in which these changes were found was
29 substituted for references to the Act's effective date. This
30 provision is effective upon enactment and is retroactively
31 applicable to July 1, 2005.

32 2004 Iowa Acts, chapter 1076: Updates a 2004 Act to
33 reflect an editorial change made to a term of art in Code
34 section 69.20 at the time the Code section was codified. The
35 term "active state service" was changed to "state military

1 service" in 2004 Iowa Acts, ch 1086, in Code provisions
2 existing prior to 2004 and this change conforms this Act to
3 those changes and the language of Code section 69.20 as
4 codified. This provision is effective upon enactment and
5 applies retroactively to April 14, 2004.

6 2005 Iowa Acts, chapter 153: Adds the word "with" to
7 language describing the duration of time for which a penalty
8 should be assessed for violations by private sewage disposal
9 facilities. The word "with" was included in otherwise
10 identical language in amendments to other subsections in Code
11 section 455B.172 contained in this same Act. This provision
12 is effective upon enactment and is retroactively applicable to
13 July 1, 2005.

14 2005 Iowa Acts, chapter 179, section 14: Corrects a
15 reference to the department of public safety in a provision
16 appropriating moneys to the homeland security and emergency
17 management division. The division is part of the department
18 of public defense rather than the department of public safety.
19 This provision is effective upon enactment and is
20 retroactively applicable to July 1, 2005.

21 2005 Iowa Acts, chapter 179, section 48: Changes "health
22 facilities council" to "health facilities division" in two
23 places in a provision relating to the applicability of another
24 2005 Iowa Acts provision appropriating funds to the department
25 of inspections and appeals for the division. The proper name
26 of the body is the health facilities division. This provision
27 is effective upon enactment and is retroactively applicable to
28 July 1, 2005.

29 2005 Iowa Acts, chapter 179, section 98: Adds a reference
30 to the division of the Act within which these 2005 changes to
31 Code section 12B.6 can be found. 2005 Iowa Acts, chapter 179
32 contained multiple effective dates, but when these changes to
33 Code section 12B.6 were codified, the effective date of the
34 division of the Act in which these changes were found was
35 substituted for references to the Act's effective date. This

1 provision is effective upon enactment and is retroactively
2 applicable to June 16, 2005.

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HOUSE FILE 2543

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 2.1, Code 2005, is amended to read as follows:

2.1 SESSIONS -- PLACE.

The sessions of the general assembly shall be held annually at the seat of government, unless the governor shall convene them at some other place in times of pestilence or public danger. Each annual session of the general assembly shall commence on the second Monday in January of each year. The general assembly may recess from time to time during each year in such manner as it may provide, subject to Article III, section 14 of the Constitution of the state State of Iowa.

Sec. 2. Section 3.7, subsection 8, Code 2005, is amended to read as follows:

8. An Act or resolution under this section is also subject to the applicable provisions of Article III, sections 16 and 17 ~~of Article III~~ of the Constitution of the State of Iowa.

Sec. 3. Section 3.14, Code 2005, is amended to read as follows:

3.14 CERTAIN APPROPRIATIONS PROHIBITED.

~~No appropriations~~ An appropriation shall not be made to any institution not wholly under the control of the state of Iowa.

Sec. 4. Section 7.15, Code 2005, is amended to read as follows:

7.15 FEDERAL FUNDS FOR HIGHWAY SAFETY.

The governor, in addition to other duties and responsibilities conferred by the Constitution and laws of this state, is hereby empowered to contract for the benefits available to this state under any Act of Congress for highway safety, law enforcement, or other related programs, and in so doing, to co-operate with federal and state agencies, private and public organizations, and with individuals, to effectuate the purposes of these enactments. The governor shall be responsible for and is hereby empowered to administer, either through the governor's office or through one or more state departments or agencies designated by the governor or any combination of the foregoing the highway safety, law enforcement and related programs of this state and those of its political subdivisions, all in accordance with said Acts and the Constitution of the state State of Iowa, in implementation thereof.

Sec. 5. Section 9G.12, Code 2005, is amended to read as follows:

9G.12 DUBUQUE AND PACIFIC RAILROAD LANDS.

The secretary of state is hereby authorized upon the application of any person claiming title under the trust deeds executed by the Dubuque and Pacific Railroad Company, to secure its construction bonds, to any lands included in the list of lands certified to the state of Iowa, by the commissioner of the general land office and approved by the secretary of the interior, as selected to satisfy the grant made to the state of Iowa, by Act of Congress approved May 15, 1856 ~~§ 11, 11 Stat. 87-9~~ § 9, in aid of the construction of a railroad from Dubuque to Sioux City; to certify said land as inuring to the grantees of the said Dubuque and Pacific Railroad Company, which certificate shall be signed by the governor, and attested by the secretary of state, with the seal of the state, and deliver the same to such applicant who is hereby authorized to have said certificate recorded in the

county in which the land so certified is situated, and when so recorded, shall be notice to all persons the same as deeds now are, and shall be evidence of the title from the state of Iowa to any person deriving title to said land under the Dubuque and Pacific Railroad Company, to the land therein described under the grant of Congress by which the land was certified to the state so far as the certified lists made by the commissioner aforesaid, conferred title to the state, but where lands embraced in such lists are not of the character embraced by such Acts of Congress or the Acts of the general assembly of the state, and are not intended to be granted thereby, the lists so far as these lands are concerned, shall be void; nor shall the secretary include, in any of the lists so certified to the state, lands which have been adjudicated by the proper courts to belong to any other grant, or adjudicated to belong to any county or individual under the swampland grant, or any homestead or ~~pre-emption~~ preemption settlement; nor shall said certificate so issued confer any right or title as against any person or company having any vested right, either legal or equitable, to any of the lands so certified.

Sec. 6. Section 13.24, subsection 1, Code 2005, is amended to read as follows:

1. The legal services provider which enters into a contract with the coordinator under authority of 1986 Iowa Acts, ~~chapter ch.~~ 1214 shall submit to the coordinator a working plan for the accomplishment of the objectives of ~~chapter 1986 Iowa Acts, ch.~~ chapter 1986 Iowa Acts, ch. 1214 within thirty days after the contract is awarded. The plan must establish priorities and procedures, and set forth its annual operating budget for the fiscal year including projected salaries and all anticipated expenses. This budget shall set forth the maximum obligation of financial aid proposed for payment by the state and the availability of any additional funds or resources from the

federal government and other sources to meet such expenses of operation.

Sec. 7. Section 15.274, Code Supplement 2005, is amended to read as follows:

15.274 PROMOTIONAL PROGRAM FOR NATIONAL HISTORIC LANDMARKS AND CULTURAL AND ENTERTAINMENT DISTRICTS.

The department of economic development, in cooperation with the state department of transportation and the department of cultural affairs, shall establish and administer a program designed to promote knowledge of and access to buildings, sites, districts, structures, and objects located in this state that have been designated by the secretary of the interior of the United States as a national historic landmark, unless the national historic landmark is protected under section 22.7, subsection 20, and certified cultural and entertainment districts, as established ~~in-2005-Iowa-Acts, if enacted pursuant to section 303.3B.~~ The program shall be designed to maximize the visibility and visitation of national historic landmarks in this state and buildings, sites, structures, and objects located in certified cultural and entertainment districts, as established ~~in-2005-Iowa-Acts, if enacted pursuant to section 303.3B.~~ Methods used to maximize the visibility and visitation of such locations may include the use of tourism literature, signage on highways, maps of the state and cities, and internet websites. For purposes of this section, "highway" means the same as defined in section 325A.1.

Sec. 8. Section 15A.9, subsection 5, paragraph a, Code Supplement 2005, is amended to read as follows:

a. All property, as defined in ~~former~~ section 427A.1, subsection 1, paragraphs "e" and "j", Code 1993, used by the primary business or a supporting business and located within the zone, shall be exempt from property taxation for a period of twenty years beginning with the year it is first assessed

for taxation. In order to be eligible for this exemption, the property shall be acquired or leased by the primary business or a supporting business or relocated by the primary business or a supporting business to the zone from outside the state prior to project completion.

Sec. 9. Section 15G.111, subsection 2, unnumbered paragraphs 1 and 2, Code Supplement 2005, are amended to read as follows:

For the fiscal period beginning July 1, 2005, and ending June 30, 2015, there is appropriated each fiscal year from the grow Iowa values fund created in section 15G.108 to the department of economic development five million dollars for financial assistance to institutions of higher learning under the control of the state board of regents for capacity building infrastructure in areas related to technology commercialization, for marketing and business development efforts in areas related to technology commercialization, entrepreneurship, and business growth, and for infrastructure projects and programs needed to assist in the implementation of activities under chapter 262B~~-if-so-amended~~. In allocating moneys to institutions under the control of the state board of regents, the board shall require the institutions to provide a one-to-one match of additional moneys for the activities funded with moneys appropriated under this subsection. The state board of regents shall annually prepare a report for submission to the governor, the general assembly, and the legislative services agency regarding the activities, projects, and programs funded with moneys appropriated under this subsection.

The state board of regents may allocate any moneys appropriated under this subsection and received from the department for financial assistance to a single biosciences development organization determined by the department to possess expertise in promoting the area of bioscience

entrepreneurship. The organization must be composed of representatives of both the public and the private sector and shall be composed of subunits or subcommittees in the areas of existing identified biosciences platforms, education and workforce development, commercialization, communication, policy and governance, and finance. Such financial assistance shall be used for purposes of activities related to biosciences and bioeconomy development under chapter 262B, ~~if so-amended~~, and to accredited private universities in this state.

Sec. 10. Section 15G.111, subsection 6, paragraph a, Code Supplement 2005, is amended to read as follows:

a. For the fiscal period beginning July 1, 2005, and ending June 30, 2015, there is appropriated each fiscal year from the grow Iowa values fund created in section 15G.108 to the department of economic development one million dollars for providing economic development region financial assistance under section 15E.232, subsections 3, 4, 5, and 6, 7, and 8, and under section 15E.233.

Sec. 11. Section 15H.2, subsection 3, paragraph i, Code Supplement 2005, is amended to read as follows:

i. Administer the retired and senior volunteer program.

Sec. 12. Section 16.2, subsection 8, Code 2005, is amended to read as follows:

8. The net earnings of the authority, beyond that necessary for retirement of its notes, bonds or other obligations, or to implement the public purposes and programs herein authorized, shall not inure to the benefit of any person other than the state. Upon termination of the existence of the authority, title to all property owned by the authority, including any such net earnings of the authority, shall vest in the state. The state reserves the right at any time to alter, amend, repeal, or otherwise change the structure, organization, programs or activities of the

authority, including the power to terminate the authority, except that no law shall ever be passed impairing the obligation of any contract or contracts entered into by the authority to the extent that any such law would contravene Article I, section 21 of the Constitution of the state State of Iowa or Article I, section 10 of the Constitution of the United States.

Sec. 13. Section 16.15, subsections 1, 5, 6, and 7, Code 2005, are amended to read as follows:

1. The authority shall participate in the housing assistance payments program under section 8 of the United States Housing Act of 1937, ~~section-1481-et-seq., title-42, United-States-Code,~~ as amended by section 201 of the Housing and Community Development Act of 1974 ~~(Public-Law-93-383),~~ Pub. L. No. 93-383, codified at 42 U.S.C. § 1437 et seq. The purpose of participation is to enable the authority to obtain, on behalf of the state of Iowa, set-asides of contract authorization reserved by the United States secretary of housing and urban development for public housing agencies, to enter into annual contributions contracts, to otherwise expedite use of the program through the use of state housing finance funds, and to encourage new construction and substantial rehabilitation of housing suitable for assistance under the program. Assistance may be provided for existing housing units made available by owners for the program, as well as for newly constructed housing units. Maximum rents shall be established by the authority in conformity with federal law.

5. The authority shall, when appropriate, take necessary steps to cooperate with the United States department of agriculture in implementation of sections 517 and 521 of the Housing Act of 1949, ~~sections-1487-and-1490a, title-42, United States-Code~~ codified at 42 U.S.C. § 1487 and 1490a, as amended by section 514 of the Housing and Community Development Act of

1974 ~~(Public-Law-93-383),~~ Pub. L. No. 93-383. The purpose of such programs is to extend to rural areas the provisions of housing assistance payments programs.

6. The authority shall, when appropriate, take necessary steps to participate in the programs of federal assistance to state housing finance agencies for expanding the supply of housing available to low or moderate income families, as provided in section 802 of the Housing and Community Development Act of 1974 ~~(Public-Law-93-383),~~ Pub. L. No. 93-383.

7. The authority may participate in other programs under the Housing and Community Development Act of 1974 ~~(Public-Law-93-383),~~ Pub. L. No. 93-383, and in other federal programs designed to increase the supply of adequate housing for low or moderate income families and may recommend appropriate legislation to the general assembly where further legislation is needed to accomplish such participation. However, failure of the authority to participate in the federal programs set out in this section does not invalidate any bonds, notes or other obligations of the authority.

Sec. 14. Section 22.3, Code Supplement 2005, is amended to read as follows:

22.3 SUPERVISION -- FEES.

1. The examination and copying of public records shall be done under the supervision of the lawful custodian of the records or the custodian's authorized designee. The lawful custodian shall not require the physical presence of a person requesting or receiving a copy of a public record and shall fulfill requests for a copy of a public record received in writing, by telephone, or by electronic means. Fulfillment of a request for a copy of a public record may be contingent upon receipt of payment of expenses to be incurred in fulfilling the request and such estimated expenses shall be communicated to the requester upon receipt of the request. The lawful

custodian may adopt and enforce reasonable rules regarding the examination and copying of the records and the protection of the records against damage or disorganization. The lawful custodian shall provide a suitable place for the examination and copying of the records, but if it is impracticable to do the examination and copying of the records in the office of the lawful custodian, the person desiring to examine or copy shall pay any necessary expenses of providing a place for the work examination and copying.

2. All expenses of the work examination and copying shall be paid by the person desiring to examine or copy. The lawful custodian may charge a reasonable fee for the services of the lawful custodian or the custodian's authorized designee in supervising the examination and copying of the records during the-work. If copy equipment is available at the office of the lawful custodian of any public records, the lawful custodian shall provide any person a reasonable number of copies of any public record in the custody of the office upon the payment of a fee. The fee for the copying service as determined by the lawful custodian shall not exceed the actual cost of providing the service. Actual costs shall include only those expenses directly attributable to supervising the examination of and making and providing copies of public records. Actual costs shall not include charges for ordinary expenses or costs such as employment benefits, depreciation, maintenance, electricity, or insurance associated with the administration of the office of the lawful custodian.

Sec. 15. Section 28.4, subsection 14, Code Supplement 2005, is amended to read as follows:

14. With the assistance of the state departments represented on the Iowa empowerment board and the community empowerment office, develop and implement requirements for community empowerment areas and the state administrators of programs providing early care or early care services to

annually report to the public and the early care staff designated pursuant to section 28.3 regarding the results produced by the community empowerment initiative and by the programs. Source data shall also be made available to the early care staff.

Sec. 16. Section 28J.2, subsection 1, Code Supplement 2005, is amended to read as follows:

1. Two or more political subdivisions may create a port authority under this chapter by resolution. If a proposal to create a port authority receives a favorable majority of the members of the elected legislative body of each of the political subdivision subdivisions, the port authority is created at the time provided in the resolution. The jurisdiction of a port authority includes the territory described in section 28J.8.

Sec. 17. Section 28J.20, subsection 1, paragraph a, Code Supplement 2005, is amended to read as follows:

a. Make loans for the acquisition or construction of the facility to such person upon such terms as the port authority may determine or authorize including secured or unsecured loans; and enter into loan agreements and other agreements, accept notes and other forms of obligation to evidence such indebtedness and mortgages, liens, pledges, assignments, or other security interests to secure such indebtedness, which may be prior or subordinate to or on a parity with other indebtedness, obligations, mortgages, pledges, assignments, other security interests, or liens or encumbrances, and take actions considered appropriate to protect such security and safeguard against losses, including, without limitation, foreclosure and the bidding upon and purchase of property upon foreclosure or other sale.

Sec. 18. Section 29A.3, Code 2005, is amended to read as follows:

29A.3 UNITS OF GUARD.

The Iowa units, detachments, and organizations of the army national guard of the United States and the air national guard of the United States shall consist of such units, detachments, and organizations, as may be specified by the secretary of defense with the approval of the governor, in accordance with law and regulations.

Sec. 19. Section 29B.48, Code 2005, is amended to read as follows:

29B.48 REFUSAL TO APPEAR OR TESTIFY.

1. Any person not subject to this code who is guilty of a simple misdemeanor if the person does all of the following:

1- a. Has been duly subpoenaed to appear as a witness or to produce books and records before a military court or before any military or civil officer and designated to take a deposition to be read in evidence before such a court; 1

2- b. Has been duly paid or tendered the fees and mileage of a witness at the rates allowed to witnesses attending the courts of the state; and 1

3- c. Willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or to produce any evidence which that person has been legally subpoenaed to produce; 1

is guilty of a simple misdemeanor.

2. Upon certification of the facts in a case under this section by the military judge, president of courts-martial without a military judge, or summary courts-martial officer, the county attorney of the county where the offense occurred shall prosecute the offense as if it were included in the Iowa criminal code.

Sec. 20. Section 29B.74, Code 2005, is amended to read as follows:

29B.74 PRINCIPALS.

Any person subject to this code who is a principal if the person does any of the following:

1. Commits an offense punishable by this code, or aids, abets, counsels, commands, or procures its commission; or 1

2. Causes an act to be done which if directly performed by the person would be punishable by this code; is-a-principal.

Sec. 21. Section 29B.80, Code 2005, is amended to read as follows:

29B.80 FRAUDULENT ENLISTMENT -- APPOINTMENT OR SEPARATION.

Any person who shall be punished as a court-martial may direct if the person does any of the following:

1. Procures the person's own enlistment or appointment in the state military forces by knowingly false representation or deliberate concealment as to the person's qualifications for that enlistment or appointment and receives pay or allowances thereunder; or 1

2. Procures the person's own separation from the state military forces by knowingly false representation or deliberate concealment as to the person's eligibility for that separation; shall-be-punished-as-a-court-martial-may-direct.

Sec. 22. Section 29B.83, Code 2005, is amended to read as follows:

29B.83 ABSENCE WITHOUT LEAVE.

Any person subject to this code who shall be punished as a court-martial may direct, if the person without authority does any of the following:

1. Fails to go to the person's appointed place of duty at the time prescribed; 1

2. Goes from that place; or 1

3. Leaves or remains absent from the unit, organization, or place of duty at which the person is required to be at the time prescribed; shall-be-punished-as-a-court-martial-may-direct.

Sec. 23. Section 29B.87, Code 2005, is amended to read as follows:

29B.87 ASSAULTING OR WILLFULLY DISOBEYING SUPERIOR COMMISSIONED OFFICER.

Any person subject to this code who shall be punished as a court-martial may direct if the person does any of the following:

1. Strikes the person's superior commissioned officer or draws or lifts up any weapon or offers any violence against the superior commissioned officer while the superior commissioned officer is in the execution of the officer's office; ~~or.~~

2. Willfully disobeys a lawful command of the person's superior commissioned officer; ~~shall-be-punished-as-a-court-martial-may-direct.~~

Sec. 24. Section 29B.88, Code 2005, is amended to read as follows:

29B.88 INSUBORDINATE CONDUCT TOWARD WARRANT OFFICER, NONCOMMISSIONED OFFICER OR PETTY OFFICER.

Any warrant officer or enlisted member who shall be punished as a court-martial may direct if the person does any of the following:

1. Strikes or assaults a warrant officer, noncommissioned officer or petty officer, while that officer is in the execution of the officer's office; ~~or.~~

2. Willfully disobeys the lawful order of a warrant officer, noncommissioned officer, or petty officer; ~~or.~~

3. Treats with contempt or is disrespectful in language or deportment toward a warrant officer, noncommissioned officer, or petty officer, while that officer is in the execution of the officer's office; ~~shall-be-punished-as-a-court-martial-may-direct.~~

Sec. 25. Section 29B.89, Code 2005, is amended to read as follows:

29B.89 FAILURE TO OBEY ORDER OR REGULATION.

Any person subject to this code who shall be punished as a court-martial may direct if the person does any of the following:

1. Violates or fails to obey any lawful general order or regulation; ~~or.~~

2. Having knowledge of any other lawful order issued by a member of the state military forces which it is the person's duty to obey, fails to obey the order; ~~or.~~

3. Is derelict in the performance of the person's duties; ~~shall-be-punished-as-a-court-martial-may-direct.~~

Sec. 26. Section 29B.95, Code 2005, is amended to read as follows:

29B.95 NONCOMPLIANCE WITH PROCEDURAL RULES.

Any person subject to this code who shall be punished as a court-martial may direct if the person does any of the following:

1. Is responsible for unnecessary delay in the disposition of any case of a person accused of an offense under this code; ~~or.~~

2. Knowingly and intentionally fails to enforce or comply with any provisions of this code regulating the proceedings before, during, or after trial of an accused; ~~shall-be-punished-as-a-court-martial-may-direct.~~

Sec. 27. Section 29B.96, Code 2005, is amended to read as follows:

29B.96 MISBEHAVIOR BEFORE THE ENEMY.

Any person subject to this code who shall be punished as a court-martial may direct if the person, before or in the presence of the enemy, does any of the following:

1. Runs away; ~~or.~~

2. Shamefully abandons, surrenders, or delivers up any command, unit, place, or military property which it is the person's duty to defend; ~~or.~~

3. Through disobedience, neglect, or intentional misconduct endangers the safety of any such command, unit, place, or military property~~;~~.

4. Casts away the person's arms or ammunition~~;~~.

5. Is guilty of cowardly conduct~~;~~.

6. Quits the person's place of duty to plunder or pillage~~;~~.

7. Causes false alarms in any command, unit, or place under control of the armed forces of the United States or the state military forces~~;~~.

8. Willfully fails to do the person's utmost to encounter, engage, capture, or destroy any enemy troops, combatants, vessels, aircraft, or any other thing, which it is the person's duty so to encounter, engage, capture or destroy~~;~~-~~or~~.

9. Does not afford all practicable relief and assistance to any troops, combatants, vessels, or aircraft of the armed forces belonging to the United States or their allies, to the state, or to any other state, when engaged in battle~~;~~
~~shall-be-punished-as-a-court-martial-may-direct.~~

Sec. 28. Section 29B.101, Code 2005, is amended to read as follows:

29B.101 AIDING THE ENEMY.

Any person subject to this code who shall be punished as a court-martial may direct if the person does any of the following:

1. Aids, or attempts to aid, the enemy with arms, ammunition, supplies, money, or other things~~;~~-~~or~~.

2. Without proper authority, knowingly harbors or protects or gives intelligence to, or communicates or corresponds with or holds any intercourse with the enemy, either directly or indirectly~~;~~
~~shall-be-punished-as-a-court-martial-may-direct.~~

Sec. 29. Section 29B.102, Code 2005, is amended to read as follows:

29B.102 MISCONDUCT OF A PRISONER.

Any person subject to this code who shall be punished as a court-martial may direct if the person, while in the hands of the enemy in time of war, does any of the following:

1. For the purpose of securing favorable treatment by the captors acts without proper authority in a manner contrary to law, custom, or regulation, to the detriment of others of whatever nationality held by the enemy as civilian or military prisoners~~;~~-~~or~~.

2. While in a position of authority over such persons maltreats them without justifiable cause~~;~~
~~shall-be-punished-as-a-court-martial-may-direct.~~

Sec. 30. Section 29B.109, Code 2005, is amended to read as follows:

29B.109 MALINGERING.

Any person subject to this code who shall be punished as a court-martial may direct if the person for the purpose of avoiding work, duty, or service in the state military forces does any of the following:

1. Feigns illness, physical disablement, mental lapse or derangement~~;~~-~~or~~.

2. Intentionally inflicts self-injury~~;~~
~~shall-be-punished-as-a-court-martial-may-direct.~~

Sec. 31. Section 29B.113, Code 2005, is amended to read as follows:

29B.113 FRAUDS AGAINST THE GOVERNMENT.

Any person subject to this code shall, upon conviction of any of the following, be punished as a court-martial may direct:

1. Who The person, knowing it to be false or fraudulent does any of the following:

a. Makes any claim against the United States, the state, or any officer thereof~~;~~-~~or~~.

b. Presents to any person in the civil or military service thereof, for approval or payment any claim against the United States, the state, or any officer thereof, 1.

2. Who The person, for the purpose of obtaining the approval, allowance, or payment of any claim against the United States, the state, or any officer thereof, does any of the following:

a. Makes or uses any writing or other paper knowing it to contain any false or fraudulent statements, 1.

b. Makes any oath to any fact or to any writing or other paper knowing the oath to be false, or.

c. Forges or counterfeits any signature upon any writing or other paper, or uses any such signature knowing it to be forged or counterfeited, 1.

3. Who The person, having charge, possession, custody, or control of any money, or other property of the United States or the state, furnished or intended for the armed forces of the United States or the state military forces, knowingly delivers to any person having authority to receive it, any amount thereof less than that for which the person receives a certificate or receipt, or.

4. Who The person, being authorized to make or deliver any paper certifying the receipt of any property of the United States or the state, furnished or intended for the armed forces of the United States or the state military forces, makes or delivers to any person such writing without having full knowledge of the truth of the statements therein contained and with intent to defraud the United States or the state, shall, upon conviction, be punished as a court-martial may direct.

Sec. 32. Section 29B.114, Code 2005, is amended to read as follows:

29B.114 LARCENY AND WRONGFUL APPROPRIATION.

1. Any person subject to this code who wrongfully takes, obtains, or withholds, by any means, from the possession of the owner or of any other person any money, personal property, or article of value of any kind:

1- a. With intent permanently to deprive or defraud another person of the use and benefit of property or to appropriate it to the person's own use or the use of any person other than the owner, steals that property and is guilty of larceny; or

2- b. With intent temporarily to deprive or defraud another person of the use and benefit of property or to appropriate it to the person's own use or the use of any person other than the owner, is guilty of wrongful appropriation.

2. Any person found guilty of larceny or wrongful appropriation shall be punished as a court-martial may direct.

Sec. 33. Section 42.2, subsection 3, Code 2005, is amended to read as follows:

3. As soon as possible after January 1 of each year ending in one, the legislative services agency shall obtain from the United States bureau of the census the population data needed for legislative districting which the census bureau is required to provide this state under United States Pub. L. No. 94-171, and shall use that data to assign a population figure based upon certified federal census data to each geographic or political unit described pursuant to subsection 2, paragraph "a". Upon completing that task, the legislative services agency shall begin the preparation of congressional and legislative districting plans as required by section 42.3.

Sec. 34. Section 42.3, subsection 4, Code 2005, is amended to read as follows:

4. Notwithstanding subsections 1, 2 and 3 of this section:

a. If population data from the federal census which is sufficient to permit preparation of a congressional districting plan complying with ~~article~~ Article III, section 37 of the Constitution of the State of Iowa becomes available at an earlier time than the population data needed to permit preparation of a legislative districting plan in accordance with section 42.4, the legislative services agency shall so inform the presiding officers of the senate and house of representatives. If the presiding officers so direct, the legislative services agency shall prepare a separate bill establishing congressional districts and submit it separately from the bill establishing legislative districts. It is the intent of this chapter that the general assembly shall proceed to consider the congressional districting bill in substantially the manner prescribed by subsections 1, 2 and 3 of this section.

b. If the population data for legislative districting which the United States census bureau is required to provide this state under United States Pub. L. No. 94-171 and, if used by the legislative services agency, the corresponding topologically integrated geographic encoding and referencing data file for that population data, is not available to the legislative services agency on or before February 1 of the year ending in one, the dates set forth in this section shall be extended by a number of days equal to the number of days after February 1 of the year ending in one that the federal census population data and the topologically integrated geographic encoding and referencing data file for legislative districting becomes available.

Sec. 35. Section 42.4, subsection 1, paragraph b, Code 2005, is amended to read as follows:

b. Congressional districts shall each have a population as nearly equal as practicable to the ideal district population, derived as prescribed in paragraph "a" of this subsection. No

congressional district shall have a population which varies by more than one percent from the applicable ideal district population, except as necessary to comply with ~~article~~ Article III, section 37 of the Constitution of the State of Iowa.

Sec. 36. Section 42.4, subsection 8, unnumbered paragraph 1, Code 2005, is amended to read as follows:

Each bill embodying a plan drawn under this section shall include provisions for election of senators to the general assemblies which take office in the years ending in three and five, which shall be in conformity with ~~article~~ Article III, section 6 of the Constitution of the State of Iowa. With respect to any plan drawn for consideration in the year 2001, those provisions shall be substantially as follows:

Sec. 37. Section 49.3, subsection 2, paragraph b, Code 2005, is amended to read as follows:

b. When the general assembly by resolution designates a period after the federal decennial census is taken and before the next succeeding reapportionment of legislative districts required by Article III, section 35, of the Constitution of the state State of Iowa as amended in 1968, during which precincts may be drawn without regard to the boundaries of existing legislative districts.

Sec. 38. Section 49.46, Code 2005, is amended by striking the section and inserting in lieu thereof the following:

49.46 MARKING BALLOTS ON PUBLIC MEASURES.

The elector shall designate a vote by making the appropriate mark in the voting target. On paper ballots an "X", or a check mark may be placed in the proper target.

Sec. 39. Section 55.3, Code 2005, is amended to read as follows:

55.3 SERVICE ON BOARDS, COMMISSIONS, TASK FORCES, AND COMMITTEES.

For the purpose of this section, "state board" includes any board, commission, committee, council, or task force of the

state government created by the constitution Constitution of the State of Iowa, or by statute, resolution of the general assembly, motion of the legislative council, executive order of the governor, or supreme court order, but does not include any such state board, commission, committee, council, or task force for which an annual salary is provided for its members. A person who is appointed to serve on a state board, upon written application to the person's employer, shall be granted leaves of absence from regular employment to attend the meetings of the state board, except if leaves of absence are prohibited by federal law. The leaves of absence may be granted without pay and shall be granted without loss of net credited service and benefits earned. This section does not apply if the employer employs less than twenty full-time employees.

Sec. 40. Section 63A.2, subsection 6, Code 2005, is amended to read as follows:

6. All investigators for ~~supplemental~~ supplementary assistance as provided for under chapter 249.

Sec. 41. Section 68A.404, subsection 2, paragraph a, Code Supplement 2005, is amended to read as follows:

a. The ~~filing-of~~ requirement to file an independent expenditure statement under this section does not ~~alone~~ require by itself mean that the person filing the independent expenditure statement is required to register and file reports under sections 68A.201 and 68A.402.

Sec. 42. Section 69.20, subsection 1, Code 2005, is amended to read as follows:

1. A temporary vacancy in an elective office of a political subdivision, community college, and or hospital board of trustees of this state occurs on the date when the person filling that office is placed on state military service or federal service, as those terms are defined in section 29A.1, and when such a person will not be able to attend to

the duties of that person's elective position for a period greater than sixty consecutive days. The temporary vacancy terminates on the date when such person is released from such service, or the term of office expires.

Sec. 43. Section 80.22, Code 2005, is amended to read as follows:

80.22 PROHIBITION ON OTHER DEPARTMENTS.

All other departments and bureaus of the state are hereby prohibited from employing special peace officers or conferring upon regular employees any police powers to enforce provisions of the statutes which are specifically reserved by 1939 Iowa Acts, chapter ch. 120, to the department of public safety. But the commissioner of public safety shall, upon the requisition of the attorney general, from time to time assign for service in the department of justice such of its officers, not to exceed six in number, as may be requisitioned by the attorney general for special service in the department of justice, and when so assigned such officers shall be under the exclusive direction and control of the attorney general.

Sec. 44. Section 80.33, Code Supplement 2005, is amended to read as follows:

80.33 ACCESS TO DRUG RECORDS BY PEACE OFFICERS.

A person required by law to keep records, and a carrier maintaining records with respect to any shipment containing any controlled or counterfeit substances shall, upon request of an authorized peace officer of the department, designated by the commissioner, permit such peace officer at reasonable times to have access to and copy such records. For the purpose of examining and verifying such records, an authorized peace officer of the department, designated by the commissioner, may enter at reasonable times any place or vehicle in which any controlled or counterfeit substance is held, manufactured, dispensed, compounded, processed, sold, delivered, or otherwise disposed of and inspect such place or

vehicle and the contents of such place or vehicle. For the purpose of enforcing laws relating to controlled or counterfeit substances, and upon good cause shown, the a peace officer of the department shall be allowed to inspect audits and records in the possession of the state board of pharmacy examiners.

Sec. 45. Section 85.34, subsection 7, paragraph b, Code Supplement 2005, is amended to read as follows:

b. If an injured employee has a preexisting disability that was caused by a prior injury arising out of and in the course of employment with the same employer, and the preexisting disability was compensable under the same paragraph of ~~section-85-34~~, subsection 2, as the employee's present injury, the employer is liable for the combined disability that is caused by the injuries, measured in relation to the employee's condition immediately prior to the first injury. In this instance, the employer's liability for the combined disability shall be considered to be already partially satisfied to the extent of the percentage of disability for which the employee was previously compensated by the employer.

If, however, an employer is liable to an employee for a combined disability that is payable under ~~section-85-34~~, subsection 2, paragraph "u", and the employee has a preexisting disability that causes the employee's earnings to be less at the time of the present injury than if the prior injury had not occurred, the employer's liability for the combined disability shall be considered to be already partially satisfied to the extent of the percentage of disability for which the employee was previously compensated by the employer minus the percentage that the employee's earnings are less at the time of the present injury than if the prior injury had not occurred.

Sec. 46. Section 96.12, subsection 1, Code 2005, is amended to read as follows:

1. DUTIES OF DEPARTMENT. The department shall establish and maintain free public employment services accessible to all Iowans for the purposes of this chapter, and for the purpose of performing the duties required by federal and state laws relating to employment and training including the Wagner-Peyser Act, 48 Stat. Br 113, codified at 29 U.S.C. § 49. All duties and powers conferred upon any other department, agency, or officer of this state relating to the establishment, maintenance, and operation of free employment services shall be vested in the department. This state accepts and shall comply with the provisions of the Wagner-Peyser Act, as amended. The department is designated and constituted the agency of this state for the purpose of the Wagner-Peyser Act. The department may cooperate with the railroad retirement board with respect to the establishment, maintenance, and use of department facilities. The railroad retirement board shall compensate the department for the services or facilities in the amount determined by the department to be fair and reasonable.

Sec. 47. Section 97A.1, subsection 13, Code Supplement 2005, is amended to read as follows:

13. "Peace officer" means a member, except a non-peace officer member, of the division of state patrol, narcotics enforcement, state fire marshal, or criminal investigation, including but not limited to a gaming enforcement officer, who has passed a satisfactory physical and mental examination and has been duly appointed ~~as-a-member-of~~ by the department of public safety in accordance with section 80.15.

Sec. 48. Section 97A.3, subsection 1, Code Supplement 2005, is amended to read as follows:

1. All peace officer members of the division of state patrol and the division of criminal investigation or the

predecessor divisions or subunits in the department of public safety, excepting the members of the clerical force, who are employed by the state of Iowa on July 4, 1949, and all persons thereafter employed as members of such divisions or the predecessor divisions or subunits in the department of public safety or division of narcotics enforcement or division of state fire marshal or the predecessor divisions or subunits, except the members of the clerical force, shall be members of this system, except as otherwise provided in subsection 3. Effective July 1, 1994, gaming enforcement officers employed by the division of criminal investigation for excursion boat gambling enforcement activities and fire prevention inspector peace officers employed by the department of public safety shall be members of this system, except as otherwise provided in subsection 3 or section 97B.42B. Such members shall not be required to make contributions under any other pension or retirement system of the state of Iowa, anything to the contrary notwithstanding.

Sec. 49. Section 99G.8, subsection 15, Code 2005, is amended to read as follows:

15. The board of directors may delegate to the chief executive officer of the authority such powers and duties as it may deem proper to the extent such delegation is not inconsistent with the Constitution of ~~this-state~~ the State of Iowa.

Sec. 50. Section 99G.21, subsection 2, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The authority shall have any and all powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter which are not in conflict with the Constitution of ~~this-state~~ the State of Iowa, including, but without limiting the generality of the foregoing, the following powers:

Sec. 51. Section 123.53, subsection 3, Code Supplement 2005, is amended to read as follows:

3. The treasurer of state shall transfer into a special revenue account in the general fund of the state, a sum of money at least equal to seven percent of the gross amount of sales made by the division from the beer and liquor control fund on a monthly basis but not less than nine million dollars annually, and any amounts so transferred shall be used by the ~~substance-abuse-division-of-the~~ Iowa department of public health staff who administer the comprehensive substance abuse program under chapter 125 for substance abuse treatment and prevention programs in an amount determined by the general assembly and any amounts received in excess of the amounts appropriated to the ~~substance-abuse-division-of-the~~ Iowa department of public health for use by the staff who administer the comprehensive substance abuse program under chapter 125 shall be considered part of the general fund balance.

Sec. 52. Section 135B.1, subsection 3, Code 2005, is amended to read as follows:

3. "Hospital" means a place which is devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care over a period exceeding twenty-four hours of two or more nonrelated individuals suffering from illness, injury, or deformity, or a place which is devoted primarily to the rendering over a period exceeding twenty-four hours of obstetrical or other medical or nursing care for two or more nonrelated individuals, or any institution, place, building or agency in which any accommodation is primarily maintained, furnished or offered for the care over a period exceeding twenty-four hours of two or more nonrelated aged or infirm persons requiring or receiving chronic or convalescent care; and shall include sanatoriums or other related institutions within the meaning of this chapter. Provided, however,

nothing in this chapter shall apply to hotels or other similar places that furnish only food and lodging, or either, to their guests or to a freestanding hospice facility which operates a hospice program in accordance with 42 C.F.R. § 418.

"Hospital" shall include, in any event, any facilities wholly or partially constructed or to be constructed with federal financial assistance, pursuant to ~~Public Law 725-79th~~ Congress Pub. L. No. 79-725, 60 Stat. 1040, approved August 13, 1946.

Sec. 53. Section 141A.11, subsection 7, Code 2005, is amended to read as follows:

7. This chapter shall not be construed to impose civil liability or criminal sanctions for disclosure of HIV-related test results in accordance with any reporting requirement for a diagnosed case of AIDS or a related condition by the department or the centers for disease control and prevention of the United States ~~public-health-service~~ department of health and human services.

Sec. 54. Section 147.7, unnumbered paragraph 2, Code Supplement 2005, is amended to read as follows:

This section shall not apply to a person who is licensed in another state and recognized for licensure in this state pursuant to the nurse licensure compact contained in section 152E.1 or pursuant to the advanced practice registered nurse compact contained in section 152E.3. A person licensed in another state and recognized for licensure in this state pursuant to the either compact shall, however, maintain a copy of a license issued by the person's home state available for inspection when engaged in the practice of nursing in this state.

Sec. 55. Section 152D.4, subsection 1, Code 2005, is amended to read as follows:

1. Persons otherwise licensed to practice medicine and surgery, osteopathy, osteopathic medicine and surgery,

optometry, occupational therapy, nursing, chiropractic, podiatry, dentistry, or physical therapy, ~~or a~~ and licensed physician ~~assistant~~ assistants who do not represent themselves to the public as athletic trainers.

Sec. 56. Section 163.27, Code 2005, is amended by striking the section and inserting in lieu thereof the following:

163.27 BOILING GARBAGE.

It shall be unlawful for any person, firm, partnership, or corporation to feed garbage to animals unless such garbage has been heated to a temperature of two hundred twelve degrees Fahrenheit for thirty minutes, or other acceptable method, as provided by rules promulgated by the department, provided this requirement shall not apply to an individual who feeds to the individual's own animals only the garbage obtained from the individual's own household. It shall be unlawful for any person, firm, partnership, or corporation to feed any public or commercial garbage to swine after September 1, 1970.

Sec. 57. Section 176A.2, Code 2005, is amended to read as follows:

176A.2 DECLARATION OF POLICY.

It is the policy of the legislature to provide for aid in disseminating among the people of Iowa useful and practical information on subjects relating to agriculture, home economics, and community and economic development, and to encourage the application of the information in the counties of the state through extension work to be carried on in cooperation with Iowa state university of science and technology and the United States department of agriculture as provided in the Act of Congress known as the Smith-Lever Act, adopted May 8, 1914, as amended by Public Law 83-of-the Eighty-third-Congress, 38 Stat. 372--374, codified at 7 U.S.C. § 341--349.

Sec. 58. Section 177A.12, subsection 2, Code 2005, is amended to read as follows:

2. The state entomologist, the entomologist's inspectors or duly authorized agents are authorized to seize, destroy, or return to the point of origin any material received in this state in violation of any state quarantine established under the authority of subsection 1 hereof, or in violation of any federal quarantine established under the authority of the Act of August 20, 1912, ~~§ 37 37 Stat. Ch 308~~ 308, or any amendment thereto to that Act.

Sec. 59. Section 184.9B, subsection 3, Code Supplement 2005, is amended to read as follows:

3. As part of the council's education programs or projects, ~~it~~ the council may provide for the dissemination of information of public interest, including but not limited to the development or publication of materials in a printed or electronic format.

Sec. 60. Section 191.2, subsection 9, paragraph b, Code 2005, is amended to read as follows:

b. When such milk and milk products do not conform to their definitions as contained in this chapter and chapters 190~~7-191~~ and 192.

Sec. 61. Section 207.1, subsection 2, Code 2005, is amended to read as follows:

2. The general assembly finds and declares that because the federal Surface Mining Control and Reclamation Act of 1977, Pub. L. No. 95-87, provides for a permit system to regulate the mining of coal and reclamation of the mining sites and provides that permits may be issued by states which are authorized to implement the provisions of that Act, it is in the interest of the people of Iowa to enact the provisions of this chapter in order to authorize the state to implement the provisions of the federal Surface Mining Control and Reclamation Act of 1977 and federal regulations and guidelines issued pursuant to that Act.

Sec. 62. Section 207.8, subsection 2, Code 2005, is amended to read as follows:

2. The requirements of this section do not apply to lands on which coal mining operations are being conducted as of August 3, 1977, or under a permit issued pursuant to this chapter or pursuant to section 83A.12 ~~of the Code 1979, Code~~ or where substantial legal and financial commitments in an operation were in existence prior to January 4, 1977.

Sec. 63. Section 207.16, subsection 1, Code 2005, is amended to read as follows:

1. Each operator upon completion of any reclamation work required by this chapter shall apply to the division in writing for approval of the work. The division shall promulgate rules consistent with Pub. L. No. 95-87, section 519, regarding procedures and requirements to release performance bonds or deposits.

Sec. 64. Section 207.19, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The provisions of this chapter shall be applicable to surface operations and surface impacts incident to an underground coal mine with such modifications to the permit application requirements, permit approval or denial procedures, and bond requirements as are necessary to accommodate the distinct difference between surface and underground coal mining. The division shall promulgate such modifications in its rules to allow for such distinct differences and still fulfill the purposes of this chapter and be consistent with the requirements in section 516 of Pub. L. No. 95-87 and the permanent regulations issued pursuant to that Act.

Sec. 65. Section 216.13, subsection 1, paragraph a, Code 2005, is amended to read as follows:

a. The involuntary retirement of a person who has attained the age of sixty-five and has for the two prior years been

employed in a bona fide executive or high policy-making position and who is entitled to an immediate, nonforfeitable annual retirement benefit from a pension, profit-sharing, savings or deferred compensation plan of the employer which equals twenty-seven thousand dollars. This retirement benefit test may be adjusted according to the regulations prescribed by the United States secretary of labor pursuant to Public Law Pub. L. No. 95-256, section 3.

Sec. 66. Section 216A.132, unnumbered paragraph 2, Code 2005, is amended to read as follows:

The departments of human services, corrections, and public safety, the division on the status of African-Americans, the ~~division of substance abuse of the~~ Iowa department of public health, the chairperson of the board of parole, the attorney general, the state public defender, and the chief justice of the supreme court shall each designate a person to serve on the council. The person appointed by the Iowa department of public health shall be from the departmental staff who administer the comprehensive substance abuse program under chapter 125.

Sec. 67. Section 218.2, unnumbered paragraph 1, Code 2005, is amended to read as follows:

Nothing contained in section 218.1 shall limit the general supervisory or examining powers vested in the governor by the laws or Constitution of the ~~state~~ State of Iowa, or legally vested by the governor in any committee appointed by the governor.

Sec. 68. Section 226.19, subsection 1, Code Supplement 2005, is amended to read as follows:

1. ~~All patients~~ Every patient shall be discharged in accordance with the procedure prescribed in section 229.3 or section 229.16, whichever is applicable, immediately on regaining the patient's good mental health.

Sec. 69. Section 231.23A, subsection 3, Code Supplement 2005, is amended to read as follows:

3. The case management program for the frail elderly elders.

Sec. 70. Section 231B.2, subsection 1, unnumbered paragraph 1, Code Supplement 2005, is amended to read as follows:

The department shall establish by rule, in accordance with chapter 17A, minimum standards for certification and monitoring of elder group homes. The department may adopt by reference, with or without amendment, nationally recognized standards and rules for elder group homes. The standards and rules shall be formulated in consultation with the department of inspections and appeals and affected industry, professional, and consumer groups, and shall be designed to accomplish the purposes of this chapter, and shall include but not be limited to rules relating to all of the following:

Sec. 71. Section 231B.13, Code Supplement 2005, is amended to read as follows:

231B.13 RETALIATION BY ELDER GROUP HOME PROHIBITED.

An elder group home shall not discriminate or retaliate in any way against a tenant, a tenant's family, or an employee of the elder group home who has initiated or participated in any proceeding authorized by this chapter. An elder group home that violates this section is subject to a penalty as established by administrative rule in accordance with chapter 17A, and to be assessed and collected by the department of inspections and appeals, and paid into the state treasury to be, and credited to the general fund of the state.

Sec. 72. Section 231C.3, subsection 1, unnumbered paragraph 1, Code Supplement 2005, is amended to read as follows:

The department shall establish by rule in accordance with chapter 17A minimum standards for certification and monitoring

of assisted living programs. The department may adopt by reference with or without amendment, nationally recognized standards and rules for assisted living programs. The rules shall include specification of recognized accrediting entities and provisions related to dementia-specific programs. The standards and rules shall be formulated in consultation with the department of inspections and appeals and affected industry, professional, and consumer groups, and shall be designed to accomplish the purposes of this chapter, and shall include but are not limited to rules relating to all of the following:

Sec. 73. Section 231C.13, Code 2005, is amended to read as follows:

231C.13 RETALIATION BY ASSISTED LIVING PROGRAM PROHIBITED.

An assisted living program shall not discriminate or retaliate in any way against a tenant, tenant's family, or an employee of the program who has initiated or participated in any proceeding authorized by this chapter. An assisted living program that violates this section is subject to a penalty as established by administrative rule in accordance with chapter 17A, and to be assessed and collected by the department of inspections and appeals, and paid into the state treasury to be, and credited to the general fund of the state.

Sec. 74. Section 231D.12, subsection 1, Code Supplement 2005, is amended to read as follows:

1. An adult day services program shall not discriminate or retaliate in any way against a participant, participant's family, or an employee of the program who has initiated or participated in any proceeding authorized by this chapter. An adult day services program that violates this section is subject to a penalty as established by administrative rule, to be assessed and collected by the department of inspections and appeals, and paid into the state treasury to be, and credited to the general fund of the state.

Sec. 75. Section 235C.2, subsection 1, Code 2005, is amended to read as follows:

1. Two members of the Iowa department of public health selected by the director of the Iowa department of public health, one from the staff who administer the comprehensive division-of substance abuse program under chapter 125, and one from the division of family and community health.

Sec. 76. Section 237A.30, subsection 3, Code Supplement 2005, is amended to read as follows:

3. A facility's quality rating may be included on the internet page webpage and in the consumer information provided by the department pursuant to section 237A.25 and shall be identified in the child care provider referrals made by child care resource and referral service grantees under section 237A.26.

Sec. 77. Section 249.1, subsection 3, Code Supplement 2005, is amended to read as follows:

3. "Federal supplemental security income" means cash payments made to individuals by the United States government under Title XVI of the Social Security Act as amended by United-States-public-law Pub. L. No. 92-603, or any other amendments thereto.

Sec. 78. Section 257.33, unnumbered paragraph 1, Code 2005, is amended to read as follows:

If the electors of a school district approved the use of the additional enrichment amount prior to July 1, 1991, under chapter 442, Code 1991, or section 279.43, as-they-appeared-in Code 1991, the approval for use of the enrichment amount shall continue in effect until the expiration of the period for which it was approved and districts may use the additional enrichment amount during that period. However, section 257.28 applies to the use of the additional enrichment amount.

Sec. 79. Section 257B.12, Code 2005, is amended to read as follows:

257B.12 BONDS TO COVER LOSSES.

When any sum not less than one thousand dollars shall be so audited and so become a debt of the state to the fund, as provided by the Constitution of the State of Iowa, the auditor of state shall issue the bond or bonds of the state in favor of the fund, bearing interest at a rate not exceeding that permitted by chapter 74A, payable semiannually on the first day of January and July after issuance, and the amount to pay the interest as it becomes due is appropriated out of any funds in the state treasury.

Sec. 80. Section 261A.14, unnumbered paragraph 2, Code 2005, is amended to read as follows:

This chapter does not authorize the authority or any department, board, commission, or other agency to create an obligation of the state within the meaning of the constitution Constitution or laws of the State of Iowa.

Sec. 81. Section 276.10, subsection 6, Code 2005, is amended to read as follows:

6. The board may use opportunities available under Public Law Pub. L. No. 93-380.

Sec. 82. Section 306A.3, unnumbered paragraph 2, Code Supplement 2005, is amended to read as follows:

The state department of transportation shall adopt rules, pursuant to chapter 17A, embodying a utility accommodation policy which imposes reasonable restrictions on placements occurring on or after the effective date of the rules, on primary road rights-of-way. The rules may require utilities to give notice to the department prior to installation of a utility system on a primary road right-of-way and obtain prior permission from the department for the proposed installation. The rules shall recognize emergency situations and the need for immediate installation of service extensions subject to the standards adopted by the department and the utilities board. The rules shall be no less stringent than the

standards adopted by the utilities board pursuant to chapters 478, 479, and 479B. This paragraph shall not be construed as granting the department authority which has been expressly granted to the utilities board to determine the route of utility installations. If the department requires a utility company permit, the department shall be required to act upon the permit application within thirty days of its filing. In cases of federal-aid highway projects on nonprimary highways, the local authority with jurisdiction over the highway and the department shall comply with all federal regulations and statutes regarding utility accommodation.

Sec. 83. Section 306C.24, subsection 2, Code 2005, is amended to read as follows:

2. JUST COMPENSATION REQUIRED. Political subdivisions of this state shall not remove, take, alter, or cause to be removed, taken, or altered a lawfully erected off-premises advertising device without paying just compensation in cash to the owner of the advertising device and to the owner of the real property on which the advertising device is located, as provided in section 306C.16. The department shall not remove, take, alter or cause to be removed, taken, or altered a lawfully erected off-premises advertising device subject to control under chapter 306B or ~~306E~~ this chapter without paying just compensation when required under 23 U.S.C. § 131(g) to the owner of the advertising device and to the owner of the real property on which the advertising device is located, as provided in section 306C.16. For the department, the sole intent of this section is to comply with 23 U.S.C. § 131(g) and it is not the intent of this section to, in any manner, relinquish any powers of the department relating to the control and removal of advertising devices under police power.

Sec. 84. Section 307.26, subsection 14, Code 2005, is amended to read as follows:

14. Enter the role of "applicant" pursuant to the Railroad Revitalization and Regulatory Reform Act of 1976, United States-Public-Law Pub. L. No. 94-210, and take such actions as are necessary to accomplish this role.

Sec. 85. Section 308.3, subsection 3, Code 2005, is amended to read as follows:

3. "National parkway" has the same meaning as defined in Public-Law Pub. L. No. 93-87, first session, Ninety-third Congress of the United States.

Sec. 86. Section 312.3B, unnumbered paragraph 2, Code Supplement 2005, is amended to read as follows:

The Iowa county engineers association service bureau shall annually compute the secondary road fund and farm-to-market road fund distributions using the methodology determined by the secondary road fund distribution committee pursuant to section 312.3C. The Iowa county engineers association service bureau shall report the computations to the secondary road fund distribution committee, the department, the treasurer of state, and the counties.

Sec. 87. Section 321.10, unnumbered paragraph 2, Code 2005, is amended to read as follows:

Any records or certified copies of records prepared pursuant to this section and any certified abstract, or a copy of a certified abstract, of the operating record of a driver or a motor vehicle owner prepared pursuant to this chapter ~~321~~, chapter 321A, or chapter 321J, shall be received in evidence if determined to be relevant, in any court, preliminary hearing, grand jury proceeding, civil proceeding, administrative hearing, or forfeiture proceeding in the same manner and with the same force and effect as if the director or the director's designee had testified in person.

Sec. 88. Section 321.69, subsection 9, Code Supplement 2005, is amended to read as follows:

9. Except for subsections 10 and 11, this section does not apply to motor trucks and truck tractors with a gross vehicle weight rating of sixteen thousand pounds or more, vehicles more than seven model years old, motorcycles, motorized bicycles, and special mobile equipment. This section does apply to motor homes. The requirement in subsection 1 that the new certificate of title and registration receipt shall state on the face ~~of the title~~ whether a prior owner had disclosed that the vehicle was damaged to the extent that it was a wrecked or salvage vehicle as defined in section 321.52, subsection 4, paragraph "d", does not apply to a vehicle with a certificate of title bearing a designation that the vehicle was previously titled on a salvage certificate of title pursuant to section 321.52, subsection 4, paragraph "b", or to a vehicle with a certificate of title bearing a "REBUILT" or "SALVAGE" designation pursuant to section 321.24, subsection 4 or 5. Except for subsections 10 and 11, this section does not apply to new motor vehicles with a true mileage, as defined in section 321.71, of one thousand miles or less, unless such vehicle has incurred damage as described in subsection 2.

Sec. 89. Section 321.210C, Code 2005, is amended to read as follows:

321.210C PROBATION PERIOD.

A person whose driver's license or operating privileges have been suspended, revoked, or barred under this chapter ~~321~~ for a conviction of a moving traffic violation, or suspended, revoked, or barred under section 321.205 or section 321.210, subsection 1, paragraph "e", or chapter 321J, must satisfactorily complete a twelve-month probation period beginning immediately after the end of the period of suspension, revocation, or bar. Upon conviction of a moving traffic violation which occurred during the probation period, the department may suspend the driver's license or operating privileges for an additional period equal in duration to the

original period of suspension, revocation, or bar, or for one year, whichever is the shorter period.

Sec. 90. Section 321J.2, subsection 3, paragraph a, subparagraph (5), Code 2005, is amended to read as follows:

(5) If the offense under this chapter ~~321J~~ results in bodily injury to a person other than the defendant.

Sec. 91. Section 321J.3, subsection 3, Code 2005, is amended to read as follows:

3. The state department of transportation, in cooperation with the judicial branch, shall adopt rules, pursuant to the procedure in section 125.33, regarding the assignment of persons ordered under section 321J.17 to submit to substance abuse evaluation and treatment. The rules shall be applicable only to persons other than those committed to the custody of the director of the department of corrections under section 321J.2. The rules shall be consistent with the practices and procedures of the judicial branch in sentencing persons to substance abuse evaluation and treatment under section 321J.2. The rules shall include the requirement that the treatment programs utilized by a person pursuant to an order of the department meet the licensure standards of the ~~division of substance abuse for the~~ department of public health for substance abuse treatment programs under chapter 125. The rules shall also include provisions for payment of costs by the offenders, including insurance reimbursement on behalf of offenders, or other forms of funding, and shall also address reporting requirements of the facility, consistent with the provisions of sections 125.84 and 125.86. The department shall be entitled to treatment information contained in reports to the department, notwithstanding any provision of chapter 125 that would restrict department access to treatment information and records.

Sec. 92. Section 327C.5, unnumbered paragraph 1, Code 2005, is amended to read as follows:

Violations of the provisions of this chapter and chapters ~~327E 327D~~ to 327G, shall be punished as a schedule "one" penalty unless otherwise indicated. Violations of a continuing nature shall constitute a separate offense for each violation unless otherwise provided. The schedule of violations shall be:

Sec. 93. Section 331.301, subsection 1, Code 2005, is amended to read as follows:

1. A county may, except as expressly limited by the Constitution of the State of Iowa, and if not inconsistent with the laws of the general assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the county or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents. This grant of home rule powers does not include the power to enact private or civil law governing civil relationships, except as incident to an exercise of an independent county power.

Sec. 94. Section 331.756, subsection 25, Code Supplement 2005, is amended to read as follows:

25. Assist the ~~division of beer and liquor law enforcement~~ department of public safety in the enforcement of beer and liquor laws as provided in section 123.14. The county attorney shall also prosecute nuisances, forfeitures of abatement bonds, and foreclosures of the bonds as provided in sections 123.62 and 123.86.

Sec. 95. Section 364.1, Code 2005, is amended to read as follows:

364.1 SCOPE.

A city may, except as expressly limited by the Constitution of the State of Iowa, and if not inconsistent with the laws of the general assembly, exercise any power and perform any function it deems appropriate to protect and preserve the

rights, privileges, and property of the city or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents. This grant of home rule powers does not include the power to enact private or civil law governing civil relationships, except as incident to an exercise of an independent city power.

Sec. 96. Section 364.2, subsection 2, Code Supplement 2005, is amended to read as follows:

2. The enumeration of a specific power of a city does not limit or restrict the general grant of home rule power conferred by the Constitution of the State of Iowa. A city may exercise its general powers subject only to limitations expressly imposed by a state or city law.

Sec. 97. Section 403.5, subsection 7, Code 2005, is amended to read as follows:

7. Notwithstanding any other provisions of this chapter, where the local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of a flood, fire, hurricane, earthquake, storm, or other catastrophe respecting which the governor of the state has certified the need for disaster assistance under Pub. L. No. 875 81-875, Eighty-first Congress, 64 Stat. 11097, codified at 42 U.S.C. § 1855-1855g 1855--1855g or other federal law, the local governing body may approve an urban renewal plan and an urban renewal project with respect to such area without regard to the provisions of subsection 4 and without regard to provisions of this section requiring notification and consultation, a general plan for the municipality, and a public hearing on the urban renewal plan or project.

Sec. 98. Section 414.14, Code Supplement 2005, is amended to read as follows:

414.14 VOTE REQUIRED.

The concurring vote of three members of the board in the case of a five-member board, and four members in the case of a seven-member board, and five members in the case of a nine-member board, shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

Sec. 99. Section 421.1, Code 2005, is amended to read as follows:

421.1 STATE BOARD OF TAX REVIEW.

1. There is hereby established within the department of revenue for administrative and budgetary purposes a state board of tax review for the state of Iowa. The state board of tax review, hereinafter called the state board, shall consist of three members.

~~The members of the state board~~ who shall be registered voters of the state and shall hold no other elective or appointive public office.

Members of the state board shall serve for six-year staggered terms beginning and ending as provided by section 69.19. A member who is appointed for a six-year term shall not be permitted a successive term.

Members shall be appointed by the governor subject to confirmation by the senate. Appointments to the board shall be bipartisan.

The members of the state board shall qualify by taking the regular oath of office as prescribed by law for state officers. A vacancy on the board shall be filled by appointment by the governor in the same manner as the original appointment.

The members of the state board shall be allowed their necessary travel and expenses while engaged in their official

duties. Each member of the board may also be eligible to receive compensation as provided in section 7E.6. They The members shall organize the board and select one of their members as chairperson.

2. The place of office of the state board shall be in the office of the tax department in the capitol of the state.

3. The state board shall meet as deemed necessary by the chairperson. Special meetings of the state board may be called by the chairperson on five days' notice given to each member. All meetings shall be held at the office of the tax department unless a different place within the state is designated by the state board or in the notice of the meeting.

4. It shall be the responsibility of the state board to exercise the following general powers and duties:

1- a. Determine and adopt such policies as are authorized by law and are necessary for the more efficient operation of any phase of tax review.

2- b. Perform such duties prescribed by law as it may find necessary for the improvement of the state system of taxation in carrying out the purposes and objectives of the tax laws.

3- c. Employ, pursuant to the Iowa merit system provisions in chapter 8A, subchapter IV, adequate clerical help to keep such records as are necessary to set forth clearly all actions and proceedings of the state board.

4- d. Advise and counsel with the director of revenue concerning the tax laws and the rules adopted pursuant to the law; ~~and, upon its own motion or upon appeal by any affected taxpayer, review the record evidence and the decisions of, and any orders or directive issued by, the director of revenue for the identification of taxable property, classification of property as real or personal, or for assessment and collection of taxes by the department or an order to reassess or to raise assessments to any local assessor, and shall affirm, modify~~

~~reverse, or remand them within sixty days from the date the case is submitted to the board for decision. For an appeal to the board to be valid, written notice must be given to the department within thirty days of the rendering of the decision, order, or directive from which the appeal is taken. The director shall certify to the board the record, documents, reports, audits, and all other information pertinent to the decision, order, or directive from which the appeal is taken.~~ conduct hearings and hear appeals in the manner provided in subsection 5.

~~The affected taxpayer and the department shall be given at least fifteen days' written notice by the board of the date the appeal shall be heard and both parties may be present at such hearing if they desire. The board shall adopt and promulgate, pursuant to chapter 17A, rules for the conduct of appeals by the board. The record and all documents, reports, audits and all other information certified to the board by the director, and hearings held by the board pursuant to the appeal and the decision of the board thereon shall be open to the public notwithstanding the provisions of section 422.72, subsection 1, and section 422.20, except that the board upon the application of the affected taxpayer may order the record and all documents, reports, audits, and all other information certified to it by the director, or so much thereof as it deems necessary, held confidential, if the public disclosure of same would reveal trade secrets or any other confidential information that would give the affected taxpayer's competitor a competitive advantage. Any deliberation of the board in reaching a decision on any appeal shall be confidential.~~

~~Judicial review of the decisions or orders of the board resulting from the review of decisions or orders of the director of revenue for assessment and collection of taxes by the department may be sought by the taxpayer or the director of revenue in accordance with the terms of chapter 17A.~~

5. e. Adopt a long-range program for the state system of tax reform based upon special studies, surveys, research, and recommendations submitted by or proposed under the direction of the director of revenue.

f. ~~The state board shall constitute~~ Constitute a continuing research commission as to tax matters in the state and cause to be prepared and submitted to each regular session of the general assembly a report containing such recommendations as to revisions, amendments, and new provisions of the law as the state board has decided should be submitted to the legislature general assembly for its consideration.

6. 5. Upon its own motion or upon appeal by any affected taxpayer, the state board shall review the record evidence and the decisions of, and any orders or directive issued by, the director of revenue for the identification of taxable property, classification of property as real or personal, or for assessment and collection of taxes by the department or an order to reassess or to raise assessments to any local assessor, and shall affirm, modify, reverse, or remand them within sixty days from the date the case is submitted to the board for decision. For an appeal to the board to be valid, written notice must be given to the department within thirty days of the rendering of the decision, order, or directive from which the appeal is taken. The director shall certify to the board the record, documents, reports, audits, and all other information pertinent to the decision, order, or directive from which the appeal is taken.

The affected taxpayer and the department shall be given at least fifteen days' written notice by the board of the date the appeal shall be heard and both parties may be present at such hearing if they desire. The board shall adopt and promulgate, pursuant to chapter 17A, rules for the conduct of appeals by the board. The record and all documents, reports,

audits and all other information certified to the board by the director, and hearings held by the board pursuant to the appeal and the decision of the board thereon shall be open to the public notwithstanding the provisions of section 422.72, subsection 1, and section 422.20; except that the board upon the application of the affected taxpayer may order the record and all documents, reports, audits, and all other information certified to it by the director, or so much thereof as it deems necessary, held confidential, if the public disclosure of same would reveal trade secrets or any other confidential information that would give the affected taxpayer's competitor a competitive advantage. Any deliberation of the board in reaching a decision on any appeal shall be confidential.

Judicial review of the decisions or orders of the board resulting from the review of decisions or orders of the director of revenue for assessment and collection of taxes by the department may be sought by the taxpayer or the director of revenue in accordance with the terms of chapter 17A.

All of the provisions of section 422.70 shall also be applicable to the state board of tax review.

Sec. 100. Section 422.1, Code 2005, is amended to read as follows:

422.1 CLASSIFICATION OF CHAPTER.

The provisions of this chapter are herein classified and designated as follows:

Division I	Introductory provisions.
Division II	Personal net income tax.
Division III	Business tax on corporations.
Division IV	Retail-sales-tax Repealed by 2003 Acts, 1st Ex., ch. 2, § 151, 205; see chapter 423.
Division V	Taxation of financial institutions.
Division VI	Administration.
Division VII	Estimated taxes by corporations and financial institutions.

Division VIII Allocation of revenues.

Division IX Fuel tax credit.

Division X Livestock production tax credit.

Sec. 101. Section 422.16, subsection 13, Code Supplement 2005, is amended to read as follows:

13. The director shall enter into an agreement with the secretary of the treasury of the United States with respect to withholding of income tax as provided by this chapter, pursuant to an Act of Congress, section 1207 of the Tax Reform Act of 1976, ~~Public Law Pub. L. No. 94-455, amending title 5, section 5517 of the United States Code amending 5 U.S.C. § 5517.~~

Sec. 102. Section 422.75, Code 2005, is amended to read as follows:

422.75 STATISTICS -- PUBLICATION.

The department shall prepare and publish an annual report which shall include statistics reasonably available, with respect to the operation of this chapter, including amounts collected, classification of taxpayers, and such other facts as are deemed pertinent and valuable. The annual report shall also include the reports and information required pursuant to section 421.1, subsection 5 4, paragraph "e"; section 421.17, subsection 13; section 421.17, subsection 27, paragraph "h"; section 421.60, subsection 2, paragraphs "i" and "l"; and 1997 Iowa Acts, chapter 211, section 22, subsection 5, paragraph "a".

Sec. 103. Section 423A.3, Code Supplement 2005, is amended to read as follows:

423A.3 STATE-IMPOSED HOTEL AND MOTEL TAX.

A tax of five percent is imposed upon the sales price for the ~~rental~~ renting of any lodging if the ~~rental~~ renting occurs in this state. The tax shall be collected by any lessor of lodging from the user of that lodging. The lessor shall add the tax to the sales price of the lodging, and the state-

imposed tax, when collected, shall be stated as a distinct item, separate and apart from the sales price of the lodging and the local tax imposed, if any, under section 423A.4.

Sec. 104. Section 423B.5, unnumbered paragraph 1, Code Supplement 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 sale of equipment by the state department of transportation, ~~and except the tax shall not be imposed~~ or 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 is subject to a franchise fee or user fee during the period the franchise or user fee is imposed. A local sales and services tax is applicable to transactions within those incorporated and unincorporated areas of the county where it is imposed and shall be collected by all persons required to collect state sales taxes. 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. 105. Section 423E.3, subsection 2, Code Supplement 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 sale of equipment by the state department of transportation, ~~and except the tax shall not be imposed~~ or 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 is subject to a franchise fee or user fee during the period the franchise or user fee is imposed.

Sec. 106. Section 425.7, subsection 3, unnumbered paragraph 1, Code 2005, is amended to read as follows:

If the director of revenue determines that a claim for homestead credit has been allowed by the board of supervisors which is not justifiable under the law and not substantiated by proper facts, the director may, at any time within thirty-six months from July 1 of the year in which the claim is allowed, set aside the allowance. Notice of the disallowance shall be given to the county auditor of the county in which the claim has been improperly granted and a written notice of the disallowance shall also be addressed to the claimant at the claimant's last known address. The claimant or board of supervisors may appeal to the state board of tax review pursuant to section 421.1, subsection 4, paragraph "d". The

claimant or the board of supervisors may seek judicial review of the action of the state board of tax review in accordance with chapter 17A.

Sec. 107. Section 426A.6, Code 2005, is amended to read as follows:

426A.6 SETTING ASIDE ALLOWANCE.

If the director of revenue determines that a claim for military service tax exemption has been allowed by a board of supervisors which is not justifiable under the law and not substantiated by proper facts, the director may, at any time within thirty-six months from July 1 of the year in which the claim is allowed, set aside the allowance. Notice of the disallowance shall be given to the county auditor of the county in which the claim has been improperly granted and a written notice of the disallowance shall also be addressed to the claimant at the claimant's last known address. The claimant or the board of supervisors may appeal to the state board of tax review pursuant to section 421.1, subsection 4, paragraph "d". The claimant or the board of supervisors may seek judicial review of the action of the state board of tax review in accordance with chapter 17A. If a claim is disallowed by the director of revenue and not appealed to the state board of tax review or appealed to the state board of tax review and thereafter upheld upon final resolution, including judicial review, the credits allowed and paid from the general fund of the state become a lien upon the property on which the credit was originally granted, if still in the hands of the claimant and not in the hands of a bona fide purchaser, the amount so erroneously paid shall be collected by the county treasurer in the same manner as other taxes, and the collections shall be returned to the department of revenue and credited to the general fund of the state. The director of revenue may institute legal proceedings against a military service tax exemption claimant for the collection of payments made on disallowed exemptions.

Sec. 108. Section 426A.13, unnumbered paragraph 1, Code Supplement 2005, is amended to read as follows:

A person named in section 426A.11, who is a resident of and domiciled in the state of Iowa, shall receive a reduction equal to the exemption, to be made from any property owned by the person or owned by a family farm corporation of which the person is a shareholder and ~~who occupies~~ occupant of the property and so designated by proceeding as provided in the section. To be eligible to receive the exemption the person claiming it shall have recorded in the office of the county recorder of the county in which is located the property designated for the exemption, evidence of property ownership by that person or the family farm corporation of which the person is a shareholder and the military certificate of satisfactory service, order transferring to inactive status, reserve, retirement, order of separation from service, honorable discharge or a copy of any of these documents of the person claiming or through whom is claimed the exemption. In the case of a person claiming the exemption as a veteran described in section 35.1, subsection 2, paragraph "b", subparagraph (6) or (7), the person shall file the statement required by section 35.2.

Sec. 109. Section 429.2, subsection 1, Code 2005, is amended to read as follows:

1. Notwithstanding the provisions of chapter 17A, the taxpayer shall have thirty days from the date of the notice of assessment to appeal the assessment to the state board of tax review. Thereafter, the proceedings before the state board of tax review shall conform to the provisions of subsection 2, section 421.1, subsection 4, paragraph "d", and chapter 17A.

Sec. 110. Section 429.2, subsection 2, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The following rules shall apply to the appeal proceedings in addition to those stated in section 421.1, subsection 4, paragraph "d", and chapter 17A:

Sec. 111. Section 432.12F, Code Supplement 2005, is amended to read as follows:

432.12F ECONOMIC DEVELOPMENT REGION REVOLVING FUND CONTRIBUTION TAX CREDITS.

The tax imposed under this chapter shall be reduced by an economic development region revolving fund contribution tax credit authorized pursuant to section 15E.232.

Sec. 112. Section 437A.3, subsection 3, Code 2005, is amended to read as follows:

3. "Centrally assessed property tax" means property tax imposed with respect to the value of property determined by the director pursuant to section 427.1, subsection 2, Code 1997, section 428.29, chapter Code 1997, and chapters 437 and chapter 438, Code 1997, and allocated to electric service and natural gas service. For purposes of this subsection, "natural gas service" means such service provided by natural gas pipelines permitted pursuant to chapter 479.

Sec. 113. Section 437A.15, subsection 3, paragraph e, Code Supplement 2005, is amended to read as follows:

e. Notwithstanding the provisions of this section, if during the tax year a person who was not a taxpayer during the prior tax year acquires a new major addition, as defined in section 437A.3, subsection 18, paragraph "a", subparagraph (4), the replacement tax associated with that major addition shall be allocated, for that tax year, under this section in accordance with the general allocating formula on the basis of the general property tax equivalents established under section 437A.15 paragraph "a" of this subsection, except that the levy rates established and reported to the department of management on or before June 30 following the tax year in which the major addition was acquired shall be applied to the prorated assessed value of the major addition and provided that section 437A.19, subsection 2, paragraph "b", subparagraph (2), is in any event applicable. For purposes of this paragraph,

"prorated assessed value of the major addition" means the assessed value of the major addition as of January 1 of the year following the tax year in which the major addition was acquired multiplied by the percentage derived by dividing the number of months that the major addition existed during the tax year by twelve, counting any portion of a month as a full month.

Sec. 114. Section 445.5, subsection 4, Code Supplement 2005, is amended to read as follows:

4. The titleholder may make written request to the treasurer to have the tax statement delivered to a person or entity in lieu of to the titleholder. A fee shall not be charged by the treasurer for delivering the tax statement to such person or entity in lieu of to the titleholder.

Sec. 115. Section 446.20, subsection 2, unnumbered paragraph 2, Code 2005, is amended to read as follows:

Service of the notice shall also be made by mail on any mortgagee having a lien upon the parcel, a vendor of the parcel under a recorded contract of sale, a lessor who has a recorded lease or memorandum of a recorded lease, and any other person who has an interest of record, at the person's last known address, if the mortgagee, vendor, lessor, or other person has filed a request for notice, as prescribed in section 446.9, subsection 3, and on the state of Iowa in case of an old-age supplementary assistance lien by service upon the department of human services. The notice shall also be served on any city where the parcel is situated. Failure to receive a mailed notice is not a defense to the payment of the total amount due.

Sec. 116. Section 446.38, Code 2005, is amended to read as follows:

446.38 SUSPENDED TAXES OF OLD-AGE SUPPLEMENTARY ASSISTANCE RECIPIENTS.

In cases where taxes were suspended one year or more upon the parcel of a deceased old-age supplementary assistance recipient and no estate was opened within ninety days after the death of the recipient and the surviving spouse of the recipient is not occupying the parcel, the county may apply to the probate court to have the parcel conveyed to it for satisfaction of the suspended taxes. The probate court shall prescribe the manner and notices to be given. The probate court shall order the parcel conveyed to the county for satisfaction of the suspended taxes if an estate is not opened within a time specified by the court. The probate court shall make and enter all appropriate orders to effect this conveyance to the county if an estate is not opened within the time specified. The parcel, at the election of the county treasurer, may be offered at tax sale in accordance with this chapter in lieu of the county making application to the probate court.

Sec. 117. Section 455A.4, subsection 1, paragraph b, Code Supplement 2005, is amended to read as follows:

b. Provide overall supervision, direction, and coordination of functions to be administered by the administrators under chapters 321G, 321I, 455B, 455C, 456, 456A, 456B, 457A, 458A, 459, ~~subchapters I, II, III, IV, and VI~~ ~~and chapters~~ 461A, 462A, 462B, 464A, 465C, 473, 481A, 481B, 483A, 484A, and 484B.

Sec. 118. Section 455G.4, subsection 3, paragraph a, Code Supplement 2005, is amended to read as follows:

a. The board shall adopt rules regarding its practice and procedures, develop underwriting standards, establish procedures for investigating and settling claims made against the fund, and otherwise implement and administer this chapter.

Sec. 119. Section 456A.27, Code 2005, is amended to read as follows:

456A.27 FEDERAL WILDLIFE ACT -- ASSENT.

The state of Iowa assents to the provisions of the Act of Congress entitled "An Act to provide that the United States shall aid the states in wildlife restoration projects, and for other purposes", approved September 2, 1937, 50 Stat. 917, and the department may perform acts as necessary to the conduct and establishment of co-operative cooperative wildlife restoration projects, as defined in the Act of Congress, in compliance with the Act and with regulations promulgated by the secretary of agriculture under the Act. No funds accruing to the state of Iowa from license fees paid by hunters shall be diverted for any other purpose than as set out in sections 456A.17 and 456A.19.

Sec. 120. Section 459A.102, Code Supplement 2005, is amended by adding the following new unnumbered paragraph before subsection 1:

NEW UNNUMBERED PARAGRAPH. As used in this chapter, unless the context otherwise requires:

Sec. 121. Section 466A.3, subsection 1, paragraph b, Code Supplement 2005, is amended to read as follows:

b. The board shall ~~consist of~~ also include four members of the general assembly who shall serve as voting members. Not more than one member from each house shall be from the same political party. Two state senators shall be appointed, one by the majority leader of the senate and one by the minority leader of the senate. Two state representatives shall be appointed, one by the speaker of the house of representatives and one by the minority leader of the house of representatives. A member may designate another person to attend a board meeting if the member is unavailable. Only the member is eligible for per diem and expenses as provided in section 2.10.

Sec. 122. Section 468.378, Code 2005, is amended to read as follows:

468.378 BANKRUPTCY PROCEEDINGS.

All drainage districts with pumping plant and levee, which have power to incur indebtedness, through action of their own governing bodies are hereby authorized to proceed under and take advantage of all laws enacted by the Congress of the United States under the federal bankruptcy powers, which laws have for their object the relief of municipal indebtedness, including 48 Stat. 345, entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of bankruptcy throughout the United States', approved July 1, 1898, and Acts amendatory thereof and supplementary thereto", approved May 24, 1934, and the officials and governing bodies of such drainage, pumping plant and levee districts, are authorized to adopt all proceedings and to do any and all acts necessary or convenient to fully avail such drainage, pumping plant, and levee districts, of the provisions of such Acts of Congress.

Sec. 123. Section 476.1D, subsection 1, paragraph c, unnumbered paragraph 1, Code Supplement 2005, is amended to read as follows:

In addition to other services or facilities previously deregulated, effective July 1, 2005, and at the election of each telephone utility subject to rate regulation, the jurisdiction of the board is not applicable to the retail rate regulation of business and retail local exchange services provided throughout the state except for single line flat-rated residential and business service rates provided by a telephone utility subject to rate regulation on January 1, 2005. For each such telephone utility, the initial single line flat-rated residential and business service rates shall be the corresponding rates charged by the utility as of January 31, 2005. The initial single line flat-rated residential monthly service rates may be increased by an amount not to exceed one dollar per twelve-month period beginning July 1, 2005, and ending June 30, 2008. The initial

single line flat-rated business monthly service rates may be increased by an amount not to exceed two dollars per twelve-month period beginning July 1, 2005, and ending June 30, 2008. However, the single line flat-rated residential service rate shall not exceed nineteen dollars per month and the single line flat-rated business service rate shall not exceed thirty-eight dollars per month prior to July 1, 2008, not including charges for extended area service, regulatory charges, taxes, and other fees. Each telephone utility's extended area service rates shall not be greater than the corresponding rates charged by the telephone utility as of January 31, 2005. The board shall determine a telephone utility's extended area service rates for new extended area service established on or after July 1, 2005. If a telephone utility fails to impose the rate increase during any twelve-month period, the utility shall not impose the unused increase in any subsequent year. In addition to the rate increases permitted pursuant to this section, the telephone utility may adjust its single line flat-rated residential and business service rates by a percentage equal to the most recent annual percentage change in the gross domestic product price index as published by the federal government. The board may also authorize additional changes in the monthly rates for single line flat-rated residential and business services to reflect exogenous factors beyond the control of the telephone utility.

Sec. 124. Section 481B.2, Code 2005, is amended to read as follows:

481B.2 COOPERATION WITH FEDERAL GOVERNMENT.

The commission shall perform those acts necessary for the conservation, protection, restoration, and propagation of endangered and threatened species in cooperation with the federal government, pursuant to ~~Public Law~~ Pub. L. No. 93-205, and pursuant to rules promulgated by the secretary of the interior.

Sec. 125. Section 483A.24, subsection 6, Code Supplement 2005, is amended to read as follows:

6. A license shall not be required of minor pupils of the state school for the blind, state school for the deaf, or of minor residents of other state institutions under the control of an administrator of a division of the department of human services. In addition, a person who is on active duty with the armed forces of the United States, on authorized leave from a duty station located outside of this state, and a resident of the state of Iowa shall not be required to have a license to hunt or fish in this state. The military person shall carry the person's leave papers and a copy of the person's current earnings statement showing a deduction for Iowa income taxes while hunting or fishing. In lieu of carrying the person's earnings statement, the military person may also claim residency if the person is registered to vote in this state. If a deer or wild turkey is taken, the military person shall immediately contact a state conservation officer to obtain an appropriate tag to transport the animal. A license shall not be required of residents of county care facilities or any person who is receiving ~~old-age~~ supplementary assistance under chapter 249.

Sec. 126. Section 490.1701, subsection 3, paragraph b, Code Supplement 2005, is amended to read as follows:

b. The instrument shall be delivered to the secretary of state for filing and recording in the secretary of state's office. If the corporation was organized under chapter ~~1767~~ 5247 or 533, the instrument shall also be filed and recorded in the office of the county recorder. The corporation shall at the time it files the instrument with the secretary of state deliver also to the secretary of state for filing in the secretary of state's office any biennial report which is then due.

If the county of the initial registered office as stated in the instrument for a corporation organized under chapter 1767 5247 or 533 is one which is other than the county where the principal place of business of the corporation, as designated in its articles of incorporation, was located, the corporation shall forward to the county recorder of the county in which the principal place of business of the corporation was located a copy of the instrument and the corporation shall forward to the recorder of the county in which the initial registered office of the corporation is located, in addition to a copy of the original instrument, a copy of the articles of incorporation of the corporation together with all amendments to them as then on file in the secretary of state's office. The corporation shall, through an officer or director, certify to the secretary of state that a copy has been sent to each applicable county recorder, including the date each copy was sent.

Sec. 127. Section 490A.1201, Code Supplement 2005, is amended to read as follows:

490A.1201 CONSTITUENT ENTITY.

~~As used in this section, unless~~ Unless the context otherwise requires, "constituent entity", as used in sections 490A.1202, 490A.1204, 490A.1205, and 490A.1207, includes a domestic cooperative. However, as used in section 490A.1203, "constituent entity" does not include a domestic cooperative.

Sec. 128. Section 501A.504, subsection 4, unnumbered paragraph 1, Code Supplement 2005, is amended to read as follows:

An amendment of the articles shall be filed with the secretary as required in section ~~501A.503~~ 501A.201. The amendment is effective as provided in subchapter II. After an amendment to the articles of organization has been adopted and approved in the manner required by this chapter and by the articles of organization, the cooperative shall deliver to the

secretary of state for filing articles of amendment which shall set forth all of the following:

Sec. 129. Section 501A.601, subsection 2, Code Supplement 2005, is amended to read as follows:

2. DEALING IN PRODUCTS. A cooperative may buy, sell, or deal in its own commodities or products or those of another person, including but not limited to those of its members, patrons, or nonmembers; or commodities or products of another cooperative organized under this chapter or another cooperative association organized under other law including a traditional cooperative, or members or patrons of such cooperatives or cooperative associations. A cooperative may negotiate the price at which its commodities or products may be sold.

Sec. 130. Section 501A.715, subsection 2, paragraph a, unnumbered paragraph 1, Code Supplement 2005, is amended to read as follows:

Subject to the provisions of subsection 4, a cooperative shall indemnify a person made or threatened to be made a party to a proceeding by reason of the former or present official capacity of the person against judgments, penalties, and fines, including, without limitation, excise taxes assessed against the person with respect to an employee benefit plan, settlements, and reasonable expenses, including attorney fees and disbursements incurred by the person in connection with the proceeding, if, with respect to the acts or omissions of the person complained of in the proceeding, any of the following applies:

Sec. 131. Section 501A.1008, subsection 5, paragraph b, Code Supplement 2005, is amended to read as follows:

b. Economic development including private or joint public and private investments involving the creation of economic opportunities for its the cooperative's members or the retention of existing sources of income that would otherwise be lost.

Sec. 132. Section 501A.1101, subsection 2, paragraph c, Code Supplement 2005, is amended to read as follows:

c. The manner and basis of converting membership or ownership interests of the constituent domestic cooperative, the surviving Iowa limited liability company that is a party as provided in section 490A.1207, or foreign business entity into membership or ownership interests in the surviving or new domestic cooperative, the surviving Iowa limited liability company as authorized in section 490A.1207, or foreign business entity.

Sec. 133. Section 501A.1104, subsection 1, paragraph a, Code Supplement 2005, is amended to read as follows:

a. A traditional cooperative organized may convert to a cooperative and become subject to this chapter by amending its organizational documents to conform to the requirements of this chapter.

Sec. 134. Section 507A.2, unnumbered paragraph 2, Code 2005, is amended to read as follows:

In furtherance of such state interest, the general assembly herein provides methods for substituted service of process upon such persons or insurers in any proceeding, suit or action in any court and substitute service of any notice, order, pleading or process upon such persons or insurers in any proceeding before the commissioner of insurance to enforce or effect full compliance with the insurance and tax laws of this state. In so doing, the state exercises its powers to protect residents of this state and to define what constitutes doing an insurance business in this state, and also exercises powers and privileges available to this state by virtue of Public Law Pub. L. No. 79-15, 79th Congress of the United States, Chapter 20, 1st Sess., S. 340, 59 Stat. 57 337, codified at 15 U.S.C. § 1011 to 1015, inclusive 1011--1015, which declares that the business of insurance and every person engaged therein shall be subject to the laws of the several states.

Sec. 135. Section 507B.1, Code 2005, is amended to read as follows:

507B.1 DECLARATION OF PURPOSE.

The purpose of this chapter is to regulate trade practices in the business of insurance in accordance with the intent of Congress as expressed in the Act of Congress of March 9, 1945, Public Law 157-79th-Congress Pub. L. No. 79-15, 59 Stat. 57 337, codified at 15 U.S.C. § 1011 to 1015, inc. 1011--1015, by defining, or providing for the determination of, all such practices in this state which constitute unfair methods of competition or unfair or deceptive acts or practices and by prohibiting the trade practices so defined or determined.

Sec. 136. Section 511.8, subsection 9, paragraphs b, c, and e, Code 2005, are amended to read as follows:

b. Bonds, notes, or other evidences of indebtedness representing loans and advances of credit that have been issued, guaranteed, or insured, in accordance with the terms and provisions of an Act of Congress of the United States of America approved June 27, 1934, entitled the "National Housing Act", 48 Stat. 1246, 12 U.S.C. § 1701, et seq., as heretofore and hereafter amended.

c. Bonds, notes, or other evidences of indebtedness representing loans and advances of credit that have been issued or guaranteed, in whole or in part, in accordance with the terms and provisions of Title III of an Act of Congress of the United States of America approved June 22, 1944, known as Public Law 346 ---Seventy-eighth-Congress, Chapter-268---2nd Session, Pub. L. No. 78-268, cited as the "Servicemen's Readjustment Act of 1944", 58 Stat. 284, recodified at 72 Stat. 1105, 1273, 38 U.S.C. § 3701, et seq., as heretofore and hereafter amended.

e. Bonds, notes, or other evidences of indebtedness representing loans and advances of credit that have been issued or guaranteed, in whole or in part, in accordance with

Title I of the Bankhead-Jones Farm Tenant Act, an Act of the Congress of the United States, cited as the "Farmers Home Administration Act of 1946", 60 Stat. 1062, as heretofore or hereafter amended.

Sec. 137. Section 511.8, subsection 15, paragraph b, subparagraph (2), unnumbered paragraph 2, Code 2005, is amended to read as follows:

The terms "class I railroads", "balance of income available for the payment of fixed charges", "fixed charges" and "railway operating revenues" when used in this subsection, are to be given the same meaning as in the accounting reports filed by a railroad company in accordance with the regulations for common carriers by rail of the Interstate Commerce Act, 24 Stat. 379, codified at 49 U.S.C. § 1-40-inc-1-100 ~~to-1-100-inc-1-40, 1001-1100~~, provided that the "balance of income available for the payment of fixed charges" and "railway operating revenues remaining", as the terms are used in this subsection, shall be computed before deduction of federal income or excess profits taxes; and that in computing "fixed charges" there shall be excluded interest and amortization charges applicable to debt called for redemption or which will otherwise mature within six months from the time of investment and for the payment of which funds have been or currently are being specifically set aside.

Sec. 138. Section 512A.10, subsection 1, Code 2005, is amended to read as follows:

1. An organization shall present to the commissioner of insurance for approval its articles of incorporation and any subsequent amendment. The commissioner shall submit the articles of incorporation and any subsequent amendment to the attorney general for examination and, if found by the attorney general to be in accordance with this chapter and the ~~constitution~~ Constitution and laws of the state State of Iowa, the attorney general shall certify such fact on the articles

of incorporation or amendment and return the articles or amendment to the commissioner. Articles of incorporation or an amendment to the articles shall not be approved by the commissioner or recorded unless certified by the attorney general.

Sec. 139. Section 512B.13, Code 2005, is amended to read as follows:

512B.13 INSTITUTIONS.

A society may create, maintain, and operate, or may establish organizations to operate, not-for-profit institutions to further the purposes permitted by section 512B.5, subsection 1, paragraph "b". The institutions may furnish services free or at a reasonable charge. Any real or personal property owned, held, or leased by the society for this purpose shall be reported in every annual statement. A not-for-profit institution so established is a charitable institution with all the rights, benefits, and privileges given to charitable institutions under the constitution and laws of ~~this-state~~ the State of Iowa. The commissioner may adopt appropriate rules and reporting requirements.

Sec. 140. Section 514B.3, unnumbered paragraph 3, Code 2005, is amended to read as follows:

Upon receipt of an application for a certificate of authority, the commissioner shall immediately transmit copies of the application and accompanying documents to the director of public health and the affected regional health planning council, as authorized by ~~Public-Law Pub. L. No. 89-749, § 42~~ 42 U.S.C. § 246(b) 2b, for their nonbinding consultation and advice.

Sec. 141. Section 518.14, subsection 4, paragraph a, Code Supplement 2005, is amended to read as follows:

a. UNITED STATES GOVERNMENT OBLIGATIONS. Bonds or other evidences of indebtedness issued, assumed, or guaranteed by

the United States of America, or by any agency or instrumentality of the United States of America, ~~include~~ including investments in an open-end management investment company registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. § 80(a) and operated in accordance with 17 C.F.R. § 270.2a-7, the portfolio of which is limited to the United States obligations described in this paragraph, and which are included in the national association of insurance commissioners' securities valuation office's United States direct obligation--full faith and credit list.

Sec. 142. Section 518A.12, subsection 4, paragraph a, Code Supplement 2005, is amended to read as follows:

a. UNITED STATES GOVERNMENT OBLIGATIONS. Bonds or other evidences of indebtedness issued, assumed, or guaranteed by the United States of America, or by any agency or instrumentality of the United States of America, ~~include~~ including investments in an open-end management investment company registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. § 80(a) and operated in accordance with 17 C.F.R. § 270.2a-7, the portfolio of which is limited to the United States obligations described in this paragraph, and which are included in the national association of insurance commissioners' securities valuation office's United States direct obligation--full faith and credit list.

Sec. 143. Section 518B.1, subsection 3, Code 2005, is amended to read as follows:

3. "The Act" means Section 1223 of the Housing and Urban Development Act of 1968, ~~Public Law~~ Pub. L. No. 90-448, 90th Congress approved August 1, 1968.

Sec. 144. Section 523.13, Code 2005, is amended to read as follows:

523.13 EXCEPTIONS AS TO DOMESTIC STOCK COMPANIES.

The provisions of sections 523.7, 523.8 and 523.9 shall not apply to equity securities of a domestic stock insurance company if ~~it~~-such either of the following apply:

1. ~~The securities shall be~~ are registered, or ~~shall be~~ are required to be registered, pursuant to section 12 of the Securities Exchange Act of 1934, ~~48 Stat. 881,~~ 15 U.S.C. ~~§ 77b et seq.~~ § 77b et seq., as amended, ~~or if~~-~~it~~-~~such.~~

2. ~~The~~ domestic stock insurance company ~~shall~~ does not have any class of its equity securities held of record by one hundred or more persons on the last business day of the year next preceding the year in which equity securities of the company would be subject to the provisions of sections 523.7, 523.8 and 523.9 except for the provisions of this subsection 2.

Sec. 145. Section 523C.1, subsection 6, Code 2005, is amended to read as follows:

6. "Licensed service company" means a service company which is licensed by the ~~commission~~ commissioner pursuant to this chapter.

Sec. 146. Section 523C.9, subsection 1, paragraph a, Code 2005, is amended to read as follows:

a. The service company violated a lawful order of the ~~commission~~ commissioner or any provision of this chapter.

Sec. 147. Section 523I.103, subsection 3, Code Supplement 2005, is amended to read as follows:

3. If a foreign person does not have a registered agent or agents in the state of Iowa, doing business within this state shall constitute the person's appointment of the secretary of state of the state of Iowa to be ~~its~~ the person's true and lawful attorney upon whom may be served all lawful process of original notice in actions or proceedings arising or growing out of any contract or tort.

Sec. 148. Section 523I.601, Code Supplement 2005, is amended to read as follows:

523I.601 SETTLEMENT OF ESTATES -- MAINTENANCE FUND.

The court in which the estate of a deceased person is administered, before final distribution, may allow and set apart from the estate a sum sufficient to provide an income adequate to pay for the perpetual care and upkeep of the interment ~~spaces-upon~~ space in which the body of the deceased is buried, except where perpetual care has otherwise been provided for. The sum so allowed and set apart shall be paid to a trustee as provided by this chapter.

Sec. 149. Section 524.1416, subsection 2, Code 2005, is amended to read as follows:

2. A state bank which converts into a national bank or federal savings association shall notify the superintendent of the proposed conversion, provide such evidence of the adoption of the plan as the superintendent may request, notify the superintendent of any abandonment or disapproval of the plan, and file with the superintendent and with the secretary of state a certificate of the approval of the conversion by the comptroller of the currency of the United States or director of the office of thrift supervision, as applicable, and the date upon which such conversion is to become effective. A state bank that converts into a national bank or federal savings association shall comply with the provisions of section 524.310, subsection 1.

Sec. 150. Section 533.3, subsection 2, Code 2005, is amended to read as follows:

2. The prohibitions contained in subsection 1 do not apply to a credit union organized under this chapter or under the Federal Credit Union Act, 12 U.S.C. Sec. § 1751 et seq., or to the Iowa credit union league, or a chapter, affiliate or subsidiary of the Iowa credit union league, or to a political action committee formed under ~~Public-Law~~ Pub. L. No. 94-283 or

chapter 68A by the Iowa credit union league or by credit unions organized under this chapter or federal law.

Sec. 151. Section 591.11, Code 2005, is amended to read as follows:

591.11 FAILURE TO PUBLISH NOTICE OF AMENDMENT.

In all instances where notices of amendments to articles of incorporation have not been published within three months after the filing with and approval by the secretary of state of such amendments, as provided in section 491.20, ~~of the~~ Code 1954, but such notices have been thereafter published in the form and manner as required by law and proof of publication filed with the secretary of state, such notices are hereby legalized and shall have the same force and effect as though published within said period of three months and proper proof of publication filed with the secretary of state.

Sec. 152. Section 598.21G, unnumbered paragraph 1, Code Supplement 2005, is amended to read as follows:

In any order or judgment entered under this chapter or chapter 234, 252A, 252C, 252F, 598, or 600B, or under any other chapter which provides for temporary or permanent support payments, if the parent ordered to pay support is less than eighteen years of age, one of the following shall apply:

Sec. 153. Section 602.10125, Code 2005, is amended to read as follows:

602.10125 ATTORNEY GENERAL -- APPROPRIATENESS OF PROCEDURE -- ORDER FOR APPEARANCE.

If an action is commenced on the petition of an individual, the court shall notify and refer the matter to the attorney general. The attorney general, within thirty days of the referral, shall submit a report to the court concerning the appropriateness of bringing the action under this chapter. The court shall not proceed with consideration of the merits of the complaint until the report from the attorney general is received. If the court deems the accusation sufficient to

justify further action, the court shall determine whether the complaint is more appropriately pursued under this chapter rather than the procedures established under Iowa court rules, chapter ch. 35. If the court finds that proceeding under this chapter is more appropriate, it shall cause an order to be entered requiring the accused to appear and answer in the court where the accusation has been filed on the day fixed in the order, and shall cause a copy of the accusation and order to be served upon the accused personally.

Sec. 154. Section 633.3, subsections 15, 17, 34, and 35, Code Supplement 2005, are amended to read as follows:

15. ESTATE -- the real and personal property of either a decedent or a ward, and may also refer to the real and personal property of a trust ~~as-defined~~ described in section 633.10.

17. FIDUCIARY -- includes personal representative, executor, administrator, guardian, conservator, and the trustee of any trust ~~as-defined~~ described in section 633.10.

34. TRUSTEE -- the person or persons serving as trustee of a trust ~~as-defined~~ described in section 633.10.

35. TRUSTS -- includes only those trusts ~~defined~~ described in section 633.10.

Sec. 155. Section 633.10, unnumbered paragraph 1, Code Supplement 2005, is amended to read as follows:

In addition to the jurisdiction granted the district court under the trust code, chapter 633A, or elsewhere, the district court sitting in probate shall have jurisdiction of:

Sec. 156. Section 633.699B, Code Supplement 2005, is amended to read as follows:

633.699B APPLICABILITY OF LAW.

The terms of this division, and all other terms of this probate code relating to trusts and trustees, shall apply only to trusts that remain under continuous court supervision pursuant to section 633.10 and to trusts that have not been

released from such continuous supervision pursuant to section 633.10. Regarding all such trusts, the terms of this chapter shall supersede any inconsistent terms in the trust code, chapter 633A, and such trusts shall be governed by terms of the trust code, chapter 633A, that are not inconsistent with this probate code.

Sec. 157. Section 679C.103, subsection 2, unnumbered paragraph 1, Code Supplement 2005, is amended to read as follows:

This chapter shall not apply to a mediation relating to or conducted by under any of the following circumstances:

Sec. 158. Section 679C.104, subsection 1, Code Supplement 2005, is amended to read as follows:

1. Except as otherwise provided in section 679C.106, a mediation communication is privileged as provided in subsection 2 and is not subject to discovery or admissible in evidence in a proceeding unless the privilege is waived or precluded as provided by section 679C.105.

Sec. 159. Section 692B.2, Articles VIII and XI, Code 2005, are amended to read as follows:

ARTICLE VIII -- MISCELLANEOUS PROVISIONS

(a) RELATION OF COMPACT TO CERTAIN FBI ACTIVITIES.

Administration of this compact shall not interfere with the management and control of the director of the FBI over the FBI's collection and dissemination of criminal history records and the advisory function of the FBI's advisory policy board chartered under the Federal Advisory Committee Act, {5 5 U.S.C. App.} APP. for all purposes other than noncriminal justice.

(b) NO AUTHORITY FOR NONAPPROPRIATED EXPENDITURES.

Nothing in this compact shall require the FBI to obligate or expend funds beyond those appropriated to the FBI.

(c) RELATING TO PUBLIC-LAW PUB. L. NO. 92-544. Nothing in this compact shall diminish or lessen the obligations,

responsibilities, and authorities of any state, whether a party state or a nonparty state, or of any criminal history record repository or other subdivision or component thereof, under the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973 (~~Public Law 92-544~~), Pub. L. No. 92-544, or regulations and guidelines promulgated thereunder, including the rules and procedures promulgated by the council under Article VI(a), regarding the use and dissemination of criminal history records and information.

ARTICLE XI -- ADJUDICATION OF DISPUTES

(a) IN GENERAL. The council shall

- (1) have initial authority to make determinations with respect to any dispute regarding
 - (A) interpretation of this compact;
 - (B) any rule or standard established by the council pursuant to Article VI; and
 - (C) any dispute or controversy between any parties to this compact; and
 - (2) hold a hearing concerning any dispute described in paragraph (1) at a regularly scheduled meeting of the council and only render a decision based upon a majority vote of the members of the council. Such decision shall be published pursuant to the requirements of Article VI(e).
- (b) DUTIES OF FBI. The FBI shall exercise immediate and necessary action to preserve the integrity of the III system, maintain system policy and standards, protect the accuracy and privacy of records, and to prevent abuses, until the council holds a hearing on such matters.
- (c) RIGHT OF APPEAL. The FBI or a party state may appeal any decision of the council to the attorney general, and thereafter may file suit in the appropriate district court of the United States, which shall have original jurisdiction of all cases or controversies arising under this compact. Any

suit arising under this compact and initiated in a state court shall be removed to the appropriate district court of the United States in the manner provided by ~~section 1446 of title 28, United States Code~~ 28 U.S.C. § 1446, or other statutory authority.

Sec. 160. Section 725.12, subsection 1, Code Supplement 2005, is amended to read as follows:

1. If any person ~~make~~ makes or ~~aid~~ aids in making or establishing, or ~~advertise~~ advertises or ~~make~~ makes public a scheme for a lottery; or ~~advertise~~ advertises, ~~offer~~ offers for sale, ~~sell~~ sells, ~~distribute~~ distributes, ~~negotiate~~ negotiates, ~~dispose~~ disposes of, ~~purchase~~ purchases, or ~~receive~~ receives a ticket or part of a ticket in a lottery or number of a ticket in a lottery; or ~~have~~ has in the person's possession a ticket, part of a ticket, or paper purporting to be the number of a ticket of a lottery, with the intent to sell or dispose of the ticket, part of a ticket, or paper on the person's own account or as the agent of another, the person commits a serious misdemeanor. However, this section does not prohibit the advertising of a lottery or possession by a person of a lottery ticket, part of a ticket, or number of a lottery ticket from a lottery legally operated or permitted under the laws of another jurisdiction. This section also does not prohibit the advertising of a lottery, game of chance, contest, or activity conducted by a not-for-profit organization that would qualify as tax exempt under section 501 of the Internal Revenue Code, as defined in section 422.3, or conducted by a commercial organization as a promotional activity which is clearly occasional and ancillary to the primary business of that organization, provided that the effective dates on any promotional activity shall be clearly stated on all promotional materials. A lottery, game of chance, contest, or activity shall be presumed to be a promotional activity which is not occasional if the lottery,

game of chance, contest, or activity is in effect or available to the public for a period of more than ninety days within a one-year period.

Sec. 161. Section 729.1, Code 2005, is amended to read as follows:

729.1 RELIGIOUS TEST.

Any violation of section 4, Article I of the Constitution of the State of Iowa is hereby declared to be a simple misdemeanor unless a greater penalty is otherwise provided by law.

Sec. 162. Section 822.2, Code 2005, is amended to read as follows:

822.2 SITUATIONS WHERE LAW APPLICABLE.

1. Any person who has been convicted of, or sentenced for, a public offense and who claims that any of the following may institute, without paying a filing fee, a proceeding under this chapter to secure relief:

1- a. The conviction or sentence was in violation of the Constitution of the United States or the Constitution or laws of this state.

2- b. The court was without jurisdiction to impose sentence.

3- c. The sentence exceeds the maximum authorized by law.

4- d. There exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice.

5- e. The person's sentence has expired, or probation, parole, or conditional release has been unlawfully revoked, or the person is otherwise unlawfully held in custody or other restraint.

6- f. The person's reduction of sentence pursuant to sections 903A.1 through 903A.7 has been unlawfully forfeited and the person has exhausted the appeal procedure of section 903A.3, subsection 2-~~or~~.

7- g. The conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error formerly available under any common law, statutory or other writ, motion, petition, proceeding, or remedy, except alleged error relating to restitution, court costs, or fees under section 904.702 or chapter 815 or 910; ~~may institute, without paying a filing fee, a proceeding under this chapter to secure relief.~~

2. This remedy is not a substitute for nor does it affect any remedy, incident to the proceedings in the trial court, or of direct review of the sentence or conviction. Except as otherwise provided in this chapter, it comprehends and takes the place of all other common law, statutory, or other remedies formerly available for challenging the validity of the conviction or sentence. It shall be used exclusively in place of them.

Sec. 163. Section 822.3, Code 2005, is amended to read as follows:

822.3 HOW TO COMMENCE PROCEEDING -- LIMITATION.

A proceeding is commenced by filing an application verified by the applicant with the clerk of the district court in which the conviction or sentence took place. However, if the applicant is seeking relief under section 822.2, subsection 6 1, paragraph "f", the application shall be filed with the clerk of the district court of the county in which the applicant is being confined within ninety days from the date the disciplinary decision is final. All other applications must be filed within three years from the date the conviction or decision is final or, in the event of an appeal, from the date the writ of procedendo is issued. However, this limitation does not apply to a ground of fact or law that could not have been raised within the applicable time period. Facts within the personal knowledge of the applicant and the authenticity of all documents and exhibits included in or

attached to the application must be sworn to affirmatively as true and correct. The supreme court may prescribe the form of the application and verification. The clerk shall docket the application upon its receipt and promptly bring it to the attention of the court and deliver a copy to the county attorney and the attorney general.

Sec. 164. Section 822.5, Code 2005, is amended to read as follows:

822.5 PAYMENT OF COSTS.

If the applicant is unable to pay court costs and stenographic and printing expenses, these costs and expenses shall be made available to the applicant in the trial court, and on review. Unless the applicant is confined in a state institution and is seeking relief under section 822.2, ~~subsections 5 and 6~~ subsection 1, paragraphs "e" and "f", the costs and expenses of legal representation shall also be made available to the applicant in the preparation of the application, in the trial court, and on review if the applicant is unable to pay. However, nothing in this section shall be interpreted to require payment of expenses of legal representation, including stenographic, printing, or other legal services or consultation, when the applicant is self-represented or is utilizing the services of an inmate.

Sec. 165. Section 822.7, Code 2005, is amended to read as follows:

822.7 COURT TO HEAR APPLICATION.

The application shall be heard in, and before any judge of the court in which the conviction or sentence took place. However, if the applicant is seeking relief under section 822.2, subsection 6 1, paragraph "f", the application shall be heard in, and before any judge of the court of the county in which the applicant is being confined. A record of the proceedings shall be made and preserved. All rules and statutes applicable in civil proceedings including pretrial

and discovery procedures are available to the parties. The court may receive proof of affidavits, depositions, oral testimony, or other evidence, and may order the applicant brought before it for the hearing. If the court finds in favor of the applicant, it shall enter an appropriate order with respect to the conviction or sentence in the former proceedings, and any supplementary orders as to rearraignment, retrial, custody, bail, discharge, correction of sentence, or other matters that may be necessary and proper. The court shall make specific findings of fact, and state expressly its conclusions of law, relating to each issue presented. This order is a final judgment.

Sec. 166. Section 822.9, Code 2005, is amended to read as follows:

822.9 APPEAL.

An appeal from a final judgment entered under this chapter may be taken, perfected, and prosecuted either by the applicant or by the state in the manner and within the time after judgment as provided in the rules of appellate procedure for appeals from final judgments in criminal cases. However, if a party is seeking an appeal under section 822.2, subsection 6 1, paragraph "f", the appeal shall be by writ of certiorari.

Sec. 167. Section 904.513, subsection 3, Code 2005, is amended to read as follows:

3. The department shall adopt rules for the implementation of this section. The rules shall include the requirement that the treatment programs established pursuant to this chapter meet the licensure standards of the ~~division of substance abuse for the~~ department of public health under chapter 125. The rules shall also include provisions for the funding of the program by means of self-contribution by the offenders, insurance reimbursement on behalf of offenders, or other forms of funding, program structure, criteria for the evaluation of

offenders and programs, and all other issues the director shall deem appropriate.

Sec. 168. Section 914.1, Code 2005, is amended to read as follows:

914.1 POWER OF GOVERNOR.

The power of the governor under the constitution Constitution of the State of Iowa to grant a reprieve, pardon, commutation of sentence, remission of fines and forfeitures, or restoration of the rights of citizenship shall not be impaired.

Sec. 169. 2004 Iowa Acts, chapter 1076, section 1, subsection 1, enacting Code section 69.20, subsection 1, is amended to read as follows:

1. A temporary vacancy in an elective office of a political subdivision, community college, and hospital board of trustees of this state occurs on the date when the person filling that office is placed on active state military service or federal service, as those terms are defined in section 29A.1, and when such a person will not be able to attend to the duties of that person's elective position for a period greater than sixty consecutive days. The temporary vacancy terminates on the date when such person is released from such service, or the term of office expires.

Sec. 170. 2005 Iowa Acts, chapter 136, section 20, the bill section amending clause, is amended to read as follows:

SEC. 20. Section 455B.103, subsections subsection 3 and subsection 4, unnumbered paragraph 1, Code 2005, are amended to read as follows:

Sec. 171. Section 15.103, subsection 1, paragraph a, as enacted by 2005 Iowa Acts, chapter 150, section 4, is amended to read as follows:

a. The Iowa economic development board is created, consisting of fifteen voting members appointed by the governor and seven ex officio nonvoting members. The ex officio

nonvoting members are four legislative members; one president, or the president's designee, of the university of northern Iowa, the university of Iowa, or Iowa state university of science and technology designated by the state board of regents on a rotating basis; and one president, or the president's designee, of a private college or university appointed by the Iowa association of independent colleges and universities; and one superintendent, or the superintendent's designee, of a community college, appointed by the Iowa association of community college presidents. The legislative members are two state senators, one appointed by the president of the senate, after consultation with the majority leader of the senate, and one appointed by the minority leader of the senate, after consultation with the president of the senate, from their respective parties; and two state representatives, one appointed by the speaker and one appointed by the minority leader of the house of representatives from their respective parties. Not more than eight of the voting members shall be from the same political party. Beginning with the first division of this Act, at least one voting member shall have been less than thirty years of age at the time of appointment. The governor shall appoint the voting members of the board for a term of four years beginning and ending as provided by section 69.19, subject to confirmation by the senate, and the governor's appointments shall include persons knowledgeable of the various elements of the department's responsibilities.

Sec. 172. Section 455B.172, subsection 5, unnumbered paragraph 2, Code 2005, as amended by 2005 Iowa Acts, chapter 153, section 2, is amended to read as follows:

The department shall by rule adopt standards for the commercial cleaning of private sewage disposal facilities, including but not limited to septic tanks, and for the disposal of waste from the facilities. The standards shall

not be in conflict with the state building code adopted pursuant to section 103A.7. A person shall not commercially clean such facilities or dispose of waste from such facilities unless the person has been issued a license by the department. The department shall be exclusively responsible for adopting the standards and issuing licenses. However, county boards of health shall enforce the standards and licensing requirements established by the department. The department may contract for the delegation of the authority for inspection of land application sites, record reviews, and equipment inspections to a county board of health. In the event of entering into such a contract, the department shall retain concurrent authority over such activities. Application for the license shall be made in the manner provided by the department. Licenses expire one year from the date of issue unless revoked and may be renewed in the manner provided by the department. A license application shall include registration applications for each vehicle used by the applicant for purposes of collecting septage from private sewage disposal facilities and each vehicle used by the applicant for purposes of applying septage to land. Septic disposal management plans shall be submitted to the department and approved annually as a condition of licensing and shall also be filed annually with the county board of health in the county where a proposed septage application site is located. The septic disposal management plan shall include, but not be limited to, the sites of septage application, the anticipated volume of septage applied to each site, the area of each septage application site, the type of application to be used at each site, the volume of septage expected to be collected from private sewage disposal facilities, and a list of registered vehicles collecting septage from private sewage disposal facilities and applying septage to land. The annual license or license renewal fee for a person commercially cleaning

private sewage disposal facilities shall be established by the department based on the volume of septage that is applied to land. A septic management fund is created in the state treasury under the control of the department. Annual license and license renewal fees collected pursuant to this section shall be deposited in the septic management fund and are appropriated to the department for purposes of contracting with county boards of health to conduct land application site inspections, record reviews, and septic cleaning equipment inspections. A person violating this section or the rules adopted pursuant to this section as determined by the department is subject to a civil penalty of not more than two hundred fifty dollars. The department shall adopt rules related to, but not limited to, recordkeeping requirements, application procedures and limitations, contamination issues, loss of septage, failure to file a septic disposal management plan, application by vehicles that are not properly registered, wrongful application, and violations of a septic disposal management plan. Each day that a violation continues constitutes a separate offense. The penalty shall be assessed for the duration of time commencing with the time the violation begins and ending with the time the violation is corrected. The septic disposal management plan may be examined to determine the duration of the violation. Moneys collected by the department from the imposition of civil penalties shall be deposited in the general fund of the state. Moneys collected by a county board of health from the imposition of civil penalties shall be deposited in the general fund of the county.

Sec. 173. 2005 Iowa Acts, chapter 179, section 14, unnumbered paragraph 1, is amended to read as follows:

There is appropriated from the general fund of the state to the homeland security and emergency management division of the department of public ~~safety~~ defense for the fiscal year

beginning July 1, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

Sec. 174. 2005 Iowa Acts, chapter 179, section 48, is amended to read as follows:

SEC. 48. HEALTH FACILITIES ~~COUNCIL~~ DIVISION. If 2005 Iowa Acts, House File 810, is enacted and includes an appropriation from the general fund of the state to the department of inspections and appeals for the health facilities ~~council~~ division for the fiscal year beginning July 1, 2005, and ending June 30, 2006, any provision of that appropriation designating the use of \$80,000 and a full-time equivalent position for a particular purpose shall not be applied.

Sec. 175. Section 12B.6, as enacted by 2005 Iowa Acts, chapter 179, section 98, is amended to read as follows:

12B.6 CERTAIN PUBLIC FUNDS OF POLITICAL SUBDIVISIONS.

All funds received, expended, or held by an association of elected county officers before, on, or after the effective date of this division of this Act, to implement a state-authorized program, are subject to audit by the auditor of state at the request of the government oversight committees or the legislative council. All such funds received or held on and after July 1, 2005, shall be deposited in a fund in the office of the treasurer of state.

Sec. 176. The section of this Act amending section 147.7 is repealed effective July 1, 2008.

Sec. 177. EFFECTIVE DATES.

1. The section of this Act amending 2004 Acts, ch 1076, section 1, being deemed of immediate importance, takes effect upon enactment and applies retroactively to April 14, 2004.

2. The sections of this Act amending 2005 Acts, ch 136, section 20; section 15.103, as amended by 2005 Acts, ch 150, section 4; section 455B.172, as amended by 2005 Acts, ch 153, section 2; 2005 Acts, ch 179, section 14; and 2005 Acts, ch

179, section 48, being deemed of immediate importance, take effect upon enactment and apply retroactively to July 1, 2005.

3. The section of this Act amending section 12B.6, as enacted by 2005 Acts, ch 179, section 98, being deemed of immediate importance, takes effect upon enactment and applies retroactively to June 16, 2005.

CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2543, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2006

THOMAS J. VILSACK
Governor