

House Study Bill 115

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:
4 TLSB 1052HC 81
5 lh/gg/14

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1 1 Section 1. Section 4.1, subsection 39, unnumbered
1 2 paragraph 1, Code 2005, is amended to read as follows:
1 3 The words "written" and "in writing" may include any mode
1 4 of representing words or letters in general use, and include
1 5 an electronic record as defined in section 554D.103. A
1 6 signature, when required by law, must be made by the writing
1 7 or markings of the person whose signature is required.
1 8 "Signature" includes an electronic ~~or digital~~ signature as
1 9 defined in section 554D.103. If a person is unable due to a
1 10 physical disability to make a written signature or mark, that
1 11 person may substitute either of the following in lieu of a
1 12 signature required by law:

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

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

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

1 32 Lessees of agricultural land under section 9H.4, subsection
1 33 2, paragraph "c", for research or experimental purposes, shall
1 34 file a biennial report with the secretary of state on or
1 35 before March 31 of each odd-numbered year on forms adopted
2 1 pursuant to chapter 17A and supplied by the secretary of
2 2 state. However, a lessee required to file a biennial report
2 3 pursuant to chapter 490, 496C, 497, 498, 499, 501, 504, or
2 4 504A shall file the report required by this section in the
2 5 same year as required by that chapter. The lessee may file
2 6 the report required by this section together with the biennial
2 7 report required to be filed by one of the other chapters
2 8 referred to in this paragraph. The report shall contain the
2 9 following information for the reporting period:

2 10 Sec. 4. Section 10C.6, subsection 1, paragraph a,
2 11 unnumbered paragraph 1, Code 2005, is amended to read as
2 12 follows:

2 13 A life science enterprise may acquire or hold agricultural
2 14 land, notwithstanding section 10C.5, ~~as that section exists in~~
2 15 ~~the 2005 Code 2005~~, if all of the following apply:

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

2 18 (2) The enterprise acquires or holds the agricultural land

2 19 pursuant to chapter 10C, as that chapter exists in the 2005
2 20 Code 2005.

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

2 23 A person who is a successor in interest to a life science
2 24 enterprise may acquire or hold agricultural land,
2 25 notwithstanding section 10C.5, ~~as that section exists in the~~
~~2 26 2003 Code or 2003 or Code Supplement 2003~~, if all of the
2 27 following apply:

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

2 30 a. The person meets the qualifications of a life science
2 31 enterprise and acquires or holds the agricultural land as
2 32 provided in chapter 10C, ~~as that chapter exists in the 2003~~
2 33 ~~Code or 2003 or Code Supplement 2003~~.

2 34 Sec. 8. Section 12.71, subsections 1 and 7, Code 2005, are
2 35 amended to read as follows:

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

3 22 7. Neither the resolution, trust agreement, nor any other
3 23 instrument by which a pledge is created needs to be recorded
3 24 or filed under the Iowa uniform commercial code, chapter 554,
3 25 to be valid, binding, or effective.

3 26 Sec. 9. Section 12.81, subsections 1 and 7, Code 2005, are
3 27 amended to read as follows:

3 28 1. The treasurer of state may issue bonds for purposes of
3 29 the school infrastructure program established in section
3 30 292.2. Excluding the issuance of refunding bonds, the
3 31 treasurer of state shall not issue bonds which result in the
3 32 deposit of bond proceeds of more than fifty million dollars
3 33 into the school infrastructure fund. The treasurer of state
3 34 shall have all of the powers which are necessary to issue and
3 35 secure bonds and carry out the purposes of the fund. The
4 1 treasurer of state may issue bonds in principal amounts which
4 2 are necessary to provide funds for the fund as provided by
4 3 this section, the payment of interest on the bonds, the
4 4 establishment of reserves to secure the bonds, the costs of
4 5 issuance of the bonds, other expenditures of the treasurer of
4 6 state incident to and necessary or convenient to carry out the
4 7 bond issue for the fund, and all other expenditures of the
4 8 treasurer of state necessary or convenient to administer the
4 9 fund. The bonds are investment securities and negotiable
4 10 instruments within the meaning of and for purposes of the
4 11 uniform commercial code, chapter 554.

4 12 7. Neither the resolution, trust agreement, nor any other
4 13 instrument by which a pledge is created needs to be recorded
4 14 or filed under the Iowa uniform commercial code, chapter 554,
4 15 to be valid, binding, or effective.

4 16 Sec. 10. Section 12E.11, subsection 2, Code 2005, is
4 17 amended to read as follows:

4 18 2. The authority may issue its bonds in principal amounts
4 19 which, in the opinion of the authority, are necessary to
4 20 provide sufficient funds for achievement of its purposes, the
4 21 payment of interest on its bonds, the establishment of
4 22 reserves to secure the bonds, the costs of issuance of its
4 23 bonds, and all other expenditures of the authority incident to
4 24 and necessary to carry out its purposes or powers. The bonds
4 25 are investment securities and negotiable instruments within
4 26 the meaning of and for the purposes of the uniform commercial
4 27 code, chapter 554.

4 28 Sec. 11. Section 12E.16, Code 2005, is amended to read as
4 29 follows:

4 30 12E.16 BANKRUPTCY.

4 31 Prior to the date which is three hundred sixty=six days
4 32 after which the authority no longer has any bonds outstanding,
4 33 the authority is prohibited from filing a voluntary petition
4 34 under chapter ~~9~~ nine of the federal bankruptcy code, 11 U.S.C.
4 35 } 901 et seq., or such corresponding chapter or section as

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

5 10 Sec. 12. Section 16.26, subsection 1, Code 2005, is
5 11 amended to read as follows:

5 12 1. The authority may issue its negotiable bonds and notes
5 13 in principal amounts as, in the opinion of the authority, are
5 14 necessary to provide sufficient funds for achievement of its
5 15 corporate purposes, the payment of interest on its bonds and
5 16 notes, the establishment of reserves to secure its bonds and
5 17 notes, and all other expenditures of the authority incident to
5 18 and necessary or convenient to carry out its purposes and
5 19 powers. The bonds and notes shall be deemed to be investment
5 20 securities and negotiable instruments within the meaning of
5 21 and for all purposes of the uniform commercial code, chapter
5 22 554.

5 23 Sec. 13. Section 16.105, subsection 10, Code 2005, is
5 24 amended to read as follows:

5 25 10. It is the intention of the general assembly that a
5 26 pledge made in respect of bonds or notes shall be valid and
5 27 binding from the time the pledge is made, that the money or
5 28 property so pledged and received after the pledge by the
5 29 authority shall immediately be subject to the lien of the
5 30 pledge without physical delivery or further act, and that the
5 31 lien of the pledge shall be valid and binding as against all
5 32 parties having claims of any kind in tort, contract, or
5 33 otherwise against the authority whether or not the parties
5 34 have notice of the lien. Neither the resolution, trust
5 35 agreement, nor any other instrument by which a pledge is
6 1 created needs to be recorded or filed under the Iowa uniform
6 2 commercial code, chapter 554, to be valid, binding, or
6 3 effective against the parties.

6 4 Sec. 14. Section 16.177, subsections 1 and 7, Code 2005,
6 5 are amended to read as follows:

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

6 19 7. Neither the resolution or trust agreement, nor any
6 20 other instrument by which a pledge is created is required to
6 21 be recorded or filed under the uniform commercial code,
6 22 chapter 554, to be valid, binding, or effective.

6 23 Sec. 15. Section 17A.1, subsection 2, unnumbered paragraph
6 24 2, Code 2005, is amended to read as follows:

6 25 The purposes of ~~the Iowa administrative procedure Act~~ this
6 26 chapter are: To provide legislative oversight of powers and
6 27 duties delegated to administrative agencies; to increase
6 28 public accountability of administrative agencies; to simplify
6 29 government by assuring a uniform minimum procedure to which
6 30 all agencies will be held in the conduct of their most
6 31 important functions; to increase public access to governmental
6 32 information; to increase public participation in the
6 33 formulation of administrative rules; to increase the fairness
6 34 of agencies in their conduct of contested case proceedings;
6 35 and to simplify the process of judicial review of agency
7 1 action as well as increase its ease and availability. In
7 2 accomplishing its objectives, the intention of this chapter is
7 3 to strike a fair balance between these purposes and the need
7 4 for efficient, economical and effective government
7 5 administration. The chapter is not meant to alter the

7 6 substantive rights of any person or agency. Its impact is
7 7 limited to procedural rights with the expectation that better
7 8 substantive results will be achieved in the everyday conduct
7 9 of state government by improving the process by which those
7 10 results are attained.

7 11 Sec. 16. Section 17A.23, unnumbered paragraph 2, Code
7 12 2005, is amended to read as follows:

7 13 ~~The Iowa administrative procedure Act~~ This chapter shall be
7 14 construed broadly to effectuate its purposes. This chapter
7 15 shall also be construed to apply to all agencies not expressly
7 16 exempted by this chapter or by another statute specifically
7 17 referring to this chapter by name; and except as to
7 18 proceedings in process on July 1, 1975, this chapter shall be
7 19 construed to apply to all covered agency proceedings and all
7 20 agency action not expressly exempted by this chapter or by
7 21 another statute specifically referring to this chapter by
7 22 name.

7 23 Sec. 17. Section 29B.82, Code 2005, is amended to read as
7 24 follows:

7 25 29B.82 DESERTION.

7 26 1. Any member of the state military forces who does any of
7 27 the following is guilty of desertion:

7 28 ~~1-~~ a. Without authority goes or remains absent from the
7 29 member's unit, organization, or place of duty with intent to
7 30 remain away therefrom permanently~~+~~.

7 31 ~~2-~~ b. Quits the member's unit, organization or place of
7 32 duty with intent to avoid hazardous duty or to shirk important
7 33 services ~~or~~.

7 34 ~~3-~~ c. Without being regularly separated from one of the
7 35 state military forces enlists or accepts an appointment in the
8 1 same or another one of the state military forces, or in one of
8 2 the armed forces of the United States, without duly disclosing
8 3 the fact that the member has not been regularly separated~~+~~
8 4 ~~is guilty of desertion.~~

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

8 10 3. Any person found guilty of desertion or attempt to
8 11 desert shall be punished as a court-martial may direct.

8 12 Sec. 18. Section 68A.406, subsection 3, Code 2005, is
8 13 amended to read as follows:

8 14 3. Yard signs with dimensions of thirty-two square feet or
8 15 less are exempt from the attribution statement requirement in
8 16 section 68A.405. Campaign signs in excess of thirty-two
8 17 square feet, or signs that are affixed to buildings or
8 18 vehicles regardless of size except for bumper stickers, are
8 19 required to include the attribution statement required by
8 20 section 68A.405. The placement or erection of yard signs
8 21 shall be exempt from the requirements of chapter 480 relating
8 22 to underground facilities organization information.

8 23 Sec. 19. Section 68A.503, subsection 4, paragraph a, Code
8 24 2005, is amended to read as follows:

8 25 a. Using its funds to encourage registration of voters and
8 26 participation in the political process or to publicize public
8 27 issues, ~~but does not use any provided that no~~ part of those
8 28 contributions are used to expressly advocate the nomination,
8 29 election, or defeat of any candidate for public office.

8 30 Sec. 20. Section 76.16, Code 2005, is amended to read as
8 31 follows:

8 32 76.16 DEBTOR STATUS PROHIBITED.

8 33 A city, county, or other political subdivision of this
8 34 state shall not be a debtor under chapter ~~9~~ nine of the
8 35 federal Bankruptcy Code, 11 U.S.C. } 901 et seq., except as
9 1 otherwise specifically provided in this chapter.

9 2 Sec. 21. Section 76.16A, unnumbered paragraph 1, Code
9 3 2005, is amended to read as follows:

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

9 14 Sec. 22. Section 97B.1A, subsection 11, paragraph b, Code
9 15 2005, is amended to read as follows:

9 16 b. If the member has not attained seventy years of age,

9 17 has terminated all employment covered under ~~the this~~ chapter
9 18 or formerly covered under ~~the this~~ chapter pursuant to section
9 19 97B.42 in the month prior to the member's first month of
9 20 entitlement.

9 21 Sec. 23. Section 97C.2, subsection 4, Code 2005, is
9 22 amended to read as follows:

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

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

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

9 34 Sec. 25. Section 99D.11, subsection 3, Code 2005, is
9 35 amended to read as follows:

10 1 3. The licensee may receive wagers of money only from a
10 2 person present in a licensed ~~racing racetrack~~ enclosure on a
10 3 horse or dog in the race selected by the person making the
10 4 wager to finish first in the race. The person wagering shall
10 5 acquire an interest in the total money wagered on all horses
10 6 or dogs in the race as first winners in proportion to the
10 7 amount of money wagered by the person.

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

10 11 For purposes of this subsection, "qualified harness racing
10 12 track" means a harness racing track that has either held at
10 13 least one harness race ~~meet meeting~~ between July 1, 1985, and
10 14 July 1, 1989, or after July 1, 1989, has applied to and been
10 15 approved by the racing commission for the allocation of funds
10 16 under this subsection. The racing commission shall approve an
10 17 application if the harness racing track has held at least one
10 18 harness race ~~meet meeting~~ during the year preceding the year
10 19 for which the track seeks funds under this subsection.

10 20 Sec. 27. Section 99D.20, Code 2005, is amended to read as
10 21 follows:

10 22 99D.20 AUDIT OF LICENSEE OPERATIONS.

10 23 Within ninety days after the end of each race ~~meet meeting~~,
10 24 the licensee shall transmit to the commission an audit of the
10 25 financial transactions and condition of the licensee's
10 26 operations conducted under this chapter. Additionally, within
10 27 ninety days after the end of the licensee's fiscal year, the
10 28 licensee shall transmit to the commission an audit of the
10 29 licensee's total racing and gaming operations, including an
10 30 itemization of all expenses and subsidies. All audits shall
10 31 be conducted by certified public accountants registered in the
10 32 state of Iowa under chapter 542 who are selected by the board
10 33 of supervisors of the county in which the licensee operates.

10 34 Sec. 28. Section 99F.4C, subsection 2, Code 2005, is
10 35 amended to read as follows:

11 1 2. For purposes of this section, the "applicable area"
11 2 means that portion of the city of Des Moines in Polk county
11 3 bounded by a line commencing at the point East Euclid avenue
11 4 intersects East Fourteenth street, then proceeding south along
11 5 East Fourteenth street and Southeast Fourteenth street until
11 6 it intersects Park avenue, then proceeding west along Park
11 7 avenue until it intersects Fleur drive, then proceeding north
11 8 along Fleur drive until it intersects Eighteenth street, then
11 9 proceeding north along Eighteenth street until it intersects
11 10 Ingersoll avenue, then proceeding west along Ingersoll avenue
11 11 until it intersects Martin Luther King Jr. parkway, then
11 12 proceeding northerly along Martin Luther King Jr. parkway
11 13 until it intersects Euclid avenue, then proceeding east along
11 14 Euclid avenue and East Euclid avenue to the point of origin.

11 15 For purposes of this section, such reference to a street or
11 16 other boundary means such street or boundary as ~~they were it~~
11 17 was delineated on the official Pub. L. No. 94=171 census maps
11 18 used for redistricting following the 2000 United States
11 19 decennial census.

11 20 Sec. 29. Section 124.308, subsection 2, Code 2005, is
11 21 amended to read as follows:

11 22 2. A practitioner, other than a pharmacy, or a
11 23 practitioner's authorized agent may transmit an electronic
11 24 prescription or facsimile prescription to a pharmacy for a
11 25 schedule II controlled substance, provided that the ~~electronic~~
11 26 prescription complies with section 155A.27 and provided that
11 27 the original signed prescription is presented to the

11 28 pharmacist prior to the dispensing of the schedule II
11 29 controlled substance. If permitted by federal law, and in
11 30 accordance with federal requirements, the electronic or
11 31 facsimile prescription shall serve as the original signed
11 32 prescription and the practitioner shall not provide the
11 33 patient or the patient's authorized representative with a
11 34 signed, written prescription.

11 35 Sec. 30. Section 135.31, Code 2005, is amended to read as
12 1 follows:

12 2 135.31 LOCATION OF BOARDS == RULEMAKING.

12 3 The offices for the state board of medical examiners, the
12 4 state board of pharmacy examiners, the state board of nursing
12 5 ~~examiners~~, and the state board of dental examiners shall be
12 6 located within the department of public health. The
12 7 individual boards shall have policymaking and rulemaking
12 8 authority.

12 9 Sec. 31. Section 135.146, subsection 1, Code 2005, is
12 10 amended to read as follows:

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

12 27 Sec. 32. Section 135J.1, unnumbered paragraph 1, Code
12 28 2005, is amended to read as follows:

12 29 For the purposes of this ~~division~~ chapter unless otherwise
12 30 defined:

12 31 Sec. 33. Section 135J.2, unnumbered paragraph 1, Code
12 32 2005, is amended to read as follows:

12 33 A person or governmental unit, acting severally or jointly
12 34 with any other person may establish, conduct, or maintain a
12 35 hospice program in this state and receive license from the
13 1 department after meeting the requirements of this ~~division~~
13 2 chapter. The application shall be on a form prescribed by the
13 3 department and shall require information the department deems
13 4 necessary. Nothing in this ~~division~~ chapter shall prohibit a
13 5 person or governmental unit from establishing, conducting, or
13 6 maintaining a hospice program without a license. Each
13 7 application for license shall be accompanied by a
13 8 nonrefundable biennial license fee determined by the
13 9 department.

13 10 Sec. 34. Section 135J.5, Code 2005, is amended to read as
13 11 follows:

13 12 135J.5 DENIAL, SUSPENSION, OR REVOCATION OF LICENSES.

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

13 21 Sec. 35. Section 135J.7, Code 2005, is amended to read as
13 22 follows:

13 23 135J.7 RULES.

13 24 Except as otherwise provided in this ~~division~~ chapter, the
13 25 department shall adopt rules pursuant to chapter 17A necessary
13 26 to implement this ~~division~~ chapter, subject to approval of the
13 27 state board of health. Formulation of the rules shall include
13 28 consultation with Iowa hospice organization representatives
13 29 and other persons affected by ~~the division~~ this chapter.

13 30 Sec. 36. Section 147.14, subsection 3, Code 2005, is
13 31 amended to read as follows:

13 32 3. For ~~the board of~~ nursing examiners, four registered
13 33 nurses, two of whom shall be actively engaged in practice, two
13 34 of whom shall be nurse educators from nursing education
13 35 programs; of these, one in higher education and one in area
14 1 community and vocational-technical registered nurse education;
14 2 one licensed practical nurse actively engaged in practice; and
14 3 two members not registered nurses or licensed practical nurses

14 4 and who shall represent the general public. The
14 5 representatives of the general public shall not be members of
14 6 health care delivery systems. A majority of the members of
14 7 the board constitutes a quorum.

14 8 Sec. 37. Section 147.152, subsection 2, Code 2005, is
14 9 amended to read as follows:

14 10 2. Hearing aid fitting, the dispensing or sale of hearing
14 11 aids and the providing of hearing aid service and maintenance
14 12 by a hearing aid ~~dealer dispenser~~ or holder of a temporary
14 13 permit as defined and licensed under chapter 154A.

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

14 16 A person exempted from the provisions of this division by
14 17 this section shall not use the title speech pathologist or
14 18 audiologist or any title or device indicating or representing
14 19 in any manner that the person is a speech pathologist or is an
14 20 audiologist; provided, a hearing aid ~~dealer dispenser~~ licensed
14 21 under chapter 154A may use the title "certified hearing aid
14 22 audiologist" when granted by the national hearing aid society;
14 23 and provided, persons who meet the requirements of section
14 24 147.153, subsection 1, who are certified by the department of
14 25 education as speech clinicians may use the title speech
14 26 pathologist and persons who meet the requirements of section
14 27 147.153, subsection 2, who are certified by the department of
14 28 education as hearing clinicians may use the title audiologist,
14 29 while acting within the scope of their employment.

14 30 Sec. 39. Section 157.3A, unnumbered paragraph 1, Code
14 31 2005, is amended to read as follows:

14 32 In addition to the license requirements of section 157.3,
14 33 ~~as provided in this section,~~ a written application and proof
14 34 of additional training and certification shall be required
14 35 prior to approval by the board for the provision of the

15 1 services described in this section.
15 2 Sec. 40. Section 162.2, subsection 6, Code 2005, is
15 3 amended to read as follows:

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

15 16 Sec. 41. Section 165B.5, subsection 4, paragraph d, Code
15 17 2005, is amended to read as follows:

15 18 d. The department shall be reimbursed by the owner of the
15 19 poultry or property for costs required to carry out this
15 20 subsection. However, if the enforcement action is brought due
15 21 to the activity of a law enforcement officer of a political
15 22 subdivision, the political subdivision shall be reimbursed by
15 23 the owner of the poultry or property for those costs. The
15 24 department or political subdivision shall certify the amount
15 25 to the county auditor of any county in which the owner is a
15 26 titleholder of real property. The amount shall be placed upon
15 27 the tax books ~~which and~~ shall be a lien upon the real
15 28 property, and collected with interest and penalties after due,
15 29 in the same manner as other unpaid property taxes.

15 30 Sec. 42. Section 167.4, subsection 3, Code 2005, is
15 31 amended to read as follows:

15 32 3. The person shall submit a separate application for each
15 33 location that the person is to operate as a disposal plant,
15 34 collection point, or a delivery service.

15 35 Sec. 43. Section 167.15, subsection 2, Code 2005, is
16 1 amended to read as follows:

16 2 2. The department shall provide for the inspection of
16 3 delivery vehicles used to transport carcasses or offal
16 4 material, and for the inspection of disposal plants,
16 5 collection points, or other locations in which carcasses or
16 6 offal material is stored or processed before being delivered
16 7 to a disposal plant.

16 8 Sec. 44. Section 173.14B, subsections 2 and 7, Code 2005,
16 9 are amended to read as follows:

16 10 2. The board may issue negotiable bonds and notes of the
16 11 authority in principal amounts which are necessary to provide
16 12 sufficient funds for achievement of its corporate purposes,
16 13 the payment of interest on its bonds and notes, the
16 14 establishment of reserves to secure its bonds and notes, and

16 15 all other expenditures of the board incident to and necessary
16 16 or convenient to carry out its purposes and powers, subject to
16 17 authorization and approval required under subsection 1.
16 18 However, the total principal amount of bonds and notes
16 19 outstanding at any time under subsection 1 and this subsection
16 20 shall not exceed twenty-five million dollars. The bonds and
16 21 notes are deemed to be investment securities and negotiable
16 22 instruments within the meaning of and for all purposes of the
16 23 uniform commercial code, chapter 554.

16 24 7. A copy of each pledge agreement by or to the authority,
16 25 including without limitation each bond resolution, indenture
16 26 of trust, or similar agreement, or any revisions or
16 27 supplements to it shall be filed with the secretary of state
16 28 and no further filing or other action under article 9 of the
16 29 uniform commercial code as provided in chapter 554, or any
16 30 other law of the state is required to perfect the security
16 31 interest in the collateral or any additions to it or
16 32 substitutions for it, and the lien and trust so created is
16 33 binding from and after the time it is made against all parties
16 34 having claims of any kind in tort, contract, or otherwise
16 35 against the pledgor.

17 1 Sec. 45. Section 175.17, subsections 1 and 7, Code 2005,
17 2 are amended to read as follows:

17 3 1. The authority may issue its negotiable bonds and notes
17 4 in principal amounts which, in the opinion of the authority,
17 5 are necessary to provide sufficient funds for achievement of
17 6 its corporate purposes, the payment of interest on its bonds
17 7 and notes, the establishment of reserves to secure its bonds
17 8 and notes and all other expenditures of the authority incident
17 9 to and necessary or convenient to carry out its purposes and
17 10 powers. The bonds and notes shall be deemed to be investment
17 11 securities and negotiable instruments within the meaning of
17 12 and for all purposes of the uniform commercial code, chapter
17 13 554.

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

17 26 Sec. 46. Section 181.17, Code 2005, is amended to read as
17 27 follows:

17 28 181.17 PRODUCERS NOT MEMBERS.

17 29 A producer who is not a member of the Iowa beef cattle
17 30 producers association shall be entitled to vote in elections
17 31 of persons to be members of the ~~executive committee~~ council in
17 32 the same manner as if the producer were a member. The members
17 33 elected to the ~~executive committee~~ council shall elect from
17 34 their number the officers referred to in section 181.1A.

17 35 Sec. 47. Section 181.18, Code 2005, is amended to read as
18 1 follows:

18 2 181.18 RULES.

18 3 All rules of the ~~executive committee~~ council heretofore or
18 4 hereinafter promulgated shall be subject to the provisions of
18 5 chapter 17A.

18 6 Sec. 48. Section 216A.156, Code 2005, is amended to read
18 7 as follows:

18 8 216A.156 REVIEW OF GRANT APPLICATIONS AND BUDGET REQUESTS.

18 9 Before the submission of an application, ~~a state~~
18 10 ~~departments and agencies~~ department or agency shall consult
18 11 with the commission concerning ~~applications~~ an application for
18 12 federal funding that will have its primary effect on persons
18 13 of Asian and Pacific Islander heritage in Iowa. The
18 14 commission shall advise the governor and the director of
18 15 revenue concerning any state agency budget request that will
18 16 have its primary effect on persons of Asian and Pacific
18 17 Islander heritage in Iowa.

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

18 20 216E.7 EXEMPTIONS.

18 21 This chapter does not apply to a hearing aid sold, leased,
18 22 or transferred to a consumer by an audiologist licensed under
18 23 chapter 147, or a hearing aid ~~dealer dispenser~~ licensed under
18 24 chapter 154A, if the audiologist or ~~dealer dispenser~~ provides
18 25 either an express warranty for the hearing aid or provides for

18 26 service and replacement of the hearing aid.

18 27 Sec. 50. Section 217.41, subsection 1, Code 2005, is
18 28 amended to read as follows:

18 29 1. The department of human services shall cause a refugee
18 30 services foundation to be created for the sole purpose of
18 31 engaging in refugee resettlement activities to promote the
18 32 welfare and self-sufficiency of refugees who live in Iowa and
18 33 who are not citizens of the United States. The foundation may
18 34 establish an endowment fund to assist in the financing of its
18 35 activities. The foundation shall be incorporated under
19 1 chapter ~~504~~ or 504A.

19 2 Sec. 51. Section 218.28, Code 2005, is amended to read as
19 3 follows:

19 4 218.28 INVESTIGATION.

19 5 The administrator of the department of human services in
19 6 control of a particular institution or the administrator's
19 7 authorized officer or employee shall visit, and minutely
19 8 examine, at least once in six months, and ~~oftener~~ more often
19 9 if necessary or required by law, the institutions under such
19 10 administrator's control, and the financial condition and
19 11 management thereof.

19 12 Sec. 52. Section 229.36, Code 2005, is amended to read as
19 13 follows:

19 14 229.36 LIMITATION ON PROCEEDINGS.

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

19 20 Sec. 53. Section 249A.20A, subsection 9, Code 2005, is
19 21 amended to read as follows:

19 22 9. The department may procure a sole source contract with
19 23 an outside entity or ~~contractor~~ contractor to participate in a
19 24 pharmaceutical pooling program with midwestern or other states
19 25 to provide for an enlarged pool of individuals for the
19 26 purchase of pharmaceutical products and services for medical
19 27 assistance recipients.

19 28 Sec. 54. Section 249A.34, subsection 6, paragraph a,
19 29 subparagraph (7), subparagraph subdivision (f), Code 2005, is
19 30 amended to read as follows:

19 31 (f) The federal Medicare Prescription Drug, Improvement
19 32 and Medicare Improvement Modernization Act of 2003, Pub. L.
19 33 No. 108=173.

19 34 Sec. 55. Section 256.11, subsection 15, Code 2005, is
19 35 amended to read as follows:

20 1 15. The board of directors of a school district or the
20 2 authorities in charge of a nonpublic school may award credit
20 3 toward graduation to a student if the student successfully
20 4 completes basic training ~~in~~ for service as a member of the
20 5 Iowa army national guard, the Iowa air national guard, ~~or as a~~
20 6 ~~member of the active military forces of the United States, or~~
20 7 ~~as a member of the army national guard of the United States,~~
20 8 or the air national guard of the United States.

20 9 Sec. 56. Section 257C.8, subsection 3, Code 2005, is
20 10 amended to read as follows:

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

20 21 Sec. 57. Section 272C.1, subsection 6, paragraph v, Code
20 22 2005, is amended to read as follows:

20 23 v. The board for the licensing and regulation of hearing
20 24 aid ~~dealers~~ dispensers, created pursuant to chapter 154A.

20 25 Sec. 58. Section 275.41, subsection 2, Code 2005, is
20 26 amended to read as follows:

20 27 2. Prior to the organization organizational meeting of the
20 28 newly formed district, the boards of the former districts
20 29 shall designate directors to be retained as members to serve
20 30 on the initial board, and if the total number of directors
20 31 determined under subsection 1 is an even number, that number
20 32 of directors shall function and may within five days of the
20 33 organizational meeting appoint one additional director by
20 34 unanimous vote with all directors voting. Otherwise, the
20 35 board shall function until a special election can be held to
21 1 elect an additional director. The procedure for calling the

21 2 special election shall be the procedure specified in section
21 3 275.25. If there is an insufficient number of board members
21 4 eligible to be retained from a former school district, the
21 5 board of the former school district may appoint members to
21 6 fill the vacancies. A vacancy occurs if there is an
21 7 insufficient number of former board members who reside in the
21 8 newly formed district or if there is an insufficient number
21 9 who are willing to serve on the board of the newly formed
21 10 district.

21 11 Sec. 59. Section 279.27, Code 2005, is amended to read as
21 12 follows:

21 13 279.27 DISCHARGE OF TEACHER.

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

21 27 Sec. 60. Section 305.8, subsection 1, paragraph b, Code
21 28 2005, is amended to read as follows:

21 29 b. In consultation with the homeland security and
21 30 emergency management division of the department of public
21 31 ~~safety defense~~, establish policies, standards, and guidelines
21 32 for the identification, protection, and preservation of
21 33 records essential for the continuity or reestablishment of
21 34 governmental functions in the event of an emergency arising
21 35 from a natural or other disaster.

22 1 Sec. 61. Section 306.46, subsection 2, Code 2005, is
22 2 amended to read as follows:

22 3 2. For purposes of this section, "public utility" means a
22 4 public utility as defined in section 476.1, and shall also
22 5 include waterworks, municipally owned waterworks, joint water
22 6 utilities, rural water districts incorporated under chapter
22 7 357A or chapter 504 or 504A, and cooperative water
22 8 associations. For the purposes of this section, "utility
22 9 facilities" means any cables, conduits, wire, pipe, casing
22 10 pipe, supporting poles, guys, and other material and equipment
22 11 utilized for the furnishing of electric, gas, communications,
22 12 water, or sewer service.

22 13 Sec. 62. Section 321I.3, subsection 1, Code 2005, is
22 14 amended to read as follows:

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

22 27 Sec. 63. Section 322.5, subsection 2, paragraph a,
22 28 subparagraph (2), Code 2005, is amended to read as follows:

22 29 (2) Display, offer for sale, and negotiate sales of new
22 30 motor vehicles at fair events, as defined in chapter 174,
22 31 vehicle shows, and vehicle exhibitions, upon application for
22 32 and receipt of a temporary permit issued by the department.
22 33 Such activities may only be conducted at ~~fairs~~ fair events,
22 34 vehicle shows, and vehicle exhibitions that are held in the
22 35 county of the motor vehicle dealer's principal place of
23 1 business. A sale of a motor vehicle by a motor vehicle dealer
23 2 shall not be completed and an agreement for the sale of a
23 3 motor vehicle shall not be signed at a fair event, vehicle
23 4 show, or vehicle exhibition. All such sales shall be
23 5 consummated at the motor vehicle dealer's principal place of
23 6 business.

23 7 Sec. 64. Section 329.13, Code 2005, is amended to read as
23 8 follows:

23 9 329.13 ADMINISTRATION OF AIRPORT ZONING REGULATIONS.

23 10 All airport zoning regulations adopted under this chapter
23 11 shall provide for the administration and enforcement of such
23 12 regulations by an administrative agency ~~(which, which~~ may be

23 13 an agency created by such ~~regulations~~ regulations, or by any
23 14 official, board, or other existing agency of the municipality
23 15 adopting the regulations, or of one or both of the
23 16 municipalities which participated therein, but in no case
23 17 shall such administrative agency be or include any member of
23 18 the board of adjustment. The duties of any administrative
23 19 agency designated pursuant to this chapter shall not include
23 20 any of the powers herein delegated to the board of adjustment.

23 21 Sec. 65. Section 331.438, subsection 4, paragraph b,
23 22 subparagraph (16), Code 2005, is amended to read as follows:

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

23 35 Sec. 66. Section 331.609, subsection 3, paragraph b,
24 1 subparagraphs (1) and (2), Code 2005, are amended to read as
24 2 follows:

24 3 (1) Cause a certificate of release or nonattachment to be
24 4 marked, held, and indexed as if the certificate were a
24 5 termination statement within the meaning of the uniform
24 6 commercial code, chapter 554, except that the notice of lien
24 7 to which the certificate relates shall not be removed from the
24 8 files.

24 9 (2) Cause a certificate of discharge or subordination to
24 10 be marked, held, and indexed as if the certificate were a
24 11 release of collateral within the meaning of the uniform
24 12 commercial code, chapter 554.

24 13 Sec. 67. Section 356.1, subsection 1, unnumbered paragraph
24 14 1, Code 2005, is amended to read as follows:

24 15 The jails in the several counties in the state shall be in
24 16 the charge of the respective sheriffs and used as prisons:

24 17 Sec. 68. Section 423.18, unnumbered paragraph 1, Code
24 18 2005, is amended to read as follows:

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

24 28 Sec. 69. Section 423.56, subsection 6, Code 2005, is
24 29 amended to read as follows:

24 30 6. When personally identifiable information regarding an
24 31 individual is retained by or on behalf of this state, this
24 32 state shall provide reasonable access by ~~such the~~ individual
24 33 to ~~his or her~~ the individual's own information in the state's
24 34 possession and a right to correct any inaccurately recorded
24 35 information.

25 1 Sec. 70. Section 423B.5, unnumbered paragraph 1, Code
25 2 2005, is amended to read as follows:

25 3 A local sales and services tax at the rate of not more than
25 4 one percent may be imposed by a county on the sales price
25 5 taxed by the state under chapter 423, subchapter II. A local
25 6 sales and services tax shall be imposed on the same basis as
25 7 the state sales and services tax or in the case of the use of
25 8 natural gas, natural gas service, electricity, or electric
25 9 service on the same basis as the state use tax and shall not
25 10 be imposed on the sale of any property or on any service not
25 11 taxed by the state, except the tax shall not be imposed on the
25 12 sales price from the sale of motor fuel or special fuel as
25 13 defined in chapter 452A which is consumed for highway use or
25 14 in watercraft or aircraft if the fuel tax is paid on the
25 15 transaction and a refund has not or will not be allowed, on
25 16 the sales price from the rental of rooms, apartments, or
25 17 sleeping quarters which are taxed under chapter 423A during
25 18 the period the hotel and motel tax is imposed, on the sales
25 19 price from the sale of equipment by the state department of
25 20 transportation, on the sales price from the sale of self=
25 21 propelled building equipment, pile drivers, motorized
25 22 scaffolding, or attachments customarily drawn or attached to
25 23 self-propelled building equipment, pile drivers, and motorized

25 24 scaffolding, including auxiliary attachments which improve the
25 25 performance, safety, operation, or efficiency of the equipment
25 26 and replacement parts and are directly and primarily used by
25 27 contractors, subcontractors, and builders for new
25 28 construction, reconstruction, alterations, expansion, or
25 29 remodeling of real property or structures, and on the sales
25 30 price from the sale of a lottery ticket or share in a lottery
25 31 game conducted pursuant to chapter 99G and except the tax
25 32 shall not be imposed on the sales price from the sale or use
25 33 of natural gas, natural gas service, electricity, or electric
25 34 service in a city or county where the sales price from the
25 35 sale of natural gas or electric energy ~~are~~ is subject to a
26 1 franchise fee or user fee during the period the franchise or
26 2 user fee is imposed. A local sales and services tax is
26 3 applicable to transactions within those incorporated and
26 4 unincorporated areas of the county where it is imposed and
26 5 shall be collected by all persons required to collect state
26 6 sales taxes. However, a person required to collect state
26 7 retail sales tax under chapter 423, subchapter V or VI, is not
26 8 required to collect local sales and services tax on
26 9 transactions delivered within the area where the local sales
26 10 and services tax is imposed unless the person has physical
26 11 presence in that taxing area. All cities contiguous to each
26 12 other shall be treated as part of one incorporated area and
26 13 the tax would be imposed in each of those contiguous cities
26 14 only if the majority of those voting in the total area covered
26 15 by the contiguous cities favors its imposition.

26 16 Sec. 71. Section 423E.3, subsection 2, Code 2005, is
26 17 amended to read as follows:

26 18 2. The tax shall be imposed on the same basis as the state
26 19 sales and services tax or in the case of the use of natural
26 20 gas, natural gas service, electricity, or electric service on
26 21 the same basis as the state use tax and shall not be imposed
26 22 on the sale of any property or on any service not taxed by the
26 23 state, except the tax shall not be imposed on the sales price
26 24 from the sale of motor fuel or special fuel as defined in
26 25 chapter 452A which is consumed for highway use or in
26 26 watercraft or aircraft if the fuel tax is paid on the
26 27 transaction and a refund has not or will not be allowed, on
26 28 the sales price from the rental of rooms, apartments, or
26 29 sleeping quarters which are taxed under chapter 423A during
26 30 the period the hotel and motel tax is imposed, on the sales
26 31 price from the sale of equipment by the state department of
26 32 transportation, on the sales price from the sale of self=
26 33 propelled building equipment, pile drivers, motorized
26 34 scaffolding, or attachments customarily drawn or attached to
26 35 self-propelled building equipment, pile drivers, and motorized
27 1 scaffolding, including auxiliary attachments which improve the
27 2 performance, safety, operation, or efficiency of the
27 3 equipment, and replacement parts and are directly and
27 4 primarily used by contractors, subcontractors, and builders
27 5 for new construction, reconstruction, alterations, expansion,
27 6 or remodeling of real property or structures, and on the sales
27 7 price from the sale of a lottery ticket or share in a lottery
27 8 game conducted pursuant to chapter 99G and except the tax
27 9 shall not be imposed on the sales price from the sale or use
27 10 of natural gas, natural gas service, electricity, or electric
27 11 service in a city or county where the sales price from the
27 12 sale of natural gas or electric energy ~~are~~ is subject to a
27 13 franchise fee or user fee during the period the franchise or
27 14 user fee is imposed.

27 15 Sec. 72. Section 435.1, subsection 6, unnumbered paragraph
27 16 3, Code 2005, is amended to read as follows:

27 17 A manufactured home community or a mobile home park must be
27 18 classified as to whether it is a residential manufactured home
27 19 community or a mobile home park or a recreational manufactured
27 20 home community or a mobile home park or both. The
27 21 manufactured home ~~community~~ communities or mobile home ~~park~~
27 22 parks residential landlord and tenant Act, chapter 562B, only
27 23 applies to residential manufactured home communities or mobile
27 24 home parks.

27 25 Sec. 73. Section 452A.3, subsection 7, Code 2005, is
27 26 amended to read as follows:

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

27 31 Sec. 74. Section 453A.26, Code 2005, is amended to read as
27 32 follows:

27 33 453A.26 LIENS AND ACTIONS.

27 34 All of the provisions for the lien of the tax, its

27 35 collection, and all actions as provided in the uniform sales
28 1 and use tax administration Act, chapter 423, shall apply to
28 2 the tax imposed by this chapter, except that where the sales
28 3 tax and the cigarette tax may become conflicting liens, they
28 4 shall be of equal priority.

28 5 Sec. 75. Section 456A.18, Code 2005, is amended to read as
28 6 follows:

28 7 456A.18 REPORT OF FUNDS.

28 8 The director shall, at least monthly, make return and pay
28 9 to the treasurer of state all moneys then in the director's
28 10 hands belonging to the five funds created in section 456A.17.

28 11 Sec. 76. Section 502.304A, subsection 3, paragraph d, Code
28 12 2005, is amended to read as follows:

28 13 d. The aggregate offering price of the offering of
28 14 securities by the issuer within or outside this state must not
28 15 exceed one million dollars, less the aggregate offering price
28 16 for all securities sold within twelve months before the start
28 17 of, and during the offering of, the securities under rule 504,
28 18 17 C.F.R. } 230.504, in reliance on any exemption under
28 19 section 3(b) of the Securities Act of 1933 or in violation of
28 20 section 5(a) of that Act; provided, that if rule 504, 17
28 21 C.F.R. } 230.504, adopted under the Securities Act of 1933, is
28 22 amended, ~~that~~ the administrator may by rule increase the limit
28 23 under this paragraph to conform to amendments to federal law,
28 24 including but not limited to modification in the amount of the
28 25 aggregate offering price.

28 26 Sec. 77. Section 502.412, subsection 4, paragraphs a, b,
28 27 d, and i, Code 2005, are amended to read as follows:

28 28 a. The person has filed an application for registration in
28 29 this state under this chapter or ~~the predecessor chapter 502,~~
28 30 ~~Code 2003 and Code Supplement 2003,~~ within the previous ten
28 31 years, which, as of the effective date of registration or as
28 32 of any date after filing in the case of an order denying
28 33 effectiveness, was incomplete in any material respect or
28 34 contained a statement that, in light of the circumstances
28 35 under which it was made, was false or misleading with respect
29 1 to a material fact.

29 2 b. The person willfully violated or willfully failed to
29 3 comply with this chapter or ~~the predecessor chapter 502, Code~~
29 4 ~~2003 and Code Supplement 2003,~~ or a rule adopted or order
29 5 issued under this chapter or ~~the predecessor chapter 502, Code~~
29 6 ~~2003 and Code Supplement 2003,~~ within the previous ten years.

29 7 d. The person is enjoined or restrained by a court of
29 8 competent jurisdiction in an action instituted by the
29 9 administrator under this chapter or ~~the predecessor chapter~~
29 10 ~~502, Code 2003 and Code Supplement 2003,~~ a state, the
29 11 securities and exchange commission, or the United States from
29 12 engaging in or continuing an act, practice, or course of
29 13 business involving an aspect of a business involving
29 14 securities, commodities, investments, franchises, insurance,
29 15 banking, or finance.

29 16 i. The person has failed to reasonably supervise an agent,
29 17 investment adviser representative, or other individual, if the
29 18 agent, investment adviser representative, or other individual
29 19 was subject to the person's supervision and committed a
29 20 violation of this chapter or ~~the predecessor chapter 502, Code~~
29 21 ~~2003 and Code Supplement 2003,~~ or a rule adopted or order
29 22 issued under this chapter or ~~the predecessor chapter 502, Code~~
29 23 ~~2003 and Code Supplement 2003,~~ within the previous ten years.

29 24 Sec. 78. Section 502.601, subsection 1, Code 2005, is
29 25 amended to read as follows:

29 26 1. ADMINISTRATION. This chapter shall be administered by
29 27 the commissioner of insurance of this state. The
29 28 administrator shall appoint a deputy administrator who shall
29 29 be exempt from the merit system provisions of chapter 8A,
29 30 subchapter IV. The deputy administrator is the principal
29 31 operations officer of the securities bureau of the insurance
29 32 division of the department of commerce. The deputy
29 33 administrator is responsible to the administrator for the
29 34 routine administration of this chapter and the management of
29 35 the securities bureau. In the absence of the administrator,
30 1 whether because of vacancy in the office, by reason of
30 2 absence, physical disability, or other cause, the deputy
30 3 administrator shall be the acting administrator and shall, for
30 4 that period, have and exercise the authority conferred upon
30 5 the administrator. The administrator may by order delegate to
30 6 the deputy administrator any or all of the functions assigned
30 7 to the administrator under this chapter. The administrator
30 8 shall employ officers, attorneys, accountants, and other
30 9 employees as needed for the administration of ~~the this~~
30 10 chapter.

30 11 Sec. 79. Section 504.115, subsection 2, paragraph a,
30 12 subparagraph (1), Code 2005, is amended to read as follows:
30 13 (1) Describe the document, including its filing date, or
30 14 ~~attaching attach~~ a copy of the document to the articles.
30 15 Sec. 80. Section 504.1701, subsection 1, Code 2005, is
30 16 amended to read as follows:
30 17 1. A domestic corporation that is incorporated under
30 18 chapter 504A, Code 2005, is subject to this chapter beginning
30 19 on July 1, 2005.
30 20 Sec. 81. Section 504.1701, subsection 2, paragraph b, Code
30 21 2005, is amended to read as follows:
30 22 b. A corporation incorporated under chapter 504A, Code
30 23 2005, that voluntarily elects to be subject to the provisions
30 24 of this chapter in accordance with the procedures set forth in
30 25 subsection 3.
30 26 Sec. 82. Section 504.1701, subsection 3, unnumbered
30 27 paragraph 1, Code 2005, is amended to read as follows:
30 28 A corporation incorporated under chapter 504A, Code 2005,
30 29 may voluntarily elect to be subject to the provisions of this
30 30 chapter by doing all of the following:
30 31 Sec. 83. Section 515.109A, subsection 1, paragraph j, Code
30 32 2005, is amended to read as follows:
30 33 j. "Personal insurance" means personal insurance and not
30 34 commercial insurance and is limited to private passenger
30 35 automobile, homeowners, farm owners, personal farm liability,
31 1 motorcycle, mobile home owners, noncommercial dwelling fire
31 2 ~~insurance~~, boat, personal watercraft, snowmobile, and
31 3 recreational vehicle insurance policies, that are individually
31 4 underwritten for personal, family, farm, or household use. No
31 5 other type of insurance is included as personal insurance for
31 6 the purposes of this section.
31 7 Sec. 84. Section 515.109A, subsection 3, Code 2005, is
31 8 amended to read as follows:
31 9 3. DISPUTE RESOLUTION AND ERROR CORRECTION. If it is
31 10 determined through the dispute resolution process set forth
31 11 under the federal Fair Credit Reporting Act, 15 U.S.C. }
31 12 1681i(a)(5), that the credit information of a current insured
31 13 is incorrect or incomplete and the insurer receives notice of
31 14 such determination from either the consumer reporting agency
31 15 or from the insured, the insurer shall re-underwrite and re=
31 16 rate the insured within thirty days of receiving the notice.
31 17 After re-underwriting or re-rating the insured, the insurer
31 18 shall make any adjustments necessary, consistent with the
31 19 insurer's underwriting and rating guidelines. If an insurer
31 20 determines that an insured has overpaid the premium on a
31 21 personal insurance policy, the insurer shall refund the amount
31 22 of the overpayment to the insured, calculated for either the
31 23 last twelve months of coverage or the actual policy period,
31 24 whichever is shorter.
31 25 Sec. 85. Section 515.138, Code 2005, is amended to read as
31 26 follows:
31 27 515.138 FIRE INSURANCE CONTRACT == STANDARD POLICY
31 28 PROVISIONS == PERMISSIBLE VARIATIONS.
31 29 ~~FIRST-~~ 1. The printed form of a policy of fire insurance
31 30 as set forth in subsection ~~sixth~~ 6 shall be known and
31 31 designated as the "standard policy" to be used in the state of
31 32 Iowa.
31 33 ~~SECOND-~~ 2. STANDARD POLICY, ADDITIONS, RIDERS AND
31 34 CLAUSES. It shall be unlawful for any insurance company to
31 35 issue any policy of fire insurance upon any property in this
32 1 state except upon automobiles, airplanes, seaplanes,
32 2 dirigibles, or other aircraft, farm crops until stored, marine
32 3 and inland marine risks other or different from the standard
32 4 form of fire insurance policy herein set forth.
32 5 There shall be printed at the head of said policy the name
32 6 of the insurer or insurers issuing the policy; the location of
32 7 the home office thereof; a statement whether said insurer or
32 8 insurers are stock or mutual corporations or are reciprocal
32 9 insurers; and subject to the approval of the commissioner of
32 10 insurance, there may be added thereto such device or devices
32 11 as the insurer or insurers issuing said policy shall desire.
32 12 Provided, however, that any company organized under special
32 13 charter provisions may so indicate upon its policy, and may
32 14 add a statement of the plan under which it operates in this
32 15 state.
32 16 The standard policy provided for herein need not be used
32 17 for effecting reinsurance between insurers.
32 18 If the policy is issued by a mutual, co-operative or
32 19 reciprocal insurer having special regulations with respect to
32 20 the payment by the policyholder of assessments, such
32 21 regulations shall be printed upon the policy, and any such

32 22 insurer may print upon the policy such regulations as may be
32 23 required by its home state or appropriate to its form of
32 24 organization.
32 25 ~~THIRD-~~ 3. Binders or other contracts for temporary
32 26 insurance may be made and shall be deemed to include all the
32 27 terms of such standard policy and all such applicable
32 28 endorsements as may be designated in such contract of
32 29 temporary insurance; except that the cancellation clause of
32 30 such standard policy, and the clause thereof specifying the
32 31 hour of the day at which the insurance shall commence, may be
32 32 superseded by the express terms of such contract of temporary
32 33 insurance.

32 34 ~~FOURTH-~~ 4. Two or more insurers authorized to do in this
32 35 state the business of fire insurance, may, with the approval
33 1 of the commissioner of insurance, issue a combination standard
33 2 form of policy which shall contain the following:

33 3 a. A provision substantially to the effect that the
33 4 insurers executing such policy shall be severally liable for
33 5 the full amount of any loss or damage, according to the terms
33 6 of the policy, or for specified percentages or amounts
33 7 thereof, aggregating the full amount of such insurance under
33 8 such policy.

33 9 b. A provision substantially to the effect that service of
33 10 process, or of any notice or proof of loss required by such
33 11 policy, upon any of the insurers executing such policy, shall
33 12 be deemed to be service upon all such insurers.

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

33 35 ~~SIXTH-~~ 6. The form of the standard policy (with
34 1 permission to substitute for the word "company" a more
34 2 accurate descriptive term for the type of insurer) shall be as
34 3 follows:

34 4 FIRST PAGE OF STANDARD FIRE POLICY

34 5 No. ...

34 6 (Space for insertion of name of company or companies
34 7 issuing the policy and other matter permitted to be stated at
34 8 the head of the policy.)

34 9 (Space for listing amounts of insurance, rates and premiums
34 10 for the basic coverages insured under the standard form of
34 11 policy and for additional coverages or perils insured under
34 12 endorsements attached.)

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

34 33 days at each proper place to which any of the property shall
34 34 necessarily be removed for preservation from the perils
34 35 insured against in this policy, but not elsewhere.

35 1 Assignment of this policy shall not be valid except with
35 2 the written consent of this company.

35 3 This policy is made and accepted subject to the foregoing
35 4 provisions and stipulations and those hereinafter stated,
35 5 which are hereby made a part of this policy, together with
35 6 such other provisions, stipulations and agreements as may be
35 7 added hereto, as provided in this policy.

35 8 IN WITNESS WHEREOF, this company has executed and attested
35 9 these presents; but this policy shall not be valid unless
35 10 countersigned by the duly authorized agent of this company at

35 11
35 12
35 13 Secretary. President.
35 14 Countersigned this
35 15 day of (month), ... (year).
35 16
35 17 Agent.

35 18 SECOND PAGE OF STANDARD FIRE POLICY

35 19 CONCEALMENT == FRAUD. This entire policy shall be void if,
35 20 whether before or after a loss, the insured has willfully
35 21 concealed or misrepresented any material fact or circumstance
35 22 concerning this insurance or the subject thereof, or the
35 23 interest of the insured therein, or in case of any fraud or
35 24 false swearing by the insured relating thereto.

35 25 UNINSURABLE AND EXCEPTED PROPERTY. This policy shall not
35 26 cover accounts, bills, currency, deeds, evidences of debt,
35 27 money or securities; nor, unless specifically named hereon in
35 28 writing, bullion or manuscripts.

35 29 PERILS NOT INCLUDED. This company shall not be liable for
35 30 loss by fire or other perils insured against in this policy
35 31 caused, directly or indirectly, by: (a) Enemy attack by armed
35 32 forces, including action taken by military, naval or air
35 33 forces in resisting an actual or an immediately impending
35 34 enemy attack; (b) invasion; (c) insurrection; (d) rebellion;
35 35 (e) revolution; (f) civil war; (g) usurped power; (h) order of
36 1 any civil authority except acts of destruction at the time of
36 2 and for the purpose of preventing the spread of fire, provided
36 3 that such fire did not originate from any of the perils
36 4 excluded by this policy; (i) neglect of the insured to use all
36 5 reasonable means to save and preserve the property at and
36 6 after a loss, or when the property is endangered by fire in
36 7 neighboring premises; (j) nor shall this company be liable for
36 8 loss by theft.

36 9 OTHER INSURANCE. Other insurance may be prohibited or the
36 10 amount of insurance may be limited by endorsement attached
36 11 hereto.

36 12 CONDITIONS SUSPENDING OR RESTRICTING INSURANCE. Unless
36 13 otherwise provided in writing added hereto this company shall
36 14 not be liable for loss occurring:

36 15 a. While the hazard is increased by any means within the
36 16 control or knowledge of the insured; or

36 17 b. While a described building, whether intended for
36 18 occupancy by owner or tenant, is vacant or unoccupied beyond a
36 19 period of sixty consecutive days; or

36 20 c. As a result of explosion or riot, unless fire ensue,
36 21 and in that event for loss by fire only.

36 22 OTHER PERILS OR SUBJECTS. Any other peril to be insured
36 23 against or subject of insurance to be covered in this policy
36 24 shall be by endorsement in writing hereon or added hereto.

36 25 ADDED PROVISIONS. The extent of the application of
36 26 insurance under this policy and of the contribution to be made
36 27 by this company in case of loss, and any other provision or
36 28 agreement not inconsistent with the provisions of this policy,
36 29 may be provided for in writing added hereto, but no provision
36 30 may be waived except such as by the terms of this policy is
36 31 subject to change.

36 32 WAIVER PROVISIONS. No permission affecting this insurance
36 33 shall exist, or waiver of any provision be valid, unless
36 34 granted herein or expressed in writing added hereto. No
36 35 provision, stipulation or forfeiture shall be held to be
37 1 waived by any requirement or proceeding on the part of this
37 2 company relating to appraisal or to any examination provided
37 3 for herein.

37 4 CANCELLATION OF POLICY. This policy shall be canceled at
37 5 any time at the request of the insured, in which case this
37 6 company shall, upon demand and surrender of this policy,
37 7 refund the excess of paid premium above the customary short
37 8 rates for the expired time. This policy may be canceled at

37 9 any time by this company by giving to the insured a five days'
37 10 written notice of cancellation with or without tender of the
37 11 excess of paid premium above the pro rata premium for the
37 12 expired time, which excess, if not tendered, shall be refunded
37 13 on demand. Notice of cancellation shall state that said
37 14 excess premium (if not tendered) will be refunded on demand.
37 15 MORTGAGEE INTERESTS AND OBLIGATIONS. If loss hereunder is
37 16 made payable, in whole or in part, to a designated mortgagee
37 17 not named herein as the insured, such interest in this policy
37 18 may be canceled by giving to such mortgagee a ten days'
37 19 written notice of cancellation.

37 20 If the insured fails to render proof of loss such
37 21 mortgagee, upon notice, shall render proof of loss in the form
37 22 herein specified within sixty days thereafter and shall be
37 23 subject to the provisions hereof relating to appraisal and
37 24 time of payment and of bringing suit. If this company shall
37 25 claim that no liability existed as to the mortgagor or owner,
37 26 it shall, to the extent of payment of loss to the mortgagee,
37 27 be subrogated to all the mortgagee's rights of recovery, but
37 28 without impairing mortgagee's right to sue; or it may pay off
37 29 the mortgage debt and require an assignment thereof and of the
37 30 mortgage. Other provisions relating to the interests and
37 31 obligations of such mortgagee may be added hereto by agreement
37 32 in writing.

37 33 PRO RATA LIABILITY. This company shall not be liable for a
37 34 greater proportion of any loss than the amount hereby insured
37 35 shall bear to the whole insurance covering the property
38 1 against the peril involved, whether collectible or not.

38 2 REQUIREMENTS IN CASE LOSS OCCURS. The insured shall give
38 3 immediate written notice to this company of any loss, protect
38 4 the property from further damage, forthwith separate the
38 5 damaged and undamaged personal property, put it in the best
38 6 possible order, furnish a complete inventory of the destroyed,
38 7 damaged and undamaged property, showing in detail quantities,
38 8 costs, actual cash value and AMOUNTS OF LOSS CLAIMED; AND
38 9 WITHIN SIXTY DAYS AFTER THE LOSS, UNLESS SUCH TIME IS EXTENDED
38 10 IN WRITING BY THIS COMPANY, THE INSURED SHALL RENDER TO THIS
38 11 COMPANY A PROOF OF LOSS, signed and sworn to by the insured,
38 12 stating the knowledge and belief of the insured as to the
38 13 following: The time and origin of the loss, the interest of
38 14 the insured and of all others in the property, the actual cash
38 15 value of each item thereof and the amount of loss thereto, all
38 16 encumbrances thereon, all other contracts of insurance,
38 17 whether valid or not, covering any of said property, any
38 18 changes in the title, use, occupation, location, possession or
38 19 exposures of said property since the issuing of this policy,
38 20 by whom and for what purpose any building herein described and
38 21 the several parts thereof were occupied at the time of loss
38 22 and whether or not it then stood on leased ground, and shall
38 23 furnish a copy of all the descriptions and schedules in all
38 24 policies and, if required, verified plans and specifications
38 25 of any building, fixtures or machinery destroyed or damaged.
38 26 The insured, as often as may be reasonably required, shall
38 27 exhibit to any person designated by this company all that
38 28 remains of any property herein described, and submit to
38 29 examinations under oath by any person named by this company,
38 30 and subscribe the same; and, as often as may be reasonably
38 31 required, shall produce for examination all books of account,
38 32 bills, invoices and other vouchers, or certified copies
38 33 thereof if originals be lost, at such reasonable time and
38 34 place as may be designated by this company or its
38 35 representative, and shall permit extracts and copies thereof
39 1 to be made.

39 2 APPRAISAL. In case the insured and this company shall fail
39 3 to agree as to the actual cash value or the amount of loss,
39 4 then, on the written demand of either, each shall select a
39 5 competent and disinterested appraiser and notify the other of
39 6 the appraiser selected within twenty days of such demand. The
39 7 appraisers shall first select a competent and disinterested
39 8 umpire; and failing for fifteen days to agree upon such
39 9 umpire, then, on request of the insured or this company, such
39 10 umpire shall be selected by a judge of a court of record in
39 11 the state in which the property covered is located. The
39 12 appraisers shall then appraise the loss, stating separately
39 13 actual cash value and loss to each item; and, failing to
39 14 agree, shall submit their differences, only, to the umpire.
39 15 An award in writing, so itemized, of any two when filed with
39 16 this company shall determine the amount of actual cash value
39 17 and loss. Each appraiser shall be paid by the party selecting
39 18 the appraiser and the expenses of appraisal and umpire shall
39 19 be paid by the parties equally.

39 20 COMPANY'S OPTIONS. It shall be optional with this company
39 21 to take all, or any part, of the property at the agreed or
39 22 appraised value, and also to repair, rebuild or replace the
39 23 property destroyed or damaged with other of like kind and
39 24 quality within a reasonable time, on giving notice of its
39 25 intention so to do within thirty days after the receipt of the
39 26 proof of loss herein required.

39 27 ABANDONMENT. There can be no abandonment to this company
39 28 of any property.

39 29 WHEN LOSS PAYABLE. The amount of loss for which this
39 30 company may be liable shall be payable sixty days after proof
39 31 of loss, as herein provided, is received by this company and
39 32 ascertainment of the loss is made either by agreement between
39 33 the insured and this company expressed in writing or by the
39 34 filing with this company of an award as herein provided.

39 35 SUIT. No suit or action on this policy for the recovery of
40 1 any claim shall be sustainable in any court of law or equity
40 2 unless all the requirements of this policy shall have been
40 3 complied with, and unless commenced within twelve months next
40 4 after inception of the loss.

40 5 SUBROGATION. This company may require from the insured an
40 6 assignment of all right of recovery against any party for loss
40 7 to the extent that payment therefor is made by this company.

40 8 THIRD PAGE OF STANDARD FIRE POLICY

40 9 Attach Form Below This Line

40 10 FOURTH PAGE OF STANDARD FIRE POLICY

40 11 Standard Fire Insurance Policy

40 12 =====

40 13 Expires

40 14 Property

40 15 Total

40 16 Amount \$ Premium \$

40 17 Insured

40 18

40 19 SEE INSIDE OF POLICY FOR PERILS COVERED

40 20 No.

40 21 =====

40 22 (Space of approximately two (2) inches for use of

40 23 Agent or Insurer.)

40 24 =====

40 25 =====

40 26 (Space of approximately two (2) inches for use of

40 27 Agent or Insurer.)

40 28 =====

40 29 It is important that the written portions of all policies
40 30 covering the same property read exactly alike. If they do
40 31 not, they should be made uniform at once.

40 32 Sec. 86. Section 524.103, subsection 10, Code 2005, is
40 33 amended to read as follows:

40 34 10. "Board of directors" means the board of directors of a
40 35 state bank as provided in section 524.601. For a state ~~bank~~
41 1 ~~bank~~ organized as a limited liability company under this
41 2 chapter, "board of directors" means a board of directors or
41 3 board of managers as designated by the limited liability
41 4 company in its articles of organization or operating
41 5 agreement.

41 6 Sec. 87. Section 524.1408, Code 2005, is amended to read
41 7 as follows:

41 8 524.1408 MERGER OF CORPORATION OR LIMITED LIABILITY
41 9 COMPANY SUBSTANTIALLY OWNED BY A STATE BANK.

41 10 A state bank owning at least ninety percent of the
41 11 outstanding shares, of each class, of another corporation or
41 12 limited liability company which it is authorized to own under
41 13 this chapter, may merge the other corporation or limited
41 14 liability company into itself without approval by a vote of
41 15 the shareholders of either the state bank or the subsidiary
41 16 corporation or limited liability company. The board of
41 17 directors of the state bank shall approve a plan of merger,
41 18 mail the plan of merger to shareholders of record of the
41 19 subsidiary corporation or holders of membership interests in
41 20 the subsidiary limited liability company, and prepare and
41 21 execute articles of merger in the manner provided for in
41 22 section 490.1105. The articles of merger, together with the
41 23 applicable filing and recording fees, shall be delivered to
41 24 the superintendent who shall, if the superintendent approves
41 25 of the proposed merger and if the superintendent finds the
41 26 articles of merger satisfy the requirements of this section,
41 27 deliver them to the secretary of state for filing and
41 28 recording in the secretary of state's office, and they shall
41 29 be filed in the office of the county recorder. The secretary
41 30 of state upon filing the articles of merger shall issue a

41 31 certificate of merger and send the certificate to the state
41 32 bank and a copy of it to the superintendent.

41 33 Sec. 88. Section 534.513, subsection 3, Code 2005, is
41 34 amended to read as follows:

41 35 3. SUPERVISION DURING LIQUIDATION. During the period of
42 1 voluntary liquidation of any such association, the
42 2 superintendent shall have substantially the same powers and
42 3 duties as to supervision as before such liquidation, and the
42 4 persons in charge of such voluntary liquidation shall furnish
42 5 and deposit with the superintendent such bonds as the
42 6 superintendent shall require and approve, and shall
42 7 semiannually, or ~~oftener~~ more often if required by the
42 8 superintendent report fully as to their doings and progress,
42 9 and as to the financial condition of the association. Upon
42 10 completion of such liquidation they shall file with the
42 11 superintendent a verified final report of such liquidation and
42 12 disbursement of proceeds and upon approval of such report the
42 13 superintendent shall issue a written order discharging the
42 14 liquidators, and their duties shall thereupon cease.

42 15 Sec. 89. Section 535B.10, subsection 6, Code 2005, is
42 16 amended to read as follows:

42 17 6. The total charge for an examination or investigation
42 18 shall be paid by the licensee to the administrator within
42 19 thirty days after the administrator has requested payment.
42 20 The administrator may by rule provide for a charge for late
42 21 payment of the fee. The amount of the fee shall be based on
42 22 the actual costs of the examination as determined by the
42 23 administrator. Examination reports and correspondence
42 24 regarding these reports shall be kept confidential except as
42 25 provided in this subsection, notwithstanding chapter 22. The
42 26 administrator may release the reports and correspondence in
42 27 the course of an enforcement proceeding or a hearing held by
42 28 the administrator. The administrator may also provide this
42 29 information to the attorney general for purposes of enforcing
42 30 this chapter or the consumer fraud Act, section 714.16.

42 31 Sec. 90. Section 536.4, unnumbered paragraph 3, Code 2005,
42 32 is amended to read as follows:

42 33 If the application is denied, the superintendent shall
42 34 within twenty days thereafter file with the banking ~~department~~
42 35 division a written transcript of the evidence and decision and
43 1 findings with respect thereto containing the reasons
43 2 supporting the denial, and forthwith serve upon the applicant
43 3 a copy thereof.

43 4 Sec. 91. Section 537.1103, Code 2005, is amended to read
43 5 as follows:

43 6 537.1103 LAW APPLICABLE.

43 7 Unless displaced by the particular provisions of this
43 8 chapter, the uniform commercial code as provided in chapter
43 9 554 and the principles of law and equity, including the law
43 10 relative to capacity to contract, principal and agent,
43 11 estoppel, fraud, misrepresentation, duress, coercion, mistake,
43 12 bankruptcy or other validating or invalidating cause
43 13 supplement its provisions.

43 14 Sec. 92. Section 546A.1, subsection 4, Code 2005, is
43 15 amended to read as follows:

43 16 4. "New and unused property" means tangible personal
43 17 property that was acquired by the unused property merchant
43 18 directly from the producer, manufacturer, wholesaler, or
43 19 retailer in the ordinary course of business ~~that~~ which has
43 20 never been used since its production or manufacture or which
43 21 is in its original and unopened package or container, if such
43 22 personal property was so packaged when originally produced or
43 23 manufactured.

43 24 Sec. 93. Section 546A.4, subsection 3, Code 2005, is
43 25 amended to read as follows:

43 26 3. An aggravated misdemeanor for a third or subsequent
43 27 ~~violation offense~~.

43 28 Sec. 94. Section 551A.3, subsection 1, Code 2005, is
43 29 amended to read as follows:

43 30 1. DISCLOSURE DOCUMENT REQUIRED. A person required to
43 31 file an irrevocable consent to service of process with the
43 32 secretary of state as a seller as provided in section 551A.7
43 33 shall not act as seller in ~~the~~ this state unless the person
43 34 provides a written disclosure document to each purchaser. The
43 35 person shall deliver the written disclosure document to the
44 1 purchaser at least ten business days prior to the earlier of
44 2 the purchaser's execution of a contract imposing a binding
44 3 legal obligation on the purchaser or the payment by a
44 4 purchaser of any consideration in connection with the offer or
44 5 sale of the business opportunity.

44 6 Sec. 95. Section 554D.101, Code 2005, is amended to read

44 7 as follows:
44 8 554D.101 SHORT TITLE.
44 9 This section and sections 554D.102 through 554D.124 of this
~~44 10 chapter~~ ~~subchapter~~ may be cited as the "Uniform Electronic
44 11 Transactions Act".
44 12 Sec. 96. Section 558.1, Code 2005, is amended to read as
44 13 follows:
44 14 558.1 "INSTRUMENTS AFFECTING REAL ESTATE" DEFINED ==
44 15 REVOCATION.
44 16 All instruments containing a power to convey, or in any
44 17 manner relating to real estate, including certified copies of
44 18 petitions in bankruptcy with or without the schedules
44 19 appended, of decrees of adjudication in bankruptcy, and of
44 20 orders approving trustees' bonds in bankruptcy, and a jobs
44 21 training agreement entered into under chapter 260E or 260F
44 22 between an employer and community college which contains a
44 23 description of the real estate affected, shall be held to be
44 24 instruments affecting the same; and no such instrument, when
44 25 acknowledged or certified and recorded as in this chapter
44 26 prescribed, can be revoked as to third parties by any act of
44 27 the parties by whom it was executed, until the instrument
44 28 containing such revocation is acknowledged and filed for
44 29 record in the same office in which the instrument containing
44 30 such power is recorded, except that uniform commercial code
44 31 financing statements and financing statement changes as
~~44 32 provided in chapter 554~~ need not be thus acknowledged.
44 33 Sec. 97. Section 558.42, Code 2005, is amended to read as
44 34 follows:
44 35 558.42 ACKNOWLEDGMENT AS CONDITION PRECEDENT.
45 1 A document shall not be deemed lawfully recorded, unless it
45 2 has been previously acknowledged or proved in the manner
45 3 prescribed in chapter 9E, except that affidavits, and
45 4 certified copies of petitions in bankruptcy with or without
45 5 the schedules appended, of decrees of adjudication in
45 6 bankruptcy, and of orders approving trustees' bonds in
45 7 bankruptcy, and ~~Uniform Commercial Code~~ uniform commercial
~~45 8 code~~ financing statements and financing statement changes as
~~45 9 provided in chapter 554~~ need not be thus acknowledged.
45 10 Sec. 98. Section 586.1, subsection 3, Code 2005, is
45 11 amended to read as follows:
45 12 3. Acknowledgments taken and oaths administered by mayors
45 13 under section 691, Code 1897, or section 1216 of subsequent
45 14 Codes to and including the Code of 1939 and section ~~63A.2 to~~
~~45 15 and including 78.2~~, Code of 1966 and earlier editions, in
45 16 proceedings not connected with their offices.
45 17 Sec. 99. Section 589.9, Code 2005, is amended to read as
45 18 follows:
45 19 589.9 MARGINAL RELEASES OF SCHOOL=FUND MORTGAGES.
45 20 The release or satisfaction of a school=fund mortgage
45 21 entered on the margin of the record of the mortgage by the
45 22 auditor of the county more than ten years earlier, is
45 23 legalized as though the auditor had, at the time of entering
45 24 the release or satisfaction, the same power thereafter
45 25 conferred upon the auditor by ~~chapter 1894 Iowa Acts, ch 53 of~~
~~45 26 the Acts of the Twenty-fifth General Assembly.~~
45 27 Sec. 100. Section 589.22, Code 2005, is amended to read as
45 28 follows:
45 29 589.22 CERTAIN LOANS, CONTRACTS AND MORTGAGES.
45 30 All loans, contracts, and mortgages which are affected by
45 31 the repeal of ~~chapter 1898 Iowa Acts, ch 48, Acts of the~~
~~45 32 Twenty-seventh General Assembly,~~ are hereby legalized so far
45 33 as to permit recovery to be had thereon for interest at the
45 34 rate of eight percent per annum, but at no greater rate, and
45 35 nothing contained in such contracts shall be construed to be
46 1 usurious so as to work a forfeiture of any penalty to the
46 2 school fund.
46 3 Sec. 101. Section 600B.28, Code 2005, is amended to read
46 4 as follows:
46 5 600B.28 REPORT BY TRUSTEE.
46 6 The trustee shall report to the court annually, or ~~oftener~~
46 7 more often as directed by the court, the amounts received and
46 8 paid over.
46 9 Sec. 102. Section 602.8102, subsection 69, Code 2005, is
46 10 amended to read as follows:
46 11 69. With acceptable sureties, approve the bond of a
46 12 petitioner filing an appeal for review of an order of the
46 13 commissioner of insurance as provided in section ~~502.606 or~~
46 14 ~~507A.7.~~
46 15 Sec. 103. Section 602.8108, subsections 5 and 6, Code
46 16 2005, are amended to read as follows:
46 17 5. The clerk of the district court shall remit all moneys

46 18 collected from the assessment of the law enforcement
46 19 initiative surcharge provided in section 911.3 to the state
46 20 court administrator no later than the fifteenth day of each
46 21 month, ~~all the moneys collected during the preceding month,~~
46 22 for deposit in the general fund of the state.
46 23 6. The clerk of the district court shall remit all moneys
46 24 collected from the county enforcement surcharge pursuant to
46 25 section 911.4 to the county where the citation was issued for
46 26 deposit in the county general fund no later than the fifteenth
46 27 day of each month.

46 28 Sec. 104. Section 602.11116, subsection 3, Code 2005, is
46 29 amended to read as follows:

46 30 3. To commence membership under the judicial retirement
46 31 system pursuant to article 9, part 1, retroactive to the date
46 32 the associate juvenile judge or associate probate judge became
46 33 an associate juvenile judge or associate probate judge, and to
46 34 cease to be a member of the Iowa public employees' retirement
46 35 system, effective July 1, 1998. The department of
47 1 ~~administrative services personnel~~ shall transmit by January 1,
47 2 1999, to the state court administrator for deposit in the
47 3 judicial retirement fund the associate juvenile judge's or
47 4 associate probate judge's accumulated contributions as defined
47 5 in section 97B.1A, subsection 2, for the judge's period of
47 6 membership service as an associate juvenile judge or associate
47 7 probate judge. Before July 1, 2000, or at retirement previous
47 8 to that date, an associate juvenile judge or associate probate
47 9 judge who becomes a member of the judicial retirement system
47 10 pursuant to this subsection shall contribute to the judicial
47 11 retirement fund an amount equal to the difference between four
47 12 percent of the associate juvenile judge's or associate probate
47 13 judge's total salary received for the entire period of service
47 14 before July 1, 1998, as an associate juvenile judge or
47 15 associate probate judge, and the associate juvenile judge's or
47 16 associate probate judge's accumulated contributions
47 17 transmitted by the department of ~~administrative services~~
47 18 personnel to the state court administrator pursuant to this
47 19 subsection. The associate juvenile judge's or associate
47 20 probate judge's contribution shall not be limited to the
47 21 amount specified in section 602.9104, subsection 1. The state
47 22 court administrator shall credit an associate juvenile judge
47 23 or associate probate judge with service under the judicial
47 24 retirement system for the period of service for which
47 25 contributions at the four percent level are made.

47 26 Sec. 105. Section 633.700, unnumbered paragraph 1, Code
47 27 2005, is amended to read as follows:

47 28 Unless specifically relieved from so doing, by the
47 29 instrument creating the trust, or by order of the court, the
47 30 trustee shall make a written report, under oath, to the court,
47 31 once each year, and ~~often~~ more often, if required by the
47 32 court. Such report shall state:

47 33 Sec. 106. Section 633.905, subsection 3, Code 2005, is
47 34 amended to read as follows:

47 35 3. To be effective, a disclaimer must be in a writing or
48 1 other record, declare the disclaimer, describe the interest or
48 2 power disclaimed, be signed by the person making the
48 3 disclaimer, and be delivered or filed in the manner provided
48 4 in section 633.912. In this subsection, "record" means
48 5 information that is inscribed on a tangible medium or that is
48 6 stored in an electronic or other medium and is retrievable in
48 7 perceivable form.

48 8 Sec. 107. Section 636.28, Code 2005, is amended to read as
48 9 follows:

48 10 636.28 ANNUAL ACCOUNTING.

48 11 Once in each year, and ~~often~~ more often if required by
48 12 the court, the person so appointed must, on oath, render to
48 13 the court an account in writing of all moneys so received by
48 14 that person, and of the application thereof.

48 15 Sec. 108. Section 657.1, subsection 2, Code 2005, is
48 16 amended to read as follows:

48 17 2. Notwithstanding subsection 1, in an action to abate a
48 18 nuisance against an electric utility, an electric utility may
48 19 assert a defense of comparative fault as set out in section
48 20 668.3 if the electric utility demonstrates that in the course
48 21 of providing electric services to its customers ~~that~~ it has
48 22 complied with engineering and safety standards as adopted by
48 23 the utilities board of the department of commerce, and if the
48 24 electric utility has secured all permits and approvals, as
48 25 required by state law and local ordinances, necessary to
48 26 perform activities alleged to constitute a nuisance.

48 27 Sec. 109. Section 708.3A, subsections 5, 6, 7, and 8, Code
48 28 2005, are amended to read as follows:

48 29 5. As used in this section, ~~"health care provider" means~~
48 30 ~~an emergency medical care provider as defined in chapter 147A~~
48 31 ~~or a person licensed or registered under chapter 148, 148C,~~
48 32 ~~148D, 150, 150A, or 152 who is providing or who is attempting~~
48 33 ~~to provide emergency medical services, as defined in section~~
48 34 ~~147A.1, or who is providing or who is attempting to provide~~
48 35 ~~health services as defined in section 135.61 in a hospital. A~~
49 1 ~~person who commits an assault under this section against a~~
49 2 ~~health care provider in a hospital, or at the scene or during~~
49 3 ~~out-of-hospital patient transportation in an ambulance, is~~
49 4 ~~presumed to know that the person against whom the assault is~~
49 5 ~~committed is a health care provider. the following definitions~~
49 6 ~~apply:~~

49 7 6. a. As used in this section, "correctional
49 8 Correctional staff" means a person who is not a peace officer
49 9 but who is employed by the department of corrections or a
49 10 judicial district department of correctional services to work
49 11 at or in a correctional institution, community-based
49 12 correctional facility, or an institution under the management
49 13 of the Iowa department of corrections which is used for the
49 14 purposes of confinement of persons who have committed public
49 15 offenses.

49 16 7. ~~As used in this section, "jailer" means a person who is~~
49 17 ~~employed by a county or other political subdivision of the~~
49 18 ~~state to work at a county jail or other facility used for~~
49 19 ~~purposes of the confinement of persons who have committed~~
49 20 ~~public offenses, but who is not a peace officer.~~

49 21 8. b. As used in this section, "employee "Employee of the
49 22 department of human services" means a person who is an
49 23 employee of an institution controlled by the director of human
49 24 services that is listed in section 218.1, or who is an
49 25 employee of the civil commitment unit for sex offenders
49 26 operated by the department of human services. A person who
49 27 commits an assault under this section against an employee of
49 28 the department of human services at a department of human
49 29 services institution or unit is presumed to know that the
49 30 person against whom the assault is committed is an employee of
49 31 the department of human services.

49 32 c. "Health care provider" means an emergency medical care
49 33 provider as defined in chapter 147A or a person licensed or
49 34 registered under chapter 148, 148C, 148D, 150, 150A, or 152
49 35 who is providing or who is attempting to provide emergency
50 1 medical services, as defined in section 147A.1, or who is
50 2 providing or who is attempting to provide health services as
50 3 defined in section 135.61 in a hospital. A person who commits
50 4 an assault under this section against a health care provider
50 5 in a hospital, or at the scene or during out-of-hospital
50 6 patient transportation in an ambulance, is presumed to know
50 7 that the person against whom the assault is committed is a
50 8 health care provider.

50 9 d. "Jailer" means a person who is employed by a county or
50 10 other political subdivision of the state to work at a county
50 11 jail or other facility used for purposes of the confinement of
50 12 persons who have committed public offenses, but who is not a
50 13 peace officer.

50 14 Sec. 110. Section 717A.2, subsection 3, unnumbered
50 15 paragraph 1, Code 2005, is amended to read as follows:

50 16 A person violating this section is guilty of the following
50 17 penalties:

50 18 Sec. 111. Section 728.1, subsection 6, Code 2005, is
50 19 amended to read as follows:

50 20 6. "Place of business" means the premises of a business
50 21 required to obtain a sales tax permit pursuant to chapter ~~422~~
50 22 ~~423~~, the premises of a nonprofit or not-for-profit
50 23 organization, and the premises of an establishment which is
50 24 open to the public at large or where entrance is limited by a
50 25 cover charge or membership requirement.

50 26 Sec. 112. Section 730.5, subsection 1, paragraph b, Code
50 27 2005, is amended to read as follows:

50 28 b. "Confirmed positive test result" means, except for
50 29 alcohol testing conducted pursuant to subsection 7, paragraph
50 30 "f", subparagraph (2), the results of a blood, urine, or oral
50 31 fluid test in which the level of controlled substances or
50 32 metabolites in the specimen analyzed meets or exceeds
50 33 nationally accepted standards for determining detectable
50 34 levels of controlled substances as adopted by the federal
50 35 substance abuse and mental health services administration. If
51 1 nationally accepted standards for oral fluid tests have not
51 2 been adopted by the federal substance abuse and mental health
51 3 services administration, the standards for determining
51 4 detectable levels of controlled substances for purposes of

51 5 determining a confirmed positive test result shall be the same
51 6 standard that has been established by the federal food and
51 7 drug administration for the measuring instrument used to
51 8 perform the oral fluid test.

51 9 Sec. 113. Section 812.9, subsection 4, Code 2005, is
51 10 amended to read as follows:

51 11 4. ~~If upon termination of the defendant's placement is~~
51 12 ~~terminated pursuant to subsection 2 or pursuant to section~~
51 13 ~~812.8, subsection 8, and it appears thereafter that the~~
51 14 ~~defendant has regained competency, the state may make~~
51 15 ~~application to reinstate the prosecution of the defendant and~~
51 16 ~~hearing shall be held on the matter in the same manner as if~~
51 17 ~~the court has received notice under section 812.8, subsection~~
51 18 ~~4.~~

51 19 Sec. 114. 2004 Iowa Acts, chapter 1021, section 117, is
51 20 amended to read as follows:

51 21 SEC. 117. Sections 15E.149, 422.15, 486A.901, 486A.902,
51 22 486A.906, and 490A.1203, and 669.14, Code 2003, and section
51 23 669.14, Code Supplement 2003, as amended by this Act, are

51 24 amended by striking from the sections the figure and word "487
51 25 or" or the figure "487,".

51 26 Sec. 115. 2004 Iowa Acts, chapter 1052, section 4, is
51 27 amended by striking the section and inserting in lieu thereof
51 28 the following:

51 29 SEC. 4. Section 602.8102, subsection 78, Code Supplement
51 30 2003, is amended to read as follows:

51 31 78. Certify an acknowledgment of a written instrument
51 32 relating to real estate as provided in section 9E.10 or
51 33 558.20.

51 34 Sec. 116. 2004 Iowa Acts, chapter 1084, section 8, the
51 35 portion enacting section 812.6, subsection 3, Code 2005, is
52 1 amended to read as follows:

52 2 3. A defendant ordered to obtain treatment or committed to
52 3 a facility under this section may refuse treatment by
52 4 chemotherapy or other somatic treatment. The defendant's
52 5 right to refuse chemotherapy treatment or other somatic
52 6 treatment shall not apply if, in the judgment of the director
52 7 or the director's designee of the facility where the defendant
52 8 has been committed, ~~determines~~ such treatment is necessary to
52 9 preserve the life of the defendant or to appropriately control
52 10 behavior of the defendant which is likely to result in
52 11 physical injury to the defendant or others. If in the
52 12 judgment of the director of the facility or the director's
52 13 designee where the defendant has been committed, chemotherapy
52 14 or other somatic treatments are necessary and appropriate to
52 15 restore the defendant to competency and the defendant refuses
52 16 to consent to the use of these treatment modalities, the
52 17 director of the facility or the director's designee shall
52 18 request from the district court which ordered the commitment
52 19 of the defendant an order authorizing treatment by
52 20 chemotherapy or other somatic treatments.

52 21 Sec. 117. 2004 Iowa Acts, chapter 1141, section 34, is
52 22 amended to read as follows:

52 23 SEC. 34. Section 68B.35, Code Supplement 2003, and
52 24 sections 536.13, 536.23, and 536.28, Code 2003, are amended by
52 25 striking from the sections the words "state banking board" and
52 26 "banking board" and "board" when referring to the state
52 27 banking board and inserting in lieu thereof the words "state
52 28 banking council" or "council", as appropriate.

52 29 Sec. 118. EFFECTIVE DATES AND RETROACTIVE APPLICABILITY.

52 30 1. The section of this Act amending 2004 Iowa Acts,
52 31 chapter 1052, section 4, takes effect upon enactment and
52 32 applies retroactively to July 1, 2004.

52 33 2. The section of this Act amending 2004 Iowa Acts,
52 34 chapter 1084, section 8, takes effect upon enactment and
52 35 applies retroactively to July 1, 2004.

53 1 3. The section of this Act amending 2004 Iowa Acts,
53 2 chapter 1141, section 34, takes effect upon enactment and
53 3 applies retroactively to July 1, 2004.

53 4 EXPLANATION

53 5 This bill makes Code changes and corrections that are
53 6 considered to be nonsubstantive and noncontroversial, in
53 7 addition to style changes. Changes made include updating or
53 8 correcting various names of and references to public and
53 9 private entities and funds, correcting internal Code and
53 10 subject matter references, and making various grammatical
53 11 corrections. The Code sections in which the technical,
53 12 grammatical, and other nonsubstantive changes are made include
53 13 all of the following:

53 14 Code section 4.1: Strikes the words "or digital" from a
53 15 reference to terms defined in Code section 554D.103. The term

53 16 "digital signature" was stricken from Code section 554D.103 by
53 17 2004 Iowa Acts, chapter 1067, section 2.
53 18 Code sections 10B.4, 10B.7, 217.41, 306.46, 331.609,
53 19 537.1103, 558.1, and 558.42: Adds a reference to chapter 504
53 20 to a string of chapter citations that refer to corporate and
53 21 other entities required to file certain reports with the
53 22 secretary of state. Chapter 504 will replace chapter 504A as
53 23 the chapter governing nonprofit corporations effective July 1,
53 24 2005, pursuant to 2004 Iowa Acts, chapter 1049.
53 25 Code section 10C.6: Changes references to prior Code
53 26 versions of provisions within Code chapter 10C to eliminate
53 27 electronic hypertext linkage problems.
53 28 Code sections 12.71, 12.81, 12E.11, 16.26, 16.105, 16.177,
53 29 173.14B, 175.17, 257C.8, 331.609, 537.1103, 558.1, and 558.42:
53 30 Adds numeric references to Code chapter 554 where the uniform
53 31 commercial code is referred to by name to facilitate
53 32 electronic hypertext linkage to that Code chapter. The
53 33 uniform commercial code is codified at Code chapter 554. In
53 34 Code section 558.42, the capitalization of the term "uniform
53 35 commercial code" is also made consistent with other Code
54 1 references to the uniform commercial code.
54 2 Code sections 12E.16, 76.16, 76.16A, and 97C.2: Updates
54 3 references to chapter nine of the federal bankruptcy code to
54 4 eliminate electronic hypertext linkage problems. Code section
54 5 76.16 is also amended to include the United States Code
54 6 citation to bankruptcy code chapter nine.
54 7 Code sections 17A.1 and 17A.23: Substitutes a reference to
54 8 "chapter" for references to "the Iowa administrative procedure
54 9 Act". Code chapter 17A is the Iowa administrative procedure
54 10 Act.
54 11 Code section 29B.82: Updates the style and internal
54 12 numbering structure in this provision relating to desertion by
54 13 members of the military to conform the section to current bill
54 14 drafting style and to reduce opportunity for error in future
54 15 Code publications.
54 16 Code section 68A.406: Corrects a reference to the title of
54 17 Code chapter 480 in a campaign finance provision. Code
54 18 chapter 480 is entitled "underground facilities information".
54 19 Code section 68A.503: Corrects a grammatical problem in
54 20 the sentence structure of a paragraph describing how certain
54 21 campaign-related funds may and may not be used by certain
54 22 financial institutions, insurance companies, and other
54 23 corporate entities.
54 24 Code section 97B.1A: Changes "the chapter" to "this
54 25 chapter" in a provision relating to entitlement to benefits
54 26 under the Iowa public employees' retirement system. The
54 27 change is consistent with other references to the chapter in
54 28 the Code section.
54 29 Code sections 99D.2 and 99D.11: Changes the term "racing
54 30 enclosure" to "racetrack enclosure" to conform to the defined
54 31 term under Code section 99D.2 in provisions relating to pari=
54 32 mutuel wagering.
54 33 Code sections 99D.13 and 99D.20: Changes the term "race
54 34 meet" to "race meeting" to conform to the defined term under
54 35 Code section 99D.2 in a provision relating to pari=mutuel
55 1 wagering.
55 2 Code section 99F.4C: Corrects a grammatical error in
55 3 language describing the area in which facilities are not
55 4 permitted to be licensed to conduct gambling games by the
55 5 racing and gaming commission.
55 6 Code section 124.308: Strikes the word "electronic" from
55 7 language relating to whether an electronic or facsimile
55 8 prescription may be transmitted by a health care practitioner
55 9 to a pharmacy. The transmission of both electronic and
55 10 facsimile prescriptions is contemplated in this Code section,
55 11 and Code section 155A.27 regulates written, electronic, and
55 12 facsimile prescriptions.
55 13 Code sections 135.31 and 147.14: Conforms references to
55 14 the name of the board responsible for the regulation of the
55 15 profession of nursing to the name given to that board under
55 16 Code chapter 152.
55 17 Code section 135.146: Separates and adds a comma between
55 18 the words "diphtheria" and "tetanus" in a list of types of
55 19 vaccinations that are to be offered for first responders in
55 20 the event that federal funding is received for such a purpose.
55 21 The two types of vaccinations are administered separately, not
55 22 as a single vaccination.
55 23 Code sections 135J.1, 135J.2, 135J.5, and 135J.7:
55 24 Substitutes for the word "division" the word "chapter" in
55 25 these provisions relating to the regulation of hospice
55 26 programs to account for the 1990 transfer of the Code chapter

55 27 provisions. The contents of this chapter were a division of
55 28 Code chapter 135 until 1990. In 1990 Iowa Acts, chapter 1204,
55 29 section 66, the Code editor was directed to transfer former
55 30 Code sections 135.90 through 135.96 to a new chapter and those
55 31 provisions were moved to Code chapter 135J.
55 32 Code sections 147.152, 216E.7, and 272C.1: Conforms
55 33 references to the term used to describe persons who dispense
55 34 hearing aids to the term given to members of that profession
55 35 under Code chapter 154A. The term "hearing aid dealer" was
56 1 changed to "hearing aid dispenser" by 2001 Iowa Acts, chapter
56 2 58.
56 3 Code section 157.3A: Deletes redundant language from a
56 4 provision relating to the licensing requirements for
56 5 cosmetologists.
56 6 Code section 162.2: Corrects a grammatical error in a
56 7 provision relating to commercial breeders of dogs or cats.
56 8 Code section 165B.5: Corrects a grammatical error in a
56 9 provision relating to collection of costs related to the
56 10 confiscation of poultry suspected of being held at an illegal
56 11 concentration point and infected with a pathogenic virus.
56 12 Code sections 167.4 and 167.15: Corrects grammatical
56 13 errors in two provisions relating to disposal plants.
56 14 Code sections 181.17 and 181.18: Changes references to the
56 15 "executive committee" in provisions relating to the operation
56 16 of the beef cattle producers association to "council". 2004
56 17 Iowa Acts, chapter 1037, replaced the executive committee with
56 18 the Iowa beef industry council, which is listed under the
56 19 defined term "council" in Code chapter 181.
56 20 Code section 216A.156: Corrects a grammatical issue
56 21 relating to plural nouns in a provision relating to review of
56 22 grant applications and budget requests by the commission on
56 23 the status of Iowans of Asian and Pacific Islander heritage.
56 24 Code sections 218.28, 229.36, 534.513, 600B.28, 633.700,
56 25 and 636.28: Substitutes the words "more often" for the term
56 26 "oftener" in the enumerated Code sections. The word "oftener"
56 27 does not appear in dictionaries currently used in drafting and
56 28 editing of bills and the editing of the Code.
56 29 Code section 249A.20B: Corrects a typographical error made
56 30 in language referring to the procurement of a sole source
56 31 contract for the pooling of purchases of pharmaceutical
56 32 products and services for medical assistance recipients.
56 33 Code section 249A.34: Corrects a reference to the name of
56 34 the Medicare Prescription Drug, Improvement and Modernization
56 35 Act of 2003 and adds a public law citation for that federal
57 1 Act.
57 2 Code section 256.11: Makes language constituent within a
57 3 series describing the kind of basic training for service as a
57 4 member of the armed forces that can result in the awarding of
57 5 high school graduation credit by the boards of directors or
57 6 authorities in charge of the public and nonpublic schools.
57 7 Code section 275.41: Substitutes the word "organizational"
57 8 for the word "organization" in a provision describing the
57 9 manner of selection of members of the initial board of
57 10 directors of a newly formed school district. The definition
57 11 of the term "initial board" that is contained in Code section
57 12 275.1 describes the meeting as the "organizational meeting"
57 13 and the meeting is referred to similarly both elsewhere in
57 14 Code section 275.41 and in other provisions in Code chapter
57 15 275.
57 16 Code section 279.27: Corrects the form of the citation to
57 17 subsection 2 of Code section 279.15 and makes a technical
57 18 change resulting from the citation form correction.
57 19 Code section 305.8: Corrects a reference to the department
57 20 within which the division of homeland security and emergency
57 21 management is located. That division is part of the
57 22 department of public defense, not the department of public
57 23 safety.
57 24 Code section 321I.3: Adds a citation to the Code section
57 25 pertaining to nonresident user permits in language relating to
57 26 use or display of user permits on all-terrain vehicles.
57 27 Code section 322.5: Updates, in this provision relating to
57 28 license fees for motor vehicle dealers, two references to the
57 29 term "fair events" to correspond to the change made in this
57 30 section and in chapter 174 by 2004 Iowa Acts, chapter 1019.
57 31 Code section 329.13: Substitutes for a set of parentheses
57 32 a pair of commas in language pertaining to administration of
57 33 airport zoning regulations.
57 34 Code section 331.438: Adds a public law citation to the
57 35 federal Health Insurance Portability and Accountability Act in
58 1 a provision relating to disclosure of certain services by
58 2 counties to the department of human services.

58 3 Code section 356.1: Adds the word "the" in language to
58 4 describe the jurisdiction of the sheriff over county jails.
58 5 Code section 423.18: Makes grammatical changes to
58 6 eliminate the word "its" in two places in this provision
58 7 relating to sales tax permits.
58 8 Code section 423.56: Replaces the words "his or her" with
58 9 "the individual's" to eliminate any gender references in
58 10 language relating to sales taxes.
58 11 Code sections 423B.5 and 423E.3: Makes a grammatical
58 12 change in these lists of items that are excluded from certain
58 13 local sales and services taxes.
58 14 Code section 435.1: Corrects a reference to the Code
58 15 chapter title and inserts a reference to Code chapter 562B
58 16 after a reference by chapter title to that chapter within a
58 17 provision relating to taxation of homes in manufactured home
58 18 communities and mobile home parks.
58 19 Code section 452A.3: Corrects a typographical error to the
58 20 state of Iowa in a provision relating to the collection of
58 21 excise taxes on motor fuel.
58 22 Code section 453A.26: Adds a numerical reference to Code
58 23 chapter 423 after a reference to that chapter by name in
58 24 language relating to liens for cigarette and tobacco tax.
58 25 Code section 456A.18: Substitutes for a reference to "five
58 26 funds" a reference to "funds created in Code section 456A.17"
58 27 in a provision relating to a duty of the director of the
58 28 department of natural resources to make a return and pay to
58 29 the treasurer of state moneys belonging to various funds
58 30 relating to fish, game, and conservation. The "five funds"
58 31 reference is a reference to the funds in Code section 456A.17,
58 32 of which there are now only four, since the strike of one of
58 33 the funds by 1994 Iowa Acts, chapter 1107, section 72.
58 34 Code section 502.304A: Strikes a redundant "that" in
58 35 language relating to securities regulation.
59 1 Code section 502.412: Makes changes in the manner of
59 2 citation to Code chapter 502 as it appeared in previous Codes
59 3 to avoid electronic hypertext linkage problems.
59 4 Code section 502.601: Changes "the" to "this" in a
59 5 provision relating to administration of the securities chapter
59 6 by the commissioner of insurance. This is consistent with the
59 7 reference to the chapter that exists in the immediately
59 8 preceding sentence in the same paragraph.
59 9 Code section 504.115: Makes a grammatical change in
59 10 language pertaining to corrections to documents filed by
59 11 nonprofit corporations with the secretary of state.
59 12 Code section 504.1701: Adds the word and figure "Code
59 13 2005" to several references to Code chapter 504A. Code
59 14 chapter 504A is scheduled to be repealed and replaced by new
59 15 Code chapter 504 effective July 1, 2005, pursuant to 2004 Iowa
59 16 Acts, chapter 1049.
59 17 Code section 515.109A: In subsection 1, moves the word
59 18 "insurance" to the end of a series that describes types of
59 19 insurance policies that are included in the term "personal
59 20 insurance" to avoid the creation of a break in the series. In
59 21 subsection 3, the word "the" is added to correct a grammatical
59 22 error.
59 23 Code section 515.138: Updates the method by which the
59 24 numerical references to the subsections in this section are
59 25 expressed by changing the words "First" through "Sixth" to the
59 26 numerals "1" through "6" and correcting an internal reference.
59 27 The changes conform the Code section to current bill drafting
59 28 and codification practices.
59 29 Code section 524.103: Makes a grammatical change in the
59 30 definition of "board of directors" that conforms the plural
59 31 subject "banks" to the singular object "limited liability
59 32 company".
59 33 Code section 524.1408: Adds the word "liability" to the
59 34 term subsidiary "limited company" to conform to other usage of
59 35 the term "limited liability company" within the Code section.
60 1 Code section 535B.10: Adds the citation for the consumer
60 2 fraud Act, Code section 714.16, after a reference to that Act
60 3 by name in provisions relating to the enforcement of the Code
60 4 chapter regulating mortgage bankers and brokers.
60 5 Code section 536.4: Changes the term "banking department"
60 6 to "banking division" in language relating the process by
60 7 which the superintendent of the division of banking reviews
60 8 and grants or denies applications for a license to make
60 9 certain regulated loans.
60 10 Code section 546A.1: Makes a grammatical correction in a
60 11 definition of new and unused property in the unused property
60 12 markets == regulation of sales Code chapter.
60 13 Code section 546A.4: Substitutes the word "offense" for

60 14 the word "violation" to make a provision relating to third
60 15 offense violations of the unused property market sales
60 16 provisions consistent with references to other offenses.
60 17 Code section 551A.3: Makes a minor clarification, by
60 18 changing "the" to "this" in language relating to sellers of
60 19 business opportunities. Code section 551A.7 provides that
60 20 sellers must file irrevocable consents prior to engaging in
60 21 the sale of a business opportunity in "this state".
60 22 Code section 554D.101: Substitutes the word "subchapter"
60 23 for references to the Code sections that are or were contained
60 24 within the subchapter that is referred to as the uniform
60 25 electronic transactions Act and eliminates the electronic
60 26 hypertext linkage problem created by the repeal of Code
60 27 section 554D.102 by 2004 Iowa Acts, chapter 1067, section 10.
60 28 Code section 586.1: Updates citations to former Code
60 29 provisions to eliminate electronic hypertext linkage problems
60 30 and corrects a reference to Code section 63A.2 to refer to
60 31 former Code section 78.2 in a provision legalizing certain
60 32 defective acts and instruments. Former Code section 78.2 was
60 33 moved to current Code section 63A.2 as part of the 1993
60 34 chapter transfers and Code reorganization project. From the
60 35 time of publication of Code 1946 to the time of publication of
61 1 Code 1966, the correct citation for the provision pertaining
61 2 to the acknowledgments taken and oaths administered by mayors
61 3 would have been to former Code section 78.2.
61 4 Code sections 589.9 and 589.22: Updates Iowa Iowa Acts
61 5 references to eliminate electronic hypertext linkage problems
61 6 in these provisions that legalize certain old releases of
61 7 school=fund mortgages and any loans, contracts, and mortgages
61 8 pertaining to the school fund that were affected by the repeal
61 9 of an 1898 Act.
61 10 Code section 602.8102, subsection 69: Eliminates a
61 11 reference to Code section 502.606 in this provision relating
61 12 to approval of bonds executed by petitioners in judicial
61 13 review of administrative action pertaining to the uniform
61 14 securities Act. Code section 502.606 was stricken and
61 15 rewritten by 2004 Iowa Acts, chapter 1161, section 56, and
61 16 although the subject matter of former Code section 502.606 was
61 17 moved to current Code section 502.609, the requirement for the
61 18 posting of a bond was eliminated.
61 19 Code section 602.8108, subsections 5 and 6: Strikes
61 20 redundant language in a provision requiring the clerk of the
61 21 district court to remit all moneys collected in a preceding
61 22 month from the assessment of the law enforcement initiative
61 23 surcharge to the state court administrator no later than the
61 24 15th day of each month. A citation to the provision
61 25 establishing the county enforcement surcharge is also added.
61 26 Code section 602.1116: Reverts references to the
61 27 department of administrative services back to references to
61 28 the department of personnel in language pertaining to
61 29 activities that took place prior to the creation of the
61 30 department of administrative services in 2003 Iowa Acts,
61 31 chapter 145.
61 32 Code section 633.905: Adds the word "a" between the words
61 33 "in" and "writing" to eliminate a grammatical error and
61 34 conform the language to the model uniform disclaimer of
61 35 property interest Act.
62 1 Code section 656.1: Strikes a redundant occurrence of the
62 2 word "that" in a provision relating to actions to abate a
62 3 nuisance against an electric utility.
62 4 Code section 708.3A: Restructures subsections 5 through 8
62 5 of this section to combine all defined terms into a single
62 6 subsection containing all definitions that pertain to this
62 7 section covering assaults on persons engaged in certain
62 8 occupations.
62 9 Code section 717A.2: Strikes the word "penalties" in lead=
62 10 in language describing what a person is guilty of, if they
62 11 commit any of the enumerated classes of offenses against
62 12 animals or property.
62 13 Code section 728.1: Corrects a citation to the Code
62 14 chapter governing the obtaining of sales tax permits. The
62 15 provisions governing sales and use taxes were moved from Code
62 16 chapter 422 to Code chapter 423 effective July 1, 2004, by
62 17 2003 Iowa Acts, 1st Extraordinary Session, chapter 2.
62 18 Code section 730.5: Corrects references to the federal
62 19 substance abuse and mental health services administration in
62 20 this provision relating to testing for alcohol and controlled
62 21 substances in private sector workplaces.
62 22 Code section 812.9: Corrects a grammatical error in
62 23 language relating to potential reinstatement of prosecution of
62 24 an individual who has been found incompetent to stand trial if

62 25 the person's placement has been terminated and it appears that
62 26 the person has regained competency.
62 27 2004 Iowa Acts, chapter 1021: Corrects a Code section
62 28 citation in a provision directing the substitution of
62 29 references to Code chapter 487, the uniform limited
62 30 partnership Act, effective January 1, 2006. Code chapter 487
62 31 is repealed on January 1, 2006.
62 32 2004 Iowa Acts, chapter 1052: Corrects a lead-in in a
62 33 provision amending Code section 668.8102, subsection 78, by
62 34 adding the word "Supplement" after the word "Code". Code
62 35 section 602.8102 was amended in 2003 and was republished in
63 1 the 2003 Code Supplement. This change is made retroactive to
63 2 July 1, 2004.
63 3 2004 Iowa Acts, chapter 1084: Corrects a clerical drafting
63 4 error creating a redundancy in new Code section 812.6. The
63 5 correction is made retroactive to July 1, 2004.
63 6 2004 Iowa Acts, chapter 1141: Corrects a directive to make
63 7 terminology changes to account for a definition of the term
63 8 "board" to mean "state banking board" that appeared in some of
63 9 the provisions in which the terminology change was to be made.
63 10 The correction is made retroactive to July 1, 2004.
63 11 LSB 1052HC 81
63 12 lh:rj/gg/14