

House Study Bill 118

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 statutory corrections which may adjust
2 language to reflect current practices, insert earlier
3 omissions, delete redundancies and inaccuracies, delete
4 temporary language, resolve inconsistencies and conflicts,
5 update ongoing provisions, or remove ambiguities, and
6 including effective and retroactive applicability date
7 provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
9 TLSB 1054HC 81
10 lh/cf/24

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1 1 Section 1. Section 2B.5, subsection 3, Code 2005, is
1 2 amended to read as follows:
1 3 3. Cause to be published annually a correct list of state
1 4 officers and deputies; members of boards and commissions;
1 5 justices of the supreme court, judges of the court of appeals,
1 6 and judges of the district courts including district associate
1 7 judges and judicial magistrates; and members of the general
1 8 assembly. ~~The offices office of the governor and secretary of~~
1 9 ~~state~~ shall cooperate in the preparation of the list.
1 10 Sec. 2. Section 2B.12, subsection 8, Code 2005, is amended
1 11 to read as follows:
1 12 8. A Code or Code Supplement may include appropriate
1 13 tables showing the disposition of Acts of the general
1 14 assembly, the corresponding sections from edition to edition
1 15 of a Code or Code Supplement, and other reference material as
1 16 determined by the Iowa Code editor in accordance with policies
1 17 of the legislative council.
1 18 Sec. 3. Section 2B.17, subsection 2, Code 2005, is amended
1 19 to read as follows:
1 20 2. The Acts of each general assembly shall be known as
1 21 "Acts of the .. General Assembly, .. Session, Chapter (or File
1 22 No.) .., Section .." (inserting the appropriate numbers) and
1 23 shall be cited as ".. Iowa Acts, chapter (or File No.)..,
1 24 section .." (inserting the appropriate year, chapter or file
1 25 number, and section number).
1 26 Sec. 4. Section 2C.13, Code 2005, is amended to read as
1 27 follows:
1 28 2C.13 NO INVESTIGATION == NOTICE TO COMPLAINANT.
1 29 If the citizens' aide decides not to investigate, the
1 30 complainant shall be informed of the reasons for the decision.
1 31 If the citizens' aide decides to investigate, the complainant
1 32 and the agency shall be notified of the decision. After
1 33 completing consideration of a complaint, whether or not it has
1 34 been investigated, the citizens' aide shall without delay
1 35 inform the complainant of the fact, and if appropriate, shall
2 1 inform the ~~administrative~~ agency involved. The citizens' aide
2 2 shall on request of the complainant, and as appropriate,
2 3 report the status of the investigation to the complainant.
2 4 Sec. 5. Section 2C.14, Code 2005, is amended to read as
2 5 follows:
2 6 2C.14 INSTITUTIONALIZED COMPLAINANTS.
2 7 A letter to the citizens' aide from a person in a
2 8 correctional institution, a hospital, or other institution
2 9 under the control of an ~~administrative~~ agency shall be
2 10 immediately forwarded, unopened to the citizens' aide by the
2 11 institution where the writer of the letter is a resident. A
2 12 letter from the citizens' aide to such a person shall be
2 13 immediately delivered, unopened to the person.

2 14 Sec. 6. Section 2C.17, unnumbered paragraph 1, Code 2005,
2 15 is amended to read as follows:
2 16 The citizens' aide may publish the conclusions,
2 17 recommendations, and suggestions and transmit them to the
2 18 governor, ~~or~~ the general assembly or any of its committees.
2 19 When publishing an opinion adverse to an ~~administrative~~ agency
2 20 or official the citizens' aide shall, unless excused by the
2 21 agency or official affected, include with the opinion any
2 22 unedited reply made by the agency.

2 23 Sec. 7. Section 3.3, Code 2005, is amended to read as
2 24 follows:

2 25 3.3 HEADNOTES AND HISTORICAL REFERENCES.

2 26 Proper headnotes may be placed at the beginning of a
2 27 section of a bill or a Code section, and at the end of ~~the a~~
2 28 ~~Code~~ section there may be placed a reference to the section
2 29 number of the Code, or any Iowa Act from which the matter of
2 30 the ~~bill~~ Code section was taken, ~~but~~. ~~However~~, except as
2 31 provided in the uniform commercial code, section 554.1109,
2 32 neither said headnotes nor said historical references shall be
2 33 considered as a part of the law as enacted.

2 34 Sec. 8. Section 7A.27, unnumbered paragraph 2, Code 2005,
2 35 is amended to read as follows:

3 1 When such publications, ~~except supplements to the Iowa~~
3 2 ~~administrative code~~, paid for by public funds furnished by the
3 3 state, contain reprints of statutes or rules, or both, they
3 4 shall be sold and distributed at cost by the department
3 5 ordering the publication if the cost per publication is one
3 6 dollar or more, unless a central library or depository is
3 7 established. Such publications shall be obtained from the
3 8 director of the department of administrative services on
3 9 requisition by the department ordering the publication, and
3 10 the selling price, if any, shall be determined by the director
3 11 of the department of administrative services by dividing the
3 12 total cost of printing, paper, distribution, and binding by
3 13 the number printed. The price shall be set at the nearest
3 14 multiple of ten to the quotient thus obtained. Distribution
3 15 of such publications shall be made by the director gratis to
3 16 public officers, purchasers of licenses from state departments
3 17 required by statute, and departments. Funds from the sale of
3 18 such publications shall be deposited monthly in the general
3 19 fund of the state except the cost of distribution shall be
3 20 deposited in the printing revolving fund established in
3 21 section 8A.345. This section does not apply to the printed
3 22 versions of the official legal publications listed in section
3 23 2A.5.

3 24 Sec. 9. Section 8A.205, subsection 2, paragraph a, Code
3 25 2005, is amended to read as follows:

3 26 a. Establish standards, consistent with other state law,
3 27 for the implementation of electronic commerce, including
3 28 standards for digital electronic signatures, electronic
3 29 currency, and other items associated with electronic commerce.

3 30 Sec. 10. Section 8A.316, subsection 1, Code 2005, is
3 31 amended to read as follows:

3 32 1. ~~Revise~~ Develop its procedures and specifications for
3 33 the purchase of lubricating oil and industrial oil to
3 34 eliminate exclusion of recycled oils and any requirement that
3 35 oils be manufactured from virgin materials.

4 1 Sec. 11. Section 9E.12, subsection 4, Code 2005, is
4 2 amended to read as follows:

4 3 4. A certificate of a notarial act on an instrument to be
4 4 recorded must also comply with the requirements of section
4 5 ~~331.602, subsection 1~~ 331.606B.

4 6 Sec. 12. Section 12.82, subsection 4, paragraph d, Code
4 7 2005, is amended to read as follows:

4 8 d. To assure the continued solvency of any bonds secured
4 9 by the bond reserve fund, provision is made in paragraph ~~"a"~~
4 10 "c" for the accumulation in each bond reserve fund of an
4 11 amount equal to the bond reserve fund requirement for the
4 12 fund. In order further to assure maintenance of the bond
4 13 reserve funds, the treasurer shall, on or before January 1 of
4 14 each calendar year, make and deliver to the governor the
4 15 treasurer's certificate stating the sum, if any, required to
4 16 restore each bond reserve fund to the bond reserve fund
4 17 requirement for that fund. Within thirty days after the
4 18 beginning of the session of the general assembly next
4 19 following the delivery of the certificate, the governor shall
4 20 submit to both houses printed copies of a budget including the
4 21 sum, if any, required to restore each bond reserve fund to the
4 22 bond reserve fund requirement for that fund. Any sums
4 23 appropriated by the general assembly and paid to the treasurer
4 24 pursuant to this subsection shall be deposited by the

4 25 treasurer in the applicable bond reserve fund.
4 26 Sec. 13. Section 13B.9, subsection 2, Code 2005, is
4 27 amended to read as follows:
4 28 2. An attorney appointed under this section is not liable
4 29 to a person represented by the attorney for damages as a
4 30 result of a conviction in a criminal case unless the court
4 31 determines in a postconviction proceeding or on direct appeal
4 32 that the person's conviction resulted from ineffective
4 33 assistance of counsel, and the ineffective assistance of
4 34 counsel is the proximate cause of the damage. In juvenile or
4 35 civil proceedings, an attorney appointed under this section is
5 1 not liable to a person represented by the attorney for damages
5 2 unless it has been determined that the attorney has provided
5 3 ineffective assistance of counsel and the ineffective
5 4 assistance of counsel ~~claim~~ is the proximate cause of the
5 5 damage.

5 6 Sec. 14. Section 15.331C, Code 2005, is amended to read as
5 7 follows:

5 8 15.331C CORPORATE TAX CREDIT FOR CERTAIN SALES TAXES PAID
5 9 BY THIRD=PARTY DEVELOPER.

5 10 1. An eligible business or a supporting business may claim
5 11 a corporate tax credit in an amount equal to the sales and use
5 12 taxes paid by a third-party developer under ~~chapters 422 and~~
5 13 chapter 423 for gas, electricity, water, or sewer utility
5 14 services, goods, wares, or merchandise, or on services
5 15 rendered, furnished, or performed to or for a contractor or
5 16 subcontractor and used in the fulfillment of a written
5 17 contract relating to the construction or equipping of a
5 18 facility within the economic development area of the eligible
5 19 business or supporting business. Taxes attributable to
5 20 intangible property and furniture and furnishings shall not be
5 21 included, but taxes attributable to racks, shelving, and
5 22 conveyor equipment to be used in a warehouse or distribution
5 23 center shall be included. Any credit in excess of the tax
5 24 liability for the tax year may be credited to the tax
5 25 liability for the following seven years or until depleted,
5 26 whichever occurs earlier. An eligible business may elect to
5 27 receive a refund of all or a portion of an unused tax credit.

5 28 2. A third-party developer shall state under oath, on
5 29 forms provided by the department of economic development, the
5 30 amount of taxes paid as described in subsection 1 and shall
5 31 submit such forms to the department. The taxes paid shall be
5 32 itemized to allow identification of the taxes attributable to
5 33 racks, shelving, and conveyor equipment to be used in a
5 34 warehouse or distribution center. After receiving the form
5 35 from the third-party developer, the department shall issue a
6 1 tax credit certificate to the eligible business or supporting
6 2 business equal to the sales and use taxes paid by a third=
6 3 party developer under ~~chapters 422 and chapter~~ 423 for gas,
6 4 electricity, water, or sewer utility services, goods, wares,
6 5 or merchandise, or on services rendered, furnished, or
6 6 performed to or for a contractor or subcontractor and used in
6 7 the fulfillment of a written contract relating to the
6 8 construction or equipping of a facility. The department shall
6 9 also issue a tax credit certificate to the eligible business
6 10 or supporting business equal to the taxes paid and
6 11 attributable to racks, shelving, and conveyor equipment to be
6 12 used in a warehouse or distribution center. The aggregate
6 13 combined total amount of tax refunds under section 15.331A for
6 14 taxes attributable to racks, shelving, and conveyor equipment
6 15 to be used in a warehouse or distribution center and of tax
6 16 credit certificates issued by the department for the taxes
6 17 paid and attributable to racks, shelving, and conveyor
6 18 equipment to be used in a warehouse or distribution center
6 19 shall not exceed five hundred thousand dollars in a fiscal
6 20 year. If an applicant for a tax credit certificate does not
6 21 receive a certificate for the taxes paid and attributable to
6 22 racks, shelving, and conveyor equipment to be used in a
6 23 warehouse or distribution center, the application shall be
6 24 considered in succeeding fiscal years. The eligible business
6 25 or supporting business shall not claim a tax credit under this
6 26 section unless a tax credit certificate issued by the
6 27 department of economic development is attached to the
6 28 taxpayer's tax return for the tax year for which the tax
6 29 credit is claimed. A tax credit certificate shall contain the
6 30 eligible business's or supporting business's name, address,
6 31 tax identification number, the amount of the tax credit, and
6 32 other information required by the department of revenue.

6 33 Sec. 15. Section 22.1, subsection 3, Code 2005, is amended
6 34 by adding the following new unnumbered paragraph:

6 35 NEW UNNUMBERED PARAGRAPH. "Public records" also includes

7 1 all records relating to the investment of public funds
7 2 including but not limited to investment policies,
7 3 instructions, trading orders, or contracts, whether in the
7 4 custody of the public body responsible for the public funds or
7 5 a fiduciary or other third party.

7 6 Sec. 16. Section 22.7, subsection 38, paragraph a, Code
7 7 2005, is amended to read as follows:

7 8 a. Records containing information that would disclose, or
7 9 might lead to the disclosure of, private keys used in ~~a~~
7 10 ~~digital or electronic~~ signature or other similar technologies
7 11 as provided in chapter 554D.

7 12 Sec. 17. Section 28M.3, unnumbered paragraph 1, Code 2005,
7 13 is amended to read as follows:

7 14 A regional transit district shall have all the rights,
7 15 powers, and duties of a county enterprise pursuant to sections
7 16 331.462 through 331.469 as they relate to the purpose for
7 17 which the regional transit district is created, including the
7 18 authority to issue revenue bonds for the establishment,
7 19 construction, reconstruction, repair, equipping, remodeling,
7 20 extension, maintenance, and operation of works, vehicles, and
7 21 facilities of a regional transit district. In addition, a
7 22 regional transit district, with the approval of the board of
7 23 supervisors, may issue general obligation bonds as an
7 24 essential county purpose pursuant to chapter 331, division IV,
7 25 part 3, for the establishment, construction, reconstruction,
7 26 repair, equipping, remodeling, extension, maintenance, and
7 27 operation of works, vehicles, and facilities of a regional
7 28 transit district. Such general obligation bonds are payable
7 29 from the property tax levy authorized in section 28M.5.

7 30 Sec. 18. Section 48A.11, subsection 8, Code 2005, is
7 31 amended to read as follows:

7 32 8. A voter registration application lacking the
7 33 registrant's name, sex, date of birth, or residence address or
7 34 description shall not be processed. A voter registration
7 35 application lacking the registrant's Iowa driver's license
8 1 number, Iowa nonoperator's identification card number, or the
8 2 last four digits of the registrant's social security number
8 3 shall not be processed. A registrant whose registration is
8 4 not processed pursuant to this subsection shall be notified
8 5 pursuant to section 48A.26, subsection 3. A registrant who
8 6 does not have an Iowa driver's license number, an Iowa
8 7 nonoperator's identification number, or a social security
8 8 number and who notifies the registrar of such shall be
8 9 assigned a unique identifying number that shall serve to
8 10 identify the registrant for voter registration purposes.

8 11 Sec. 19. Section 48A.25A, unnumbered paragraph 1, Code
8 12 2005, is amended to read as follows:

8 13 Upon receipt of an application for voter registration by
8 14 mail, the state registrar of voters shall compare the Iowa
8 15 driver's license number, the Iowa nonoperator's identification
8 16 card number, or the last four numerals of the social security
8 17 number provided by the registrant with the records of the
8 18 state department of transportation. To be verified, the voter
8 19 registration record shall contain the same name, date of
8 20 birth, and Iowa driver's license number or Iowa nonoperator's
8 21 identification card number or whole or partial social security
8 22 number as the records of the state department of
8 23 transportation. If the information cannot be verified, the
8 24 application shall be rejected and the registrant shall be
8 25 notified of the reason for the rejection. If the information
8 26 can be verified, a record shall be made of the verification
8 27 and the application shall be accepted.

8 28 Sec. 20. Section 48A.38, subsection 1, paragraph f, Code
8 29 2005, is amended to read as follows:

8 30 f. The county commissioner of registration and the state
8 31 registrar of voters shall remove a voter's whole or partial
8 32 social security number, as applicable, Iowa driver's license
8 33 number, or Iowa nonoperator's identification card number from
8 34 a voter registration list prepared pursuant to this section.

8 35 Sec. 21. Section 50.20, Code 2005, is amended to read as
9 1 follows:

9 2 50.20 NOTICE OF NUMBER OF PROVISIONAL BALLOTS.

9 3 The commissioner shall compile a list of the number of
9 4 provisional ballots cast under section 49.81 in each precinct.
9 5 The list shall be made available to the public as soon as
9 6 possible, but in no case later than nine o'clock a.m. on the
9 7 second day following the election. Any elector may examine
9 8 the list during normal office hours, and may also examine the
9 9 affidavit envelopes bearing the ballots of challenged electors
9 10 until the reconvening of the special precinct board as
9 11 required by this chapter. Only those persons so permitted by

9 12 section 53.23, subsection 4, shall have access to the
9 13 affidavits while that board is in session. Any elector may
9 14 present written statements or documents, supporting or
9 15 opposing the counting of any special provisional ballot, at
9 16 the commissioner's office until the reconvening of the special
9 17 precinct board.

9 18 Sec. 22. Section 50.22, unnumbered paragraphs 1 through 3,
9 19 Coded 2005, are amended to read as follows:

9 20 Upon being reconvened, the special precinct election board
9 21 shall review the information upon the envelopes bearing the
9 22 special provisional ballots, and all evidence submitted in
9 23 support of or opposition to the right of each challenged
9 24 person to vote in the election. The board may divide itself
9 25 into panels of not less than three members each in order to
9 26 hear and determine two or more challenges simultaneously, but
9 27 each panel shall meet the requirements of section 49.12 as
9 28 regards political party affiliation of the members of each
9 29 panel.

9 30 The decision to count or reject each ballot shall be made
9 31 upon the basis of the information given on the envelope
9 32 containing the special provisional ballot, the evidence
9 33 concerning the challenge, the registration and the returned
9 34 receipts of registration.

9 35 If a special provisional ballot is rejected, the person
10 1 casting the ballot shall be notified by the commissioner
10 2 within ten days of the reason for the rejection, on the form
10 3 prescribed by the state commissioner pursuant to section
10 4 53.25, and the envelope containing the special provisional
10 5 ballot shall be preserved unopened and disposed of in the same
10 6 manner as spoiled ballots. The special provisional ballots
10 7 which are accepted shall be counted in the manner prescribed
10 8 by section 53.24. The commissioner shall make public the
10 9 number of special provisional ballots rejected and not
10 10 counted, at the time of the canvass of the election.

10 11 Sec. 23. Section 53.23, subsections 5 and 6, Code 2005,
10 12 are amended to read as follows:

10 13 5. The special precinct election board shall preserve the
10 14 secrecy of all absentee and special provisional ballots.
10 15 After the affidavits on the envelopes have been reviewed and
10 16 the qualifications of the persons casting the ballots have
10 17 been determined, those that have been accepted for counting
10 18 shall be opened. The ballots shall be removed from the
10 19 affidavit envelopes without being unfolded or examined, and
10 20 then shall be thoroughly intermingled, after which they shall
10 21 be unfolded and tabulated. If secrecy folders or envelopes
10 22 are used with special provisional paper ballots, the ballots
10 23 shall be removed from the secrecy folders after the ballots
10 24 have been intermingled.

10 25 6. The special precinct election board shall not release
10 26 the results of its tabulation on election day until all of the
10 27 ballots it is required to count on that day have been counted,
10 28 nor release the tabulation of challenged provisional ballots
10 29 accepted and counted under chapter 50 until that count has
10 30 been completed.

10 31 Sec. 24. Section 53.24, Code 2005, is amended to read as
10 32 follows:

10 33 53.24 COUNTIES USING VOTING MACHINES.

10 34 In counties which provide the special precinct election
10 35 board with voting machines, the absentee ballot envelopes
11 1 shall be opened by the board and the ballots shall, without
11 2 being unfolded, be thoroughly intermingled, after which they
11 3 shall be unfolded and, under the personal supervision of
11 4 precinct election officials of each of the political parties,
11 5 be registered on voting machines the same as if the absent
11 6 voter had been present and voted in person, except that a
11 7 tally of the write-in votes may be kept in the tally list
11 8 rather than on the machine. When two or more political
11 9 subdivisions in the county are holding separate elections
11 10 simultaneously, the commissioner may arrange the machine so
11 11 that the absentee and special provisional ballots for more
11 12 than one election may be recorded on the same machine.

11 13 Sec. 25. Section 53.31, unnumbered paragraph 2, Code 2005,
11 14 is amended to read as follows:

11 15 The commissioner shall immediately send a written notice to
11 16 the elector whose qualifications have been challenged. The
11 17 notice shall be sent to the address at which the challenged
11 18 elector is registered to vote. If the ballot was mailed to
11 19 the challenged elector, the notice shall also be sent to the
11 20 address to which the ballot was mailed if it is different from
11 21 the elector's registration address. The notice shall advise
11 22 the elector of the reason for the challenge, the date and time

11 23 that the special precinct election board will reconvene to
11 24 determine challenges, and that the elector has the right to
11 25 submit written evidence of the elector's qualifications. The
11 26 notice shall include the telephone number of the
11 27 commissioner's office. If the commissioner has access to a
11 28 facsimile machine, the notice shall include the telephone
11 29 number of the facsimile machine. As far as possible, other
11 30 procedures for considering ~~special~~ provisional ballots shall
11 31 be followed.

11 32 Sec. 26. Section 85.34, subsection 2, unnumbered paragraph
11 33 2, Code 2005, is amended to read as follows:

11 34 v. If it is determined that an injury has produced a
11 35 disability less than that specifically described in ~~said the~~
12 1 schedule described in paragraphs "a" through "t", compensation
12 2 shall be paid during the lesser number of weeks of disability
12 3 determined, as will not exceed a total amount equal to the
12 4 same percentage proportion of said scheduled maximum
12 5 compensation.

12 6 Sec. 27. Section 97.51, subsection 1, paragraphs b and c,
12 7 Code 2005, are amended to read as follows:

12 8 b. Under the direction of the ~~department~~ system and as
12 9 designated by the ~~department~~ system, invest such portion of
12 10 said trust funds as are not needed for current payment of
12 11 benefits, in interest-bearing securities issued by the United
12 12 States, or interest-bearing bonds issued by the state of Iowa,
12 13 or bonds issued by counties, school districts or general
12 14 obligations or limited levy bonds issued by municipal
12 15 corporations in this state as authorized by law; also to sell
12 16 and dispose of same when needed for the payment of benefits.

12 17 c. To disburse the trust funds upon warrants drawn by the
12 18 director of the department of administrative services pursuant
12 19 to the order of the ~~Iowa public employees' retirement system~~
12 20 ~~created in section 97B.1.~~

12 21 Sec. 28. Section 97.51, subsections 2, 3, 4, and 6, Code
12 22 2005, are amended to read as follows:

12 23 2. All moneys which are paid or deposited into this fund
12 24 are hereby appropriated and made available to the ~~department~~
12 25 system to be used only for the purposes herein provided:

12 26 a. To be used by the ~~department~~ system for the payment of
12 27 claims for benefits.

12 28 b. To be used by the ~~department~~ system for the payment in
12 29 accordance with any agreement with the federal social security
12 30 administration of amounts required to obtain retroactive
12 31 federal social security coverage of Iowa public employees,
12 32 dating from January 1, 1951, and for the payment of refunds
12 33 which were authorized by the provisions of section 97.7, Code
12 34 1950, and for the payment of such other refunds to employees
12 35 as may be authorized by the general assembly, and such other
13 1 purposes as may be authorized by the general assembly.

13 2 3. ~~The Iowa public employees' retirement system created in~~
13 3 ~~section 97B.1~~ shall administer the Iowa old-age and survivors'
13 4 insurance liquidation fund and shall also administer all other
13 5 provisions of this chapter.

13 6 4. Any public employee subject to coverage under the
13 7 provisions of chapter 97, Code 1950, as amended, in public
13 8 service as of June 30, 1953, and who has not applied for and
13 9 qualified for benefit payments under the provisions of chapter
13 10 97, Code 1950, as amended, who had contributed to the Iowa
13 11 old-age and survivors' insurance fund prior to the repeal of
13 12 said chapter 97, as amended, shall be entitled to a refund of
13 13 contributions paid into the Iowa old-age and survivors'
13 14 insurance fund by such employee without interest, but there
13 15 shall be deducted from the amount of any such refund any
13 16 amount which has been or will be paid in the employee's behalf
13 17 as the employee's contribution as an employee to obtain
13 18 retroactive federal social security coverage. Any former
13 19 public employee not in public service as of June 30, 1953, who
13 20 has contributed to the Iowa old-age and survivors' insurance
13 21 fund, the employee's beneficiaries or estate, when no benefit
13 22 has been paid under chapter 97, Code 1950, based upon such
13 23 employee's prior record, shall be entitled to a refund of
13 24 seventy-five percent of all contributions paid by the employee
13 25 into said fund, without interest. The ~~department~~ system shall
13 26 prescribe rules in regard to the granting of such refunds. In
13 27 the event of such refund any individual receiving the same
13 28 shall be deemed to have waived any and all rights in behalf of
13 29 the individual or any beneficiary or the individual's estate
13 30 to further benefits under the provisions of chapter 97, Code
13 31 1950, as amended.

13 32 6. In the payment of any benefits in the future, as a
13 33 result of the provisions of chapter 97, Code 1950, as amended,

13 34 the ~~department system~~ shall follow the same procedure as
13 35 provided by said chapter 97, as amended, as though said
14 1 chapter had not been repealed, except the requirements of
14 2 section 97.21, subsection 4, paragraph "a", and 97.21,
14 3 subsection 5, shall not be applicable, but no primary benefit,
14 4 based upon employment prior to June 30, 1953, shall be paid to
14 5 any individual for any month during which the individual
14 6 receives compensation for work in any position which would
14 7 have been subject to coverage under the provisions of said
14 8 chapter 97, as amended, if the individual's earnings for such
14 9 month exceed one hundred dollars, nor shall any benefit be
14 10 paid to a wife or dependent of such employee for such months,
14 11 except that after a retired member reaches the age of seventy=
14 12 two years, the member, the member's wife and dependents shall
14 13 be entitled to the benefits of this chapter regardless of the
14 14 amount earned.

14 15 Sec. 29. Section 97B.49C, subsection 1, paragraph c, Code
14 16 2005, is amended to read as follows:

14 17 c. "Eligible service" means membership and prior service
14 18 as a sheriff ~~and or~~ deputy sheriff under this section. In
14 19 addition, eligible service includes membership and prior
14 20 service as a marshal in a city not covered under chapter 400
14 21 or a fire fighter or police officer of a city not
14 22 participating in the retirement systems established in chapter
14 23 410 or 411, and as an airport fire fighter prior to July 1,
14 24 1994.

14 25 Sec. 30. Section 99B.7, subsection 3, paragraph a, Code
14 26 2005, is amended to read as follows:

14 27 a. A person wishing to conduct games and raffles pursuant
14 28 to this section as a qualified organization shall submit an
14 29 application and a license fee of one hundred fifty dollars.
14 30 The annual license fee for a statewide raffle license shall be
14 31 one hundred fifty dollars. However, upon submission of an
14 32 application accompanied by a license fee of fifteen dollars, a
14 33 person may be issued a limited license to conduct all games
14 34 and raffles pursuant to this section at a specified location
14 35 and during a specified period of fourteen consecutive calendar
15 1 days, except that a bingo occasion may only be conducted once
15 2 per each seven consecutive calendar days of the specified
15 3 period. In addition, a qualified organization may be issued a
15 4 limited license to conduct raffles pursuant to this section
15 5 for a period of ninety days for a license fee of forty dollars
15 6 or for a period of one hundred eighty days for a license fee
15 7 of seventy-five dollars. For the purposes of this paragraph,
15 8 a limited license is deemed to be issued on the first day of
15 9 the period for which the license is issued.

15 10 Sec. 31. Section 99D.24, subsection 3, Code 2005, is
15 11 amended to read as follows:

15 12 3. A person wagering or accepting a wager at any location
15 13 outside the ~~betting enclosure~~ wagering area is subject to the
15 14 penalties in section 725.7.

15 15 Sec. 32. Section 135.144, subsection 11, Code 2005, is
15 16 amended to read as follows:

15 17 11. If a public health disaster or other public health
15 18 emergency situation exists which poses an imminent threat to
15 19 the public health, safety, and welfare, the department, in
15 20 conjunction with the governor, may provide financial
15 21 assistance, from funds appropriated to the department that are
15 22 not otherwise encumbered, to political subdivisions as needed
15 23 to alleviate the disaster or the emergency. If the department
15 24 does not have sufficient ~~encumbered~~ unencumbered funds, the
15 25 governor may request that the executive council, pursuant to
15 26 the authority of section 7D.29, commit sufficient funds, up to
15 27 one million dollars, that are not otherwise encumbered from
15 28 the general fund, as needed and available, for the disaster or
15 29 the emergency. If additional financial assistance is required
15 30 in excess of one million dollars, approval by the legislative
15 31 council is also required.

15 32 Sec. 33. Section 136A.5, subsection 3, Code 2005, is
15 33 amended to read as follows:

15 34 3. This section does not apply if ~~the~~ a parent objects to
15 35 the screening. If a parent objects to the screening of a
16 1 newborn, the attending health care provider shall document the
16 2 refusal in the newborn's medical record and shall obtain a
16 3 written refusal from the parent and report the refusal to the
16 4 department as provided by rule of the department.

16 5 Sec. 34. Section 166.1, subsection 3, Code 2005, is
16 6 amended to read as follows:

16 7 3. "Manufacturer" includes every person engaged in the
16 8 preparation, at any stage of the process, of biological
16 9 products, except those engaged in such preparation ~~in the~~

~~16 10 biological laboratory in the Iowa State University of science~~
~~16 11 and technology, or in any other state or governmental~~
16 12 institution.

16 13 Sec. 35. Section 174.15, Code 2005, is amended to read as
16 14 follows:

16 15 174.15 PURCHASE AND MANAGEMENT.

16 16 Title to land purchased or received for purposes of
16 17 conducting a fair event shall be taken in the name of the
16 18 county or a fair. However, the board of supervisors shall
16 19 place the land under the control and management of a fair.
16 20 The fair may act as agent for the county in the erection of
16 21 buildings, and maintenance of the fairgrounds, including the
16 22 buildings and improvements constructed on the grounds. Title
16 23 to new buildings or improvements shall be taken in the name of
16 24 the county or a fair. However, the county is not liable for
16 25 the improvements or expenditures for them.

16 26 Sec. 36. Section 225C.42, subsection 2, paragraph c, Code
16 27 2005, is amended to read as follows:

16 28 c. An analysis of the extent to which payments enabled
16 29 children to remain in their homes. The analysis shall include
16 30 but is not limited to all of the following items concerning
16 31 children affected by the payments: the number and percentage
16 32 of children who remained with their families; the number and
16 33 percentage of children who returned to their home from an out=
16 34 of-home placement and the type of placement from which the
16 35 children returned; and the number of children who received an
17 1 out-of-home placement during the ~~fiscal year~~ period and the
17 2 type of placement.

17 3 Sec. 37. Section 235A.15, subsection 2, paragraph d,
17 4 subparagraph (3), Code 2005, is amended to read as follows:

17 5 (3) To a court or ~~administrative agency~~ the department
17 6 hearing an appeal for correction of report data and
17 7 disposition data as provided in section 235A.19.

17 8 Sec. 38. Section 257.11, subsection 4, paragraph c, Code
17 9 2005, is amended by striking the paragraph.

17 10 Sec. 39. Section 284.12, subsections 2 and 4, Code 2005,
17 11 are amended to read as follows:

17 12 2. The report shall be made available to the chairpersons
17 13 and ranking members of the senate and house committees on
17 14 education, ~~the legislative education accountability and~~
~~17 15 oversight committee~~, the deans of the colleges of education at
17 16 approved practitioner preparation institutions in this state,
17 17 the state board, the governor, and school districts by January

17 18 1. School districts shall provide information as required by
17 19 the department for the compilation of the report and for
17 20 accounting and auditing purposes.

17 21 4. In developing administrative rules for consideration by
17 22 the state board, the department shall consult with persons
17 23 representing teachers, administrators, school boards, approved
17 24 practitioner preparation institutions, and other appropriate
17 25 education stakeholders, ~~and the legislative education~~
~~17 26 accountability and oversight committee~~.

17 27 Sec. 40. Section 321.69, subsection 3, Code 2005, is
17 28 amended to read as follows:

17 29 3. The damage disclosure statement shall be provided by
17 30 the transferor to the transferee at or before the time of
17 31 sale. If the transferor is not a resident of this state or if
17 32 the transferee acquired the vehicle by operation of law as
17 33 provided in section 321.47, the transferee shall not be
17 34 required to submit a damage disclosure statement from the
17 35 transferor with the transferee's application for title unless
18 1 the state of the transferor's residence requires a damage
18 2 disclosure statement. However, the transferee shall submit a
18 3 damage disclosure statement with the transferee's application
18 4 for title indicating whether a salvage, rebuilt, or flood
18 5 title had ever existed for the vehicle, and, if not, whether
18 6 the vehicle was damaged to the extent that it was a wrecked or
18 7 salvage vehicle as defined in section 321.52, subsection 4,
18 8 paragraph "d", during or prior to the transferor's ownership
18 9 of the vehicle, and the year, make, and vehicle identification
18 10 number of the motor vehicle. The transferee shall not be
18 11 required to indicate whether the vehicle was damaged to the
18 12 extent that it was a wrecked or salvage vehicle as defined in
18 13 section 321.52, subsection 4, paragraph "d", under this
18 14 subsection if the transferor's certificate of title is from
18 15 another state and if it indicates that the vehicle is salvaged
18 16 and not rebuilt or is another state's salvage certificate of
18 17 title.

18 18 Sec. 41. Section 321.69, subsection 9, Code 2005, is
18 19 amended to read as follows:

18 20 9. Except for subsections 10 and 11, this section does not

18 21 apply to motor trucks and truck tractors with a gross vehicle
18 22 weight rating of sixteen thousand pounds or more, vehicles
18 23 more than seven model years old, motorcycles, motorized
18 24 bicycles, and special mobile equipment. This section does
18 25 apply to motor homes. The requirement in subsection 1 that
18 26 the new certificate of title and registration receipt shall
18 27 state on the face of the title whether a prior owner had
18 28 disclosed that the vehicle was damaged to the extent that it
18 29 was a wrecked or salvage vehicle as defined in section 321.52,
18 30 subsection 4, paragraph "d", does not apply to a vehicle with
18 31 a certificate of title bearing a designation that the vehicle
18 32 was previously titled on a salvage certificate of title
18 33 pursuant to section 321.52, subsection 4, paragraph "b", or to
18 34 a vehicle with a certificate of title bearing a "REBUILT" or
18 35 "SALVAGE" designation pursuant to section 321.24, subsection 4
19 1 or 5. Except for subsections 10 and 11, this section does not
19 2 apply to new motor vehicles with a true mileage, as defined in
19 3 section 321.71, of one thousand miles or less, unless such
19 4 vehicle has incurred damage as ~~defined~~ described in subsection
19 5 2.

19 6 Sec. 42. Section 322.10, Code 2005, is amended to read as
19 7 follows:

19 8 322.10 JUDICIAL REVIEW.

19 9 Judicial review of actions of the department may be sought
19 10 in accordance with the terms of the Iowa administrative
19 11 procedure Act, chapter 17A. The petitioner shall file with
19 12 the clerk a bond for the use of the respondent, with sureties
19 13 approved by ~~such~~ the clerk and in an amount fixed by the
19 14 clerk, ~~provided in~~. In no case shall the bond be less than
19 15 fifty dollars, ~~conditioned~~. ~~All bonds shall include the~~
19 16 ~~condition~~ that the petitioner shall perform the orders of the
19 17 court.

19 18 Sec. 43. Section 331.260, subsection 2, unnumbered
19 19 paragraph 2, Code 2005, is amended to read as follows:

19 20 The question of forming a community commonwealth shall be
19 21 submitted to the electorate in substantially the same ~~manner~~
19 22 ~~form~~ as provided in section ~~331.247, subsection 4, and section~~
19 23 ~~331.252~~. The effective date of the charter and election of
19 24 new officers of the community commonwealth shall be as
19 25 provided in section 331.247, subsection 5.

19 26 Sec. 44. Section 331.506, subsection 1, paragraphs b and
19 27 d, Code 2005, are amended to read as follows:

19 28 b. The auditor shall not issue a warrant to a drawee until
19 29 the auditor has transmitted to the treasurer a list of the
19 30 warrants to be issued. The list shall include the date,
19 31 amount, and number of the warrant, name of the person to whom
19 32 the warrant is issued, and the purpose for which the warrant
19 33 is issued. The treasurer shall acknowledge receipt of the
19 34 list by affixing the treasurer's signature at the bottom of
19 35 the list and immediately returning the list to the auditor.
20 1 The requirement that the treasurer sign to acknowledge receipt
20 2 of the list is satisfied by use of a ~~digital signature or~~
20 3 ~~other~~ secure electronic signature if the county auditor and
20 4 treasurer have complied with the applicable provisions of
20 5 chapter 554D.

20 6 d. The requirement that the county auditor sign a warrant
20 7 is satisfied by use of a ~~digital signature or other~~ secure
20 8 electronic signature if the county auditor has complied with
20 9 the applicable provisions of chapter 554D.

20 10 Sec. 45. Section 331.512, subsection 10, Code 2005, is
20 11 amended to read as follows:

20 12 10. Furnish the assessor a plat book which is platted with
20 13 the lands and lots within the assessment district as provided
20 14 in section 441.29. ~~The auditor, with the approval of the~~
20 15 ~~board of supervisors, may establish a permanent real estate~~
20 16 ~~index number system as provided in section 441.29.~~

20 17 Sec. 46. Section 354.1, subsection 3, Code 2005, is
20 18 amended to read as follows:

20 19 3. To provide for statewide, uniform procedures and
20 20 standards for the platting of land while allowing the widest
20 21 possible latitude for cities and counties to establish and
20 22 enforce ordinances regulating the division and use of land,
20 23 within the scope of, but not limited to, chapters 331, 335,
20 24 364, 414, and this chapter. All documents presented for
20 25 recording pursuant to this chapter shall comply with section
20 26 ~~331.602, subsection 1~~ 331.606B.

20 27 Sec. 47. Section 354.4, subsection 2, Code 2005, is
20 28 amended to read as follows:

20 29 2. The auditor ~~may~~ shall note a permanent real estate
20 30 index number upon each parcel shown on a plat of survey
20 31 according to section 441.29 for real estate tax administration

20 32 purposes. The surveyor shall not assign parcel letters or
20 33 prepare a metes and bounds description for any parcel shown on
20 34 a plat of survey unless the parcel was surveyed by the
20 35 surveyor in compliance with chapter 355. Parcels within a
21 1 plat of survey prepared pursuant to this section are subject
21 2 to the regulations and ordinances of the governing body.

21 3 Sec. 48. Section 354.5, subsection 5, Code 2005, is
21 4 amended to read as follows:

21 5 5. A description by reference to a permanent real estate
21 6 index number is valid for the purpose of assessment and
21 7 taxation ~~when a county has established a~~ under the permanent
21 8 real estate index number system pursuant to section 441.29.

21 9 Sec. 49. Section 354.27, Code 2005, is amended to read as
21 10 follows:

21 11 354.27 NOTING THE PERMANENT REAL ESTATE INDEX NUMBER.

21 12 When a permanent real estate index number system ~~has been~~
21 13 is established by a county pursuant to section 441.29, the
21 14 auditor ~~may~~ shall note the permanent real estate index number
21 15 on every conveyance.

21 16 Sec. 50. Section 368.7, subsection 1, paragraphs a and d,
21 17 Code 2005, are amended to read as follows:

21 18 a. All of the owners of land in a territory adjoining a
21 19 city may apply in writing to the council of the adjoining city
21 20 requesting annexation of the territory. Territory comprising
21 21 railway right-of-way or territory comprising not more than
21 22 twenty percent of the land area may be included in the
21 23 application without the consent of the owner to avoid creating
21 24 an island or to create more uniform boundaries. Public land
21 25 may be included in the territory to be annexed. However, the
21 26 area of the territory that is public land included without the
21 27 written consent of the agency with jurisdiction over the
21 28 public land ~~may~~ shall not be used to determine the percentage
21 29 of territory that is included with the consent of the owner
21 30 and without the consent of the owner.

21 31 d. The city shall provide for a public hearing on the
21 32 application before approving or denying it. The city shall
21 33 provide written notice at least fourteen business days prior
21 34 to any action by the city council regarding the application,
21 35 including a public hearing, by regular mail to the chairperson
22 1 of the board of supervisors of each county which contains a
22 2 portion of the territory proposed to be annexed, each public
22 3 utility which serves the territory proposed to be annexed,
22 4 each owner of property located within the territory to be
22 5 annexed who is not a party to the application, and each owner
22 6 of property that adjoins the territory to be annexed unless
22 7 the adjoining property is in a city. The city shall publish
22 8 notice of the application and public hearing on the
22 9 application in an official county newspaper in each county
22 10 which contains a portion of the territory proposed to be
22 11 annexed. Both the written and published notice shall include
22 12 the time and place of the public hearing and a legal
22 13 description of the territory to be annexed. The city ~~may~~
22 14 shall not assess the costs of providing notice as required in
22 15 this section to the applicants.

22 16 Sec. 51. Section 368.25, Code 2005, is amended to read as
22 17 follows:

22 18 368.25 FAILURE TO PROVIDE MUNICIPAL SERVICES.

22 19 Prior to expiration of the three-year period established in
22 20 section 368.11, subsection ~~14 3~~, paragraph "n", the annexing
22 21 city shall submit a report to the board describing the status
22 22 of the provision of municipal services identified in the plan
22 23 required in section 368.11, subsection ~~14 3~~, paragraph "n".

22 24 If a city fails to provide municipal services, or fails to
22 25 show substantial and continuing progress in the provision of
22 26 municipal services, to territory involuntarily annexed,
22 27 according to the plan for extending municipal services filed
22 28 pursuant to section 368.11, subsection ~~14 3~~, paragraph "n",
22 29 within the time period specified in that subsection, the city
22 30 development board may initiate proceedings to sever the
22 31 annexed territory from the city. The board shall notify the
22 32 city of the severance proceedings and shall hold a public
22 33 hearing on the proposed severance. The board shall give
22 34 notice of the hearing in the same manner as notice of a public
22 35 meeting in section 368.11. The board may order severance of
23 1 all or a portion of the territory and the order to sever is
23 2 not subject to approval at an election. A city may request
23 3 that the board allow up to an additional three years to
23 4 provide municipal services if good cause is shown. As an
23 5 alternative to severance of the territory, the board may
23 6 impose a moratorium on additional annexation by the city until
23 7 the city complies with its plan for extending municipal

23 8 services. For purposes of this section, "municipal services"
23 9 means services included in the plan required by section
23 10 368.11, subsection ~~4 3~~, paragraph "n", for extending
23 11 municipal services.

23 12 Sec. 52. Section 421.17, subsection 27, paragraph a, Code
23 13 2005, is amended to read as follows:

23 14 a. To establish, administer, and make available a
23 15 centralized debt collection capability and procedure for the
23 16 use by any state agency as defined in ~~former subsection 29~~
23 17 section 8A.504 to collect delinquent accounts, charges, fees,
23 18 loans, taxes, or other indebtedness owed to or being collected
23 19 by the state. The department's collection facilities shall
23 20 only be available for use by other state agencies for their
23 21 discretionary use when resources are available to the director
23 22 and subject to the director's determination that use of the
23 23 procedure is feasible. The director shall prescribe the
23 24 appropriate form and manner in which this information is to be
23 25 submitted to the office of the department. The obligations or
23 26 indebtedness must be delinquent and not subject to litigation,
23 27 claim, appeal, or review pursuant to the appropriate remedies
23 28 of each state agency.

23 29 Sec. 53. Section 422.7, subsection 34, Code 2005, is
23 30 amended by striking the subsection.

23 31 Sec. 54. Section 422.35, subsection 14, Code 2005, is
23 32 amended by striking the subsection.

23 33 Sec. 55. Section 423.33, subsection 3, Code 2005, is
23 34 amended to read as follows:

23 35 3. EVENT SPONSOR'S LIABILITY FOR SALES TAX. A person
24 1 sponsoring a flea market or a craft, antique, coin, or stamp
24 2 show or similar event shall obtain from every retailer selling
24 3 tangible personal property or taxable services at the event
24 4 proof that the retailer possesses a valid sales tax permit or
24 5 secure from the retailer a statement, taken in good faith,
24 6 that property or services offered for sale are not subject to
24 7 sales tax. Failure to do so renders a sponsor of the event
24 8 liable for payment of any sales tax, interest, and penalty due
24 9 and owing from any retailer selling property or services at
24 10 the event. Sections 423.31, 423.32, 423.37, 423.38, 423.39,
24 11 423.40, 423.41, and 423.42 apply to the sponsors. For
24 12 purposes of this subsection, a person sponsoring a flea market
24 13 or a craft, antique, coin, or stamp show or similar event does
24 14 not include an organization which sponsors an event less than
24 15 three times a year or a ~~state, county, or district~~
24 16 ~~agricultural fair as defined in section 174.1.~~

24 17 Sec. 56. Section 441.39, Code 2005, is amended to read as
24 18 follows:

24 19 441.39 TRIAL ON APPEAL.

24 20 The court shall hear the appeal in equity and determine
24 21 anew all questions arising before the board which relate to
24 22 the liability of the property to assessment or the amount
24 23 thereof. The court shall consider all of the evidence and
24 24 there shall be no presumption as to the correctness of the
24 25 valuation ~~of or~~ assessment appealed from. Its decision shall
24 26 be certified by the clerk of the court to the county auditor,
24 27 and the assessor, who shall correct the assessment books
24 28 accordingly.

24 29 Sec. 57. Section 455B.174, subsection 4, paragraph e, Code
24 30 2005, is amended to read as follows:

24 31 e. If a public water supply has a groundwater source that
24 32 contains petroleum, a fraction of crude oil, or their
24 33 degradation products, or is located in an area deemed by the
24 34 department as likely to be contaminated by such materials, and
24 35 after consultation with the public water supply system and
25 1 consideration of all applicable rules relating to remediation,
25 2 the department may require the public water supply system to
25 3 replace that groundwater source in order to receive a permit
25 4 to operate. The requirement to replace the source shall only
25 5 be made by the department if the public water supply system is
25 6 fully compensated for any additional design, construction,
25 7 operation, and monitoring costs from the Iowa comprehensive
25 8 petroleum underground storage tank fund created by chapter
25 9 455G or from any other funds that do not impose a financial
25 10 obligation on the part of the public water supply system.
25 11 Funds available to or provided by the public water supply
25 12 system may be used for system improvements made in conjunction
25 13 with replacement of the source. The department cannot require
25 14 a public water supply system to replace its water source with
25 15 a less reliable water source or with a source that does not
25 16 meet federal primary, secondary, or other health-based
25 17 standards unless treatment is provided to ensure that the
25 18 drinking water meets these standards. Nothing in this

25 19 paragraph shall affect the public water ~~supply's~~ supply
25 20 system's right to pursue recovery from a responsible party.

25 21 Sec. 58. Section 455B.751, subsection 7, Code 2005, is
25 22 amended to read as follows:

25 23 7. "Third party" means any person other than a person that
25 24 holds indicia of title to property ~~as identified in section~~
25 25 ~~455B.752, subsection 1, or that has acquired property as~~
25 26 ~~identified in section 455B.752, subsection 2.~~

25 27 Sec. 59. Section 455G.2, subsection 6, Code 2005, is
25 28 amended to read as follows:

25 29 6. "Claimant" means an owner or operator who has received
25 30 assistance under the remedial account or who ~~has~~ had coverage
25 31 under the underground storage tank insurance fund, established
25 32 in section 455G.11, Code 2003, with respect to a release, or
25 33 an installer or inspector who ~~has~~ had coverage under the
25 34 underground storage tank insurance fund.

25 35 Sec. 60. Section 455G.2, subsection 15, Code 2005, is
26 1 amended by striking the subsection.

26 2 Sec. 61. Section 455G.3, subsection 1, Code 2005, is
26 3 amended to read as follows:

26 4 1. The Iowa comprehensive petroleum underground storage
26 5 tank fund is created as a separate fund in the state treasury,
26 6 and any funds remaining in the fund at the end of each fiscal
26 7 year shall not revert to the general fund but shall remain in
26 8 the Iowa comprehensive petroleum underground storage tank
26 9 fund. Interest or other income earned by the fund shall be
26 10 deposited in the fund. The fund shall include moneys credited
26 11 to the fund under this section, section 423.43, subsection 1,
26 12 paragraph "a", and sections 455G.8, 455G.9, and 455G.11, Code
26 13 2003, and other funds which by law may be credited to the
26 14 fund. The moneys in the fund are appropriated to and for the
26 15 purposes of the board as provided in this chapter. Amounts in
26 16 the fund shall not be subject to appropriation for any other
26 17 purpose by the general assembly, but shall be used only for
26 18 the purposes set forth in this chapter. The treasurer of
26 19 state shall act as custodian of the fund and disburse amounts
26 20 contained in it as directed by the board including automatic
26 21 disbursements of funds as received pursuant to the terms of
26 22 bond indentures and documents and security provisions to
26 23 trustees and custodians. The treasurer of state is authorized
26 24 to invest the funds deposited in the fund at the direction of
26 25 the board and subject to any limitations contained in any
26 26 applicable bond proceedings. The income from such investment
26 27 shall be credited to and deposited in the fund. The fund
26 28 shall be administered by the board which shall make
26 29 expenditures from the fund consistent with the purposes of the
26 30 programs set out in this chapter without further
26 31 appropriation. The fund may be divided into different
26 32 accounts with different depositories as determined by the
26 33 board and to fulfill the purposes of this chapter.

26 34 Sec. 62. Section 455G.3, subsection 3, paragraph c, Code
26 35 2005, is amended by striking the paragraph.

27 1 Sec. 63. Section 455G.4, subsection 1, paragraph e, Code
27 2 2005, is amended to read as follows:

27 3 e. Two owners or operators appointed by the governor. One
27 4 of the owners or operators appointed pursuant to this
27 5 paragraph shall have been a petroleum systems insured through
27 6 the underground storage tank insurance fund as it existed on
27 7 June 30, 2004, or a successor to the underground storage tank
27 8 insurance fund and shall have been an insured through the
27 9 insurance account of the comprehensive petroleum underground
27 10 storage tank fund on or before October 26, 1990. One of the
27 11 owners or operators appointed pursuant to this paragraph shall
27 12 be self-insured.

27 13 Sec. 64. Section 455G.4, subsection 3, paragraph a, Code
27 14 2005, is amended to read as follows:

27 15 a. The board shall adopt rules regarding its practice and
27 16 procedures, develop underwriting standards, ~~establish premiums~~
27 17 ~~for insurance fund coverage and risk factors,~~ procedures for
27 18 investigating and settling claims made against the fund,
27 19 ~~determine appropriate deductibles or retentions in coverages~~
27 20 ~~or benefits offered,~~ and otherwise implement and administer
27 21 this chapter.

27 22 Sec. 65. Section 455G.4, subsection 3, paragraphs d and e,
27 23 Code 2005, are amended by striking the paragraphs.

27 24 Sec. 66. Section 455G.13, subsection 2, paragraph b, Code
27 25 2005, is amended to read as follows:

27 26 b. An owner or operator's liability for a release for
27 27 which coverage is admitted under the underground storage tank
27 28 insurance fund established in section 455G.11, Code 2003,
27 29 shall not exceed the amount of the deductible.

27 30 Sec. 67. Section 455G.13, subsection 12, Code 2005, is
27 31 amended to read as follows:
27 32 12. RECOVERY OR SUBROGATION == INSTALLERS AND INSPECTORS.
27 33 Notwithstanding any other provision contained in this chapter,
27 34 the board or a person insured under the underground storage
27 35 tank insurance fund, established in section 455G.11, Code
28 1 2003, has no right of recovery or right of subrogation against
28 2 an installer or an inspector who was insured by the
28 3 underground storage tank insurance fund for the tank giving
28 4 rise to the liability other than for recovery of any
28 5 deductibles paid.

28 6 Sec. 68. Section 455G.14, Code 2005, is amended to read as
28 7 follows:
28 8 455G.14 FUND NOT SUBJECT TO REGULATION.
28 9 ~~The fund, including but not limited to insurance coverage~~
28 10 ~~offered by the insurance fund,~~ is not subject to regulation
28 11 under chapter 502 or Title XIII, subtitle 1.

28 12 Sec. 69. Section 455G.17, subsection 3, Code 2005, is
28 13 amended to read as follows:
28 14 3. The board shall adopt approved curricula for training
28 15 persons to install underground storage tanks ~~in such a manner~~
28 16 ~~that the resulting installation may be certified under section~~
28 17 ~~455G.11, subsection 10,~~ and provide fire safety and
28 18 environmental protection guidelines for persons removing
28 19 tanks.

28 20 Sec. 70. Section 488.108, subsection 4, paragraph b, Code
28 21 2005, is amended to read as follows:
28 22 b. Each name reserved under section 488.109, or under
28 23 sections 486A.1001, 490.401, 490.402, 490A.401, 490A.402,
28 24 504.401, 504.402, 504A.6, 504A.7, and 547.1.

28 25 Sec. 71. Section 488.1003, subsections 1 and 2, Code 2005,
28 26 are amended to read as follows:
28 27 1. The person ~~that~~ was a partner when the conduct giving
28 28 rise to the action occurred.

28 29 2. ~~The person whose person's~~ status as a partner devolved
28 30 upon the person by operation of law or pursuant to the terms
28 31 of the partnership agreement from a person that was a partner
28 32 at the time of the conduct.

28 33 Sec. 72. Section 490.850, subsection 2, Code 2005, is
28 34 amended to read as follows:
28 35 2. "Director" or "officer" means an individual who is or
29 1 was a director or officer, respectively, of a corporation or
29 2 who, while a director or officer of the corporation, is or was
29 3 serving at the corporation's request as a director, officer,
29 4 partner, trustee, employee, or agent of another domestic or
29 5 foreign corporation, partnership, joint venture, trust,
29 6 employee benefit plan, or other entity. A director or officer
29 7 is considered to be serving an employee benefit plan at the
29 8 corporation's request if the director's duties to the
29 9 corporation also impose duties on, or otherwise involve
29 10 services by, that director to the plan or to participants in
29 11 or beneficiaries of the plan. "Director" or "officer"
29 12 includes, unless the context requires otherwise, the estate or
29 13 personal representative of a director or officer.

29 14 Sec. 73. Section 501.103, subsection 3, unnumbered
29 15 paragraph 1, Code 2005, is amended to read as follows:
29 16 A cooperative that claims that it is exempt from the
29 17 restrictions of section 9H.4 pursuant to subsection 2 shall
29 18 file ~~an annual~~ a biennial report with the secretary of state
29 19 on or before March 31 of each ~~even-numbered~~ year on forms
29 20 supplied by the secretary of state. The report shall be
29 21 signed by the president or the vice president of the
29 22 cooperative and shall contain the following:
29 23 Sec. 74. Section 502.102, subsection 17, paragraph d, Code
29 24 2005, is amended to read as follows:
29 25 d. With respect to a viatical settlement investment
29 26 contract, "issuer" means a person involved in creating,
29 27 transferring, or selling to an investor any interest in such a
29 28 contract, including but not limited to fractional or pooled
29 29 interests, but does not include an agent or a broker=dealer.

29 30 Sec. 75. Section 502.204, subsection 1, Code 2005, is
29 31 amended to read as follows:
29 32 1. ENFORCEMENT=RELATED POWERS. Except with respect to a
29 33 federal covered security or a transaction involving a federal
29 34 covered security, an order under this chapter may deny,
29 35 suspend application of, condition, limit, or revoke an
30 1 exemption created under section 502.201, subsection 3,
30 2 paragraph "c", or subsection 7 ~~or 8, 8A, or 8B,~~ or section
30 3 502.202, or an exemption or waiver created under section
30 4 502.203 with respect to a specific security, transaction, or
30 5 offer. An order under this section may be issued only

30 6 pursuant to the procedures in section 502.306, subsection 4,
30 7 or section 502.604, and only prospectively.

30 8 Sec. 76. Section 502.508, subsection 2, Code 2005, is
30 9 amended to read as follows:

30 10 2. CRIMINAL REFERENCE NOT REQUIRED. The attorney general
30 11 or the proper county attorney, with or without a reference
30 12 from the administrator, may institute criminal proceedings
30 13 under this chapter.

30 14 Sec. 77. Section 504.111, subsection 3, Code 2005, is
30 15 amended to read as follows:

30 16 3. The document must contain the information required by
30 17 this ~~subchapter~~ chapter. It may contain other information as
30 18 well.

30 19 Sec. 78. Section 504.141, subsection 30, Code 2005, is
30 20 amended to read as follows:

30 21 30. "Record date" means the date established under
30 22 subchapter VI or VII on which a corporation determines the
30 23 identity of its members for the purposes of this ~~subchapter~~
30 24 chapter.

30 25 Sec. 79. Section 504.142, subsection 4, paragraph b, Code
30 26 2005, is amended to read as follows:

30 27 b. When electronically transmitted to the ~~shareholder~~
30 28 member in a manner authorized by the ~~shareholder~~ member.

30 29 Sec. 80. Section 504.142, subsection 8, Code 2005, is
30 30 amended to read as follows:

30 31 8. Written notice is correctly addressed to a domestic or
30 32 foreign corporation authorized to transact business in this
30 33 state, other than in its capacity as a member, if addressed to
30 34 its registered agent or to its secretary at its principal
30 35 office shown in its most recent biennial report or, in the
31 1 case of a foreign corporation that has not yet delivered ~~an~~

~~31 2 annual~~ a biennial report, in its application for a certificate
31 3 of authority.

31 4 Sec. 81. Section 504.202, subsection 2, paragraph d,
31 5 subparagraph (3), Code 2005, is amended to read as follows:

31 6 (3) A violation of section ~~504.834~~ 504.835.

31 7 Sec. 82. Section 504.202, subsection 2, paragraph e,
31 8 subparagraph (3), Code 2005, is amended to read as follows:

31 9 (3) A violation of section ~~504.834~~ 504.835.

31 10 Sec. 83. Section 504.401, subsection 2, paragraph b, Code
31 11 2005, is amended to read as follows:

31 12 b. A corporate name reserved or registered under section
31 13 490.402, 490.403, 504.402, ~~or~~ 504.403, or 504A.6.

31 14 Sec. 84. Section 504.401, subsection 5, Code 2005, is
31 15 amended to read as follows:

31 16 5. This ~~subchapter~~ chapter does not control the use of
31 17 fictitious names; however, if a corporation or a foreign
31 18 corporation uses a fictitious name in this state it shall
31 19 deliver to the secretary of state for filing a copy of the
31 20 resolution of its board of directors, certified by its
31 21 secretary, adopting the fictitious name.

31 22 Sec. 85. Section 504.403, subsection 1, paragraph b, Code
31 23 2005, is amended to read as follows:

31 24 b. A corporate name reserved under section 490.402,
31 25 490.403, ~~or~~ 504.402, or 504A.6 or registered under this
31 26 section.

31 27 Sec. 86. Section 504.704, subsection 1, Code 2005, is
31 28 amended to read as follows:

31 29 1. Unless limited or prohibited by the articles or bylaws
31 30 of the corporation, action required or permitted by this
31 31 ~~subchapter~~ chapter to be approved by the members of a
31 32 corporation may be approved without a meeting of members if
31 33 the action is approved by members holding at least eighty
31 34 percent of the voting power. The action must be evidenced by
31 35 one or more written consents describing the action taken,
32 1 signed by those members representing at least eighty percent
32 2 of the voting power, and delivered to the corporation for
32 3 inclusion in the minutes or filing with the corporate records.
32 4 A written consent may be revoked by a writing to that effect
32 5 received by the corporation prior to the receipt by the
32 6 corporation of unrevoked written consents sufficient in number
32 7 to take corporation action.

32 8 Sec. 87. Section 504.705, subsection 3, paragraph b, Code
32 9 2005, is amended to read as follows:

32 10 b. The notice of an annual or regular meeting includes a
32 11 description of any matter or matters which must be considered
32 12 for approval by the members under sections 504.833, ~~504.857~~
32 13 504.859, 504.1003, 504.1022, 504.1104, 504.1202, ~~504.1401~~, and
32 14 504.1402.

32 15 Sec. 88. Section 504.706, subsection 1, Code 2005, is
32 16 amended to read as follows:

32 17 1. A member may waive any notice required by this
32 18 ~~subchapter chapter~~, the articles, or bylaws before or after
32 19 the date and time stated in the notice. The waiver must be in
32 20 writing, be signed by the member entitled to the notice, and
32 21 be delivered to the corporation for inclusion in the minutes
32 22 or filing with the corporate records.

32 23 Sec. 89. Section 504.713, subsection 1, Code 2005, is
32 24 amended to read as follows:

32 25 1. Unless this ~~subchapter chapter~~ or the articles or
32 26 bylaws of a corporation provide for a higher or lower quorum,
32 27 ten percent of the votes entitled to be cast on a matter must
32 28 be represented at a meeting of members to constitute a quorum
32 29 on that matter.

32 30 Sec. 90. Section 504.714, subsection 1, Code 2005, is
32 31 amended to read as follows:

32 32 1. Unless this ~~subchapter chapter~~ or the articles or
32 33 bylaws of a corporation require a greater vote or voting by
32 34 class, if a quorum is present, the affirmative vote of the
32 35 votes represented and voting, which affirmative votes also
33 1 constitute a majority of the required quorum, is the act of
33 2 the members.

33 3 Sec. 91. Section 504.822, subsection 1, Code 2005, is
33 4 amended to read as follows:

33 5 1. Except to the extent the articles or bylaws of a
33 6 corporation require that action by the board of directors be
33 7 taken at a meeting, action required or permitted by this
33 8 ~~subchapter chapter~~ to be taken by the board of directors may
33 9 be taken without a meeting if each director signs a consent
33 10 describing the action to be taken and delivers it to the
33 11 corporation.

33 12 Sec. 92. Section 504.824, Code 2005, is amended to read as
33 13 follows:

33 14 504.824 WAIVER OF NOTICE.

33 15 1. A director may at any time waive any notice required by
33 16 this ~~subchapter chapter~~, the articles, or bylaws. Except as
33 17 provided in subsection 2, the waiver must be in writing,
33 18 signed by the director entitled to the notice, and filed with
33 19 the minutes or the corporate records.

33 20 2. A director's attendance at or participation in a
33 21 meeting waives any required notice of the meeting unless the
33 22 director, upon arriving at the meeting or prior to the vote on
33 23 a matter not noticed in conformity with this ~~subchapter~~
33 24 ~~chapter~~, the articles, or bylaws, objects to lack of notice
33 25 and does not thereafter vote for or assent to the objected-to
33 26 action.

33 27 Sec. 93. Section 504.825, Code 2005, is amended to read as
33 28 follows:

33 29 504.825 QUORUM AND VOTING.

33 30 1. Except as otherwise provided in this ~~subchapter~~
33 31 ~~chapter~~, or the articles or bylaws of a corporation, a quorum
33 32 of a board of directors consists of a majority of the
33 33 directors in office immediately before a meeting begins. The
33 34 articles or bylaws shall not authorize a quorum of fewer than
33 35 one-third of the number of directors in office.

34 1 2. If a quorum is present when a vote is taken, the
34 2 affirmative vote of a majority of directors present is the act
34 3 of the board unless this ~~subchapter chapter~~, the articles, or
34 4 bylaws require the vote of a greater number of directors.

34 5 Sec. 94. Section 504.832, subsection 1, paragraph a, Code
34 6 2005, is amended to read as follows:

34 7 a. That section 504.202, subsection 2, paragraph "d", or
34 8 504.901 or the protection afforded by section ~~504.831~~ 504.833,
34 9 if interposed as a bar to the proceeding by the director, does
34 10 not preclude liability.

34 11 Sec. 95. Section 504.832, subsection 3, paragraph c, Code
34 12 2005, is amended to read as follows:

34 13 c. Affect any rights to which the corporation or a
34 14 ~~shareholder member~~ may be entitled under another statute of
34 15 this state or the United States.

34 16 Sec. 96. Section 504.833, subsection 2, unnumbered
34 17 paragraph 1, Code 2005, is amended to read as follows:

34 18 A transaction in which a director of a ~~mutual benefit~~
34 19 corporation has a conflict of interest may be approved if
34 20 either of the following occurs:

34 21 Sec. 97. Section 504.833, subsection 5, Code 2005, is
34 22 amended to read as follows:

34 23 5. For purposes of subsection 2, paragraph "b", a conflict
34 24 of interest transaction is authorized, approved, or ratified
34 25 by the members if it receives a majority of the votes entitled
34 26 to be counted under this subsection. Votes cast by or voted
34 27 under the control of a director who has a direct or indirect

34 28 interest in the transaction, and votes cast by or voted under
34 29 the control of an entity described in subsection 3, paragraph
34 30 "a", shall not be counted in a vote of members to determine
34 31 whether to authorize, approve, or ratify a conflict of
34 32 interest transaction under subsection 2, paragraph "b". The
34 33 vote of these members, however, is counted in determining
34 34 whether the transaction is approved under other sections of
34 35 this ~~subchapter~~ chapter. A majority of the voting power,
35 1 whether or not present, that is entitled to be counted in a
35 2 vote on the transaction under this subsection constitutes a
35 3 quorum for the purpose of taking action under this section.

35 4 Sec. 98. Section 504.835, subsection 1, Code 2005, is
35 5 amended to read as follows:

35 6 1. Unless a director complies with the applicable
35 7 standards of conduct described in section 504.831, a director
35 8 who votes for or assents to a distribution made in violation
35 9 of this ~~subchapter~~ chapter is personally liable to the
35 10 corporation for the amount of the distribution that exceeds
35 11 what could have been distributed without violating this
35 12 ~~subchapter~~ chapter.

35 13 Sec. 99. Section 504.835, subsection 2, paragraph b, Code
35 14 2005, is amended to read as follows:

35 15 b. Each person who received an unlawful distribution for
35 16 the amount of the distribution whether or not the person
35 17 receiving the distribution knew it was made in violation of
35 18 this ~~subchapter~~ chapter.

35 19 Sec. 100. Section 504.852, subsection 4, paragraph a, Code
35 20 2005, is amended to read as follows:

35 21 a. In connection with a proceeding by or in the right of
35 22 the corporation, except for reasonable expenses incurred in
35 23 connection with the proceeding if it is determined that the
35 24 director has met the relevant standard of conduct under

35 25 subsection 1.

35 26 Sec. 101. Section 504.856, subsection 2, paragraph c, Code
35 27 2005, is amended to read as follows:

35 28 c. By the members of a ~~mutual benefit~~ corporation, but
35 29 directors who are at the time parties to the proceeding shall
35 30 not vote on the determination.

35 31 Sec. 102. Section 504.857, subsection 1, paragraph b,
35 32 subparagraph (2), subparagraph subdivision (b), Code 2005, is
35 33 amended to read as follows:

35 34 (b) An intentional infliction of harm on the corporation
35 35 or the ~~shareholders~~ members.

36 1 Sec. 103. Section 504.901, subsection 3, Code 2005, is
36 2 amended to read as follows:

36 3 3. A violation of section ~~504.834~~ 504.835.

36 4 Sec. 104. Section 504.1008, Code 2005, is amended to read
36 5 as follows:

36 6 504.1008 EFFECT OF AMENDMENT AND RESTATEMENT.

36 7 An amendment to articles of incorporation does not affect a
36 8 cause of action existing against or in favor of the
36 9 corporation, a proceeding to which the corporation is a party,
36 10 any requirement or limitation imposed upon the corporation, or
36 11 any property held by it by virtue of any trust upon which such
36 12 property is held by the corporation, or the existing rights of
36 13 persons other than members of the corporation. An amendment
36 14 changing a corporation's name does not abate a proceeding
36 15 brought by or against the corporation in its former name.

36 16 Sec. 105. Section 504.1101, subsection 1, Code 2005, is
36 17 amended to read as follows:

36 18 1. Subject to the limitations set forth in section
36 19 504.1102, one or more nonprofit corporations may merge with or
36 20 into any one or more business corporations or nonprofit
36 21 corporations or limited liability companies, if the plan of
36 22 merger is approved as provided in section 504.1103.

36 23 Sec. 106. Section 504.1102, subsection 1, paragraph d,
36 24 subparagraph (3), Code 2005, is amended to read as follows:

36 25 (3) The merger is approved by a majority of directors of
36 26 the public benefit or religious corporation who are not and
36 27 will not become members or shareholders in or officers,
36 28 employees, agents, or consultants of the surviving ~~corporation~~
36 29 entity.

36 30 Sec. 107. Section 523A.402, subsection 6, paragraph c,
36 31 Code 2005, is amended to read as follows:

36 32 c. The annuity shall not be contestable, or limit death
36 33 benefits in the case of suicide, with respect to that portion
36 34 of the face amount of the annuity which is required by
36 35 paragraph "b". The annuity shall not refer to physical
37 1 examination, or otherwise operate as an exclusion, limitation,
37 2 or condition other than requiring submission of proof of death
37 3 or surrender of the annuity at the time the prepaid purchase

37 4 agreement is funded, matures, or is canceled, as the case may
37 5 be.

37 6 Sec. 108. Section 524.310, subsection 1, Code 2005, is
37 7 amended to read as follows:

37 8 1. The name of a state bank originally incorporated or
37 9 organized after the effective date of this chapter shall
37 10 include the word "bank" and may include the word "state" or
37 11 "trust" in its name. A state bank using the word "trust" in
37 12 its name must be authorized under this chapter to act in a
37 13 fiduciary capacity. A national bank or federal savings bank
37 14 association shall not use the word "state" in its legally
37 15 chartered name.

37 16 Sec. 109. Section 524.1201, subsection 4, Code 2005, is
37 17 amended by striking the subsection.

37 18 Sec. 110. Section 524.1303, subsections 4 and 5, Code
37 19 2005, are amended to read as follows:

37 20 4. Within thirty days after the date of the ~~second~~
37 21 publication of the notice, any interested person may submit to
37 22 the superintendent written comments and data on the
37 23 application. The superintendent may extend the thirty-day
37 24 comment period if, in the superintendent's judgment,
37 25 extenuating circumstances exist.

37 26 5. Within thirty days after the date of the ~~second~~
37 27 publication of the notice, any interested person may submit to
37 28 the superintendent a written request for a hearing on the
37 29 application. The request shall state the nature of the issues
37 30 or facts to be presented and the reasons why written
37 31 submissions would be insufficient to make an adequate
37 32 presentation to the superintendent. If the reasons are
37 33 related to factual disputes, the disputes shall be described.
37 34 Comments challenging the legality of an application shall be
37 35 submitted separately in writing and shall not be considered at
38 1 a hearing conducted pursuant to this section. Written
38 2 requests for hearings shall be evaluated by the
38 3 superintendent, who may grant or deny such requests in whole
38 4 or in part. A hearing request shall generally be granted only
38 5 if it is determined that written submissions would be
38 6 inadequate or that a hearing would otherwise be beneficial to
38 7 the decision-making process. A hearing may be limited to
38 8 issues considered material by the superintendent.

38 9 Sec. 111. Section 524.1309, subsections 5 and 6, Code
38 10 2005, is amended to read as follows:

38 11 5. The board of directors has full power to complete the
38 12 settlement of the affairs of the state bank. Within thirty
38 13 days after approval by the superintendent of the plan to cease
38 14 the business of banking and become a corporation subject to
38 15 chapter 490, or a limited liability company subject to chapter
38 16 490A, the state bank shall give notice of its intent to
38 17 persons identified in section 524.1305, subsection ~~4~~ 3, in the
38 18 manner provided for in that subsection. In completing the
38 19 settlement of its affairs as a state bank the state bank shall
38 20 also follow the procedure prescribed in section 524.1305,
38 21 subsections 4, 5, and 6.

38 22 6. Upon completion of all the requirements of this
38 23 section, the state bank shall deliver to the superintendent
38 24 articles of intent to be subject to chapter 490 or 490A,
38 25 together with the applicable filing and recording fees, which
38 26 shall set forth that the state bank has complied with this
38 27 section, that it has ceased to carry on the business of
38 28 banking, and the information required by section 490.202
38 29 relative to the contents of articles of incorporation under
38 30 chapter 490, or article of organization under chapter 490A.
38 31 If the superintendent finds that the state bank has complied
38 32 with this section and that the articles of intent to be
38 33 subject to chapter 490 or 490A satisfy the requirements of
38 34 this section, the superintendent shall deliver them to the
38 35 secretary of state for filing and recording in the secretary
39 1 of state's office, and ~~they~~ the superintendent shall be filed
39 2 file and recorded ~~record them~~ in the office of the county
39 3 recorder.

39 4 Sec. 112. Section 524.1402, subsections 5 and 6, Code
39 5 2005, are amended to read as follows:

39 6 5. Within thirty days after the date of the ~~second~~
39 7 publication of the notice required under subsection 4, any
39 8 interested person may submit to the superintendent written
39 9 comments and data on the application. Comments challenging
39 10 the legality of an application shall be submitted separately
39 11 in writing. The superintendent may extend the thirty-day
39 12 comment period if, in the superintendent's judgment,
39 13 extenuating circumstances exist.

39 14 6. Within thirty days after the date of the ~~second~~

39 15 publication of the notice required under subsection 4, any
39 16 interested person may submit to the superintendent a written
39 17 request for a hearing on the application. The request shall
39 18 state the nature of the issues or facts to be presented and
39 19 the reasons why written submissions would be insufficient to
39 20 make an adequate presentation to the superintendent. If the
39 21 reasons are related to factual disputes, the disputes shall be
39 22 described. Written requests for hearings shall be evaluated
39 23 by the superintendent, who may grant or deny such requests in
39 24 whole or in part. A hearing request shall generally be
39 25 granted only if it is determined that written submissions
39 26 would be inadequate or that a hearing would otherwise be
39 27 beneficial to the decision-making process. A hearing may be
39 28 limited to issues considered material by the superintendent.

39 29 Sec. 113. Section 535.8, subsection 2, paragraph b,
39 30 unnumbered paragraph 3, Code 2005, is amended to read as
39 31 follows:

39 32 The collection of any costs other than as expressly
39 33 permitted by this paragraph "b" is prohibited. However,
39 34 additional costs incurred in connection with a loan under this
39 35 paragraph "b", if bona fide and reasonable, may be collected
40 1 by a state-chartered financial institution licensed under
40 2 chapter 524, 533, or 534, to the extent permitted under
40 3 applicable federal law as determined by the office of the
40 4 comptroller of the currency of the United States department of
40 5 treasury, the national credit union administration, or the
40 6 office of thrift supervision of the United States department
40 7 of treasury. Such costs shall apply only to the same type of
40 8 state-chartered entity as the federally chartered entity
40 9 affected and shall apply to and may be collected by an insurer
40 10 organized under chapter 508 or 515, or otherwise authorized to
40 11 conduct the business of insurance in this state.

40 12 Sec. 114. Section 535.8, subsection 2, paragraph b, Code
40 13 2005, is amended by adding the following new unnumbered
40 14 paragraph:

40 15 NEW UNNUMBERED PARAGRAPH. Nothing in this section shall be
40 16 construed to change the prohibition against the sale of title
40 17 insurance or sale of insurance against loss or damage by
40 18 reason of defective title or encumbrances as provided in
40 19 section 515.48, subsection 10.

40 20 Sec. 115. Section 546.10, subsection 1, Code 2005, is
40 21 amended by adding the following new paragraph:

40 22 NEW PARAGRAPH. f. The real estate appraiser examining
40 23 board created pursuant to section 543D.4.

40 24 Sec. 116. Section 551A.9, subsection 3, paragraph e, Code
40 25 2005, is amended to read as follows:

40 26 e. Misrepresent the amount of profits, net or gross, which
40 27 the ~~business opportunity~~ purchaser can expect from the
40 28 operation of the business opportunity.

40 29 Sec. 117. Section 602.8102, subsection 135A, Code 2005, is
40 30 amended to read as follows:

40 31 135A. Assess the surcharges provided by sections 911.1,
40 32 911.2, 911.3, and 911.4.

40 33 Sec. 118. Section 714.22, unnumbered paragraph 1, Code
40 34 2005, is amended to read as follows:

40 35 The provisions of sections 714.17 to 714.22 through 714.21
41 1 shall not apply to trade or vocational schools if they meet
41 2 either of the following conditions:

41 3 Sec. 119. Section 814.11, subsection 7, Code 2005, is
41 4 amended to read as follows:

41 5 7. An attorney appointed under this section is not liable
41 6 to a person represented by the attorney for damages as a
41 7 result of a conviction in a criminal case unless the court
41 8 determines in a postconviction proceeding or on direct appeal
41 9 that the person's conviction resulted from ineffective
41 10 assistance of counsel, and the ineffective assistance of
41 11 counsel is the proximate cause of the damage. In juvenile or
41 12 civil proceedings, an attorney appointed under this section is
41 13 not liable to a person represented by the attorney for damages
41 14 unless it has been determined that the attorney has provided
41 15 ineffective assistance of counsel and the ineffective
41 16 assistance of counsel ~~claim~~ is the proximate cause of the
41 17 damage.

41 18 Sec. 120. Section 815.10, subsection 6, Code 2005, is
41 19 amended to read as follows:

41 20 6. An attorney appointed under this section is not liable
41 21 to a person represented by the attorney for damages as a
41 22 result of a conviction in a criminal case unless the court
41 23 determines in a postconviction proceeding or on direct appeal
41 24 that the person's conviction resulted from ineffective
41 25 assistance of counsel, and the ineffective assistance of

41 26 counsel is the proximate cause of the damage. In juvenile or
41 27 civil proceedings, an attorney appointed under this section is
41 28 not liable to a person represented by the attorney for damages
41 29 unless it has been determined that the attorney has provided
41 30 ineffective assistance of counsel, and the ineffective
41 31 assistance of counsel ~~claim~~ is the proximate cause of the
41 32 damage.

41 33 Sec. 121. 2002 Iowa Acts, chapter 1111, section 36, is
41 34 repealed.

41 35 Sec. 122. 2004 Iowa Acts, chapter 1049, section 81, the
42 1 portion enacting section 504.810, subsection 1, paragraph a,
42 2 is amended to read as follows:

42 3 a. A director engaged in fraudulent conduct with respect
42 4 to the corporation or its members, grossly abused the position
42 5 of director, or intentionally inflicted harm on the
42 6 corporation.

42 7 Sec. 123. 2004 Iowa Acts, chapter 1049, section 101, the
42 8 portion enacting section 504.851, subsection 6, paragraph b,
42 9 is amended to read as follows:

42 10 b. When used with respect to an officer, as contemplated
42 11 in section 504.857, the office in a corporation held by the
42 12 officer. "Official capacity" does not include service for any
42 13 other foreign or domestic business or nonprofit corporation or
42 14 any partnership, joint venture, trust, employee benefit plan,
42 15 or other entity.

42 16 Sec. 124. 2004 Iowa Acts, chapter 1161, is amended by
42 17 adding the following new section:

42 18 SEC. 62A. Section 502.701, subsection 1, Code 2003, is
42 19 amended to read as follows:

42 20 1. A joint investment trust organized pursuant to chapter
42 21 28E for the purposes of joint investment of public funds is
42 22 subject to the jurisdiction and authority of the
42 23 administrator, including all requirements of this chapter,
42 24 except the registration provisions of sections ~~502.201~~ 502.301
42 25 and ~~502.210~~ 502.321I.

42 26 Sec. 125. Sections 101.28, 163.13, 163.22, and 266.32,
42 27 Code 2005, are repealed.

42 28 Sec. 126. EFFECTIVE DATES AND RETROACTIVE APPLICABILITY.

42 29 1. The section of this Act amending section 22.1,
42 30 subsection 3, is retroactively applicable to July 1, 2004, and
42 31 is applicable on and after that date.

42 32 2. The section of this Act repealing 2002 Iowa Acts,
42 33 chapter 1111, section 36, takes effect upon enactment and
42 34 applies retroactively to June 30, 2004.

42 35 3. The section of this Act amending 2004 Acts, chapter
43 1 1049, section 81, takes effect upon enactment and applies
43 2 retroactively to July 1, 2004.

43 3 4. The section of this Act amending 2004 Iowa Acts,
43 4 chapter 1049, section 101, takes effect upon enactment and
43 5 applies retroactively to July 1, 2004.

43 6 5. The section of this Act amending 2004 Iowa Acts,
43 7 chapter 1161, takes effect upon enactment and applies
43 8 retroactively to January 1, 2005.

43 9 EXPLANATION

43 10 This bill contains statutory corrections that adjust
43 11 language to reflect current practices, insert earlier
43 12 omissions, delete redundancies and inaccuracies, delete
43 13 temporary language, resolve inconsistencies and conflicts,
43 14 update ongoing provisions, or remove ambiguities. The Code
43 15 sections amended include all of the following:

43 16 Code section 2B.5: Strikes an obsolete reference to the
43 17 office of secretary of state in language pertaining to the
43 18 updating and publication of the state roster by the Iowa
43 19 administrative code office. Iowa administrative code office
43 20 staff independently maintains and updates the state roster,
43 21 but had compared the roster contents to the lists of state
43 22 officials and offices contained in the publication of the Iowa
43 23 official register. The responsibility for production of the
43 24 Iowa official register was transferred from the office of
43 25 secretary of state to the legislative services agency in 2003
43 26 Iowa Acts, chapter 35, sections 5, 21, and 47.

43 27 Code section 2B.12: Adds in a reference to the table of
43 28 corresponding sections to language describing the contents of
43 29 the Iowa Code or Code Supplement. The table has been a part
43 30 of the Code and Code Supplements for many years, but the only
43 31 specific reference to the table was deleted with the repeal of
43 32 Code section 7A.21 by 2003 Iowa Acts, chapter 35, section 47,
43 33 and 2003 Iowa Acts, chapter 145, section 291.

43 34 Code section 2B.17: Amends language relating to the proper
43 35 citations to Acts of the general assembly to include the use
44 1 of the house or senate file number in lieu of the Acts chapter

44 2 number. The Iowa Acts chapter numbers and publication are not
44 3 always available at the point that citation to a particular
44 4 Act may be necessary, such as but not limited to references to
44 5 a particular enactment by the general assembly in a bill under
44 6 consideration during the same session of the same general
44 7 assembly. Inclusion of a reference to a file number is also
44 8 consistent with current legislative bill drafting practice.

44 9 Code sections 2C.13, 2C.14, and 2C.17: Deletes the word
44 10 "administrative" where it appears before the term "agency".
44 11 The term "agency" is a defined term within Code chapter 2C, as
44 12 is "administrative action", but the term "administrative
44 13 agency" is not defined. The change conforms the use of the
44 14 terminology in these Code sections to the Code chapter
44 15 definitions and the scope of authority provided for the
44 16 citizens' aide in Code sections 2C.7, 2C.9, 2C.10, 2C.11, and
44 17 other provisions within Code chapter 2C.

44 18 Code section 3.3: Conforms language relating to placement
44 19 of headnotes and historical references to current bill
44 20 drafting and codification practices. Currently, headnotes
44 21 appear both in bill sections and in Code sections and
44 22 historical references appear after Code sections only.

44 23 Code section 7A.27: Removes a reference to supplements to
44 24 the Iowa administrative code and clarifies that official legal
44 25 publications produced under the authority of Code chapter 2B
44 26 and listed in Code section 2A.5 are outside of the scope of
44 27 this provision pertaining to distribution of certain
44 28 publications by the department of administrative services.
44 29 The distribution of official legal publications produced by
44 30 offices within the legislative services agency was made the
44 31 responsibility of the legislative services agency in 2003 Iowa
44 32 Acts, chapter 35.

44 33 Code sections 8A.205, 22.7, and 331.506: Substitutes "an
44 34 electronic" for a reference to "a digital" signature in
44 35 language that relates to the disclosure of private keys and
45 1 refers to technologies provided in Code chapter 554D. The
45 2 term "digital signature" was stricken from Code chapter 554D
45 3 by 2004 Iowa Acts, chapter 1067, section 2. The term
45 4 "electronic signature" remains a defined term in chapter 554D.

45 5 Code section 8A.316: Updates language relating to the
45 6 procedures and specifications of the department of
45 7 administrative services that pertain to the purchase of
45 8 certain oils to reflect the reorganization of the department
45 9 in 2003 Iowa Acts, chapter 145, and the recodification of
45 10 provisions reassigning to the department certain
45 11 responsibilities previously performed by the former department
45 12 of general services.

45 13 Code section 9E.12: Updates, in language relating to
45 14 certificates of notarial acts on instruments that are to be
45 15 recorded, a citation to Code language containing the
45 16 formatting standards applicable to those types of documents.
45 17 2004 Iowa Acts, chapter 1069, sections 2 and 3, struck the
45 18 language in Code section 331.602, subsection 1, that pertained
45 19 to formatting standards and enacted new language pertaining to
45 20 the same subject matter in Code section 331.606B.

45 21 Code section 12.82: Corrects an internal reference, in the
45 22 school infrastructure bonding law, to the bond reserve fund
45 23 requirement which is contained in paragraph "c", not paragraph
45 24 "a".

45 25 Code sections 13B.9, 814.11, and 815.10: Strikes the word
45 26 "claim" to clarify that the "ineffective assistance of
45 27 counsel", and not the "claim", is the proximate cause of the
45 28 juvenile or civil claimant's damage. The change conforms the
45 29 language to similar language relating to ineffective
45 30 assistance of counsel in criminal cases on postconviction or
45 31 on direct appeal.

45 32 Code section 15.331C: Conforms language pertaining to
45 33 corporate tax credits for certain sales taxes paid by third=
45 34 party developers to language that was altered in a similar
45 35 manner in Code section 15.331A by 2003 Iowa Acts, 1st
46 1 Extraordinary Session, chapter 2, section 152. The 2003 Act
46 2 struck sales and use tax provisions from Code chapter 422 and
46 3 recodified the provisions in Code chapter 423 effective July
46 4 1, 2004.

46 5 Code section 22.1: Reinserts an unnumbered paragraph that
46 6 was dropped from subsection 3 due to a drafting problem in
46 7 2004 Iowa Acts, chapter 1019, section 2. The 2004 Act
46 8 purported to amend subsection 3 of this Code section in its
46 9 entirety, but omitted this paragraph. From the context of the
46 10 Act, the Act title, and explanation that appeared with the
46 11 bill during the process of enactment, it does not appear that
46 12 the paragraph was dropped intentionally.

46 13 Code section 28M.3: Conforms, by adding the word "and",
46 14 language contained in a series describing the items for which
46 15 a regional transit district may issue general obligation bonds
46 16 to similar language which appears in the first sentence of the
46 17 same paragraph.

46 18 Code sections 48A.11, 48A.25A, and 48A.38: Conforms
46 19 language relating to driver's license information appearing on
46 20 voter registration applications to similar changes made by
46 21 2004 Iowa Acts, chapter 1083, sections 6 through 13, and
46 22 section 19, by adding the word "Iowa" before the words
46 23 "driver's license" and accounting for the possibility that
46 24 only the last four numerals of a registrant's social security
46 25 number are now required to be provided on a voter's
46 26 application form.

46 27 Code sections 50.20, 50.22, 53.23, 53.24, and 53.31:
46 28 Changes references to the term "special ballots" and one
46 29 reference to the term "challenged ballots" in voter
46 30 registration provisions to refer to the term "provisional
46 31 ballots" to conform these provisions to changes made by 2004
46 32 Iowa Acts, chapter 1083.

46 33 Code section 85.34: Designates an unnumbered paragraph at
46 34 the end of subsection 2 as lettered paragraph "v" to eliminate
46 35 technical drafting and codification issues in a provision
47 1 relating to workers' compensation for permanent disabilities,
47 2 and updates a reference to "said schedule" to clarify that the
47 3 schedule is the compensation schedule specified in paragraphs
47 4 "a" through "t". The addition of references to paragraphs "a"
47 5 through "t" conforms the language to a similar reference in
47 6 paragraph "u".

47 7 Code section 97.51: Substitutes the word "system" for the
47 8 word "department" in provisions relating to investment and use
47 9 of funds by the Iowa public employees' retirement system and
47 10 makes references to the "system" consistent throughout the
47 11 Code section. The changes are consistent with the changes
47 12 made throughout Code chapters 97, 97A, and 97B by 2003 Iowa
47 13 Acts, chapter 145.

47 14 Code section 97B.49C: Changes the word "and" to "or" in
47 15 language describing the types of membership and service
47 16 qualifying an individual for benefits under the Iowa public
47 17 employees' retirement system. Service as either a sheriff or
47 18 deputy sheriff is service that qualifies an individual as
47 19 eligible for benefits under Code chapter 97B.

47 20 Code section 99B.7: Clarifies that the seven consecutive
47 21 calendar days of the specified period limitation applies to
47 22 gatherings or sessions at which successive bingo games are
47 23 played. The change is consistent with other uses of the
47 24 defined term "bingo occasion" in conjunction with time
47 25 limitations elsewhere in the Code section.

47 26 Code section 99D.24: Substitutes for the term "betting
47 27 enclosure" the defined term "wagering area" in a provision
47 28 relating to pari-mutuel wagering. The defined term "wagering
47 29 area" was added to Code section 99D.2 by 2004 Iowa Acts,
47 30 chapter 1136, section 2, and refers to that portion of a
47 31 racetrack in which a licensee may receive wagers of money from
47 32 a person present in a licensed racing enclosure on a horse or
47 33 dog in a race selected by the person making the wager as
47 34 designated by the commission. The term "betting enclosure" is
47 35 not defined in Code chapter 99D.

48 1 Code section 135.144: Substitutes the word "unencumbered"
48 2 for "encumbered" funds in language relating the provision of
48 3 financial assistance by the department of public health. This
48 4 is consistent with language in the sentence that immediately
48 5 precedes the sentence in which this substitution is made and
48 6 consistent with the notion that "encumbered" funds would
48 7 already have been dedicated to some other use.

48 8 Code section 136A.5: Changes the words "the parent" to "a
48 9 parent" in language relating to when congenital and inherited
48 10 disorders screening is not permitted. The next sentence in
48 11 the Code section states that if a parent objects, the refusal
48 12 is to be documented.

48 13 Code section 166.1: Strikes a reference to the biological
48 14 laboratory at the Iowa state university of science and
48 15 technology from the definition of "manufacturer" in the hog=
48 16 cholera virus and serum Code chapter. Code sections 266.24
48 17 through 266.26, establishing the hog=cholera serum laboratory
48 18 at the Iowa state university of science and technology, were
48 19 stricken by 2003 Iowa Acts, chapter 179, section 143.

48 20 Code section 174.15: Clarifies grammar and punctuation in
48 21 a series of phrases relating to the purchase and management of
48 22 buildings and improvements by county fairs.

48 23 Code section 225C.42: Changes the words "fiscal year" to

48 24 "period" to be consistent with technical changes made in 2004
48 25 Iowa Acts, chapter 1116, in subsection 1 and subsection 2,
48 26 paragraph "a", that converted what had been annual reporting
48 27 to periodic reporting.

48 28 Code section 235A.15: Substitutes for the words
48 29 "administrative agency" the words "the department" in language
48 30 relating to the hearing of an appeal for correction of child
48 31 abuse report and disposition data as provided in Code section
48 32 235A.19. Code section 235A.19 specifies that the department
48 33 of human services is the agency responsible for providing a
48 34 person who is the subject of a child abuse report with an
48 35 opportunity for making corrections to data that is in whole or
49 1 in part erroneous. The term "department" is defined under
49 2 Code section 235A.13 as meaning the department of human
49 3 services. The term "administrative agency" is not defined
49 4 under Code chapter 235A.

49 5 Code section 257.11: Implements the paragraph repeal
49 6 contained in the text of paragraph "c" of subsection 4 of this
49 7 Code section. The repealed language pertains to supplemental
49 8 weighting plans for certain school districts for budget years
49 9 that have expired.

49 10 Code section 284.12: Deletes references to a two-year
49 11 legislative interim study committee that was created in 2001
49 12 by 2001 Iowa Acts, chapter 161, section 23, and that is no
49 13 longer operational.

49 14 Code section 321.69: Makes grammatical changes in language
49 15 relating to vehicle damage disclosure statements and
49 16 substitutes the word "described" for the word "defined" in
49 17 language pertaining to when damage disclosure is not required
49 18 for new vehicles.

49 19 Code section 322.10: Updates archaic language relating to
49 20 the posting of bonds with the clerk in judicial review
49 21 proceedings relating to administrative actions of the
49 22 department.

49 23 Code section 331.260: Strikes language referring to Code
49 24 section 331.247, subsection 4. Code section 331.247,
49 25 subsection 4, Code 2003, contained a separate ballot
49 26 requirement that was stricken when that section was amended in
49 27 2004 Iowa Acts, chapter 1066. The voting majority
49 28 requirements and effective date provisions for community
49 29 commonwealth ballot issues are covered in subsections 1 and 2
49 30 of this Code section, making the reference to 331.247 either
49 31 redundant or potentially conflicting with the requirements of
49 32 this Code section.

49 33 Code sections 331.512, 354.4, 354.5, and 354.27: Strikes
49 34 language relating to the authority to establish a permanent
49 35 real estate index number system. Code section 441.29 was
50 1 amended to require such establishment in 2004 Iowa Acts,
50 2 chapter 1144.

50 3 Code section 354.1: Updates, in language relating to
50 4 uniform procedures for the platting of land, a citation to
50 5 Code language containing the formatting standards applicable
50 6 to recorded documents. 2004 Iowa Acts, chapter 1069, sections
50 7 2 and 3, struck the language in Code section 331.602,
50 8 subsection 1, that pertained to formatting standards and
50 9 enacted new language pertaining to the same subject matter in
50 10 Code section 331.606B.

50 11 Code section 368.7: Substitutes the word "shall" for the
50 12 word "may" in language pertaining to the annexation of land
50 13 that does not, in the context of the paragraphs in which the
50 14 language appears, appear to leave room for the exercise of
50 15 discretion on the part of cities.

50 16 Code section 368.25: Corrects internal references relating
50 17 to plans of annexation that provide for the extension of
50 18 municipal services. When the amendments made to Code sections
50 19 368.11 and 368.25 by 2003 Iowa Acts, chapter 148, were
50 20 codified, Code section 368.11 was renumbered to facilitate the
50 21 readability of the provision. However, the internal
50 22 references in Code section 368.25 to what was then new
50 23 subsection 14 of Code section 368.11 were inadvertently missed
50 24 in the editing process.

50 25 Code section 421.17: Strikes a reference to "former
50 26 subsection 29" and substitutes a reference to "section
50 27 8A.504", in a provision relating to the establishment of a
50 28 centralized debt collection capability and procedure for the
50 29 use of state agencies in the department of revenue, to conform
50 30 to changes made by 2003 Iowa Acts, chapter 145, section 254.

50 31 Code sections 422.7 and 422.35: Eliminates references to
50 32 tax credits allowed for contributions to the endowment fund of
50 33 the Iowa educational savings plan trust. That fund was
50 34 eliminated in 2004 Iowa Acts, chapter 1079, section 1.

50 35 Code section 423.33: Adds a reference to Code section
51 1 174.1 and conforms the use of the term "fair" to the changes
51 2 made in Code chapter 174 by 2004 Iowa Acts, chapter 1019, in
51 3 this language relating to sales and use taxes associated with
51 4 sales at certain types of events.

51 5 Code section 441.39: Corrects a printing error made in the
51 6 1971 Code of Iowa. In the original enactment in 1958 Iowa
51 7 Acts, chapter 239, section 39, the word "or" was enacted and
51 8 appeared that same way when it was originally published in the
51 9 1962 Code of Iowa, and then again in the 1966 Code of Iowa.
51 10 In the 1971 Code of Iowa publication, a printing problem
51 11 occurred that is visible in this Code section. When the 1973
51 12 Code was published, the word had been changed and no
51 13 intervening legislation had passed to cause the change.

51 14 Code section 455B.174: Adds the word "system" after
51 15 certain instances of the term "public water supply" to
51 16 distinguish between the watershed and the institution and
51 17 infrastructure responsible for delivery of water to the
51 18 general public in provisions relating to actions by the
51 19 department and the local system in response to contamination
51 20 or the likelihood of contamination by petroleum, crude oil, or
51 21 related degradation products.

51 22 Code section 455B.751: Corrects a drafting error that
51 23 appears to stem from a previous version of this language.
51 24 This Code section originally appeared in a 2004 bill, Senate
51 25 File 2230, that was vetoed by the governor. The Code section
51 26 was redrafted and enacted in 2004 Iowa Acts, chapter 1141,
51 27 section 75. In the redrafted version of Code section
51 28 455B.752, persons other than persons holding indicia of title
51 29 to property or who have acquired property are both identified
51 30 in the first unnumbered paragraph, not subsections 1 and 2.

51 31 Code sections 455G.2, 455G.3, 455G.4, 455G.13, 455G.14, and
51 32 455G.17: Strikes or replaces references to insurance
51 33 coverage, the underground storage tank insurance fund, and the
51 34 Iowa underground storage tank insurance board in these
51 35 provisions. The fund and the board were repealed effective
52 1 July 1, 2004, pursuant to 1989 Iowa Acts, chapter 131, section
52 2 61.

52 3 Code section 488.108: Adds references to the reservation
52 4 of names provisions in the nonprofit corporation Act enacted
52 5 in 2004 Iowa Acts, chapter 1049. Code chapter 504 will
52 6 replace Code chapter 504A as the chapter governing nonprofit
52 7 corporations effective July 1, 2005, pursuant to 2004 Iowa
52 8 Acts, chapter 1049.

52 9 Code section 488.1003: Conforms a provision relating to
52 10 derivative actions by partners under the uniform limited
52 11 partnership Act enacted in 2004 Iowa Acts, chapter 1021, to
52 12 its sister provisions in Code section 487.1002 and a
52 13 corresponding provision applicable to limited liability
52 14 companies contained in Code section 490A.1001, subsection 4.

52 15 Code section 490.850: Adds the word "or" to the definition
52 16 of the terms "director" and "officer" in the business
52 17 corporations Code chapter. This conforms the provision to the
52 18 model business corporation Act definition of the same terms.

52 19 Code section 501.103: Changes the reporting requirement
52 20 for closed cooperatives from annual to biennial to conform the
52 21 provision to the reporting requirements specified in Code
52 22 sections 10B.4, 10B.7, and 501.713.

52 23 Code section 502.102: Adds the word "investment" to the
52 24 term "viatical settlement contract" within the definition of
52 25 the term "issuer" in the uniform securities Act. This is
52 26 consistent with use of the defined term "viatical settlement
52 27 investment contract" in this Code section as rewritten by 2004
52 28 Iowa Acts, chapter 1161, and consistent with a correction made
52 29 in 2003 by 2003 Iowa Acts, chapter 44, section 89, that also
52 30 added the word "investment" to the term "viatical settlement
52 31 contract" in the predecessor definition of the term "issuer"
52 32 in former Code section 502.102, subsection 13, paragraph "c".

52 33 Code section 502.204: Substitutes, in this provision
52 34 relating to denial, suspension, revocation, condition, or
52 35 limitation of statutory exemptions from securities
53 1 registration requirements, for a reference to subsection 8 of
53 2 Code section 502.201, references to subsections 8A and 8B of
53 3 that Code section. There is no language at subsection 8 of
53 4 Code section 502.201, and subsections 8A and 8B were intended
53 5 as the replacement language in Iowa for the model securities
53 6 Act language when 2004 Iowa Acts, chapter 1161, was enacted.

53 7 Code section 502.508: Adds the word "attorney" after the
53 8 word "county" in language relating to who may bring a criminal
53 9 action under the securities Act. This conforms the language
53 10 to the model Act which provides that the attorney general or

53 11 the proper "prosecuting attorney" may bring this type of
53 12 action.

53 13 Code sections 504.111, 504.141, 504.704, 504.706, 504.713,
53 14 504.714, 504.822, 504.824, 504.825, 504.833, and 504.835:
53 15 Substitutes the word "chapter" for "subchapter" in provisions
53 16 relating to nonprofit corporations and directors and officers
53 17 of nonprofit corporations. The original model used the term
53 18 "Act", and the correlating term should have been "chapter",
53 19 not "subchapter". Code section 504.833 is also amended by
53 20 striking the words "mutual benefit" corporation. This
53 21 clarifies the intended general applicability of the provision
53 22 and conforms it to its sister provision in the business
53 23 corporation chapter, Code section 490.832.

53 24 Code section 504.142: Replaces the word "shareholder" with
53 25 the word "member" and changes a reference to an annual report
53 26 to a reference to a biennial report. Nonprofit corporations
53 27 are composed of, and rights and liabilities are assigned on
53 28 the basis of, the concept of "members" and "memberships"
53 29 instead of "shareholders" and "shares" under Code chapter 504
53 30 and reporting under the chapter is done on a biennial, not
53 31 annual, basis.

53 32 Code section 504.202: Changes a citation to Code section
53 33 504.834 to Code section 504.835 in a provision relating to the
53 34 articles of incorporation of nonprofit corporations. This
53 35 conforms this aspect of this provision to the corresponding
54 1 language in the sister provision applicable to business
54 2 corporations, Code section 490.202.

54 3 Code sections 504.401 and 504.403: Adds the appropriate
54 4 references to the new nonprofit corporation Act provision
54 5 enacted in 2004 Iowa Acts, chapter 1049, that provides for the
54 6 reservation of a corporate name. Code section 504.401 is also
54 7 amended by substituting "chapter" for "subchapter" in language
54 8 relating to the scope of the Code chapter with respect to
54 9 fictitious names. The original model used the term "Act", and
54 10 the correlating term should have been "chapter", not
54 11 "subchapter".

54 12 Code section 504.705: Corrects citations to provisions
54 13 which specify matters that require approval of the members of
54 14 a nonprofit corporation in a provision relating to notice
54 15 required of an annual or regular meeting.

54 16 Code section 504.832: Conforms a paragraph of this Code
54 17 section to its sister provision in the for-profit corporations
54 18 Code chapter, Code section 490.831, but replaces the word
54 19 "shareholder" with the word "member" in another of the
54 20 paragraphs. With respect to the first change, the
54 21 corresponding language in Code section 490.831 refers to
54 22 provisions regarding articles of incorporation and procedures
54 23 applicable when a director has a conflict of interest which
54 24 fit with the language of this provision. In the second
54 25 instance, although Code section 490.831 refers to
54 26 shareholders, because nonprofit corporations under Code
54 27 chapter 504 are composed of, and rights and liabilities are
54 28 assigned on the basis of the concept of, "members" and
54 29 "memberships" instead of "shareholders" and "shares", the
54 30 paragraph needs to be conformed to other language in this Code
54 31 section and Code chapter 504.

54 32 Code section 504.852: Adds in language that was
54 33 inadvertently dropped in the drafting of 2004 Iowa Acts,
54 34 chapter 1049. The addition conforms the language to the model
54 35 language originally provided for the Iowa nonprofit
55 1 corporation Act.

55 2 Code section 504.856: Deletes the words "mutual benefit"
55 3 from the term "mutual benefit corporation", making one of the
55 4 specified circumstances under which special legal counsel is
55 5 selected, for purposes of making a determination regarding
55 6 indemnification of expenses of a director who is a party to a
55 7 civil, criminal, or administrative proceeding or
55 8 investigation, generally applicable to all nonprofit
55 9 corporations. This change conforms the language to the
55 10 corresponding language in Code section 490.855 that is
55 11 applicable to for-profit corporations.

55 12 Code section 504.857: Replaces the word "shareholders"
55 13 with the word "members". The corresponding language in Code
55 14 chapter 490, which applies to for-profit corporations and is
55 15 contained in Code section 490.856, includes a reference to
55 16 shareholders, but nonprofit corporations are composed of, and
55 17 rights and liabilities are assigned on the basis of, the
55 18 concept of "members" and "memberships" instead of
55 19 "shareholders" and "shares" under Code section 504.141 and the
55 20 balance of Code chapter 504.

55 21 Code section 504.901: Changes an internal reference within

55 22 the provision describing when a director, officer, member, or
55 23 other volunteer for a nonprofit corporation is personally
55 24 liable for action or inaction on the part of that person, from
55 25 a reference to a provision governing conduct by a corporation
55 26 to a reference to a provision describing the circumstances
55 27 under which a director is personally liable to the corporation
55 28 for unlawful distributions. The change conforms the reference
55 29 to a provision containing almost identical language found in
55 30 Code section 490A.707, which applies to limited liability
55 31 companies.

55 32 Code section 504.1008: Adds commas to a series to clarify
55 33 the meaning of a provision describing the effect of an
55 34 amendment to articles of incorporation on causes of action,
55 35 proceedings, or existing rights of persons other than members.
56 1 The amendment conforms the provision to a similar provision,
56 2 Code section 490.1009, that applies to for-profit
56 3 corporations.

56 4 Code section 504.1101: Adds the word "business" before the
56 5 word "corporation" to clarify the meaning of the subsection
56 6 and to distinguish the term from the term "nonprofit
56 7 corporation". The change is consistent with other uses of
56 8 terms within the subchapter XI that relates to merger of
56 9 nonprofit corporations with other entities.

56 10 Code section 504.1102: Substitutes the word "entity" for
56 11 the word "corporation" to account for the possibility of
56 12 merger of a public benefit or religious corporation into a
56 13 limited liability company as provided under Code section
56 14 504.1101. The term "entity" is defined under Code section
56 15 504.141 to include various forms of corporations, limited
56 16 liability companies, and other legal entities.

56 17 Code section 523A.402: Conforms this provision to changes
56 18 made in Code section 523A.401, subsection 6, paragraph "c", in
56 19 2004 Iowa Acts, chapter 1110, section 64, by adding the word
56 20 "not" to correct a drafting error. Prior to the changes made
56 21 in 2004 Iowa Acts, chapter 1110, Code section 523A.401 and
56 22 this section contained nearly identical provisions that
56 23 applied to insurance policies and annuities. Other changes
56 24 made to both provisions were identical.

56 25 Code section 524.310: Changes the word "bank" to
56 26 "association" to conform this language to language in Code
56 27 section 524.1416, subsection 2, that refers to this Code
56 28 section and uses the term "federal savings association".
56 29 Under 12 U.S.C. } 1813 and 12 U.S.C. } 1464, the term "federal
56 30 savings association" would include a "federal savings bank".

56 31 Code section 524.1201: Strikes subsection 4 relating to
56 32 the location of original trust recordkeeping functions in
56 33 state bank offices. The same language was added to subsection
56 34 3 of this Code section by 2004 Iowa Acts, chapter 1141,
56 35 section 26, making this subsection redundant.

57 1 Code sections 524.1303 and 524.1402: Strikes in two
57 2 subsections the word "second" from before the words
57 3 "publication of the notice" in provisions relating to
57 4 prerequisites for voluntary dissolution and mergers of state
57 5 banks. The requirement for a second publication of notice was
57 6 stricken from both of these provisions by 2004 Iowa Acts,
57 7 chapter 1141.

57 8 Code section 524.1309: Corrects an internal reference to
57 9 Code section 524.1305. Subsection 3 of Code section 524.1305
57 10 itemizes persons who should receive notice of dissolution from
57 11 a state bank. Subsections 4, 5, and 6 of that Code section
57 12 prescribe a procedure for the winding up of the state bank's
57 13 affairs after approval of a plan of dissolution. A
57 14 clarification that the superintendent is responsible for the
57 15 filing and recording of a state bank's articles of intent to
57 16 be subject to Code chapter 490 or 490A in the office of the
57 17 county recorder is also made.

57 18 Code section 535.8: Reinstates language contained in the
57 19 amendments to subsection 2, paragraph "b", of this section
57 20 that was contained in 2004 Iowa Acts, chapter 1141, section
57 21 74, but that was not contained in the later enactment, 2004
57 22 Iowa Acts, chapter 1175, section 262, that amended 2004 Iowa
57 23 Acts, chapter 1141, section 74.

57 24 Code section 546.10: Adds the real estate appraiser
57 25 examining board to the list of boards in the professional
57 26 licensing and regulation division of the department of
57 27 commerce enumerated in subsection 1. Code section 543D.4
57 28 provides that the real estate appraiser examining board is
57 29 part of the professional licensing and regulation division and
57 30 subsection 5 of this section provides for the disposition of
57 31 fees collected under Code chapter 543D.

57 32 Code section 551A.9: Deletes the redundant words "business

57 33 opportunity" from the term "business opportunity purchaser" to
57 34 conform the manner in which a purchaser of a business
57 35 opportunity is referred to in this subsection to other
58 1 language of this Code section. The term "purchaser" is
58 2 defined in Code section 551A.1 to mean the purchaser of a
58 3 business opportunity promotion or a person to whom such an
58 4 offer to purchase is directed. 2004 Iowa Acts, chapter 1104,
58 5 section 28, amended two other paragraphs in language that was
58 6 transferred to and became this Code section to also delete the
58 7 words "business opportunity" where it appeared before the term
58 8 "purchaser".

58 9 Code section 602.8102, subsection 135A: Adds Code section
58 10 911.1 to the list of Code sections that provide for the
58 11 assessment of the surcharge added to criminal penalties by the
58 12 clerk of the district court. The language relating to the
58 13 assessment of the surcharge contained in Code section 911.1
58 14 was contained in Code section 911.2 prior to the amendments
58 15 made in 2004 Iowa Acts, chapter 1111, and would have been
58 16 included in the Code section 911.2 reference in this
58 17 subsection of this Code section prior to the 2004 amendments.
58 18 Code section 911.1 also specifically provides for the
58 19 assessment of the surcharge by the clerk of the district
58 20 court.

58 21 Code section 714.22: Updates references to Code sections
58 22 that do not apply to trade or vocational schools if they meet
58 23 certain conditions by replacing the word "to" with the word
58 24 "through" and eliminates the self-reference contained in the
58 25 citation string. Including the self-reference to Code section
58 26 714.22 is not logical given the language and apparent purpose
58 27 of Code section 714.22.

58 28 2002 Iowa Acts, chapter 1111, section 36: Repeals a July
58 29 1, 2004, repeal of language that had been contained in Code
58 30 section 508.38, subsection 3, paragraph "a", prior to the 2003
58 31 Iowa Acts, chapter 91, section 10, strike and rewrite of all
58 32 of subsection 3. Because the language that was to be repealed
58 33 no longer existed, this repeal was made moot by the 2003
58 34 amendments. The repeal of the repeal is retroactive to June
58 35 30, 2004.

59 1 2004 Iowa Acts, chapter 1049, section 81: Adds a comma to,
59 2 effective July 1, 2004, retroactively correct a clerical error
59 3 in this provision and conform the original enactment of this
59 4 provision within the revised nonprofit corporation Act to the
59 5 model Act language.

59 6 2004 Iowa Acts, chapter 1049, section 101: Amends this Act
59 7 by adding a comma into a series of entities for which service
59 8 does not constitute official capacity for purposes of
59 9 indemnification for expenses incurred by an officer in various
59 10 types of proceedings. The amendment conforms the Act to
59 11 language contained in the model nonprofit corporation Act and
59 12 is made retroactive to July 1, 2004.

59 13 2004 Iowa Acts, chapter 1161: Adds a new provision to the
59 14 securities legislation from the 2004 legislative session to
59 15 update two internal references that were not corrected in the
59 16 legislation.

59 17 REPEALS

59 18 Code section 101.28: This section is repealed due to the
59 19 2004 repeal of Code section 455G.11, which was the sole
59 20 authority for the state fire marshal to conduct these
59 21 inspections of underground storage tanks and charge the
59 22 corresponding fee.

59 23 Code section 163.13: This section is repealed because the
59 24 provision was made redundant by the amendments contained in
59 25 2004 Iowa Acts, chapter 1163, section 5. That section of the
59 26 2004 Acts moved the content of this Code section to Code
59 27 section 163.12.

59 28 Code section 163.22: This provision is repealed as
59 29 obsolete. References to one of the procedures specified in
59 30 this section were stricken in 2004 Iowa Acts, chapter 1163,
59 31 and the balance of the procedures have been superseded by the
59 32 enactment of provisions in Code chapter 165 to provide funding
59 33 and owner indemnification.

59 34 Code section 266.32: This section is repealed due to the
59 35 2004 repeal, in 2004 Iowa Acts, chapter 1175, section 283, of
60 1 Code section 266.31, establishing the meat export research
60 2 center for which the moneys were to be received by the state
60 3 board of regents.

60 4 LSB 1054HC 81

60 5 lh:rj/cf/24