

House Study Bill 628

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON PAULSEN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to nonsubstantive Code corrections and including
2 effective and retroactive applicability date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5471HC 81
5 nh/gg/14

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1 1 Section 1. Section 2.1, Code 2005, is amended to read as
1 2 follows:
1 3 2.1 SESSIONS == PLACE.
1 4 The sessions of the general assembly shall be held annually
1 5 at the seat of government, unless the governor shall convene
1 6 them at some other place in times of pestilence or public
1 7 danger. Each annual session of the general assembly shall
1 8 commence on the second Monday in January of each year. The
1 9 general assembly may recess from time to time during each year
1 10 in such manner as it may provide, subject to Article III,
1 11 section 14 of the Constitution of the ~~state~~ State of Iowa.
1 12 Sec. 2. Section 3.7, subsection 8, Code 2005, is amended
1 13 to read as follows:
1 14 8. An Act or resolution under this section is also subject
1 15 to the applicable provisions of Article III, sections 16 and
1 16 ~~17 of Article III~~ of the Constitution of the State of Iowa.
1 17 Sec. 3. Section 3.14, Code 2005, is amended to read as
1 18 follows:
1 19 3.14 CERTAIN APPROPRIATIONS PROHIBITED.
1 20 ~~No appropriations~~ An appropriation shall not be made to any
1 21 institution not wholly under the control of the state of Iowa.
1 22 Sec. 4. Section 7.15, Code 2005, is amended to read as
1 23 follows:
1 24 7.15 FEDERAL FUNDS FOR HIGHWAY SAFETY.
1 25 The governor, in addition to other duties and
1 26 responsibilities conferred by the Constitution and laws of
1 27 this state, is hereby empowered to contract for the benefits
1 28 available to this state under any Act of Congress for highway
1 29 safety, law enforcement, or other related programs, and in so
1 30 doing, to co-operate with federal and state agencies, private
1 31 and public organizations, and with individuals, to effectuate
1 32 the purposes of these enactments. The governor shall be
1 33 responsible for and is hereby empowered to administer, either
1 34 through the governor's office or through one or more state
1 35 departments or agencies designated by the governor or any
2 1 combination of the foregoing the highway safety, law
2 2 enforcement and related programs of this state and those of
2 3 its political subdivisions, all in accordance with said Acts
2 4 and the Constitution of the ~~state~~ State of Iowa, in
2 5 implementation thereof.
2 6 Sec. 5. Section 9G.12, Code 2005, is amended to read as
2 7 follows:
2 8 9G.12 DUBUQUE AND PACIFIC RAILROAD LANDS.
2 9 The secretary of state is hereby authorized upon the
2 10 application of any person claiming title under the trust deeds
2 11 executed by the Dubuque and Pacific Railroad Company, to
2 12 secure its construction bonds, to any lands included in the
2 13 list of lands certified to the state of Iowa, by the
2 14 commissioner of the general land office and approved by the
2 15 secretary of the interior, as selected to satisfy the grant
2 16 made to the state of Iowa, by Act of Congress approved May 15,
2 17 1856 ~~11~~, 11 Stat. ~~9~~, 9, in aid of the construction of a
2 18 railroad from Dubuque to Sioux City; to certify said land as

2 19 inuring to the grantees of the said Dubuque and Pacific
2 20 Railroad Company, which certificate shall be signed by the
2 21 governor, and attested by the secretary of state, with the
2 22 seal of the state, and deliver the same to such applicant who
2 23 is hereby authorized to have said certificate recorded in the
2 24 county in which the land so certified is situated, and when so
2 25 recorded, shall be notice to all persons the same as deeds now
2 26 are, and shall be evidence of the title from the state of Iowa
2 27 to any person deriving title to said land under the Dubuque
2 28 and Pacific Railroad Company, to the land therein described
2 29 under the grant of Congress by which the land was certified to
2 30 the state so far as the certified lists made by the
2 31 commissioner aforesaid, conferred title to the state, but
2 32 where lands embraced in such lists are not of the character
2 33 embraced by such Acts of Congress or the Acts of the general
2 34 assembly of the state, and are not intended to be granted
2 35 thereby, the lists so far as these lands are concerned, shall
3 1 be void; nor shall the secretary include, in any of the lists
3 2 so certified to the state, lands which have been adjudicated
3 3 by the proper courts to belong to any other grant, or
3 4 adjudicated to belong to any county or individual under the
3 5 swampland grant, or any homestead or ~~pre-emption~~ preemption
3 6 settlement; nor shall said certificate so issued confer any
3 7 right or title as against any person or company having any
3 8 vested right, either legal or equitable, to any of the lands
3 9 so certified.

3 10 Sec. 6. Section 13.24, subsection 1, Code 2005, is amended
3 11 to read as follows:

3 12 1. The legal services provider which enters into a
3 13 contract with the coordinator under authority of 1986 Iowa
3 14 Acts, ~~chapter ch.~~ 1214 shall submit to the coordinator a
3 15 working plan for the accomplishment of the objectives of
3 16 ~~chapter 1986 Iowa Acts, ch.~~ 1214 within thirty days after the
3 17 contract is awarded. The plan must establish priorities and
3 18 procedures, and set forth its annual operating budget for the
3 19 fiscal year including projected salaries and all anticipated
3 20 expenses. This budget shall set forth the maximum obligation
3 21 of financial aid proposed for payment by the state and the
3 22 availability of any additional funds or resources from the
3 23 federal government and other sources to meet such expenses of
3 24 operation.

3 25 Sec. 7. Section 15.274, Code Supplement 2005, is amended
3 26 to read as follows:

3 27 15.274 PROMOTIONAL PROGRAM FOR NATIONAL HISTORIC LANDMARKS
3 28 AND CULTURAL AND ENTERTAINMENT DISTRICTS.

3 29 The department of economic development, in cooperation with
3 30 the state department of transportation and the department of
3 31 cultural affairs, shall establish and administer a program
3 32 designed to promote knowledge of and access to buildings,
3 33 sites, districts, structures, and objects located in this
3 34 state that have been designated by the secretary of the
3 35 interior of the United States as a national historic landmark,
4 1 unless the national historic landmark is protected under
4 2 section 22.7, subsection 20, and certified cultural and
4 3 entertainment districts, as established in ~~2005 Iowa Acts, if~~
4 4 ~~enacted pursuant to section 303.3B.~~ The program shall be
4 5 designed to maximize the visibility and visitation of national
4 6 historic landmarks in this state and buildings, sites,
4 7 structures, and objects located in certified cultural and
4 8 entertainment districts, as established in ~~2005 Iowa Acts, if~~
4 9 ~~enacted pursuant to section 303.3B.~~ Methods used to maximize
4 10 the visibility and visitation of such locations may include
4 11 the use of tourism literature, signage on highways, maps of
4 12 the state and cities, and internet websites. For purposes of
4 13 this section, "highway" means the same as defined in section
4 14 325A.1.

4 15 Sec. 8. Section 15A.9, subsection 5, paragraph a, Code
4 16 Supplement 2005, is amended to read as follows:

4 17 a. All property, as defined in former section 427A.1,
4 18 subsection 1, paragraphs "e" and "j", Code 1993, used by the
4 19 primary business or a supporting business and located within
4 20 the zone, shall be exempt from property taxation for a period
4 21 of twenty years beginning with the year it is first assessed
4 22 for taxation. In order to be eligible for this exemption, the
4 23 property shall be acquired or leased by the primary business
4 24 or a supporting business or relocated by the primary business
4 25 or a supporting business to the zone from outside the state
4 26 prior to project completion.

4 27 Sec. 9. Section 15G.111, subsection 2, unnumbered
4 28 paragraphs 1 and 2, Code Supplement 2005, are amended to read
4 29 as follows:

4 30 For the fiscal period beginning July 1, 2005, and ending
4 31 June 30, 2015, there is appropriated each fiscal year from the
4 32 grow Iowa values fund created in section 15G.108 to the
4 33 department of economic development five million dollars for
4 34 financial assistance to institutions of higher learning under
4 35 the control of the state board of regents for capacity
5 1 building infrastructure in areas related to technology
5 2 commercialization, for marketing and business development
5 3 efforts in areas related to technology commercialization,
5 4 entrepreneurship, and business growth, and for infrastructure
5 5 projects and programs needed to assist in the implementation
5 6 of activities under chapter 262B, ~~if so amended~~. In
5 7 allocating moneys to institutions under the control of the
5 8 state board of regents, the board shall require the
5 9 institutions to provide a one-to-one match of additional
5 10 moneys for the activities funded with moneys appropriated
5 11 under this subsection. The state board of regents shall
5 12 annually prepare a report for submission to the governor, the
5 13 general assembly, and the legislative services agency
5 14 regarding the activities, projects, and programs funded with
5 15 moneys appropriated under this subsection.

5 16 The state board of regents may allocate any moneys
5 17 appropriated under this subsection and received from the
5 18 department for financial assistance to a single biosciences
5 19 development organization determined by the department to
5 20 possess expertise in promoting the area of bioscience
5 21 entrepreneurship. The organization must be composed of
5 22 representatives of both the public and the private sector and
5 23 shall be composed of subunits or subcommittees in the areas of
5 24 existing identified biosciences platforms, education and
5 25 workforce development, commercialization, communication,
5 26 policy and governance, and finance. Such financial assistance
5 27 shall be used for purposes of activities related to
5 28 biosciences and bioeconomy development under chapter 262B, ~~if~~
~~5 29 so amended~~, and to accredited private universities in this
5 30 state.

5 31 Sec. 10. Section 15G.111, subsection 6, paragraph a, Code
5 32 Supplement 2005, is amended to read as follows:

5 33 a. For the fiscal period beginning July 1, 2005, and
5 34 ending June 30, 2015, there is appropriated each fiscal year
5 35 from the grow Iowa values fund created in section 15G.108 to
6 1 the department of economic development one million dollars for
6 2 providing economic development region financial assistance
6 3 under section 15E.232, subsections 3, ~~4~~, 5, and 6, ~~7~~, and ~~8~~,
6 4 and under section 15E.233.

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

6 7 i. Administer the retired ~~and~~ senior volunteer program.

6 8 Sec. 12. Section 16.2, subsection 8, Code 2005, is amended
6 9 to read as follows:

6 10 8. The net earnings of the authority, beyond that
6 11 necessary for retirement of its notes, bonds or other
6 12 obligations, or to implement the public purposes and programs
6 13 herein authorized, shall not inure to the benefit of any
6 14 person other than the state. Upon termination of the
6 15 existence of the authority, title to all property owned by the
6 16 authority, including any such net earnings of the authority,
6 17 shall vest in the state. The state reserves the right at any
6 18 time to alter, amend, repeal, or otherwise change the
6 19 structure, organization, programs or activities of the
6 20 authority, including the power to terminate the authority,
6 21 except that no law shall ever be passed impairing the
6 22 obligation of any contract or contracts entered into by the
6 23 authority to the extent that any such law would contravene
6 24 Article I, section 21 of the Constitution of the ~~state~~ State
6 25 of Iowa or Article I, section 10 of the Constitution of the
6 26 United States.

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

6 29 1. The authority shall participate in the housing
6 30 assistance payments program under section 8 of the United
6 31 States Housing Act of 1937, ~~section 1401 et seq., title 42,~~
~~6 32 United States Code~~, as amended by section 201 of the Housing
6 33 and Community Development Act of 1974 (~~Public Law 93-383~~),
~~6 34 Pub. L. No. 93-383, codified at 42 U.S.C. } 1437 et seq.~~ The
6 35 purpose of participation is to enable the authority to obtain,
7 1 on behalf of the state of Iowa, set-asides of contract
7 2 authorization reserved by the United States secretary of
7 3 housing and urban development for public housing agencies, to
7 4 enter into annual contributions contracts, to otherwise
7 5 expedite use of the program through the use of state housing

7 6 finance funds, and to encourage new construction and
7 7 substantial rehabilitation of housing suitable for assistance
7 8 under the program. Assistance may be provided for existing
7 9 housing units made available by owners for the program, as
7 10 well as for newly constructed housing units. Maximum rents
7 11 shall be established by the authority in conformity with
7 12 federal law.

7 13 5. The authority shall, when appropriate, take necessary
7 14 steps to cooperate with the United States department of
7 15 agriculture in implementation of sections 517 and 521 of the
7 16 Housing Act of 1949, ~~sections 1487 and 1490a, title 42, United~~
7 17 ~~States Code codified at 42 U.S.C. } 1487 and 1490a,~~ as amended
7 18 by section 514 of the Housing and Community Development Act of
7 19 1974 (~~Public Law 93-383~~), Pub. L. No. 93=383. The purpose of
7 20 such programs is to extend to rural areas the provisions of
7 21 housing assistance payments programs.

7 22 6. The authority shall, when appropriate, take necessary
7 23 steps to participate in the programs of federal assistance to
7 24 state housing finance agencies for expanding the supply of
7 25 housing available to low or moderate income families, as
7 26 provided in section 802 of the Housing and Community
7 27 Development Act of 1974 (~~Public Law 93-383~~), Pub. L. No. 93=
7 28 383.

7 29 7. The authority may participate in other programs under
7 30 the Housing and Community Development Act of 1974 (~~Public Law~~
7 31 ~~93-383~~), Pub. L. No. 93=383, and in other federal programs
7 32 designed to increase the supply of adequate housing for low or
7 33 moderate income families and may recommend appropriate
7 34 legislation to the general assembly where further legislation
7 35 is needed to accomplish such participation. However, failure
8 1 of the authority to participate in the federal programs set
8 2 out in this section does not invalidate any bonds, notes or
8 3 other obligations of the authority.

8 4 Sec. 14. Section 22.3, Code Supplement 2005, is amended to
8 5 read as follows:

8 6 22.3 SUPERVISION == FEES.

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

8 27 2. All expenses of the ~~work examination and copying~~ shall
8 28 be paid by the person desiring to examine or copy. The lawful
8 29 custodian may charge a reasonable fee for the services of the
8 30 lawful custodian or the custodian's authorized designee in
8 31 supervising the examination and copying of the records ~~during~~
8 32 ~~the work~~. If copy equipment is available at the office of the
8 33 lawful custodian of any public records, the lawful custodian
8 34 shall provide any person a reasonable number of copies of any
8 35 public record in the custody of the office upon the payment of
9 1 a fee. The fee for the copying service as determined by the
9 2 lawful custodian shall not exceed the actual cost of providing
9 3 the service. Actual costs shall include only those expenses
9 4 directly attributable to supervising the examination of and
9 5 making and providing copies of public records. Actual costs
9 6 shall not include charges for ordinary expenses or costs such
9 7 as employment benefits, depreciation, maintenance,
9 8 electricity, or insurance associated with the administration
9 9 of the office of the lawful custodian.

9 10 Sec. 15. Section 28.4, subsection 14, Code Supplement
9 11 2005, is amended to read as follows:

9 12 14. With the assistance of the state departments
9 13 represented on the Iowa empowerment board and the community
9 14 empowerment office, develop and implement requirements for
9 15 community empowerment areas and the state administrators of
9 16 programs providing early care or early care services to

9 17 annually report to the public and the early care staff
9 18 designated pursuant to section 28.3 regarding the results
9 19 produced by the community empowerment initiative and by the
9 20 programs. Source data shall also be made available to the
9 21 early care staff.

9 22 Sec. 16. Section 28J.2, subsection 1, Code Supplement
9 23 2005, is amended to read as follows:

9 24 1. Two or more political subdivisions may create a port
9 25 authority under this chapter by resolution. If a proposal to
9 26 create a port authority receives a favorable majority of the
9 27 members of the elected legislative body of each of the
9 28 political ~~subdivision~~ subdivisions, the port authority is
9 29 created at the time provided in the resolution. The
9 30 jurisdiction of a port authority includes the territory
9 31 described in section 28J.8.

9 32 Sec. 17. Section 28J.20, subsection 1, paragraph a, Code
9 33 Supplement 2005, is amended to read as follows:

9 34 a. Make loans for the acquisition or construction of the
9 35 facility to such person upon such terms as the port authority
10 1 may determine or authorize including secured or unsecured
10 2 loans, ~~i~~ and enter into loan agreements and other agreements,
10 3 accept notes and other forms of obligation to evidence such
10 4 indebtedness and mortgages, liens, pledges, assignments, or
10 5 other security interests to secure such indebtedness, which
10 6 may be prior or subordinate to or on a parity with other
10 7 indebtedness, obligations, mortgages, pledges, assignments,
10 8 other security interests, or liens or encumbrances, and take
10 9 actions considered appropriate to protect such security and
10 10 safeguard against losses, including, without limitation,
10 11 foreclosure and the bidding upon and purchase of property upon
10 12 foreclosure or other sale.

10 13 Sec. 18. Section 29A.3, Code 2005, is amended to read as
10 14 follows:

10 15 29A.3 UNITS OF GUARD.

10 16 The Iowa units, detachments, and organizations of the army
10 17 national guard of the United States and the air national guard
10 18 of the United States shall consist of such units, detachments,
10 19 and organizations, as may be specified by the secretary of
10 20 defense with the approval of the governor, in accordance with
10 21 law and regulations.

10 22 Sec. 19. Section 42.2, subsection 3, Code 2005, is amended
10 23 to read as follows:

10 24 3. As soon as possible after January 1 of each year ending
10 25 in one, the legislative services agency shall obtain from the
10 26 United States bureau of the census the population data needed
10 27 for legislative districting which the census bureau is
10 28 required to provide this state under United States Pub. L. No.
10 29 94=171, and shall use that data to assign a population figure
10 30 based upon certified federal census data to each geographic or
10 31 political unit described pursuant to subsection 2, paragraph
10 32 "a". Upon completing that task, the legislative services
10 33 agency shall begin the preparation of congressional and
10 34 legislative districting plans as required by section 42.3.

10 35 Sec. 20. Section 42.3, subsection 4, Code 2005, is amended
11 1 to read as follows:

11 2 4. Notwithstanding subsections 1, 2 and 3 of this section:

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

11 19 b. If the population data for legislative districting
11 20 which the United States census bureau is required to provide
11 21 this state under United States Pub. L. No. 94=171 and, if used
11 22 by the legislative services agency, the corresponding
11 23 topologically integrated geographic encoding and referencing
11 24 data file for that population data, is not available to the
11 25 legislative services agency on or before February 1 of the
11 26 year ending in one, the dates set forth in this section shall
11 27 be extended by a number of days equal to the number of days

11 28 after February 1 of the year ending in one that the federal
11 29 census population data and the topologically integrated
11 30 geographic encoding and referencing data file for legislative
11 31 districting becomes available.

11 32 Sec. 21. Section 42.4, subsection 1, paragraph b, Code
11 33 2005, is amended to read as follows:

11 34 b. Congressional districts shall each have a population as
11 35 nearly equal as practicable to the ideal district population,
12 1 derived as prescribed in paragraph "a" of this subsection. No
12 2 congressional district shall have a population which varies by
12 3 more than one percent from the applicable ideal district
12 4 population, except as necessary to comply with ~~article~~ Article
12 5 III, section 37 of the Constitution of the State of Iowa.

12 6 Sec. 22. Section 42.4, subsection 8, unnumbered paragraph
12 7 1, Code 2005, is amended to read as follows:

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

12 15 Sec. 23. Section 49.3, subsection 2, paragraph b, Code
12 16 2005, is amended to read as follows:

12 17 b. When the general assembly by resolution designates a
12 18 period after the federal decennial census is taken and before
12 19 the next succeeding reapportionment of legislative districts
12 20 required by Article III, section 35, ~~of the~~ Constitution of
12 21 ~~the state~~ State of Iowa as amended in 1968, during which
12 22 precincts may be drawn without regard to the boundaries of
12 23 existing legislative districts.

12 24 Sec. 24. Section 49.46, Code 2005, is amended by striking
12 25 the section and inserting in lieu thereof the following:

12 26 49.46 MARKING BALLOTS ON PUBLIC MEASURES.

12 27 The elector shall designate a vote by making the
12 28 appropriate mark in the voting target. On paper ballots an
12 29 "X", or a check mark may be placed in the proper target.

12 30 Sec. 25. Section 55.3, Code 2005, is amended to read as
12 31 follows:

12 32 55.3 SERVICE ON BOARDS, COMMISSIONS, TASK FORCES, AND
12 33 COMMITTEES.

12 34 For the purpose of this section, "state board" includes any
12 35 board, commission, committee, council, or task force of the
13 1 state government created by the ~~constitution~~ Constitution of
13 2 ~~the State of Iowa~~, or by statute, resolution of the general
13 3 assembly, motion of the legislative council, executive order
13 4 of the governor, or supreme court order, but does not include
13 5 any such state board, commission, committee, council, or task
13 6 force for which an annual salary is provided for its members.
13 7 A person who is appointed to serve on a state board, upon
13 8 written application to the person's employer, shall be granted
13 9 leaves of absence from regular employment to attend the
13 10 meetings of the state board, except if leaves of absence are
13 11 prohibited by federal law. The leaves of absence may be
13 12 granted without pay and shall be granted without loss of net
13 13 credited service and benefits earned. This section does not
13 14 apply if the employer employs less than twenty full-time
13 15 employees.

13 16 Sec. 26. Section 63A.2, subsection 6, Code 2005, is
13 17 amended to read as follows:

13 18 6. All investigators for ~~supplemental~~ supplementary
13 19 assistance as provided for under chapter 249.

13 20 Sec. 27. Section 68A.404, subsection 2, paragraph a, Code
13 21 Supplement 2005, is amended to read as follows:

13 22 a. The ~~filing of requirement to file~~ an independent
13 23 expenditure statement under this section does not ~~alone~~
13 24 ~~require by itself mean that~~ the person filing the independent
13 25 expenditure statement is required to register and file reports
13 26 under sections 68A.201 and 68A.402.

13 27 Sec. 28. Section 69.20, subsection 1, Code 2005, is
13 28 amended to read as follows:

13 29 1. A temporary vacancy in an elective office of a
13 30 political subdivision, community college, ~~and or~~ hospital
13 31 board of trustees of this state occurs on the date when the
13 32 person filling that office is placed on state military service
13 33 or federal service, as those terms are defined in section
13 34 29A.1, and when such a person will not be able to attend to
13 35 the duties of that person's elective position for a period
14 1 greater than sixty consecutive days. The temporary vacancy
14 2 terminates on the date when such person is released from such
14 3 service, or the term of office expires.

14 4 Sec. 29. Section 80.22, Code 2005, is amended to read as
14 5 follows:

14 6 80.22 PROHIBITION ON OTHER DEPARTMENTS.

14 7 All other departments and bureaus of the state are hereby
14 8 prohibited from employing special peace officers or conferring
14 9 upon regular employees any police powers to enforce provisions
14 10 of the statutes which are specifically reserved by 1939 Iowa
14 11 Acts, ~~chapter ch.~~ 120, to the department of public safety.
14 12 But the commissioner of public safety shall, upon the
14 13 requisition of the attorney general, from time to time assign
14 14 for service in the department of justice such of its officers,
14 15 not to exceed six in number, as may be requisitioned by the
14 16 attorney general for special service in the department of
14 17 justice, and when so assigned such officers shall be under the
14 18 exclusive direction and control of the attorney general.

14 19 Sec. 30. Section 80.33, Code Supplement 2005, is amended
14 20 to read as follows:

14 21 80.33 ACCESS TO DRUG RECORDS BY PEACE OFFICERS.

14 22 A person required by law to keep records, and a carrier
14 23 maintaining records with respect to any shipment containing
14 24 any controlled or counterfeit substances shall, upon request
14 25 of an authorized peace officer of the department, designated
14 26 by the commissioner, permit such peace officer at reasonable
14 27 times to have access to and copy such records. For the
14 28 purpose of examining and verifying such records, an authorized
14 29 peace officer of the department, designated by the
14 30 commissioner, may enter at reasonable times any place or
14 31 vehicle in which any controlled or counterfeit substance is
14 32 held, manufactured, dispensed, compounded, processed, sold,
14 33 delivered, or otherwise disposed of and inspect such place or
14 34 vehicle and the contents of such place or vehicle. For the
14 35 purpose of enforcing laws relating to controlled or
15 1 counterfeit substances, and upon good cause shown, ~~the a~~ a peace
15 2 officer of the department shall be allowed to inspect audits
15 3 and records in the possession of the state board of pharmacy
15 4 examiners.

15 5 Sec. 31. Section 85.34, subsection 7, paragraph b, Code
15 6 Supplement 2005, is amended to read as follows:

15 7 b. If an injured employee has a preexisting disability
15 8 that was caused by a prior injury arising out of and in the
15 9 course of employment with the same employer, and the
15 10 preexisting disability was compensable under the same
15 11 paragraph of ~~section 85.34~~, subsection 2, as the employee's
15 12 present injury, the employer is liable for the combined
15 13 disability that is caused by the injuries, measured in
15 14 relation to the employee's condition immediately prior to the
15 15 first injury. In this instance, the employer's liability for
15 16 the combined disability shall be considered to be already
15 17 partially satisfied to the extent of the percentage of
15 18 disability for which the employee was previously compensated
15 19 by the employer.

15 20 If, however, an employer is liable to an employee for a
15 21 combined disability that is payable under ~~section 85.34~~,
15 22 subsection 2, paragraph "u", and the employee has a
15 23 preexisting disability that causes the employee's earnings to
15 24 be less at the time of the present injury than if the prior
15 25 injury had not occurred, the employer's liability for the
15 26 combined disability shall be considered to be already
15 27 partially satisfied to the extent of the percentage of
15 28 disability for which the employee was previously compensated
15 29 by the employer minus the percentage that the employee's
15 30 earnings are less at the time of the present injury than if
15 31 the prior injury had not occurred.

15 32 Sec. 32. Section 96.12, subsection 1, Code 2005, is
15 33 amended to read as follows:

15 34 1. DUTIES OF DEPARTMENT. The department shall establish
15 35 and maintain free public employment services accessible to all
16 1 Iowans for the purposes of this chapter, and for the purpose
16 2 of performing the duties required by federal and state laws
16 3 relating to employment and training including the Wagner=
16 4 Peyser Act, 48 Stat. ~~4~~ 113, codified at 29 U.S.C. } 49. All
16 5 duties and powers conferred upon any other department, agency,
16 6 or officer of this state relating to the establishment,
16 7 maintenance, and operation of free employment services shall
16 8 be vested in the department. This state accepts and shall
16 9 comply with the provisions of the Wagner=Peyser Act, as
16 10 amended. The department is designated and constituted the
16 11 agency of this state for the purpose of the Wagner=Peyser Act.
16 12 The department may cooperate with the railroad retirement
16 13 board with respect to the establishment, maintenance, and use
16 14 of department facilities. The railroad retirement board shall

16 15 compensate the department for the services or facilities in
16 16 the amount determined by the department to be fair and
16 17 reasonable.

16 18 Sec. 33. Section 97A.1, subsection 13, Code Supplement
16 19 2005, are amended to read as follows:

16 20 13. "Peace officer" means a member, except a non-peace
16 21 officer member, of the division of state patrol, narcotics
16 22 enforcement, state fire marshal, or criminal investigation,
16 23 including but not limited to a gaming enforcement officer, who
16 24 has passed a satisfactory physical and mental examination and
16 25 has been duly appointed ~~as a member of~~ by the department of
16 26 public safety in accordance with section 80.15.

16 27 Sec. 34. Section 97A.3, subsection 1, Code Supplement
16 28 2005, is amended to read as follows:

16 29 1. All peace officer members of the division of state
16 30 patrol and the division of criminal investigation or the
16 31 predecessor divisions or subunits in the department of public
16 32 safety, excepting the members of the clerical force, who are
16 33 employed by the state of Iowa on July 4, 1949, and all persons
16 34 thereafter employed as members of such divisions or the
16 35 predecessor divisions or subunits in the department of public
17 1 safety or division of narcotics enforcement or division of
17 2 state fire marshal or the predecessor divisions or subunits,
17 3 except the members of the clerical force, shall be members of
17 4 this system, except as otherwise provided in subsection 3.
17 5 Effective July 1, 1994, gaming enforcement officers employed
17 6 by the division of criminal investigation for excursion boat
17 7 gambling enforcement activities and fire prevention inspector
17 8 peace officers employed by the department of public safety
17 9 shall be members of this system, except as otherwise provided
17 10 in subsection 3 or section 97B.42B. Such members shall not be
17 11 required to make contributions under any other pension or
17 12 retirement system of the state of Iowa, anything to the
17 13 contrary notwithstanding.

17 14 Sec. 35. Section 99G.8, subsection 15, Code 2005, is
17 15 amended to read as follows:

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

17 21 Sec. 36. Section 99G.21, subsection 2, unnumbered
17 22 paragraph 1, Code 2005, is amended to read as follows:

17 23 The authority shall have any and all powers necessary or
17 24 convenient to carry out and effectuate the purposes and
17 25 provisions of this chapter which are not in conflict with the
17 26 Constitution of ~~this state~~ the State of Iowa, including, but
17 27 without limiting the generality of the foregoing, the
17 28 following powers:

17 29 Sec. 37. Section 123.53, subsection 3, Code Supplement
17 30 2005, is amended to read as follows:

17 31 3. The treasurer of state shall transfer into a special
17 32 revenue account in the general fund of the state, a sum of
17 33 money at least equal to seven percent of the gross amount of
17 34 sales made by the division from the beer and liquor control
17 35 fund on a monthly basis but not less than nine million dollars
18 1 annually, and any amounts so transferred shall be used by the
18 2 ~~substance abuse division of the~~ Iowa department of public
18 3 health staff who administer the comprehensive substance abuse
18 4 program under chapter 125 for substance abuse treatment and
18 5 prevention programs in an amount determined by the general
18 6 assembly and any amounts received in excess of the amounts
18 7 appropriated to the ~~substance abuse division of the~~ Iowa
18 8 department of public health for use by the staff who
18 9 administer the comprehensive substance abuse program under
18 10 chapter 125 shall be considered part of the general fund
18 11 balance.

18 12 Sec. 38. Section 135B.1, subsection 3, Code 2005, is
18 13 amended to read as follows:

18 14 3. "Hospital" means a place which is devoted primarily to
18 15 the maintenance and operation of facilities for the diagnosis,
18 16 treatment or care over a period exceeding twenty-four hours of
18 17 two or more nonrelated individuals suffering from illness,
18 18 injury, or deformity, or a place which is devoted primarily to
18 19 the rendering over a period exceeding twenty-four hours of
18 20 obstetrical or other medical or nursing care for two or more
18 21 nonrelated individuals, or any institution, place, building or
18 22 agency in which any accommodation is primarily maintained,
18 23 furnished or offered for the care over a period exceeding
18 24 twenty-four hours of two or more nonrelated aged or infirm
18 25 persons requiring or receiving chronic or convalescent care;

18 26 and shall include sanatoriums or other related institutions
18 27 within the meaning of this chapter. Provided, however,
18 28 nothing in this chapter shall apply to hotels or other similar
18 29 places that furnish only food and lodging, or either, to their
18 30 guests or to a freestanding hospice facility which operates a
18 31 hospice program in accordance with 42 C.F.R. } 418.

18 32 "Hospital" shall include, in any event, any facilities wholly
18 33 or partially constructed or to be constructed with federal
18 34 financial assistance, pursuant to ~~Public Law 725, 79th~~
~~18 35 Congress Pub. L. No. 79=725, 60 Stat. 1040, approved August~~
19 1 13, 1946.

19 2 Sec. 39. Section 141A.11, subsection 7, Code 2005, is
19 3 amended to read as follows:

19 4 7. This chapter shall not be construed to impose civil
19 5 liability or criminal sanctions for disclosure of HIV-related
19 6 test results in accordance with any reporting requirement for
19 7 a diagnosed case of AIDS or a related condition by the
19 8 department or the centers for disease control and prevention
19 9 of the United States ~~public health service department of~~
19 10 ~~health and human services.~~

19 11 Sec. 40. Section 147.7, unnumbered paragraph 2, Code
19 12 Supplement 2005, is amended to read as follows:

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

19 23 Sec. 41. Section 152D.4, subsection 1, Code 2005, is
19 24 amended to read as follows:

19 25 1. Persons otherwise licensed to practice medicine and
19 26 surgery, osteopathy, osteopathic medicine and surgery,
19 27 optometry, occupational therapy, nursing, chiropractic,
19 28 podiatry, dentistry, or physical therapy, ~~or a~~ and licensed
19 29 physician ~~assistant~~ assistants who do not represent themselves
19 30 to the public as athletic trainers.

19 31 Sec. 42. Section 163.27, Code 2005, is amended by striking
19 32 the section and inserting in lieu thereof the following:

19 33 163.27 BOILING GARBAGE.

19 34 It shall be unlawful for any person, firm, partnership, or
19 35 corporation to feed garbage to animals unless such garbage has
20 1 been heated to a temperature of two hundred twelve degrees
20 2 Fahrenheit for thirty minutes, or other acceptable method, as
20 3 provided by rules promulgated by the department, provided this
20 4 requirement shall not apply to an individual who feeds to the
20 5 individual's own animals only the garbage obtained from the
20 6 individual's own household. It shall be unlawful for any
20 7 person, firm, partnership, or corporation to feed any public
20 8 or commercial garbage to swine after September 1, 1970.

20 9 Sec. 43. Section 176A.2, Code 2005, is amended to read as
20 10 follows:

20 11 176A.2 DECLARATION OF POLICY.

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

20 24 Sec. 44. Section 177A.12, subsection 2, Code 2005, is
20 25 amended to read as follows:

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

20 34 Sec. 45. Section 184.9B, subsection 3, Code Supplement
20 35 2005, is amended to read as follows:

21 1 3. As part of the council's education programs or

21 2 projects, ~~it~~ the council may provide for the dissemination of
21 3 information of public interest, including but not limited to
21 4 the development or publication of materials in a printed or
21 5 electronic format.

21 6 Sec. 46. Section 191.2, subsection 9, paragraph b, Code
21 7 2005, is amended to read as follows:

21 8 b. When such milk and milk products do not conform to
21 9 their definitions as contained in this chapter and chapters
21 10 ~~190, 191~~ and 192.

21 11 Sec. 47. Section 207.1, subsection 2, Code 2005, is
21 12 amended to read as follows:

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

21 24 Sec. 48. Section 207.8, subsection 2, Code 2005, is
21 25 amended to read as follows:

21 26 2. The requirements of this section do not apply to lands
21 27 on which coal mining operations are being conducted as of
21 28 August 3, 1977, or under a permit issued pursuant to this
21 29 chapter or pursuant to section 83A.12 ~~of the, Code 1979, Code~~
21 30 or where substantial legal and financial commitments in an
21 31 operation were in existence prior to January 4, 1977.

21 32 Sec. 49. Section 207.16, subsection 1, Code 2005, is
21 33 amended to read as follows:

21 34 1. Each operator upon completion of any reclamation work
21 35 required by this chapter shall apply to the division in
22 1 writing for approval of the work. The division shall
22 2 promulgate rules consistent with Pub. L. No. 95=87, section
22 3 519, regarding procedures and requirements to release
22 4 performance bonds or deposits.

22 5 Sec. 50. Section 207.19, unnumbered paragraph 1, Code
22 6 2005, is amended to read as follow:

22 7 The provisions of this chapter shall be applicable to
22 8 surface operations and surface impacts incident to an
22 9 underground coal mine with such modifications to the permit
22 10 application requirements, permit approval or denial
22 11 procedures, and bond requirements as are necessary to
22 12 accommodate the distinct difference between surface and
22 13 underground coal mining. The division shall promulgate such
22 14 modifications in its rules to allow for such distinct
22 15 differences and still fulfill the purposes of this chapter and
22 16 be consistent with the requirements in section 516 of Pub. L.
22 17 No. 95=87 and the permanent regulations issued pursuant to
22 18 that Act.

22 19 Sec. 51. Section 216.13, subsection 1, paragraph a, Code
22 20 2005, is amended to read as follows:

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

22 31 Sec. 52. Section 216A.132, unnumbered paragraph 2, Code
22 32 2005, is amended to read as follows:

22 33 The departments of human services, corrections, and public
22 34 safety, the division on the status of African=Americans, the
22 35 ~~division of substance abuse of the~~ Iowa department of public
23 1 health, the chairperson of the board of parole, the attorney
23 2 general, the state public defender, and the chief justice of
23 3 the supreme court shall each designate a person to serve on
23 4 the council. The person appointed by the Iowa department of
23 5 public health shall be from the departmental staff who
23 6 administer the comprehensive substance abuse program under
23 7 chapter 125.

23 8 Sec. 53. Section 218.2, unnumbered paragraph 1, Code 2005,
23 9 is amended to read as follows:

23 10 Nothing contained in section 218.1 shall limit the general
23 11 supervisory or examining powers vested in the governor by the
23 12 laws or Constitution of the ~~state~~ State of Iowa, or legally

23 13 vested by the governor in any committee appointed by the
23 14 governor.

23 15 Sec. 54. Section 226.19, subsection 1, Code Supplement
23 16 2005, is amended to read as follows:

23 17 1. ~~All patients~~ Every patient shall be discharged in
23 18 accordance with the procedure prescribed in section 229.3 or
23 19 section 229.16, whichever is applicable, immediately on
23 20 regaining the patient's good mental health.

23 21 Sec. 55. Section 231.23A, subsection 3, Code Supplement
23 22 2005, is amended to read as follows:

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

23 25 Sec. 56. Section 231B.2, subsection 1, unnumbered
23 26 paragraph 1, Code Supplement 2005, is amended to read as
23 27 follows:

23 28 The department shall establish by rule, in accordance with
23 29 chapter 17A, minimum standards for certification and
23 30 monitoring of elder group homes. The department may adopt by
23 31 reference, with or without amendment, nationally recognized
23 32 standards and rules for elder group homes. The standards and
23 33 rules shall be formulated in consultation with the department
23 34 of inspections and appeals and affected industry,
23 35 professional, and consumer groups, ~~and~~ shall be designed to
24 1 accomplish the purposes of this chapter, and shall include but
24 2 not be limited to rules relating to all of the following:

24 3 Sec. 57. Section 231B.13, Code Supplement 2005, is amended
24 4 to read as follows:

24 5 231B.13 RETALIATION BY ELDER GROUP HOME PROHIBITED.

24 6 An elder group home shall not discriminate or retaliate in
24 7 any way against a tenant, a tenant's family, or an employee of
24 8 the elder group home who has initiated or participated in any
24 9 proceeding authorized by this chapter. An elder group home
24 10 that violates this section is subject to a penalty as
24 11 established by administrative rule in accordance with chapter
24 12 17A, ~~and~~ to be assessed and collected by the department of
24 13 inspections and appeals, ~~and~~ paid into the state treasury ~~to~~
~~24 14 be, and~~ credited to the general fund of the state.

24 15 Sec. 58. Section 231C.3, subsection 1, unnumbered
24 16 paragraph 1, Code Supplement 2005, is amended to read as
24 17 follows:

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

24 31 Sec. 59. Section 231C.13, Code 2005, is amended to read as
24 32 follows:

24 33 231C.13 RETALIATION BY ASSISTED LIVING PROGRAM PROHIBITED.

24 34 An assisted living program shall not discriminate or
24 35 retaliate in any way against a tenant, tenant's family, or an
25 1 employee of the program who has initiated or participated in
25 2 any proceeding authorized by this chapter. An assisted living
25 3 program that violates this section is subject to a penalty as
25 4 established by administrative rule in accordance with chapter
25 5 17A, ~~and~~ to be assessed and collected by the department of
25 6 inspections and appeals, ~~and~~ paid into the state treasury ~~to~~
~~25 7 be, and~~ credited to the general fund of the state.

25 8 Sec. 60. Section 231D.12, subsection 1, Code Supplement
25 9 2005, is amended to read as follows:

25 10 1. An adult day services program shall not discriminate or
25 11 retaliate in any way against a participant, participant's
25 12 family, or an employee of the program who has initiated or
25 13 participated in any proceeding authorized by this chapter. An
25 14 adult day services program that violates this section is
25 15 subject to a penalty as established by administrative rule, to
25 16 be assessed and collected by the department of inspections and
25 17 appeals, ~~and~~ paid into the state treasury ~~to be, and~~ credited
25 18 to the general fund of the state.

25 19 Sec. 61. Section 235C.2, subsection 1, Code 2005, is
25 20 amended to read as follows:

25 21 1. Two members of the Iowa department of public health
25 22 selected by the director of the Iowa department of public
25 23 health, one from the staff who administer the comprehensive

25 24 ~~division of substance abuse program under chapter 125~~, and one
25 25 from the division of family and community health.

25 26 Sec. 62. Section 237A.30, subsection 3, Code Supplement
25 27 2005, is amended to read as follows:

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

25 34 Sec. 63. Section 249.1, subsection 3, Code Supplement
25 35 2005, is amended to read as follows:

26 1 3. "Federal supplemental security income" means cash
26 2 payments made to individuals by the United States government
26 3 under Title XVI of the Social Security Act as amended by
26 4 ~~United States public law Pub. L. No. 92=603~~, or any other
26 5 amendments thereto.

26 6 Sec. 64. Section 257.33, unnumbered paragraph 1, Code
26 7 2005, is amended to read as follows:

26 8 If the electors of a school district approved the use of
26 9 the additional enrichment amount prior to July 1, 1991, under
26 10 chapter 442, Code 1991, or section 279.43, ~~as they appeared in~~
26 11 Code 1991, the approval for use of the enrichment amount shall
26 12 continue in effect until the expiration of the period for
26 13 which it was approved and districts may use the additional
26 14 enrichment amount during that period. However, section 257.28
26 15 applies to the use of the additional enrichment amount.

26 16 Sec. 65. Section 257B.12, Code 2005, is amended to read as
26 17 follows:

26 18 257B.12 BONDS TO COVER LOSSES.

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

26 28 Sec. 66. Section 261A.14, unnumbered paragraph 2, Code
26 29 2005, is amended to read as follows:

26 30 This chapter does not authorize the authority or any
26 31 department, board, commission, or other agency to create an
26 32 obligation of the state within the meaning of the ~~constitution~~
26 33 Constitution or laws of the State of Iowa.

26 34 Sec. 67. Section 276.10, subsection 6, Code 2005, is
26 35 amended to read as follows:

27 1 6. The board may use opportunities available under ~~Public~~
27 2 ~~Law~~ Pub. L. No. 93=380.

27 3 Sec. 68. Section 306A.3, unnumbered paragraph 2, Code
27 4 Supplement 2005, is amended to read as follows:

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

27 28 Sec. 69. Section 306C.24, subsection 2, Code 2005, is
27 29 amended to read as follows:

27 30 2. JUST COMPENSATION REQUIRED. Political subdivisions of
27 31 this state shall not remove, take, alter, or cause to be
27 32 removed, taken, or altered a lawfully erected off-premises
27 33 advertising device without paying just compensation in cash to
27 34 the owner of the advertising device and to the owner of the

27 35 real property on which the advertising device is located, as
28 1 provided in section 306C.16. The department shall not remove,
28 2 take, alter or cause to be removed, taken, or altered a
28 3 lawfully erected off-premises advertising device subject to
28 4 control under chapter 306B or ~~306C~~ this chapter without paying
28 5 just compensation when required under 23 U.S.C. } 131(g) to
28 6 the owner of the advertising device and to the owner of the
28 7 real property on which the advertising device is located, as
28 8 provided in section 306C.16. For the department, the sole
28 9 intent of this section is to comply with 23 U.S.C. } 131(g)
28 10 and it is not the intent of this section to, in any manner,
28 11 relinquish any powers of the department relating to the
28 12 control and removal of advertising devices under police power.

28 13 Sec. 70. Section 307.26, subsection 14, Code 2005, is
28 14 amended to read as follows:

28 15 14. Enter the role of "applicant" pursuant to the Railroad
28 16 Revitalization and Regulatory Reform Act of 1976, ~~United~~
~~28 17 States Public Law Pub. L. No. 94=210~~, and take such actions as
28 18 are necessary to accomplish this role.

28 19 Sec. 71. Section 308.3, subsection 3, Code 2005, is
28 20 amended to read as follows:

28 21 3. "National parkway" has the same meaning as defined in
28 22 ~~Public Law Pub. L. No. 93=87~~, first session, Ninety=third
28 23 Congress of the United States.

28 24 Sec. 72. Section 312.3B, unnumbered paragraph 2, Code
28 25 Supplement 2005, is amended to read as follows:

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

28 34 Sec. 73. Section 321.10, unnumbered paragraph 2, Code
28 35 2005, is amended to read as follows:

29 1 Any records or certified copies of records prepared
29 2 pursuant to this section and any certified abstract, or a copy
29 3 of a certified abstract, of the operating record of a driver
29 4 or a motor vehicle owner prepared pursuant to this chapter
29 5 ~~321~~, chapter 321A, or chapter 321J, shall be received in
29 6 evidence if determined to be relevant, in any court,
29 7 preliminary hearing, grand jury proceeding, civil proceeding,
29 8 administrative hearing, or forfeiture proceeding in the same
29 9 manner and with the same force and effect as if the director
29 10 or the director's designee had testified in person.

29 11 Sec. 74. Section 321.69, subsection 9, Code Supplement
29 12 2005, is amended to read as follows:

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

29 33 Sec. 75. Section 321.210C, Code 2005, is amended to read
29 34 as follows:

29 35 321.210C PROBATION PERIOD.

30 1 A person whose driver's license or operating privileges
30 2 have been suspended, revoked, or barred under this chapter ~~321~~
30 3 for a conviction of a moving traffic violation, or suspended,
30 4 revoked, or barred under section 321.205 or section 321.210,
30 5 subsection 1, paragraph "e", or chapter 321J, must
30 6 satisfactorily complete a twelve=month probation period
30 7 beginning immediately after the end of the period of
30 8 suspension, revocation, or bar. Upon conviction of a moving
30 9 traffic violation which occurred during the probation period,
30 10 the department may suspend the driver's license or operating

30 11 privileges for an additional period equal in duration to the
30 12 original period of suspension, revocation, or bar, or for one
30 13 year, whichever is the shorter period.

30 14 Sec. 76. Section 321J.2, subsection 3, paragraph a,
30 15 subparagraph (5), Code 2005, is amended to read as follows:

30 16 (5) If the offense under this chapter ~~321J~~ results in
30 17 bodily injury to a person other than the defendant.

30 18 Sec. 77. Section 321J.3, subsection 3, Code 2005, is
30 19 amended to read as follows:

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

30 34 substance abuse treatment programs under chapter 125. The
30 35 rules shall also include provisions for payment of costs by
31 1 the offenders, including insurance reimbursement on behalf of
31 2 offenders, or other forms of funding, and shall also address
31 3 reporting requirements of the facility, consistent with the
31 4 provisions of sections 125.84 and 125.86. The department
31 5 shall be entitled to treatment information contained in
31 6 reports to the department, notwithstanding any provision of
31 7 chapter 125 that would restrict department access to treatment
31 8 information and records.

31 9 Sec. 78. Section 327C.5, unnumbered paragraph 1, Code
31 10 2005, is amended to read as follows:

31 11 Violations of the provisions of this chapter and chapters
31 12 ~~327C~~ 327D to 327G, shall be punished as a schedule "one"
31 13 penalty unless otherwise indicated. Violations of a
31 14 continuing nature shall constitute a separate offense for each
31 15 violation unless otherwise provided. The schedule of
31 16 violations shall be:

31 17 Sec. 79. Section 331.301, subsection 1, Code 2005, is
31 18 amended to read as follows:

31 19 1. A county may, except as expressly limited by the
31 20 Constitution of the State of Iowa, and if not inconsistent
31 21 with the laws of the general assembly, exercise any power and
31 22 perform any function it deems appropriate to protect and
31 23 preserve the rights, privileges, and property of the county or
31 24 of its residents, and to preserve and improve the peace,
31 25 safety, health, welfare, comfort, and convenience of its
31 26 residents. This grant of home rule powers does not include
31 27 the power to enact private or civil law governing civil
31 28 relationships, except as incident to an exercise of an
31 29 independent county power.

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

31 32 25. Assist the ~~division of beer and liquor law enforcement~~
31 33 department of public safety in the enforcement of beer and
31 34 liquor laws as provided in section 123.14. The county
31 35 attorney shall also prosecute nuisances, forfeitures of
32 1 abatement bonds, and foreclosures of the bonds as provided in
32 2 sections 123.62 and 123.86.

32 3 Sec. 81. Section 364.1, Code 2005, is amended to read as
32 4 follows:

32 5 364.1 SCOPE.

32 6 A city may, except as expressly limited by the Constitution
32 7 of the State of Iowa, and if not inconsistent with the laws of
32 8 the general assembly, exercise any power and perform any
32 9 function it deems appropriate to protect and preserve the
32 10 rights, privileges, and property of the city or of its
32 11 residents, and to preserve and improve the peace, safety,
32 12 health, welfare, comfort, and convenience of its residents.
32 13 This grant of home rule powers does not include the power to
32 14 enact private or civil law governing civil relationships,
32 15 except as incident to an exercise of an independent city
32 16 power.

32 17 Sec. 82. Section 364.2, subsection 2, Code Supplement
32 18 2005, is amended to read as follows:

32 19 2. The enumeration of a specific power of a city does not
32 20 limit or restrict the general grant of home rule power
32 21 conferred by the Constitution of the State of Iowa. A city

32 22 may exercise its general powers subject only to limitations
32 23 expressly imposed by a state or city law.

32 24 Sec. 83. Section 403.5, subsection 7, Code 2005, is
32 25 amended to read as follows:

32 26 7. Notwithstanding any other provisions of this chapter,
32 27 where the local governing body certifies that an area is in
32 28 need of redevelopment or rehabilitation as a result of a
32 29 flood, fire, hurricane, earthquake, storm, or other
32 30 catastrophe respecting which the governor of the state has
32 31 certified the need for disaster assistance under Pub. L. No.

32 32 ~~875 81=875~~, Eighty-first Congress, 64 Stat. ~~1109~~ codified
32 33 at 42 U.S.C. } 1855-1855g ~~1855=~~1855g or other federal law,

32 34 the local governing body may approve an urban renewal plan and
32 35 an urban renewal project with respect to such area without
33 1 regard to the provisions of subsection 4 and without regard to
33 2 provisions of this section requiring notification and
33 3 consultation, a general plan for the municipality, and a
33 4 public hearing on the urban renewal plan or project.

33 5 Sec. 84. Section 414.14, Code Supplement 2005, is amended
33 6 to read as follows:

33 7 414.14 VOTE REQUIRED.

33 8 The concurring vote of three members of the board in the
33 9 case of a five-member board, ~~and~~ four members in the case of a
33 10 seven-member board, and five members in the case of a nine=
33 11 member board, shall be necessary to reverse any order,
33 12 requirement, decision, or determination of any such
33 13 administrative official, or to decide in favor of the
33 14 applicant on any matter upon which it is required to pass
33 15 under any such ordinance or to effect any variation in such
33 16 ordinance.

33 17 Sec. 85. Section 421.1, Code 2005, is amended to read as
33 18 follows:

33 19 421.1 STATE BOARD OF TAX REVIEW.

33 20 1. There is hereby established within the department of
33 21 revenue for administrative and budgetary purposes a state
33 22 board of tax review for the state of Iowa. The state board of
33 23 tax review, hereinafter called the state board, shall consist
33 24 of three members-

33 25 ~~The members of the state board who~~ shall be registered
33 26 voters of the state and shall hold no other elective or
33 27 appointive public office.

33 28 Members of the state board shall serve for six-year
33 29 staggered terms beginning and ending as provided by section
33 30 69.19. A member who is appointed for a six-year term shall
33 31 not be permitted a successive term.

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

33 35 The members of the state board shall qualify by taking the
34 1 regular oath of office as prescribed by law for state
34 2 officers. A vacancy on the board shall be filled by
34 3 appointment by the governor in the same manner as the original
34 4 appointment.

34 5 The members of the state board shall be allowed their
34 6 necessary travel and expenses while engaged in their official
34 7 duties. Each member of the board may also be eligible to
34 8 receive compensation as provided in section 7E.6. ~~They~~ The
34 9 members shall organize the board and select one of their

34 10 members as chairperson.

34 11 2. The place of office of the state board shall be in the
34 12 office of the tax department in the capitol of the state.

34 13 3. The state board shall meet as deemed necessary by the
34 14 chairperson. Special meetings of the state board may be
34 15 called by the chairperson on five days' notice given to each
34 16 member. All meetings shall be held at the office of the tax
34 17 department unless a different place within the state is
34 18 designated by the state board or in the notice of the meeting.

34 19 4. It shall be the responsibility of the state board to
34 20 exercise the following general powers and duties:

34 21 ~~1-~~ a. Determine and adopt such policies as are authorized
34 22 by law and are necessary for the more efficient operation of
34 23 any phase of tax review.

34 24 ~~2-~~ b. Perform such duties prescribed by law as it may
34 25 find necessary for the improvement of the state system of
34 26 taxation in carrying out the purposes and objectives of the
34 27 tax laws.

34 28 ~~3-~~ c. Employ, pursuant to the Iowa merit system
34 29 provisions in chapter 8A, subchapter IV, adequate clerical
34 30 help to keep such records as are necessary to set forth
34 31 clearly all actions and proceedings of the state board.

34 32 ~~4-~~ d. Advise and counsel with the director of revenue

34 33 concerning the tax laws and the rules adopted pursuant to the
34 34 law, and, upon its own motion or upon appeal by any affected
34 35 taxpayer, review the record evidence and the decisions of, and
35 1 any orders or directive issued by, the director of revenue for
35 2 the identification of taxable property, classification of
35 3 property as real or personal, or for assessment and collection
35 4 of taxes by the department or an order to reassess or to raise
35 5 assessments to any local assessor, and shall affirm, modify,
35 6 reverse, or remand them within sixty days from the date the
35 7 case is submitted to the board for decision. For an appeal to
35 8 the board to be valid, written notice must be given to the
35 9 department within thirty days of the rendering of the
35 10 decision, order, or directive from which the appeal is taken.
35 11 The director shall certify to the board the record, documents,
35 12 reports, audits, and all other information pertinent to the
35 13 decision, order, or directive from which the appeal is taken
35 14 conduct hearings and hear appeals in the manner provided in
35 15 subsection 5.

35 16 The affected taxpayer and the department shall be given at
35 17 least fifteen days' written notice by the board of the date
35 18 the appeal shall be heard and both parties may be present at
35 19 such hearing if they desire. The board shall adopt and
35 20 promulgate, pursuant to chapter 17A, rules for the conduct of
35 21 appeals by the board. The record and all documents, reports,
35 22 audits and all other information certified to the board by the
35 23 director, and hearings held by the board pursuant to the
35 24 appeal and the decision of the board thereon shall be open to
35 25 the public notwithstanding the provisions of section 422.72,
35 26 subsection 1, and section 422.20; except that the board upon
35 27 the application of the affected taxpayer may order the record
35 28 and all documents, reports, audits, and all other information
35 29 certified to it by the director, or so much thereof as it
35 30 deems necessary, held confidential, if the public disclosure
35 31 of same would reveal trade secrets or any other confidential
35 32 information that would give the affected taxpayer's competitor
35 33 a competitive advantage. Any deliberation of the board in
35 34 reaching a decision on any appeal shall be confidential.

35 35 Judicial review of the decisions or orders of the board
36 1 resulting from the review of decisions or orders of the
36 2 director of revenue for assessment and collection of taxes by
36 3 the department may be sought by the taxpayer or the director
36 4 of revenue in accordance with the terms of chapter 17A.

36 5 5. e. Adopt a long-range program for the state system of
36 6 tax reform based upon special studies, surveys, research, and
36 7 recommendations submitted by or proposed under the direction
36 8 of the director of revenue.

36 9 f. ~~The state board shall constitute~~ Constitute a
36 10 continuing research commission as to tax matters in the state
36 11 and cause to be prepared and submitted to each regular session
36 12 of the general assembly a report containing such
36 13 recommendations as to revisions, amendments, and new
36 14 provisions of the law as the state board has decided should be
36 15 submitted to the legislature general assembly for its
36 16 consideration.

36 17 6. 5. Upon its own motion or upon appeal by any affected
36 18 taxpayer, the state board shall review the record evidence and
36 19 the decisions of, and any orders or directive issued by, the
36 20 director of revenue for the identification of taxable
36 21 property, classification of property as real or personal, or
36 22 for assessment and collection of taxes by the department or an
36 23 order to reassess or to raise assessments to any local
36 24 assessor, and shall affirm, modify, reverse, or remand them
36 25 within sixty days from the date the case is submitted to the
36 26 board for decision. For an appeal to the board to be valid,
36 27 written notice must be given to the department within thirty
36 28 days of the rendering of the decision, order, or directive
36 29 from which the appeal is taken. The director shall certify to
36 30 the board the record, documents, reports, audits, and all
36 31 other information pertinent to the decision, order, or
36 32 directive from which the appeal is taken.

36 33 The affected taxpayer and the department shall be given at
36 34 least fifteen days' written notice by the board of the date
36 35 the appeal shall be heard and both parties may be present at
37 1 such hearing if they desire. The board shall adopt and
37 2 promulgate, pursuant to chapter 17A, rules for the conduct of
37 3 appeals by the board. The record and all documents, reports,
37 4 audits and all other information certified to the board by the
37 5 director, and hearings held by the board pursuant to the
37 6 appeal and the decision of the board thereon shall be open to
37 7 the public notwithstanding the provisions of section 422.72,
37 8 subsection 1, and section 422.20; except that the board upon

37 9 the application of the affected taxpayer may order the record
37 10 and all documents, reports, audits, and all other information
37 11 certified to it by the director, or so much thereof as it
37 12 deems necessary, held confidential, if the public disclosure
37 13 of same would reveal trade secrets or any other confidential
37 14 information that would give the affected taxpayer's competitor
37 15 a competitive advantage. Any deliberation of the board in
37 16 reaching a decision on any appeal shall be confidential.

37 17 Judicial review of the decisions or orders of the board
37 18 resulting from the review of decisions or orders of the
37 19 director of revenue for assessment and collection of taxes by
37 20 the department may be sought by the taxpayer or the director
37 21 of revenue in accordance with the terms of chapter 17A.

37 22 All of the provisions of section 422.70 shall also be
37 23 applicable to the state board of tax review.

37 24 Sec. 86. Section 422.1, Code 2005, is amended to read as
37 25 follows:

37 26 422.1 CLASSIFICATION OF CHAPTER.

37 27 The provisions of this chapter are herein classified and
37 28 designated as follows:

37 29 Division I Introductory provisions.
37 30 Division II Personal net income tax.
37 31 Division III Business tax on corporations.
37 32 Division IV Retail sales tax Repealed by 2003 Acts, 1st
37 33 Ex., ch. 2, } 151, 205; see chapter 423.
37 34 Division V Taxation of financial institutions.
37 35 Division VI Administration.
38 1 Division VII Estimated taxes by corporations and financial
38 2 institutions.
38 3 Division VIII Allocation of revenues.
38 4 Division IX Fuel tax credit.
38 5 Division X Livestock production tax credit.

38 6 Sec. 87. Section 422.16, subsection 13, Code Supplement
38 7 2005, is amended to read as follows:

38 8 13. The director shall enter into an agreement with the
38 9 secretary of the treasury of the United States with respect to
38 10 withholding of income tax as provided by this chapter,
38 11 pursuant to an Act of Congress, section 1207 of the Tax Reform
38 12 Act of 1976, Public Law Pub. L. No. 94-455, amending title 5,
38 13 section 5517 of the United States Code amending 5 U.S.C. }
38 14 5517.

38 15 Sec. 88. Section 422.75, Code 2005, is amended to read as
38 16 follows:

38 17 422.75 STATISTICS == PUBLICATION.

38 18 The department shall prepare and publish an annual report
38 19 which shall include statistics reasonably available, with
38 20 respect to the operation of this chapter, including amounts
38 21 collected, classification of taxpayers, and such other facts
38 22 as are deemed pertinent and valuable. The annual report shall
38 23 also include the reports and information required pursuant to
38 24 section 421.1, subsection 5 4, paragraph "e"; section 421.17,
38 25 subsection 13; section 421.17, subsection 27, paragraph "h";
38 26 section 421.60, subsection 2, paragraphs "i" and "l"; and 1997
38 27 Iowa Acts, chapter 211, section 22, subsection 5, paragraph
38 28 "a".

38 29 Sec. 89. Section 423A.3, Code Supplement 2005, is amended
38 30 to read as follows:

38 31 423A.3 STATE=IMPOSED HOTEL AND MOTEL TAX.

38 32 A tax of five percent is imposed upon the sales price for
38 33 the ~~rental~~ renting of any lodging if the ~~rental~~ renting occurs
38 34 in this state. The tax shall be collected by any lessor of
38 35 lodging from the user of that lodging. The lessor shall add
39 1 the tax to the sales price of the lodging, and the state=
39 2 imposed tax, when collected, shall be stated as a distinct
39 3 item, separate and apart from the sales price of the lodging
39 4 and the local tax imposed, if any, under section 423A.4.

39 5 Sec. 90. Section 423B.5, unnumbered paragraph 1, Code
39 6 Supplement 2005, is amended to read as follows:

39 7 A local sales and services tax at the rate of not more than
39 8 one percent may be imposed by a county on the sales price
39 9 taxed by the state under chapter 423, subchapter II. A local
39 10 sales and services tax shall be imposed on the same basis as
39 11 the state sales and services tax or in the case of the use of
39 12 natural gas, natural gas service, electricity, or electric
39 13 service on the same basis as the state use tax and shall not
39 14 be imposed on the sale of any property or on any service not
39 15 taxed by the state, except the tax shall not be imposed on the
39 16 sales price from the sale of motor fuel or special fuel as
39 17 defined in chapter 452A which is consumed for highway use or
39 18 in watercraft or aircraft if the fuel tax is paid on the
39 19 transaction and a refund has not or will not be allowed, on

39 20 the sales price from the sale of equipment by the state
39 21 department of transportation, ~~and except the tax shall not be~~
~~39 22 imposed or~~ on the sales price from the sale or use of natural
39 23 gas, natural gas service, electricity, or electric service in
39 24 a city or county where the sales price from the sale of
39 25 natural gas or electric energy is subject to a franchise fee
39 26 or user fee during the period the franchise or user fee is
39 27 imposed. A local sales and services tax is applicable to
39 28 transactions within those incorporated and unincorporated
39 29 areas of the county where it is imposed and shall be collected
39 30 by all persons required to collect state sales taxes. All
39 31 cities contiguous to each other shall be treated as part of
39 32 one incorporated area and the tax would be imposed in each of
39 33 those contiguous cities only if the majority of those voting
39 34 in the total area covered by the contiguous cities favors its
39 35 imposition.

40 1 Sec. 91. Section 423E.3, subsection 2, Code Supplement
40 2 2005, is amended to read as follows:

40 3 2. The tax shall be imposed on the same basis as the state
40 4 sales and services tax or in the case of the use of natural
40 5 gas, natural gas service, electricity, or electric service on
40 6 the same basis as the state use tax and shall not be imposed
40 7 on the sale of any property or on any service not taxed by the
40 8 state, except the tax shall not be imposed on the sales price
40 9 from the sale of motor fuel or special fuel as defined in
40 10 chapter 452A which is consumed for highway use or in
40 11 watercraft or aircraft if the fuel tax is paid on the
40 12 transaction and a refund has not or will not be allowed, on
40 13 the sales price from the sale of equipment by the state
40 14 department of transportation, ~~and except the tax shall not be~~
~~40 15 imposed or~~ on the sales price from the sale or use of natural
40 16 gas, natural gas service, electricity, or electric service in
40 17 a city or county where the sales price from the sale of
40 18 natural gas or electric energy is subject to a franchise fee
40 19 or user fee during the period the franchise or user fee is
40 20 imposed.

40 21 Sec. 92. Section 425.7, subsection 3, unnumbered paragraph
40 22 1, Code 2005, is amended to read as follows:

40 23 If the director of revenue determines that a claim for
40 24 homestead credit has been allowed by the board of supervisors
40 25 which is not justifiable under the law and not substantiated
40 26 by proper facts, the director may, at any time within thirty=
40 27 six months from July 1 of the year in which the claim is
40 28 allowed, set aside the allowance. Notice of the disallowance
40 29 shall be given to the county auditor of the county in which
40 30 the claim has been improperly granted and a written notice of
40 31 the disallowance shall also be addressed to the claimant at
40 32 the claimant's last known address. The claimant or board of
40 33 supervisors may appeal to the state board of tax review
40 34 pursuant to section 421.1, subsection 4, paragraph "d". The
40 35 claimant or the board of supervisors may seek judicial review
41 1 of the action of the state board of tax review in accordance
41 2 with chapter 17A.

41 3 Sec. 93. Section 426A.6, Code 2005, is amended to read as
41 4 follows:

41 5 426A.6 SETTING ASIDE ALLOWANCE.

41 6 If the director of revenue determines that a claim for
41 7 military service tax exemption has been allowed by a board of
41 8 supervisors which is not justifiable under the law and not
41 9 substantiated by proper facts, the director may, at any time
41 10 within thirty=six months from July 1 of the year in which the
41 11 claim is allowed, set aside the allowance. Notice of the
41 12 disallowance shall be given to the county auditor of the
41 13 county in which the claim has been improperly granted and a
41 14 written notice of the disallowance shall also be addressed to
41 15 the claimant at the claimant's last known address. The
41 16 claimant or the board of supervisors may appeal to the state
41 17 board of tax review pursuant to section 421.1, subsection 4,
41 18 paragraph "d". The claimant or the board of supervisors may
41 19 seek judicial review of the action of the state board of tax
41 20 review in accordance with chapter 17A. If a claim is
41 21 disallowed by the director of revenue and not appealed to the
41 22 state board of tax review or appealed to the state board of
41 23 tax review and thereafter upheld upon final resolution,
41 24 including judicial review, the credits allowed and paid from
41 25 the general fund of the state become a lien upon the property
41 26 on which the credit was originally granted, if still in the
41 27 hands of the claimant and not in the hands of a bona fide
41 28 purchaser, the amount so erroneously paid shall be collected
41 29 by the county treasurer in the same manner as other taxes, and
41 30 the collections shall be returned to the department of revenue

41 31 and credited to the general fund of the state. The director
41 32 of revenue may institute legal proceedings against a military
41 33 service tax exemption claimant for the collection of payments
41 34 made on disallowed exemptions.

41 35 Sec. 94. Section 426A.13, unnumbered paragraph 1, Code
42 1 Supplement 2005, is amended to read as follows:

42 2 A person named in section 426A.11, who is a resident of and
42 3 domiciled in the state of Iowa, shall receive a reduction
42 4 equal to the exemption, to be made from any property owned by
42 5 the person or owned by a family farm corporation of which the
42 6 person is a shareholder and ~~who occupies~~ occupant of the
42 7 property and so designated by proceeding as provided in the
42 8 section. To be eligible to receive the exemption the person
42 9 claiming it shall have recorded in the office of the county
42 10 recorder of the county in which is located the property
42 11 designated for the exemption, evidence of property ownership
42 12 by that person or the family farm corporation of which the
42 13 person is a shareholder and the military certificate of
42 14 satisfactory service, order transferring to inactive status,
42 15 reserve, retirement, order of separation from service,
42 16 honorable discharge or a copy of any of these documents of the
42 17 person claiming or through whom is claimed the exemption. In
42 18 the case of a person claiming the exemption as a veteran
42 19 described in section 35.1, subsection 2, paragraph "b",
42 20 subparagraph (6) or (7), the person shall file the statement
42 21 required by section 35.2.

42 22 Sec. 95. Section 429.2, subsection 1, Code 2005, is
42 23 amended to read as follows:

42 24 1. Notwithstanding the provisions of chapter 17A, the
42 25 taxpayer shall have thirty days from the date of the notice of
42 26 assessment to appeal the assessment to the state board of tax
42 27 review. Thereafter, the proceedings before the state board of
42 28 tax review shall conform to the provisions of subsection 2,
42 29 section 421.1, subsection 4, paragraph "d", and chapter 17A.

42 30 Sec. 96. Section 429.2, subsection 2, unnumbered paragraph
42 31 1, Code 2005, is amended to read as follows:

42 32 The following rules shall apply to the appeal proceedings
42 33 in addition to those stated in section 421.1, subsection 4,
42 34 paragraph "d", and chapter 17A-:

42 35 Sec. 97. Section 432.12F, Code Supplement 2005, is amended
43 1 to read as follows:

43 2 432.12F ECONOMIC DEVELOPMENT REGION REVOLVING FUND
43 3 CONTRIBUTION TAX CREDITS.

43 4 The tax imposed under this chapter shall be reduced by an
43 5 economic development region revolving fund contribution tax
43 6 credit authorized pursuant to section 15E.232.

43 7 Sec. 98. Section 437A.3, subsection 3, Code 2005, is
43 8 amended to read as follows:

43 9 3. "Centrally assessed property tax" means property tax
43 10 imposed with respect to the value of property determined by
43 11 the director pursuant to section 427.1, subsection 2, Code
43 12 1997, section 428.29, ~~chapter Code 1997, and chapters 437, and~~
43 13 ~~chapter 438~~, Code 1997, and allocated to electric service and
43 14 natural gas service. For purposes of this subsection,
43 15 "natural gas service" means such service provided by natural
43 16 gas pipelines permitted pursuant to chapter 479.

43 17 Sec. 99. Section 437A.15, subsection 3, paragraph e, Code
43 18 Supplement 2005, is amended to read as follows:

43 19 e. Notwithstanding the provisions of this section, if
43 20 during the tax year a person who was not a taxpayer during the
43 21 prior tax year acquires a new major addition, as defined in
43 22 section 437A.3, subsection 18, paragraph "a", subparagraph
43 23 (4), the replacement tax associated with that major addition
43 24 shall be allocated, for that tax year, under this section in
43 25 accordance with the general allocating formula on the basis of
43 26 the general property tax equivalents established under ~~section~~
43 27 ~~437A.15 paragraph "a" of this subsection~~, except that the levy
43 28 rates established and reported to the department of management
43 29 on or before June 30 following the tax year in which the major
43 30 addition was acquired shall be applied to the prorated
43 31 assessed value of the major addition and provided that section
43 32 437A.19, subsection 2, paragraph "b", subparagraph (2), is in
43 33 any event applicable. For purposes of this paragraph,
43 34 "prorated assessed value of the major addition" means the
43 35 assessed value of the major addition as of January 1 of the
44 1 year following the tax year in which the major addition was
44 2 acquired multiplied by the percentage derived by dividing the
44 3 number of months that the major addition existed during the
44 4 tax year by twelve, counting any portion of a month as a full
44 5 month.

44 6 Sec. 100. Section 445.5, subsection 4, Code Supplement

44 7 2005, is amended to read as follows:

44 8 4. The titleholder may make written request to the
44 9 treasurer to have the tax statement delivered to a person or
44 10 entity in lieu of to the titleholder. A fee shall not be
44 11 charged by the treasurer for delivering the tax statement to
44 12 such person or entity in lieu of to the titleholder.

44 13 Sec. 101. Section 446.20, subsection 2, unnumbered
44 14 paragraph 2, Code 2005, is amended to read as follows:

44 15 Service of the notice shall also be made by mail on any
44 16 mortgagee having a lien upon the parcel, a vendor of the
44 17 parcel under a recorded contract of sale, a lessor who has a
44 18 recorded lease or memorandum of a recorded lease, and any
44 19 other person who has an interest of record, at the person's
44 20 last known address, if the mortgagee, vendor, lessor, or other
44 21 person has filed a request for notice, as prescribed in
44 22 section 446.9, subsection 3, and on the state of Iowa in case
44 23 of an ~~old-age~~ supplementary assistance lien by service upon
44 24 the department of human services. The notice shall also be
44 25 served on any city where the parcel is situated. Failure to
44 26 receive a mailed notice is not a defense to the payment of the
44 27 total amount due.

44 28 Sec. 102. Section 446.38, Code 2005, is amended to read as
44 29 follows:

44 30 446.38 SUSPENDED TAXES OF ~~OLD-AGE~~ SUPPLEMENTARY ASSISTANCE
44 31 RECIPIENTS.

44 32 In cases where taxes were suspended one year or more upon
44 33 the parcel of a deceased ~~old-age~~ supplementary assistance
44 34 recipient and no estate was opened within ninety days after
44 35 the death of the recipient and the surviving spouse of the
45 1 recipient is not occupying the parcel, the county may apply to
45 2 the probate court to have the parcel conveyed to it for
45 3 satisfaction of the suspended taxes. The probate court shall
45 4 prescribe the manner and notices to be given. The probate
45 5 court shall order the parcel conveyed to the county for
45 6 satisfaction of the suspended taxes if an estate is not opened
45 7 within a time specified by the court. The probate court shall
45 8 make and enter all appropriate orders to effect this
45 9 conveyance to the county if an estate is not opened within the
45 10 time specified. The parcel, at the election of the county
45 11 treasurer, may be offered at tax sale in accordance with this
45 12 chapter in lieu of the county making application to the
45 13 probate court.

45 14 Sec. 103. Section 455A.4, subsection 1, paragraph b, Code
45 15 Supplement 2005, is amended to read as follows:

45 16 b. Provide overall supervision, direction, and
45 17 coordination of functions to be administered by the
45 18 administrators under chapters 321G, 321I, 455B, 455C, 456,
45 19 456A, 456B, 457A, 458A, 459, ~~subchapters I, II, III, IV, and~~
~~45 20 VI, chapters 461A, 462A, 462B, 464A, 465C, 473, 481A, 481B,~~
45 21 483A, 484A, and 484B.

45 22 Sec. 104. Section 455G.4, subsection 3, paragraph a, Code
45 23 Supplement 2005, is amended to read as follows:

45 24 a. The board shall adopt rules regarding its practice and
45 25 procedures, develop underwriting standards, establish
45 26 procedures for investigating and settling claims made against
45 27 the fund, and otherwise implement and administer this chapter.

45 28 Sec. 105. Section 456A.27, Code 2005, is amended to read
45 29 as follows:

45 30 456A.27 FEDERAL WILDLIFE ACT == ASSENT.

45 31 The state of Iowa assents to the provisions of the Act of
45 32 Congress entitled "An Act to provide that the United States
45 33 shall aid the states in wildlife restoration projects, and for
45 34 other purposes", approved September 2, 1937, 50 Stat. ~~4~~ 917,
45 35 and the department may perform acts as necessary to the
46 1 conduct and establishment of ~~co-operative~~ cooperative wildlife
46 2 restoration projects, as defined in the Act of Congress, in
46 3 compliance with the Act and with regulations promulgated by
46 4 the secretary of agriculture under the Act. No funds accruing
46 5 to the state of Iowa from license fees paid by hunters shall
46 6 be diverted for any other purpose than as set out in sections
46 7 456A.17 and 456A.19.

46 8 Sec. 106. Section 459A.102, Code Supplement 2005, is
46 9 amended by adding the following new unnumbered paragraph
46 10 before subsection 1:

46 11 NEW UNNUMBERED PARAGRAPH. As used in this chapter, unless
46 12 the context otherwise requires:

46 13 Sec. 107. Section 466A.3, subsection 1, paragraph b, Code
46 14 Supplement 2005, is amended to read as follows:

46 15 b. The board shall ~~consist of~~ also include four members of
46 16 the general assembly who shall serve as voting members. Not
46 17 more than one member from each house shall be from the same

46 18 political party. Two state senators shall be appointed, one
46 19 by the majority leader of the senate and one by the minority
46 20 leader of the senate. Two state representatives shall be
46 21 appointed, one by the speaker of the house of representatives
46 22 and one by the minority leader of the house of
46 23 representatives. A member may designate another person to
46 24 attend a board meeting if the member is unavailable. Only the
46 25 member is eligible for per diem and expenses as provided in
46 26 section 2.10.

46 27 Sec. 108. Section 468.378, Code 2005, is amended to read
46 28 as follows:

46 29 468.378 BANKRUPTCY PROCEEDINGS.

46 30 All drainage districts with pumping plant and levee, which
46 31 have power to incur indebtedness, through action of their own
46 32 governing bodies are hereby authorized to proceed under and
46 33 take advantage of all laws enacted by the Congress of the
46 34 United States under the federal bankruptcy powers, which laws
46 35 have for their object the relief of municipal indebtedness,
47 1 including 48 Stat. ~~4~~¹ 345, entitled "An Act to amend an Act
47 2 entitled 'An Act to establish a uniform system of bankruptcy
47 3 throughout the United States', approved July 1, 1898, and Acts
47 4 amendatory thereof and supplementary thereto", approved May
47 5 24, 1934, and the officials and governing bodies of such
47 6 drainage, pumping plant and levee districts, are authorized to
47 7 adopt all proceedings and to do any and all acts necessary or
47 8 convenient to fully avail such drainage, pumping plant, and
47 9 levee districts, of the provisions of such Acts of Congress.

47 10 Sec. 109. Section 476.1D, subsection 1, paragraph c,
47 11 unnumbered paragraph 1, Code Supplement 2005, is amended to
47 12 read as follows:

47 13 In addition to other services or facilities previously
47 14 deregulated, effective July 1, 2005, and at the election of
47 15 each telephone utility subject to rate regulation, the
47 16 jurisdiction of the board is not applicable to the retail rate
47 17 regulation of business and retail local exchange services
47 18 provided throughout the state except for single line flat=
47 19 rated residential and business service rates provided by a
47 20 telephone utility subject to rate regulation on January 1,
47 21 2005. For each such telephone utility, the initial single
47 22 line flat-rated residential and business service rates shall
47 23 be the corresponding rates charged by the utility as of
47 24 January 31, 2005. The initial single line flat-rated
47 25 residential monthly service rates may be increased by an
47 26 amount not to exceed one dollar per twelve-month period
47 27 beginning July 1, 2005, and ending June 30, 2008. The initial
47 28 single line flat-rated business monthly service rates may be
47 29 increased by an amount not to exceed two dollars per twelve=
47 30 month period beginning July 1, 2005, and ending June 30, 2008.
47 31 However, the single line flat-rated residential service rate
47 32 shall not exceed nineteen dollars per month and the single
47 33 line flat-rated business service rate shall not exceed
47 34 thirty-eight dollars per month prior to July 1, 2008, not
47 35 including charges for extended area service, regulatory
48 1 charges, taxes, and other fees. Each telephone utility's
48 2 extended area service rates shall not be greater than the
48 3 corresponding rates charged by the telephone utility as of
48 4 January 31, 2005. The board shall determine a telephone
48 5 utility's extended area service rates for new extended area
48 6 service established on or after July 1, 2005. If a telephone
48 7 utility fails to impose the rate increase during any twelve=
48 8 month period, the utility shall not impose the unused increase
48 9 in any subsequent year. In addition to the rate increases
48 10 permitted pursuant to this section, the telephone utility may
48 11 adjust its single line flat-rated residential and business
48 12 service rates by a percentage equal to the most recent annual
48 13 percentage change in the gross domestic product price index as
48 14 published by the federal government. The board may also
48 15 authorize additional changes in the monthly rates for single
48 16 line flat-rated residential and business services to reflect
48 17 exogenous factors beyond the control of the telephone utility.

48 18 Sec. 110. Section 481B.2, Code 2005, is amended to read as
48 19 follows:

48 20 481B.2 COOPERATION WITH FEDERAL GOVERNMENT.

48 21 The commission shall perform those acts necessary for the
48 22 conservation, protection, restoration, and propagation of
48 23 endangered and threatened species in cooperation with the
48 24 federal government, pursuant to ~~Public Law~~ Pub. L. No. 93=205,
48 25 and pursuant to rules promulgated by the secretary of the
48 26 interior.

48 27 Sec. 111. Section 483A.24, subsection 6, Code Supplement
48 28 2005, is amended to read as follows:

48 29 6. A license shall not be required of minor pupils of the
48 30 state school for the blind, state school for the deaf, or of
48 31 minor residents of other state institutions under the control
48 32 of an administrator of a division of the department of human
48 33 services. In addition, a person who is on active duty with
48 34 the armed forces of the United States, on authorized leave
48 35 from a duty station located outside of this state, and a
49 1 resident of the state of Iowa shall not be required to have a
49 2 license to hunt or fish in this state. The military person
49 3 shall carry the person's leave papers and a copy of the
49 4 person's current earnings statement showing a deduction for
49 5 Iowa income taxes while hunting or fishing. In lieu of
49 6 carrying the person's earnings statement, the military person
49 7 may also claim residency if the person is registered to vote
49 8 in this state. If a deer or wild turkey is taken, the
49 9 military person shall immediately contact a state conservation
49 10 officer to obtain an appropriate tag to transport the animal.
49 11 A license shall not be required of residents of county care
49 12 facilities or any person who is receiving ~~old-age~~
49 13 supplementary assistance under chapter 249.

49 14 Sec. 112. Section 490.1701, subsection 3, paragraph b,
49 15 Code Supplement 2005, is amended to read as follows:

49 16 b. The instrument shall be delivered to the secretary of
49 17 state for filing and recording in the secretary of state's
49 18 office. If the corporation was organized under chapter ~~176,~~
49 19 ~~524,~~ or 533, the instrument shall also be filed and recorded
49 20 in the office of the county recorder. The corporation shall
49 21 at the time it files the instrument with the secretary of
49 22 state deliver also to the secretary of state for filing in the
49 23 secretary of state's office any biennial report which is then
49 24 due.

49 25 If the county of the initial registered office as stated in
49 26 the instrument for a corporation organized under chapter ~~176,~~
49 27 ~~524,~~ or 533 is one which is other than the county where the
49 28 principal place of business of the corporation, as designated
49 29 in its articles of incorporation, was located, the corporation
49 30 shall forward to the county recorder of the county in which
49 31 the principal place of business of the corporation was located
49 32 a copy of the instrument and the corporation shall forward to
49 33 the recorder of the county in which the initial registered
49 34 office of the corporation is located, in addition to a copy of
49 35 the original instrument, a copy of the articles of
50 1 incorporation of the corporation together with all amendments
50 2 to them as then on file in the secretary of state's office.
50 3 The corporation shall, through an officer or director, certify
50 4 to the secretary of state that a copy has been sent to each
50 5 applicable county recorder, including the date each copy was
50 6 sent.

50 7 Sec. 113. Section 490A.1201, Code Supplement 2005, is
50 8 amended to read as follows:

50 9 490A.1201 CONSTITUENT ENTITY.

50 10 ~~As used in this section, unless~~ Unless the context
50 11 otherwise requires, "constituent entity", as used in sections
50 12 490A.1202, 490A.1204, 490A.1205, and 490A.1207, includes a
50 13 domestic cooperative. However, as used in section 490A.1203,
50 14 "constituent entity" does not include a domestic cooperative.

50 15 Sec. 114. Section 501A.504, subsection 4, unnumbered
50 16 paragraph 1, Code Supplement 2005, is amended to read as
50 17 follows:

50 18 An amendment of the articles shall be filed with the
50 19 secretary as required in section ~~501A.503~~ 501A.201. The
50 20 amendment is effective as provided in subchapter II. After an
50 21 amendment to the articles of organization has been adopted and
50 22 approved in the manner required by this chapter and by the
50 23 articles of organization, the cooperative shall deliver to the
50 24 secretary of state for filing articles of amendment which
50 25 shall set forth all of the following:

50 26 Sec. 115. Section 501A.601, subsection 2, Code Supplement
50 27 2005, is amended to read as follows:

50 28 2. DEALING IN PRODUCTS. A cooperative may buy, sell, or
50 29 deal in its own commodities or products or those of another
50 30 person, including but not limited to those of its members,
50 31 patrons, or nonmembers; ~~or commodities or products of~~ another
50 32 cooperative organized under this chapter or another
50 33 cooperative association organized under other law including a
50 34 traditional cooperative, or members or patrons of such
50 35 cooperatives or cooperative associations. A cooperative may
51 1 negotiate the price at which its commodities or products may
51 2 be sold.

51 3 Sec. 116. Section 501A.715, subsection 2, paragraph a,
51 4 unnumbered paragraph 1, Code Supplement 2005, is amended to

51 5 read as follows:

51 6 Subject to the provisions of subsection 4, a cooperative
51 7 shall indemnify a person made or threatened to be made a party
51 8 to a proceeding by reason of the former or present official
51 9 capacity of the person against judgments, penalties, and
51 10 fines, including, without limitation, excise taxes assessed
51 11 against the person with respect to an employee benefit plan,
51 12 settlements, and reasonable expenses, including attorney fees
51 13 and disbursements incurred by the person in connection with
51 14 the proceeding, if, with respect to the acts or omissions of
51 15 the person complained of in the proceeding, any of the
51 16 following applies:

51 17 Sec. 117. Section 501A.1008, subsection 5, paragraph b,
51 18 Code Supplement 2005, is amended to read as follows:

51 19 b. Economic development including private or joint public
51 20 and private investments involving the creation of economic
51 21 opportunities for ~~its~~ the cooperative's members or the
51 22 retention of existing sources of income that would otherwise
51 23 be lost.

51 24 Sec. 118. Section 501A.1101, subsection 2, paragraph c,
51 25 Code Supplement 2005, is amended to read as follows:

51 26 c. The manner and basis of converting membership or
51 27 ownership interests of the constituent domestic cooperative,
51 28 the ~~surviving~~ Iowa limited liability company that is a party
51 29 as provided in section 490A.1207, or foreign business entity
51 30 into membership or ownership interests in the surviving or new
51 31 domestic cooperative, the surviving Iowa limited liability
51 32 company as authorized in section 490A.1207, or foreign
51 33 business entity.

51 34 Sec. 119. Section 501A.1104, subsection 1, paragraph a,
51 35 Code Supplement 2005, is amended to read as follows:

52 1 a. A traditional cooperative ~~organized~~ may convert to a
52 2 cooperative and become subject to this chapter by amending its
52 3 organizational documents to conform to the requirements of
52 4 this chapter.

52 5 Sec. 120. Section 507A.2, unnumbered paragraph 2, Code
52 6 2005, is amended to read as follows:

52 7 In furtherance of such state interest, the general assembly
52 8 herein provides methods for substituted service of process
52 9 upon such persons or insurers in any proceeding, suit or
52 10 action in any court and substitute service of any notice,
52 11 order, pleading or process upon such persons or insurers in
52 12 any proceeding before the commissioner of insurance to enforce
52 13 or effect full compliance with the insurance and tax laws of
52 14 this state. In so doing, the state exercises its powers to
52 15 protect residents of this state and to define what constitutes
52 16 doing an insurance business in this state, and also exercises
52 17 powers and privileges available to this state by virtue of
52 18 ~~Public Law Pub. L. No. 79=15, 79th Congress of the United~~
52 19 ~~States, Chapter 20, 1st Sess., S. 340, 59 Stat. 337,~~
52 20 ~~codified at 15 U.S.C. } 1011 to 1015, inclusive 1011=1015,~~
52 21 which declares that the business of insurance and every person
52 22 engaged therein shall be subject to the laws of the several
52 23 states.

52 24 Sec. 121. Section 507B.1, Code 2005, is amended to read as
52 25 follows:

52 26 507B.1 DECLARATION OF PURPOSE.

52 27 The purpose of this chapter is to regulate trade practices
52 28 in the business of insurance in accordance with the intent of
52 29 Congress as expressed in the Act of Congress of March 9, 1945,
52 30 ~~Public Law 15, 79th Congress Pub. L. No. 79=15, 59 Stat. 337~~
52 31 ~~codified at 15 U.S.C. } 1011 to 1015, inc. 1011=1015,~~ by
52 32 defining, or providing for the determination of, all such
52 33 practices in this state which constitute unfair methods of
52 34 competition or unfair or deceptive acts or practices and by
52 35 prohibiting the trade practices so defined or determined.

53 1 Sec. 122. Section 511.8, subsection 9, paragraphs b, c,
53 2 and e, Code 2005, are amended to read as follows:

53 3 b. Bonds, notes, or other evidences of indebtedness
53 4 representing loans and advances of credit that have been
53 5 issued, guaranteed, or insured, in accordance with the terms
53 6 and provisions of an Act of Congress of the United States of
53 7 America approved June 27, 1934, entitled the "National Housing
53 8 Act", 48 Stat. 1246, 12 U.S.C. } 1701, et seq., as heretofore
53 9 and hereafter amended.

53 10 c. Bonds, notes, or other evidences of indebtedness
53 11 representing loans and advances of credit that have been
53 12 issued or guaranteed, in whole or in part, in accordance with
53 13 the terms and provisions of Title III of an Act of Congress of
53 14 the United States of America approved June 22, 1944, known as
53 15 ~~Public Law 346 -- Seventy-eighth Congress, Chapter 268 -- 2nd~~

~~53 16 Session, Pub. L. No. 78=348, cited as the "Servicemen's~~
53 17 ~~Readjustment Act of 1944", 58 Stat. 291, recodified at 72~~
53 18 ~~Stat. 1105, 1273, 38 U.S.C. } 3701, et seq., as heretofore and~~
53 19 hereafter amended.

53 20 e. Bonds, notes, or other evidences of indebtedness
53 21 representing loans and advances of credit that have been
53 22 issued or guaranteed, in whole or in part, in accordance with
53 23 Title I of the Bankhead-Jones Farm Tenant Act, an Act of the
53 24 Congress of the United States, cited as the "Farmers Home
53 25 Administration Act of 1946", 60 Stat. 1062, as heretofore or
53 26 hereafter amended.

53 27 Sec. 123. Section 511.8, subsection 15, paragraph b,
53 28 subparagraph (2), unnumbered paragraph 2, Code 2005, is
53 29 amended to read as follows:

53 30 The terms "class I railroads", "balance of income available
53 31 for the payment of fixed charges", "fixed charges" and
53 32 "railway operating revenues" when used in this subsection, are
53 33 to be given the same meaning as in the accounting reports
53 34 filed by a railroad company in accordance with the regulations
53 35 for common carriers by rail of the Interstate Commerce Act, 24
54 1 Stat. ~~5~~ 379, ~~codified at 49 U.S.C. } 1 to 40 inc., 1001 to~~
~~54 2 1100 inc. 1==40, 1001==1100~~, provided that the "balance of
54 3 income available for the payment of fixed charges" and
54 4 "railway operating revenues remaining", as the terms are used
54 5 in this subsection, shall be computed before deduction of
54 6 federal income or excess profits taxes; and that in computing
54 7 "fixed charges" there shall be excluded interest and
54 8 amortization charges applicable to debt called for redemption
54 9 or which will otherwise mature within six months from the time
54 10 of investment and for the payment of which funds have been or
54 11 currently are being specifically set aside.

54 12 Sec. 124. Section 512A.10, subsection 1, Code 2005, is
54 13 amended to read as follows:

54 14 1. An organization shall present to the commissioner of
54 15 insurance for approval its articles of incorporation and any
54 16 subsequent amendment. The commissioner shall submit the
54 17 articles of incorporation and any subsequent amendment to the
54 18 attorney general for examination and, if found by the attorney
54 19 general to be in accordance with this chapter and the
54 20 ~~constitution~~ Constitution and laws of the ~~state~~ State of Iowa,
54 21 the attorney general shall certify such fact on the articles
54 22 of incorporation or amendment and return the articles or
54 23 amendment to the commissioner. Articles of incorporation or
54 24 an amendment to the articles shall not be approved by the
54 25 commissioner or recorded unless certified by the attorney
54 26 general.

54 27 Sec. 125. Section 512B.13, Code 2005, is amended to read
54 28 as follows:

54 29 512B.13 INSTITUTIONS.

54 30 A society may create, maintain, and operate, or may
54 31 establish organizations to operate, not-for-profit
54 32 institutions to further the purposes permitted by section
54 33 512B.5, subsection 1, paragraph "b". The institutions may
54 34 furnish services free or at a reasonable charge. Any real or
54 35 personal property owned, held, or leased by the society for
55 1 this purpose shall be reported in every annual statement. A
55 2 not-for-profit institution so established is a charitable
55 3 institution with all the rights, benefits, and privileges
55 4 given to charitable institutions under the ~~constitution~~
55 5 Constitution and laws of ~~this state~~ the State of Iowa. The
55 6 commissioner may adopt appropriate rules and reporting
55 7 requirements.

55 8 Sec. 126. Section 514B.3, unnumbered paragraph 3, Code
55 9 2005, is amended to read as follows:

55 10 Upon receipt of an application for a certificate of
55 11 authority, the commissioner shall immediately transmit copies
55 12 of the application and accompanying documents to the director
55 13 of public health and the affected regional health planning
55 14 council, as authorized by ~~Public Law Pub. L. No. 89=749, (42~~
55 15 ~~42 U.S.C. } 246(b) 2b) 2b~~, for their nonbinding consultation
55 16 and advice.

55 17 Sec. 127. Section 518.14, subsection 4, paragraph a, Code
55 18 Supplement 2005, is amended to read as follows:

55 19 a. UNITED STATES GOVERNMENT OBLIGATIONS. Bonds or other
55 20 evidences of indebtedness issued, assumed, or guaranteed by
55 21 the United States of America, or by any agency or
55 22 instrumentality of the United States of America, ~~include~~
55 23 including investments in an open-end management investment
55 24 company registered with the federal securities and exchange
55 25 commission under the federal Investment Company Act of 1940,
55 26 15 U.S.C. } 80(a) and operated in accordance with 17 C.F.R. }

55 27 270.2a=7, the portfolio of which is limited to the United
55 28 States obligations described in this paragraph, and which are
55 29 included in the national association of insurance
55 30 commissioners' securities valuation office's United States
55 31 direct obligation==full faith and credit list.
55 32 Sec. 128. Section 518A.12, subsection 4, paragraph a, Code
55 33 Supplement 2005, is amended to read as follows:
55 34 a. UNITED STATES GOVERNMENT OBLIGATIONS. Bonds or other
55 35 evidences of indebtedness issued, assumed, or guaranteed by
56 1 the United States of America, or by any agency or
56 2 instrumentality of the United States of America, ~~include~~
56 3 including investments in an open-end management investment
56 4 company registered with the federal securities and exchange
56 5 commission under the federal Investment Company Act of 1940,
56 6 15 U.S.C. } 80(a) and operated in accordance with 17 C.F.R. }
56 7 270.2a=7, the portfolio of which is limited to the United
56 8 States obligations described in this paragraph, and which are
56 9 included in the national association of insurance
56 10 commissioners' securities valuation office's United States
56 11 direct obligation==full faith and credit list.
56 12 Sec. 129. Section 518B.1, subsection 3, Code 2005, is
56 13 amended to read as follows:
56 14 3. "The Act" means Section 1223 of the Housing and Urban
56 15 Development Act of 1968, ~~Public Law~~ Pub. L. No. 90=448, 90th
56 16 Congress approved August 1, 1968.
56 17 Sec. 130. Section 523.13, Code 2005, is amended to read as
56 18 follows:
56 19 523.13 EXCEPTIONS AS TO DOMESTIC STOCK COMPANIES.
56 20 The provisions of sections 523.7, 523.8 and 523.9 shall not
56 21 apply to equity securities of a domestic stock insurance
56 22 company if (1) such securities shall be registered, or shall
56 23 be required to be registered, pursuant to section 12 of the
56 24 Securities Exchange Act of 1934, ~~48 Stat. 881,~~
56 25 codified at 15 U.S.C. } 77b et seq. ~~seq.~~, as amended, or if
56 26 (2) such domestic stock insurance company shall not have any
56 27 class of its equity securities held of record by one hundred
56 28 or more persons on the last business day of the year next
56 29 preceding the year in which equity securities of the company
56 30 would be subject to the provisions of sections 523.7, 523.8
56 31 and 523.9 except for the provisions of this subsection 2.
56 32 Sec. 131. Section 523C.1, subsection 6, Code 2005, is
56 33 amended to read as follows:
56 34 6. "Licensed service company" means a service company
56 35 which is licensed by the ~~commission~~ commissioner pursuant to
57 1 this chapter.
57 2 Sec. 132. Section 523C.9, subsection 1, paragraph a, Code
57 3 2005, is amended to read as follows:
57 4 a. The service company violated a lawful order of the
57 5 ~~commission~~ commissioner or any provision of this chapter.
57 6 Sec. 133. Section 523I.103, subsection 3, Code Supplement
57 7 2005, is amended to read as follows:
57 8 3. If a foreign person does not have a registered agent or
57 9 agents in the state of Iowa, doing business within this state
57 10 shall constitute the person's appointment of the secretary of
57 11 state of the state of Iowa to be ~~its~~ the person's true and
57 12 lawful attorney upon whom may be served all lawful process of
57 13 original notice in actions or proceedings arising or growing
57 14 out of any contract or tort.
57 15 Sec. 134. Section 523I.601, Code Supplement 2005, is
57 16 amended to read as follows:
57 17 523I.601 SETTLEMENT OF ESTATES == MAINTENANCE FUND.
57 18 The court in which the estate of a deceased person is
57 19 administered, before final distribution, may allow and set
57 20 apart from the estate a sum sufficient to provide an income
57 21 adequate to pay for the perpetual care and upkeep of the
57 22 interment ~~spaces upon~~ space in which the body of the deceased
57 23 is buried, except where perpetual care has otherwise been
57 24 provided for. The sum so allowed and set apart shall be paid
57 25 to a trustee as provided by this chapter.
57 26 Sec. 135. Section 524.1416, subsection 2, Code 2005, is
57 27 amended to read as follows:
57 28 2. A state bank which converts into a national bank or
57 29 federal savings association shall notify the superintendent of
57 30 the proposed conversion, provide such evidence of the adoption
57 31 of the plan as the superintendent may request, notify the
57 32 superintendent of any abandonment or disapproval of the plan,
57 33 and file with the superintendent and with the secretary of
57 34 state a certificate of the approval of the conversion by the
57 35 comptroller of the currency of the United States or director
58 1 of the office of thrift supervision, as applicable, and the
58 2 date upon which such conversion is to become effective. A

58 3 state bank that converts into a national bank or federal
58 4 savings association shall comply with the provisions of
58 5 section 524.310, subsection 1.
58 6 Sec. 136. Section 533.3, subsection 2, Code 2005, is
58 7 amended to read as follows:
58 8 2. The prohibitions contained in subsection 1 do not apply
58 9 to a credit union organized under this chapter or under the
58 10 Federal Credit Union Act, 12 U.S.C. ~~Sec. 1~~ 1751 et seq., or to
58 11 the Iowa credit union league, or a chapter, affiliate or
58 12 subsidiary of the Iowa credit union league, or to a political
58 13 action committee formed under ~~Public Law Pub. L. No. 94=283~~ or
58 14 chapter 68A by the Iowa credit union league or by credit
58 15 unions organized under this chapter or federal law.
58 16 Sec. 137. Section 591.11, Code 2005, is amended to read as
58 17 follows:
58 18 591.11 FAILURE TO PUBLISH NOTICE OF AMENDMENT.
58 19 In all instances where notices of amendments to articles of
58 20 incorporation have not been published within three months
58 21 after the filing with and approval by the secretary of state
58 22 of such amendments, as provided in section 491.20, ~~of the Code~~
58 23 1954, but such notices have been thereafter published in the
58 24 form and manner as required by law and proof of publication
58 25 filed with the secretary of state, such notices are hereby
58 26 legalized and shall have the same force and effect as though
58 27 published within said period of three months and proper proof
58 28 of publication filed with the secretary of state.
58 29 Sec. 138. Section 598.21G, unnumbered paragraph 1, Code
58 30 Supplement 2005, is amended to read as follows:
58 31 In any order or judgment entered under this chapter or
58 32 chapter 234, 252A, 252C, 252F, ~~590~~, or 600B, or under any
58 33 other chapter which provides for temporary or permanent
58 34 support payments, if the parent ordered to pay support is less
58 35 than eighteen years of age, one of the following shall apply:
59 1 Sec. 139. Section 602.10125, Code 2005, is amended to read
59 2 as follows:
59 3 602.10125 ATTORNEY GENERAL == APPROPRIATENESS OF PROCEDURE
59 4 == ORDER FOR APPEARANCE.
59 5 If an action is commenced on the petition of an individual,
59 6 the court shall notify and refer the matter to the attorney
59 7 general. The attorney general, within thirty days of the
59 8 referral, shall submit a report to the court concerning the
59 9 appropriateness of bringing the action under this chapter.
59 10 The court shall not proceed with consideration of the merits
59 11 of the complaint until the report from the attorney general is
59 12 received. If the court deems the accusation sufficient to
59 13 justify further action, the court shall determine whether the
59 14 complaint is more appropriately pursued under this chapter
59 15 rather than the procedures established under Iowa court rules,
59 16 ~~chapter ch. 35~~. If the court finds that proceeding under this
59 17 chapter is more appropriate, it shall cause an order to be
59 18 entered requiring the accused to appear and answer in the
59 19 court where the accusation has been filed on the day fixed in
59 20 the order, and shall cause a copy of the accusation and order
59 21 to be served upon the accused personally.
59 22 Sec. 140. Section 633.3, subsections 15, 17, 34, and 35,
59 23 Code Supplement 2005, are amended to read as follows:
59 24 15. ESTATE == the real and personal property of either a
59 25 decedent or a ward, and may also refer to the real and
59 26 personal property of a trust ~~as defined~~ described in section
59 27 633.10.
59 28 17. FIDUCIARY == includes personal representative,
59 29 executor, administrator, guardian, conservator, and the
59 30 trustee of any trust ~~as defined~~ described in section 633.10.
59 31 34. TRUSTEE == the person or persons serving as trustee of
59 32 a trust ~~as defined~~ described in section 633.10.
59 33 35. TRUSTS == includes only those trusts ~~defined~~ described
59 34 in section 633.10.
59 35 Sec. 141. Section 633.10, unnumbered paragraph 1, Code
60 1 Supplement 2005, is amended to read as follows:
60 2 In addition to the jurisdiction granted the district court
60 3 under the trust code, chapter 633A, or elsewhere, the district
60 4 court sitting in probate shall have jurisdiction of:
60 5 Sec. 142. Section 633.699B, Code Supplement 2005, is
60 6 amended to read as follows:
60 7 633.699B APPLICABILITY OF LAW.
60 8 The terms of this division, and all other terms of this
60 9 probate code relating to trusts and trustees, shall apply only
60 10 to trusts that remain under continuous court supervision
60 11 pursuant to section 633.10 and to trusts that have not been
60 12 released from such continuous supervision pursuant to section
60 13 633.10. Regarding all such trusts, the terms of this chapter

60 14 shall supersede any inconsistent terms in the trust code,
60 15 ~~chapter 633A,~~ and such trusts shall be governed by terms of
60 16 the trust code, ~~chapter 633A,~~ that are not inconsistent with
60 17 this probate code.

60 18 Sec. 143. Section 679C.103, subsection 2, unnumbered
60 19 paragraph 1, Code Supplement 2005, is amended to read as
60 20 follows:

60 21 This chapter shall not apply to a mediation relating to or
60 22 conducted by ~~under~~ any of the following circumstances:

60 23 Sec. 144. Section 679C.104, subsection 1, Code Supplement
60 24 2005, is amended to read as follows:

60 25 1. Except as otherwise provided in section 679C.106, a
60 26 mediation communication is privileged as provided in
60 27 subsection 2 and is not subject to discovery or admissible in
60 28 evidence in a proceeding unless the privilege is waived or
60 29 precluded as provided by section 679C.105.

60 30 Sec. 145. Section 692B.2, Articles VIII and XI, Code 2005,
60 31 are amended to read as follows:

60 32 ARTICLE VIII == MISCELLANEOUS PROVISIONS

60 33 (a) RELATION OF COMPACT TO CERTAIN FBI ACTIVITIES.

60 34 Administration of this compact shall not interfere with the
60 35 management and control of the director of the FBI over the
61 1 FBI's collection and dissemination of criminal history records
61 2 and the advisory function of the FBI's advisory policy board
61 3 chartered under the Federal Advisory Committee Act, ~~(5 5~~
61 4 U.S.C. ~~App.) App.,~~ for all purposes other than noncriminal
61 5 justice.

61 6 (b) NO AUTHORITY FOR NONAPPROPRIATED EXPENDITURES.

61 7 Nothing in this compact shall require the FBI to obligate or
61 8 expend funds beyond those appropriated to the FBI.

61 9 (c) RELATING TO ~~PUBLIC LAW PUB. L. NO. 92=544.~~ Nothing in
61 10 this compact shall diminish or lessen the obligations,
61 11 responsibilities, and authorities of any state, whether a
61 12 party state or a nonparty state, or of any criminal history
61 13 record repository or other subdivision or component thereof,
61 14 under the Departments of State, Justice, and Commerce, the
61 15 Judiciary, and Related Agencies Appropriation Act, 1973
61 16 ~~(Public Law 92=544), Pub. L. No. 92=544,~~ or regulations and
61 17 guidelines promulgated thereunder, including the rules and
61 18 procedures promulgated by the council under Article VI(a),
61 19 regarding the use and dissemination of criminal history
61 20 records and information.

61 21 ARTICLE XI == ADJUDICATION OF DISPUTES

61 22 (a) IN GENERAL. The council shall

61 23 (1) have initial authority to make determinations with
61 24 respect to any dispute regarding

61 25 (A) interpretation of this compact;

61 26 (B) any rule or standard established by the council
61 27 pursuant to Article VI; and

61 28 (C) any dispute or controversy between any parties to this
61 29 compact; and

61 30 (2) hold a hearing concerning any dispute described in
61 31 paragraph (1) at a regularly scheduled meeting of the council
61 32 and only render a decision based upon a majority vote of the
61 33 members of the council. Such decision shall be published
61 34 pursuant to the requirements of Article VI(e).

61 35 (b) DUTIES OF FBI. The FBI shall exercise immediate and
62 1 necessary action to preserve the integrity of the III system,
62 2 maintain system policy and standards, protect the accuracy and
62 3 privacy of records, and to prevent abuses, until the council
62 4 holds a hearing on such matters.

62 5 (c) RIGHT OF APPEAL. The FBI or a party state may appeal
62 6 any decision of the council to the attorney general, and
62 7 thereafter may file suit in the appropriate district court of
62 8 the United States, which shall have original jurisdiction of
62 9 all cases or controversies arising under this compact. Any
62 10 suit arising under this compact and initiated in a state court
62 11 shall be removed to the appropriate district court of the
62 12 United States in the manner provided by ~~section 1446 of title~~
62 13 ~~28, United States Code 28 U.S.C. } 1446,~~ or other statutory
62 14 authority.

62 15 Sec. 146. Section 725.12, subsection 1, Code Supplement
62 16 2005, is amended to read as follows:

62 17 1. If any person ~~make~~ makes or ~~aid~~ aids in making or
62 18 establishing, or ~~advertise~~ advertises or ~~make~~ makes public a
62 19 scheme for a lottery; or ~~advertise~~ advertises, ~~offer~~ offers
62 20 for sale, ~~sell~~ sells, ~~distribute~~ distributes, ~~negotiate~~
62 21 negotiates, ~~dispose~~ disposes of, ~~purchase~~ purchases, or
62 22 ~~receive~~ receives a ticket or part of a ticket in a lottery or
62 23 number of a ticket in a lottery; or ~~have~~ has in the person's
62 24 possession a ticket, part of a ticket, or paper purporting to

62 25 be the number of a ticket of a lottery, with the intent to
62 26 sell or dispose of the ticket, part of a ticket, or paper on
62 27 the person's own account or as the agent of another, the
62 28 person commits a serious misdemeanor. However, this section
62 29 does not prohibit the advertising of a lottery or possession
62 30 by a person of a lottery ticket, part of a ticket, or number
62 31 of a lottery ticket from a lottery legally operated or
62 32 permitted under the laws of another jurisdiction. This
62 33 section also does not prohibit the advertising of a lottery,
62 34 game of chance, contest, or activity conducted by a not-for-
62 35 profit organization that would qualify as tax exempt under
63 1 section 501 of the Internal Revenue Code, as defined in
63 2 section 422.3, or conducted by a commercial organization as a
63 3 promotional activity which is clearly occasional and ancillary
63 4 to the primary business of that organization, provided that
63 5 the effective dates on any promotional activity shall be
63 6 clearly stated on all promotional materials. A lottery, game
63 7 of chance, contest, or activity shall be presumed to be a
63 8 promotional activity which is not occasional if the lottery,
63 9 game of chance, contest, or activity is in effect or available
63 10 to the public for a period of more than ninety days within a
63 11 one-year period.

63 12 Sec. 147. Section 729.1, Code 2005, is amended to read as
63 13 follows:

63 14 729.1 RELIGIOUS TEST.

63 15 Any violation of section 4, Article I of the Constitution
63 16 of the State of Iowa is hereby declared to be a simple
63 17 misdemeanor unless a greater penalty is otherwise provided by
63 18 law.

63 19 Sec. 148. Section 822.2, Code 2005, is amended to read as
63 20 follows:

63 21 822.2 SITUATIONS WHERE LAW APPLICABLE.

63 22 1. Any person who has been convicted of, or sentenced for,
63 23 a public offense and who claims ~~that~~ any of the following may
63 24 institute, without paying a filing fee, a proceeding under

~~63 25 this chapter to secure relief:~~

63 26 ~~1- a.~~ The conviction or sentence was in violation of the
63 27 Constitution of the United States or the Constitution or laws
63 28 of this state~~+~~.

63 29 ~~2- b.~~ The court was without jurisdiction to impose
63 30 sentence~~+~~.

63 31 ~~3- c.~~ The sentence exceeds the maximum authorized by
63 32 law~~+~~.

63 33 ~~4- d.~~ There exists evidence of material facts, not
63 34 previously presented and heard, that requires vacation of the
63 35 conviction or sentence in the interest of justice~~+~~.

64 1 ~~5- e.~~ The person's sentence has expired, or probation,
64 2 parole, or conditional release has been unlawfully revoked, or
64 3 the person is otherwise unlawfully held in custody or other
64 4 restraint~~+~~.

64 5 ~~6- f.~~ The person's reduction of sentence pursuant to
64 6 sections 903A.1 through 903A.7 has been unlawfully forfeited
64 7 and the person has exhausted the appeal procedure of section
64 8 903A.3, subsection ~~2- or~~.

64 9 ~~7- g.~~ The conviction or sentence is otherwise subject to
64 10 collateral attack upon any ground of alleged error formerly
64 11 available under any common law, statutory or other writ,
64 12 motion, petition, proceeding, or remedy, except alleged error
64 13 relating to restitution, court costs, or fees under section
64 14 904.702 or chapter 815 or 910~~+~~

~~64 15 may institute, without paying a filing fee, a proceeding under
64 16 this chapter to secure relief.~~

64 17 2. This remedy is not a substitute for nor does it affect
64 18 any remedy, incident to the proceedings in the trial court, or
64 19 of direct review of the sentence or conviction. Except as
64 20 otherwise provided in this chapter, it comprehends and takes
64 21 the place of all other common law, statutory, or other
64 22 remedies formerly available for challenging the validity of
64 23 the conviction or sentence. It shall be used exclusively in
64 24 place of them.

64 25 Sec. 149. Section 822.3, Code 2005, is amended to read as
64 26 follows:

64 27 822.3 HOW TO COMMENCE PROCEEDING == LIMITATION.

64 28 A proceeding is commenced by filing an application verified
64 29 by the applicant with the clerk of the district court in which
64 30 the conviction or sentence took place. However, if the
64 31 applicant is seeking relief under section 822.2, subsection 6
64 32 1, paragraph "f", the application shall be filed with the
64 33 clerk of the district court of the county in which the
64 34 applicant is being confined within ninety days from the date
64 35 the disciplinary decision is final. All other applications

65 1 must be filed within three years from the date the conviction
65 2 or decision is final or, in the event of an appeal, from the
65 3 date the writ of procedendo is issued. However, this
65 4 limitation does not apply to a ground of fact or law that
65 5 could not have been raised within the applicable time period.
65 6 Facts within the personal knowledge of the applicant and the
65 7 authenticity of all documents and exhibits included in or
65 8 attached to the application must be sworn to affirmatively as
65 9 true and correct. The supreme court may prescribe the form of
65 10 the application and verification. The clerk shall docket the
65 11 application upon its receipt and promptly bring it to the
65 12 attention of the court and deliver a copy to the county
65 13 attorney and the attorney general.

65 14 Sec. 150. Section 822.5, Code 2005, is amended to read as
65 15 follows:

65 16 822.5 PAYMENT OF COSTS.

65 17 If the applicant is unable to pay court costs and
65 18 stenographic and printing expenses, these costs and expenses
65 19 shall be made available to the applicant in the trial court,
65 20 and on review. Unless the applicant is confined in a state
65 21 institution and is seeking relief under section 822.2,
65 22 ~~subsections 5 and 6~~ subsection 1, paragraphs "e" and "f", the
65 23 costs and expenses of legal representation shall also be made
65 24 available to the applicant in the preparation of the
65 25 application, in the trial court, and on review if the
65 26 applicant is unable to pay. However, nothing in this section
65 27 shall be interpreted to require payment of expenses of legal
65 28 representation, including stenographic, printing, or other
65 29 legal services or consultation, when the applicant is self=
65 30 represented or is utilizing the services of an inmate.

65 31 Sec. 151. Section 822.7, Code 2005, is amended to read as
65 32 follows:

65 33 822.7 COURT TO HEAR APPLICATION.

65 34 The application shall be heard in, and before any judge of
65 35 the court in which the conviction or sentence took place.
66 1 However, if the applicant is seeking relief under section
66 2 822.2, ~~subsection 6~~ 1, paragraph "f", the application shall be
66 3 heard in, and before any judge of the court of the county in
66 4 which the applicant is being confined. A record of the
66 5 proceedings shall be made and preserved. All rules and
66 6 statutes applicable in civil proceedings including pretrial
66 7 and discovery procedures are available to the parties. The
66 8 court may receive proof of affidavits, depositions, oral
66 9 testimony, or other evidence, and may order the applicant
66 10 brought before it for the hearing. If the court finds in
66 11 favor of the applicant, it shall enter an appropriate order
66 12 with respect to the conviction or sentence in the former
66 13 proceedings, and any supplementary orders as to rearraignment,
66 14 retrial, custody, bail, discharge, correction of sentence, or
66 15 other matters that may be necessary and proper. The court
66 16 shall make specific findings of fact, and state expressly its
66 17 conclusions of law, relating to each issue presented. This
66 18 order is a final judgment.

66 19 Sec. 152. Section 822.9, Code 2005, is amended to read as
66 20 follows:

66 21 822.9 APPEAL.

66 22 An appeal from a final judgment entered under this chapter
66 23 may be taken, perfected, and prosecuted either by the
66 24 applicant or by the state in the manner and within the time
66 25 after judgment as provided in the rules of appellate procedure
66 26 for appeals from final judgments in criminal cases. However,
66 27 if a party is seeking an appeal under section 822.2,
66 28 ~~subsection 6~~ 1, paragraph "f", the appeal shall be by writ of
66 29 certiorari.

66 30 Sec. 153. Section 904.513, subsection 3, Code 2005, is
66 31 amended to read as follows:

66 32 3. The department shall adopt rules for the implementation
66 33 of this section. The rules shall include the requirement that
66 34 the treatment programs established pursuant to this chapter
66 35 meet the licensure standards of the ~~division of substance~~
67 1 ~~abuse for~~ the department of public health under chapter 125.
67 2 The rules shall also include provisions for the funding of the
67 3 program by means of self-contribution by the offenders,
67 4 insurance reimbursement on behalf of offenders, or other forms
67 5 of funding, program structure, criteria for the evaluation of
67 6 offenders and programs, and all other issues the director
67 7 shall deem appropriate.

67 8 Sec. 154. Section 914.1, Code 2005, is amended to read as
67 9 follows:

67 10 914.1 POWER OF GOVERNOR.

67 11 The power of the governor under the ~~constitution~~

67 12 Constitution of the State of Iowa to grant a reprieve, pardon,
67 13 commutation of sentence, remission of fines and forfeitures,
67 14 or restoration of the rights of citizenship shall not be
67 15 impaired.

67 16 Sec. 155. 2004 Iowa Acts, chapter 1076, section 1,
67 17 subsection 1, enacting Code section 69.20, subsection 1, is
67 18 amended to read as follows:

67 19 1. A temporary vacancy in an elective office of a
67 20 political subdivision, community college, and hospital board
67 21 of trustees of this state occurs on the date when the person
67 22 filling that office is placed on ~~active~~ state military service
67 23 or federal service, as those terms are defined in section
67 24 29A.1, and when such a person will not be able to attend to
67 25 the duties of that person's elective position for a period
67 26 greater than sixty consecutive days. The temporary vacancy
67 27 terminates on the date when such person is released from such
67 28 service, or the term of office expires.

67 29 Sec. 156. 2005 Iowa Acts, chapter 136, section 20, the
67 30 bill section amending clause, is amended to read as follows:

67 31 SEC. 20. Section 455B.103, ~~subsections~~ subsection 3 and
67 32 subsection 4, unnumbered paragraph 1, Code 2005, are amended
67 33 to read as follows:

67 34 Sec. 157. Section 15.103, subsection 1, paragraph a, as
67 35 enacted by 2005 Iowa Acts, chapter 150, section 4, is amended
68 1 to read as follows:

68 2 a. The Iowa economic development board is created,
68 3 consisting of fifteen voting members appointed by the governor
68 4 and seven ex officio nonvoting members. The ex officio
68 5 nonvoting members are four legislative members; one president,
68 6 or the president's designee, of the university of northern
68 7 Iowa, the university of Iowa, or Iowa state university of
68 8 science and technology designated by the state board of
68 9 regents on a rotating basis; and one president, or the
68 10 president's designee, of a private college or university
68 11 appointed by the Iowa association of independent colleges and
68 12 universities; and one superintendent, or the superintendent's
68 13 designee, of a community college, appointed by the Iowa
68 14 association of community college presidents. The legislative
68 15 members are two state senators, one appointed by the president
68 16 of the senate, after consultation with the majority leader of
68 17 the senate, and one appointed by the minority leader of the
68 18 senate, after consultation with the president of the senate,
68 19 from their respective parties; and two state representatives,
68 20 one appointed by the speaker and one appointed by the minority
68 21 leader of the house of representatives from their respective
68 22 parties. Not more than eight of the voting members shall be
68 23 from the same political party. Beginning with the first
68 24 appointment to the board made after the effective date of this
68 25 division of this Act, at least one voting member shall have
68 26 been less than thirty years of age at the time of appointment.
68 27 The governor shall appoint the voting members of the board for
68 28 a term of four years beginning and ending as provided by
68 29 section 69.19, subject to confirmation by the senate, and the
68 30 governor's appointments shall include persons knowledgeable of
68 31 the various elements of the department's responsibilities.

68 32 Sec. 158. Section 455B.172, subsection 5, unnumbered
68 33 paragraph 2, Code 2005, as amended by 2005 Iowa Acts, chapter
68 34 153, section 2, is amended to read as follows:

68 35 The department shall by rule adopt standards for the
69 1 commercial cleaning of private sewage disposal facilities,
69 2 including but not limited to septic tanks, and for the
69 3 disposal of waste from the facilities. The standards shall
69 4 not be in conflict with the state building code adopted
69 5 pursuant to section 103A.7. A person shall not commercially
69 6 clean such facilities or dispose of waste from such facilities
69 7 unless the person has been issued a license by the department.
69 8 The department shall be exclusively responsible for adopting
69 9 the standards and issuing licenses. However, county boards of
69 10 health shall enforce the standards and licensing requirements
69 11 established by the department. The department may contract
69 12 for the delegation of the authority for inspection of land
69 13 application sites, record reviews, and equipment inspections
69 14 to a county board of health. In the event of entering into
69 15 such a contract, the department shall retain concurrent
69 16 authority over such activities. Application for the license
69 17 shall be made in the manner provided by the department.
69 18 Licenses expire one year from the date of issue unless revoked
69 19 and may be renewed in the manner provided by the department.
69 20 A license application shall include registration applications
69 21 for each vehicle used by the applicant for purposes of
69 22 collecting septage from private sewage disposal facilities and

69 23 each vehicle used by the applicant for purposes of applying
69 24 septage to land. Septic disposal management plans shall be
69 25 submitted to the department and approved annually as a
69 26 condition of licensing and shall also be filed annually with
69 27 the county board of health in the county where a proposed
69 28 septage application site is located. The septic disposal
69 29 management plan shall include, but not be limited to, the
69 30 sites of septage application, the anticipated volume of
69 31 septage applied to each site, the area of each septage
69 32 application site, the type of application to be used at each
69 33 site, the volume of septage expected to be collected from
69 34 private sewage disposal facilities, and a list of registered
69 35 vehicles collecting septage from private sewage disposal
70 1 facilities and applying septage to land. The annual license
70 2 or license renewal fee for a person commercially cleaning
70 3 private sewage disposal facilities shall be established by the
70 4 department based on the volume of septage that is applied to
70 5 land. A septic management fund is created in the state
70 6 treasury under the control of the department. Annual license
70 7 and license renewal fees collected pursuant to this section
70 8 shall be deposited in the septic management fund and are
70 9 appropriated to the department for purposes of contracting
70 10 with county boards of health to conduct land application site
70 11 inspections, record reviews, and septic cleaning equipment
70 12 inspections. A person violating this section or the rules
70 13 adopted pursuant to this section as determined by the
70 14 department is subject to a civil penalty of not more than two
70 15 hundred fifty dollars. The department shall adopt rules
70 16 related to, but not limited to, recordkeeping requirements,
70 17 application procedures and limitations, contamination issues,
70 18 loss of septage, failure to file a septic disposal management
70 19 plan, application by vehicles that are not properly
70 20 registered, wrongful application, and violations of a septic
70 21 disposal management plan. Each day that a violation continues
70 22 constitutes a separate offense. The penalty shall be assessed
70 23 for the duration of time commencing with the time the
70 24 violation begins and ending with the time the violation is
70 25 corrected. The septic disposal management plan may be
70 26 examined to determine the duration of the violation. Moneys
70 27 collected by the department from the imposition of civil
70 28 penalties shall be deposited in the general fund of the state.
70 29 Moneys collected by a county board of health from the
70 30 imposition of civil penalties shall be deposited in the
70 31 general fund of the county.

70 32 Sec. 159. 2005 Iowa Acts, chapter 179, section 14,
70 33 unnumbered paragraph 1, is amended to read as follows:

70 34 There is appropriated from the general fund of the state to
70 35 the homeland security and emergency management division of the
71 1 department of public ~~safety~~ defense for the fiscal year
71 2 beginning July 1, 2005, and ending June 30, 2006, the
71 3 following amount, or so much thereof as is necessary, to be
71 4 used for the purpose designated:

71 5 Sec. 160. 2005 Iowa Acts, chapter 179, section 48, is
71 6 amended to read as follows:

71 7 SEC. 48. HEALTH FACILITIES ~~COUNCIL~~ DIVISION. If 2005 Iowa
71 8 Acts, House File 810, is enacted and includes an appropriation
71 9 from the general fund of the state to the department of
71 10 inspections and appeals for the health facilities ~~council~~
71 11 division for the fiscal year beginning July 1, 2005, and
71 12 ending June 30, 2006, any provision of that appropriation
71 13 designating the use of \$80,000 and a full-time equivalent
71 14 position for a particular purpose shall not be applied.

71 15 Sec. 161. Section 12B.6, as enacted by 2005 Iowa Acts,
71 16 chapter 179, section 98, is amended to read as follows:

71 17 12B.6 CERTAIN PUBLIC FUNDS OF POLITICAL SUBDIVISIONS.

71 18 All funds received, expended, or held by an association of
71 19 elected county officers before, on, or after the effective
71 20 date of this division of this Act, to implement a state=
71 21 authorized program, are subject to audit by the auditor of
71 22 state at the request of the government oversight committees or
71 23 the legislative council. All such funds received or held on
71 24 and after July 1, 2005, shall be deposited in a fund in the
71 25 office of the treasurer of state.

71 26 Sec. 162. The section of this Act amending section 147.7
71 27 is repealed effective July 1, 2008.

71 28 Sec. 163. EFFECTIVE DATES.

71 29 1. The section of this Act amending 2004 Acts, ch 1076,
71 30 section 1, being deemed of immediate importance, takes effect
71 31 upon enactment and applies retroactively to April 14, 2004.

71 32 2. The sections of this Act amending 2005 Acts, ch 136,
71 33 section 20; section 15.103, as amended by 2005 Acts, ch 150,

71 34 section 4; section 455B.172, as amended by 2005 Acts, ch 153,
71 35 section 2; 2005 Acts, ch 179, section 14; and 2005 Acts, ch
72 1 179, section 48, being deemed of immediate importance, take
72 2 effect upon enactment and apply retroactively to July 1, 2005.
72 3 3. The section of this Act amending section 12B.6, as
72 4 enacted by 2005 Acts, ch 179, section 98, being deemed of
72 5 immediate importance, takes effect upon enactment and applies
72 6 retroactively to June 16, 2005.

72 7 EXPLANATION

72 8 This bill makes Code changes and corrections that are
72 9 considered to be nonsubstantive and noncontroversial, in
72 10 addition to style changes. Changes made include updating or
72 11 correcting various names of and references to public and
72 12 private entities and funds, correcting internal Code and
72 13 subject matter references, and making various grammatical
72 14 corrections. The Code sections in which the technical,
72 15 grammatical, and other nonsubstantive changes are made include
72 16 all of the following:

72 17 Code sections 2.1, 3.7, 3.14, 7.15, 16.2; section 42.3,
72 18 subsection 4, paragraph "a"; sections 42.4, 49.3, 55.3, 99G.8,
72 19 99G.21, 218.2, 257B.12, 261A.14, 331.301, 364.1, 364.2,
72 20 512A.10, 512B.13, 729.1, and 914.1: Standardizes

72 21 nonconforming references to the Constitution of the State of
72 22 Iowa in various provisions throughout the Code to facilitate
72 23 hypertext linkage in electronic publications of the Code.

72 24 Code section 9G.12: Updates the citation form used to
72 25 refer to an Act of Congress pertaining to title to certain
72 26 railroad lands to conform the citation to standard citation
72 27 form.

72 28 Code section 13.24: Updates citations to an 1986 Iowa Act
72 29 in a provision pertaining to legal services providers in farm
72 30 mediation cases under the farm assistance program in the
72 31 department of justice, to eliminate future electronic
72 32 hypertext linkage problems.

72 33 Code section 15.274: Replaces references to 2005 Iowa Acts
72 34 provisions establishing certified cultural and entertainment
72 35 districts with a reference to Code section 303.3B, the
73 1 codified provision directing the department of cultural
73 2 affairs to establish a cultural and entertainment district
73 3 certification program.

73 4 Code section 15A.9: Adds the word "former" to a reference
73 5 to section 427A.1 of the 1993 Code to eliminate an electronic
73 6 hypertext linkage problem in a provision relating to property
73 7 tax exemptions for property located in areas designated as
73 8 quality jobs enterprise zones.

73 9 Code section 15G.111: Strikes the words "if so amended" in
73 10 two places following references to chapter 262B in provisions
73 11 appropriating money from the grow Iowa values fund for
73 12 purposes of Code chapter 262B, relating to commercialization
73 13 of research. Code chapter 262B was amended in the manner
73 14 described in 2005 Iowa Acts, chapter 150. The bill also
73 15 conforms references to subsections within Code section 15E.232
73 16 to changes made in similar provisions.

73 17 Code section 15H.2: Strikes the word "and" to correct a
73 18 reference to the retired senior volunteer program.

73 19 Code section 16.15: Updates and standardizes references to
73 20 federal Acts and United States Code provisions in language
73 21 relating to housing assistance payments by the Iowa finance
73 22 authority.

73 23 Code section 22.3: Substitutes the phrase "examination and
73 24 copying" for the word "work" and eliminates a redundant
73 25 reference to "the work" to agree with other usages of the
73 26 phrase "examination and copying" in a provision relating to
73 27 the examination and copying of public records.

73 28 Code section 28.4: Adds the word "staff" to complete the
73 29 phrase "early care staff" as used throughout a provision
73 30 relating to the Iowa empowerment board's duties regarding
73 31 early care services.

73 32 Code sections 28J.2 and 28J.20: Corrects grammatical
73 33 errors in provisions allowing two or more political
73 34 subdivisions to create a port authority and allowing a port
73 35 authority to make loans for the acquisition or construction of
74 1 certain facilities within the port authority's jurisdiction.

74 2 Code section 29A.3: Corrects a reference to the army
74 3 national guard of the United States in a provision relating to
74 4 the organization of units, detachments, and organizations of
74 5 the guard.

74 6 Code sections 42.2, subsection 3, and 42.3, subsection 4,
74 7 paragraph "b": Updates and standardizes references to federal
74 8 public laws that relate to legislative redistricting.

74 9 Code section 49.46: Strikes a check mark symbol following

74 10 the words "a check mark" in a provision relating to marking of
74 11 ballots. The symbol does not exist in the computer database
74 12 used for the Code of Iowa.

74 13 Code sections 63A.2, 446.20, 446.38, and 483A.24: Corrects
74 14 references to the state supplementary assistance program in
74 15 provisions relating to persons permitted to administer oaths,
74 16 to tax sales, and to when hunting, fishing, or trapping
74 17 licenses are not required.

74 18 Code section 68A.404: Corrects the grammatical structure
74 19 of a provision relating to the requirement to file independent
74 20 expenditure statements under the campaign finance laws.

74 21 Code section 69.20: Corrects a grammatical error in a
74 22 provision relating to temporary vacancies in local elective
74 23 offices.

74 24 Code section 80.22: Substitutes the abbreviation "ch." for
74 25 the word "chapter" in a reference to 1939 Iowa Acts, chapter
74 26 120, to eliminate incorrect electronic hypertext linkage to
74 27 Code chapter 120.

74 28 Code section 80.33: Corrects a grammatical error in a
74 29 provision relating to peace officers' access to drug records.

74 30 Code sections 85.34, 191.2, 306C.24, 321.10, 321.210C,
74 31 321J.2, 327C.5, 437A.15, and 598.21G: Eliminates specific
74 32 references to the Code section or chapter within which the
74 33 reference is made.

74 34 Code section 96.12: Updates and standardizes references to
74 35 a federal Act and United States Code provisions regarding the
75 1 provision of state employment services.

75 2 Code section 97A.1: Makes a language change in a provision
75 3 referring to Code section 80.15 to agree with changes made to
75 4 that section in 2005.

75 5 Code section 97A.3: Adds references to predecessor
75 6 divisions or subunits in language relating to retirement
75 7 system membership of persons employed by certain divisions and
75 8 subunits of the department of public safety on July 4, 1949.
75 9 The names of the divisions of the department of public safety
75 10 specified in this provision were updated in 2005 by 2005 Iowa
75 11 Acts, ch 35.

75 12 Section 135B.1: Updates and standardizes references to a
75 13 federal Act in a definition of the term "hospital" in a Code
75 14 chapter governing the regulation of hospitals.

75 15 Code section 141A.11: Substitutes the words "department of
75 16 health and human services" for the words "public health
75 17 service" in a reference to the federal centers for disease
75 18 control and prevention.

75 19 Code section 147.7: Makes a grammatical change to clarify
75 20 that a person recognized for licensure in this state under
75 21 either the nurse licensure compact or the advanced practice
75 22 registered nurse compact shall meet the requirement contained
75 23 in the provision requiring a person to maintain a copy of the
75 24 person's out-of-state license. This section of the bill is
75 25 repealed July 1, 2008, when the latest enacted compact is
75 26 repealed.

75 27 Code section 152D.4: Corrects a grammatical error in a
75 28 provision making Code chapter 152D, regulating athletic
75 29 trainers, inapplicable to licensed physician assistants who do
75 30 not represent themselves to the public as athletic trainers.

75 31 Code section 163.27: Substitutes the words "two hundred
75 32 twelve degrees Fahrenheit" for the figures "212 F" and the
75 33 degree symbol. The degree symbol does not exist in the
75 34 computer database used for the Code of Iowa.

75 35 Code section 176A.2: Updates and standardizes references
76 1 to a federal Act in provisions relating to the provision of
76 2 county agricultural extension services.

76 3 Code section 177A.12: Updates language and standardizes a
76 4 reference to a federal Act in provisions relating to the
76 5 establishment of quarantines by the state entomologist.

76 6 Code section 184.9B: Makes a grammatical change to
76 7 eliminate the word "it" in this provision relating to the
76 8 duties of the Iowa egg council.

76 9 Code sections 207.1, 207.8, 207.16, and 207.19:
76 10 Standardizes several references to the federal Surface Mining
76 11 Control and Reclamation Act of 1977 and one reference to a
76 12 former Iowa Code provision under which coal mining operation
76 13 permits were issued in provisions relating to the
76 14 implementation in Iowa of that federal Act.

76 15 Code section 216.13: Standardizes a reference to a federal
76 16 Act in the civil rights chapter in language relating to
76 17 adjustments to a retirement benefit test based on regulations
76 18 issued pursuant to that federal Act.

76 19 Code sections 123.53, 216A.132, 235C.2, 321J.3, and
76 20 904.513: Replaces references to the division of substance

76 21 abuse within the Iowa department of public health with
76 22 appropriate references to the department and its duties under
76 23 Code chapter 125, relating to chemical substance abuse. The
76 24 division no longer exists within the department.
76 25 Code section 226.19: Makes a grammatical change by
76 26 substituting the words "Every patient" for the words "All
76 27 patients" in a provision relating to the discharge of state
76 28 mental health institute patients.
76 29 Code section 231.23A: Corrects a reference to the case
76 30 management program for frail elders in a provision relating to
76 31 programs administered by the department of elder affairs.
76 32 Code sections 231B.2 and 231C.3: Makes punctuation changes
76 33 for readability in provisions directing the department of
76 34 elder affairs to adopt minimum standards for the regulation of
76 35 elder group homes and assisted living programs.
77 1 Code sections 231B.13, 231C.13, and 231D.12: Makes
77 2 grammatical changes for readability in provisions prohibiting
77 3 an elder group home, assisted living program, or adult day
77 4 services program from discriminating or retaliating against a
77 5 tenant, participant, or employee who initiates a proceeding
77 6 under the applicable Code chapter.
77 7 Code section 237A.30: Substitutes the word "webpage" for
77 8 "page" in a provision allowing a child care facility's quality
77 9 rating pursuant to the voluntary quality rating system to be
77 10 included on the department of human services internet webpage
77 11 providing child care information to consumers, in order to be
77 12 consistent with other usages of the term.
77 13 Code section 249.1: Updates a reference to a federal Act
77 14 that amends Title XVI of the Social Security Act in a
77 15 definition contained in the state supplementary assistance
77 16 chapter.
77 17 Code section 257.33: Adds an additional reference to the
77 18 1991 Iowa Code after a citation to former Code chapter 442 and
77 19 deletes language that appeared after a citation to former Code
77 20 section 279.43 and that indicated that former Code chapter 442
77 21 and Code section 279.43 appeared in the 1991 Code, in
77 22 provisions relating to voter approval of the use of an
77 23 additional enrichment amount under former provisions in the
77 24 school funding formula. The change eliminate a problem
77 25 experienced with hypertext linkages in the electronic version
77 26 of this Code section.
77 27 Code section 276.10: Updates a reference to a federal Act
77 28 in a provision relating to establishment of community
77 29 education programs by school boards.
77 30 Code section 306A.3: Specifies that the department
77 31 referenced in a provision directing the department to adopt
77 32 rules embodying a utility accommodation policy is the state
77 33 department of transportation. The term "department" is not
77 34 defined for purposes of Code chapter 306A.
77 35 Code section 307.26: Standardizes a reference to a federal
78 1 Act in a provision relating to the duties of the state
78 2 administrator for rail and water as they relate to that
78 3 federal Act.
78 4 Code section 308.3: Standardizes a reference to a federal
78 5 Act in definitions relating to the establishment of the
78 6 Mississippi river parkway.
78 7 Code section 312.3B: Adds the word "fund" in the phrase
78 8 "farm-to-market road distributions" to clarify that
78 9 distributions are made from the farm-to-market road fund.
78 10 Code section 321.69: Strikes the words "of the title" in a
78 11 provision regulating the placement of language relating to the
78 12 status of a vehicle as wrecked or salvage on the certificate
78 13 of title and registration receipt to agree with language used
78 14 elsewhere in the Code section.
78 15 Code section 331.756: Replaces a reference to the division
78 16 of beer and liquor law enforcement with a reference to the
78 17 department of public safety in a provision directing the
78 18 county attorney to assist the division in the enforcement of
78 19 beer and liquor laws. The division no longer exists.
78 20 Code section 403.5: Standardizes references to a federal
78 21 Act relating to certification of need for disaster assistance
78 22 in provisions relating to approval of urban renewal plans or
78 23 projects.
78 24 Code section 414.14: Makes a grammatical change for
78 25 readability in a provision requiring the majority vote of a
78 26 city's board of adjustment to reverse an order of an
78 27 administrative official.
78 28 Code sections 421.1, 422.75, 425.7, 426A.6, and 429.2:
78 29 Updates language relating to the state board of tax review by
78 30 internally renumbering the Code section, adding numerical Code
78 31 chapter and subchapter references to a reference by name to

78 32 the Iowa merit system, and by correcting references to Code
78 33 421.1 in other Code sections. The update also moves language
78 34 describing the manner in which hearings and appeals are to be
78 35 conducted by the state board of tax review to a separate
79 1 subsection from the provision enumerating the board's duty to
79 2 advise and counsel with the director of revenue. The
79 3 subsection paragraph containing the language describing the
79 4 board's duty to advise and counsel is also updated to include
79 5 a reference to the conducting of hearings and appeals in
79 6 accordance with the language that was moved to the separate
79 7 subsection.

79 8 Code section 422.1: Updates references in an introductory
79 9 Code section in Code chapter 422, relating to the taxation of
79 10 income, to reflect the repeal and transfer of retail sales tax
79 11 provisions to Code chapter 423 and the addition of a chapter
79 12 division pertaining to livestock production tax credits to
79 13 this Code chapter.

79 14 Code section 422.16: Standardizes citations to the federal
79 15 Tax Reform Act of 1976 in language relating to the withholding
79 16 of income tax by the Iowa department of revenue.

79 17 Code section 423A.3: Substitutes the term "renting" for
79 18 "rental" in two places in a provision imposing a state hotel
79 19 and motel tax. The defined term for purposes of the Code
79 20 chapter is "renting".

79 21 Code sections 423B.5 and 423E.3: Eliminates superfluous
79 22 language in provisions relating to the imposition of local
79 23 sales and services taxes.

79 24 Code section 426A.13: Makes a grammatical change for
79 25 readability in a provision relating to a person making a claim
79 26 for a military property tax exemption.

79 27 Code section 432.12F: Corrects a reference to the name of
79 28 the economic development region revolving fund contribution
79 29 tax credit in a provision authorizing the reduction of the
79 30 insurance companies tax by the amount of the credit.

79 31 Code section 437A.3: Inserts a reference to "Code 1997"
79 32 after several internal Code references to clarify that each
79 33 reference is from the 1997 Code and to avoid incorrect
79 34 electronic hypertext linkages to the current Code provisions.

79 35 Code section 445.5: Adds the words "or entity" following
80 1 the words "such person" in a provision allowing a property
80 2 titleholder to have the tax statement for the property
80 3 delivered to another person or entity to agree with another
80 4 usage in the provision.

80 5 Code section 455A.4: Eliminates references to specific
80 6 subchapters of Code chapter 459 in a provision directing the
80 7 director of the department of natural resources to provide
80 8 overall supervision of functions to be administered under
80 9 certain Code provisions.

80 10 Code section 455G.4: Clarifies that the Iowa comprehensive
80 11 petroleum underground storage tank fund board shall
80 12 "establish" procedures for investigating and settling claims
80 13 made against the fund.

80 14 Code section 456A.27: Standardizes a reference to a
80 15 federal wildlife restoration Act and deletes a hyphen in the
80 16 word "cooperative" in language relating to the implementation
80 17 of the federal Act by the Iowa department of natural
80 18 resources.

80 19 Code section 459A.102: Adds the lead-in language "As used
80 20 in this chapter, unless the context otherwise requires:"
80 21 preceding several terms defined for use in Code chapter 459A.

80 22 Code section 466A.3: Clarifies that the legislative
80 23 members of the watershed improvement review board are in
80 24 addition to appointed members of the board.

80 25 Code section 468.378: Standardizes a reference to the
80 26 federal bankruptcy Act in language relating to the power of
80 27 drainage and levee districts to incur indebtedness and
80 28 otherwise make use of the provisions contained in the
80 29 referenced federal Act.

80 30 Code section 476.1D: Adds the word "line" in the term
80 31 "single flat-rated" in two places in a provision relating to
80 32 the regulation and deregulation of communications services to
80 33 agree with other usages of the term throughout the provision.

80 34 Code section 481B.2: Standardizes a reference to a federal
80 35 Act pertaining to endangered and threatened species in a
81 1 provision in the Code chapter pertaining to endangered plants
81 2 and wildlife.

81 3 Code section 490.1701: Eliminates two references to Code
81 4 chapter 176 in a provision relating to the application of Code
81 5 chapter 490 to business corporations regulated under Code
81 6 chapter 504, the nonprofit corporation Act. Code chapter 176
81 7 was repealed in 2005.

81 8 Code section 490A.1201: Corrects a drafting error by
81 9 striking the words "As used in this section" in a provision
81 10 defining the term "constituent entity" for purposes of certain
81 11 designated Code sections in the Code chapter relating to
81 12 limited liability companies.

81 13 Code section 501A.504: Strikes a reference to section
81 14 501A.503 and substitutes a reference to section 501A.201 in a
81 15 provision requiring an amendment to a cooperative
81 16 association's articles of organization to be filed with the
81 17 secretary of state. The filing requirements are contained in
81 18 Code section 501A.201.

81 19 Code sections 501A.601, 501A.715, 501A.1008, and 501A.1104:
81 20 Makes changes related to grammatical drafting errors in
81 21 provisions relating to the power of a cooperative association
81 22 to deal in certain commodities and products, the election of a
81 23 cooperative association's board of directors, indemnification
81 24 of a person by a cooperative association in certain
81 25 situations, regulation of the membership interests of a class
81 26 or series by a cooperative association, allocations and
81 27 distributions of net income to members of a cooperative
81 28 association, reversion of disbursements, and conversion of a
81 29 traditional cooperative to a cooperative.

81 30 Code section 501A.1101(2): Clarifies that a plan for
81 31 merger or consolidation of a cooperative association that is
81 32 an Iowa limited liability company must state the manner and
81 33 basis for converting interests in the "Iowa limited liability
81 34 company that is a party" rather than the "surviving Iowa
81 35 limited liability company".

82 1 Code section 507A.2: Standardizes references to a federal
82 2 Act in a provision relating to the regulation of unauthorized
82 3 insurers by the insurance division of the department of
82 4 commerce.

82 5 Code section 507B.1: Standardizes references to a federal
82 6 Act in a provision relating to regulation of insurance trade
82 7 practices.

82 8 Code section 511.8: Updates and standardizes references to
82 9 several federal Acts in provisions relating to the types of
82 10 permissible investments that may be made by life insurance
82 11 companies and associations.

82 12 Code section 514B.3: Standardizes a reference to a federal
82 13 Act in a provision relating to applications for certificates
82 14 of authority by health maintenance organizations.

82 15 Code sections 518.14 and 518A.12: Substitutes "including"
82 16 for "include" for grammatical correctness in provisions
82 17 relating to investments by county and state mutual insurance
82 18 associations.

82 19 Code section 518B.1: Standardizes a reference to the
82 20 federal Housing and Urban Development Act in provisions
82 21 relating to the implementation of the riot reinsurance
82 22 program.

82 23 Code section 523.13: Standardizes a reference to the
82 24 federal Securities Exchange Act of 1934 in a provision
82 25 relating to the registration of certain securities of domestic
82 26 stock companies.

82 27 Code sections 523C.1 and 523C.9: Replaces the word
82 28 "commission" with the word "commissioner" in language relating
82 29 to licensure of service companies performing services under a
82 30 residential service contract and issuance of orders relating
82 31 to residential service contracts. The commissioner of
82 32 insurance issues such licenses and orders.

82 33 Code section 523I.103: Substitutes the words "the
82 34 person's" for "its" to agree with the subject "a foreign
82 35 person" in a provision relating to the applicability of the
83 1 Iowa cemetery Act.

83 2 Code section 523I.601: Makes a grammatical change in
83 3 language relating the interment space in which the body of a
83 4 deceased person is buried to make the reference to interment
83 5 spaces agree with the singular use of the word "body" and the
83 6 practice of burying bodies "in" and not "upon" interment
83 7 spaces.

83 8 Code section 524.1416: Adds the word "and" to the last
83 9 item in a series that describes the requirements that a state
83 10 bank must follow when converting into a national bank or
83 11 federal savings association.

83 12 Code section 533.3: Updates references to two federal Acts
83 13 in language describing what entities may use the term "credit
83 14 union" or any derivation of that term in the entity name while
83 15 doing business in this state.

83 16 Code section 591.11: Strikes the words "of the" and adds a
83 17 comma in a reference to former 1954 Code section 491.20 to
83 18 eliminate electronic hypertext linkage problems in this

83 19 provision relating to notices of amendments to articles of
83 20 incorporation of business corporations.
83 21 Code section 602.10125: Changes the word "chapter" to
83 22 "ch." in a reference to an Iowa court rule to avoid electronic
83 23 hypertext linkage problems in a provision relating to actions
83 24 involving the regulation of the activities of attorneys and
83 25 counselors.
83 26 Code section 633.3: In several provisions defining terms
83 27 for purposes of the probate code, clarifies that Code section
83 28 633.10 describes certain types of trusts rather than defining
83 29 the term "trust".
83 30 Code sections 633.10 and 633.699B: Adds a numeric
83 31 reference to Code chapter 633A where the trust Code is
83 32 referred to by name to facilitate electronic hypertext linkage
83 33 to that Code chapter.
83 34 Code section 679C.103: Corrects a grammatical error in a
83 35 provision describing the scope of Code chapter 679C, relating
84 1 to mediation.
84 2 Code section 679C.104: Adds the words "the privilege" in
84 3 language providing that a mediation communication is
84 4 privileged to clarify that is the privilege that can be waived
84 5 or precluded rather than the communication.
84 6 Code section 692B.2: Standardizes references to federal
84 7 Acts in the interstate crime prevention and privacy compact.
84 8 Code section 725.12: Updates archaic language in a
84 9 provision prohibiting certain lottery activities.
84 10 Code sections 822.2, 822.3, 822.5, 822.7, and 822.9:
84 11 Updates an obsolete drafting style by moving qualifying
84 12 language to an introductory paragraph and renumbering and
84 13 relettering provisions in Code section 822.2 and by changing
84 14 internal references to that Code section in other locations in
84 15 the same chapter to correspond with the number and lettering
84 16 changes made in Code section 822.2.
84 17 2005 Iowa Acts, chapter 136: Corrects the bill section
84 18 amending clause to this 2005 Iowa Act to clarify that only
84 19 unnumbered paragraph 1 of subsection 4 of Code section
84 20 455B.103 was amended in that section of that Act. This
84 21 provision is effective upon enactment and is retroactively
84 22 applicable to July 1, 2005.
84 23 2005 Iowa Acts, chapter 150: Adds a reference to the
84 24 division of the Act within which these 2005 changes to Code
84 25 section 15.103 can be found. 2005 Iowa Acts, chapter 150
84 26 contained multiple effective dates, but when these changes to
84 27 Code section 15.103 were codified, the effective date of the
84 28 division of the Act in which these changes were found was
84 29 substituted for references to the Act's effective date. This
84 30 provision is effective upon enactment and is retroactively
84 31 applicable to July 1, 2005.
84 32 2004 Iowa Acts, chapter 1076: Updates a 2004 Act to
84 33 reflect an editorial change made to a term of art in Code
84 34 section 69.20 at the time the Code section was codified. The
84 35 term "active state service" was changed to "state military
85 1 service" in 2004 Iowa Acts, ch 1086, in Code provisions
85 2 existing prior to 2004 and this change conforms this Act to
85 3 those changes and the language of Code section 69.20 as
85 4 codified. This provision is effective upon enactment and
85 5 applies retroactively to April 14, 2004.
85 6 2005 Iowa Acts, chapter 153: Adds the word "with" to
85 7 language describing the duration of time for which a penalty
85 8 should be assessed for violations by private sewage disposal
85 9 facilities. The word "with" was included in otherwise
85 10 identical language in amendments to other subsections in Code
85 11 section 455B.172 contained in this same Act. This provision
85 12 is effective upon enactment and is retroactively applicable to
85 13 July 1, 2005.
85 14 2005 Iowa Acts, chapter 179, section 14: Corrects a
85 15 reference to the department of public safety in a provision
85 16 appropriating moneys to the homeland security and emergency
85 17 management division. The division is part of the department
85 18 of public defense rather than the department of public safety.
85 19 This provision is effective upon enactment and is
85 20 retroactively applicable to July 1, 2005.
85 21 2005 Iowa Acts, chapter 179, section 48: Changes "health
85 22 facilities council" to "health facilities division" in two
85 23 places in a provision relating to the applicability of another
85 24 2005 Iowa Acts provision appropriating funds to the department
85 25 of inspections and appeals for the division. The proper name
85 26 of the body is the health facilities division. This provision
85 27 is effective upon enactment and is retroactively applicable to
85 28 July 1, 2005.
85 29 2005 Iowa Acts, chapter 179, section 98: Adds a reference

85 30 to the division of the Act within which these 2005 changes to
85 31 Code section 12B.6 can be found. 2005 Iowa Acts, chapter 179
85 32 contained multiple effective dates, but when these changes to
85 33 Code section 12B.6 were codified, the effective date of the
85 34 division of the Act in which these changes were found was
85 35 substituted for references to the Act's effective date. This
86 1 provision is effective upon enactment and is retroactively
86 2 applicable to June 16, 2005.
86 3 LSB 5471HC 81
86 4 nh:rj/gg/14.3