

# Senate Study Bill 1088

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CO=CHAIRPERSONS KREIMAN  
AND MILLER)

Passed Senate, Date \_\_\_\_\_ Passed House, 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 1052SC 81  
5 lh/gg/14

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1 1 Section 1. Section 4.1, subsection 39, unnumbered  
1 2 paragraph 1, Code 2005, is amended to read as follows:  
1 3 The words "written" and "in writing" may include any mode  
1 4 of representing words or letters in general use, and include  
1 5 an electronic record as defined in section 554D.103. A  
1 6 signature, when required by law, must be made by the writing  
1 7 or markings of the person whose signature is required.  
1 8 "Signature" includes an electronic ~~or digital~~ signature as  
1 9 defined in section 554D.103. If a person is unable due to a  
1 10 physical disability to make a written signature or mark, that  
1 11 person may substitute either of the following in lieu of a  
1 12 signature required by law:  
1 13 Sec. 2. Section 10B.4, subsection 1, Code 2005, is amended  
1 14 to read as follows:  
1 15 1. A biennial report shall be filed by a reporting entity  
1 16 with the secretary of state on or before March 31 of each odd=  
1 17 numbered year as required by rules adopted by the secretary of  
1 18 state pursuant to chapter 17A. However, a reporting entity  
1 19 required to file a biennial report pursuant to chapter 490,  
1 20 496C, 497, 498, 499, 501, 504, or 504A shall file the report  
1 21 required by this section in the same year as required by that  
1 22 chapter. The reporting entity may file the report required by  
1 23 this section together with the biennial report required to be  
1 24 filed by one of the other chapters referred to in this  
1 25 subsection. The reports shall be filed on forms prepared and  
1 26 supplied by the secretary of state. The secretary of state  
1 27 may provide for combining its reporting forms with other  
1 28 biennial reporting forms required to be used by the reporting  
1 29 entities.  
1 30 Sec. 3. Section 10B.7, unnumbered paragraph 1, Code 2005,  
1 31 is amended to read as follows:  
1 32 Lessees of agricultural land under section 9H.4, subsection  
1 33 2, paragraph "c", for research or experimental purposes, shall  
1 34 file a biennial report with the secretary of state on or  
1 35 before March 31 of each odd-numbered year on forms adopted  
2 1 pursuant to chapter 17A and supplied by the secretary of  
2 2 state. However, a lessee required to file a biennial report  
2 3 pursuant to chapter 490, 496C, 497, 498, 499, 501, 504, or  
2 4 504A shall file the report required by this section in the  
2 5 same year as required by that chapter. The lessee may file  
2 6 the report required by this section together with the biennial  
2 7 report required to be filed by one of the other chapters  
2 8 referred to in this paragraph. The report shall contain the  
2 9 following information for the reporting period:  
2 10 Sec. 4. Section 10C.6, subsection 1, paragraph a,  
2 11 unnumbered paragraph 1, Code 2005, is amended to read as  
2 12 follows:  
2 13 A life science enterprise may acquire or hold agricultural  
2 14 land, notwithstanding section 10C.5, ~~as that section exists in~~  
~~2 15 the 2005 Code 2005~~, if all of the following apply:

2 16 Sec. 5. Section 10C.6, subsection 1, paragraph a,  
2 17 subparagraph (2), Code 2005, is amended to read as follows:  
2 18 (2) The enterprise acquires or holds the agricultural land  
2 19 pursuant to chapter 10C, ~~as that chapter exists in the 2005~~  
2 20 Code 2005.

2 21 Sec. 6. Section 10C.6, subsection 2, unnumbered paragraph  
2 22 1, Code 2005, is amended to read as follows:  
2 23 A person who is a successor in interest to a life science  
2 24 enterprise may acquire or hold agricultural land,  
2 25 notwithstanding section 10C.5, ~~as that section exists in the~~  
2 26 ~~2003~~ Code ~~or~~ 2003 or Code Supplement 2003, if all of the  
2 27 following apply:

2 28 Sec. 7. Section 10C.6, subsection 2, paragraph a, Code  
2 29 2005, is amended to read as follows:  
2 30 a. The person meets the qualifications of a life science  
2 31 enterprise and acquires or holds the agricultural land as  
2 32 provided in chapter 10C, ~~as that chapter exists in the 2003~~  
2 33 Code ~~or~~ 2003 or Code Supplement 2003.

2 34 Sec. 8. Section 12.71, subsections 1 and 7, Code 2005, are  
2 35 amended to read as follows:  
3 1 1. The treasurer of state may issue bonds upon the request  
3 2 of the vision Iowa board created in section 15F.102 and do all  
3 3 things necessary with respect to the purposes of the vision  
3 4 Iowa fund. The treasurer of state shall have all of the  
3 5 powers which are necessary to issue and secure bonds and carry  
3 6 out the purposes of the fund. The treasurer of state may  
3 7 issue bonds in principal amounts which, in the opinion of the  
3 8 board, are necessary to provide sufficient funds for the  
3 9 vision Iowa fund created in section 12.72, the payment of  
3 10 interest on the bonds, the establishment of reserves to secure  
3 11 the bonds, the costs of issuance of the bonds, other  
3 12 expenditures of the treasurer of state incident to and  
3 13 necessary or convenient to carry out the bond issue for the  
3 14 fund, and all other expenditures of the board necessary or  
3 15 convenient to administer the fund; provided, however,  
3 16 excluding the issuance of refunding bonds, bonds issued  
3 17 pursuant to this section shall not be issued in an aggregate  
3 18 principal amount which exceeds three hundred million dollars.  
3 19 The bonds are investment securities and negotiable instruments  
3 20 within the meaning of and for purposes of the uniform  
3 21 commercial code, chapter 554.

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

3 26 Sec. 9. Section 12.81, subsections 1 and 7, Code 2005, are  
3 27 amended to read as follows:  
3 28 1. The treasurer of state may issue bonds for purposes of  
3 29 the school infrastructure program established in section  
3 30 292.2. Excluding the issuance of refunding bonds, the  
3 31 treasurer of state shall not issue bonds which result in the  
3 32 deposit of bond proceeds of more than fifty million dollars  
3 33 into the school infrastructure fund. The treasurer of state  
3 34 shall have all of the powers which are necessary to issue and  
3 35 secure bonds and carry out the purposes of the fund. The  
4 1 treasurer of state may issue bonds in principal amounts which  
4 2 are necessary to provide funds for the fund as provided by  
4 3 this section, the payment of interest on the bonds, the  
4 4 establishment of reserves to secure the bonds, the costs of  
4 5 issuance of the bonds, other expenditures of the treasurer of  
4 6 state incident to and necessary or convenient to carry out the  
4 7 bond issue for the fund, and all other expenditures of the  
4 8 treasurer of state necessary or convenient to administer the  
4 9 fund. The bonds are investment securities and negotiable  
4 10 instruments within the meaning of and for purposes of the  
4 11 uniform commercial code, chapter 554.

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

4 16 Sec. 10. Section 12E.11, subsection 2, Code 2005, is  
4 17 amended to read as follows:  
4 18 2. The authority may issue its bonds in principal amounts  
4 19 which, in the opinion of the authority, are necessary to  
4 20 provide sufficient funds for achievement of its purposes, the  
4 21 payment of interest on its bonds, the establishment of  
4 22 reserves to secure the bonds, the costs of issuance of its  
4 23 bonds, and all other expenditures of the authority incident to  
4 24 and necessary to carry out its purposes or powers. The bonds  
4 25 are investment securities and negotiable instruments within  
4 26 the meaning of and for the purposes of the uniform commercial

4 27 code, chapter 554.

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

4 30 12E.16 BANKRUPTCY.

4 31 Prior to the date which is three hundred sixty-six days  
4 32 after which the authority no longer has any bonds outstanding,  
4 33 the authority is prohibited from filing a voluntary petition  
4 34 under chapter ~~9~~ nine of the federal bankruptcy code, 11 U.S.C.  
4 35 } 901 et seq., or such corresponding chapter or section as  
5 1 may, from time to time, be in effect, and a public official or  
5 2 organization, entity, or other person shall not authorize the  
5 3 authority to be or become a debtor under chapter ~~9~~ nine or any  
5 4 successor or corresponding chapter or sections during such  
5 5 periods. The provisions of this section shall be part of any  
5 6 contractual obligation owed to the holders of bonds issued  
5 7 under this chapter. Any such contractual obligation shall not  
5 8 subsequently be modified by state law, during the period of  
5 9 the contractual obligation.

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

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

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

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

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

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

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

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

6 25 The purposes of ~~the Iowa administrative procedure Act~~ this  
6 26 chapter are: To provide legislative oversight of powers and  
6 27 duties delegated to administrative agencies; to increase  
6 28 public accountability of administrative agencies; to simplify  
6 29 government by assuring a uniform minimum procedure to which  
6 30 all agencies will be held in the conduct of their most  
6 31 important functions; to increase public access to governmental  
6 32 information; to increase public participation in the  
6 33 formulation of administrative rules; to increase the fairness  
6 34 of agencies in their conduct of contested case proceedings;  
6 35 and to simplify the process of judicial review of agency  
7 1 action as well as increase its ease and availability. In  
7 2 accomplishing its objectives, the intention of this chapter is

7 3 to strike a fair balance between these purposes and the need  
7 4 for efficient, economical and effective government  
7 5 administration. The chapter is not meant to alter the  
7 6 substantive rights of any person or agency. Its impact is  
7 7 limited to procedural rights with the expectation that better  
7 8 substantive results will be achieved in the everyday conduct  
7 9 of state government by improving the process by which those  
7 10 results are attained.

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

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

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

7 25 29B.82 DESERTION.

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

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

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

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

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

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

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

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

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

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

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

8 32 76.16 DEBTOR STATUS PROHIBITED.

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

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

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

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

9 16 b. If the member has not attained seventy years of age,  
9 17 has terminated all employment covered under ~~the this~~ chapter  
9 18 or formerly covered under ~~the this~~ chapter pursuant to section  
9 19 97B.42 in the month prior to the member's first month of  
9 20 entitlement.

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

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

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

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

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

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

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

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

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

10 22 99D.20 AUDIT OF LICENSEE OPERATIONS.

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

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

11 1 2. For purposes of this section, the "applicable area"  
11 2 means that portion of the city of Des Moines in Polk county  
11 3 bounded by a line commencing at the point East Euclid avenue  
11 4 intersects East Fourteenth street, then proceeding south along  
11 5 East Fourteenth street and Southeast Fourteenth street until  
11 6 it intersects Park avenue, then proceeding west along Park  
11 7 avenue until it intersects Fleur drive, then proceeding north  
11 8 along Fleur drive until it intersects Eighteenth street, then  
11 9 proceeding north along Eighteenth street until it intersects  
11 10 Ingersoll avenue, then proceeding west along Ingersoll avenue  
11 11 until it intersects Martin Luther King Jr. parkway, then  
11 12 proceeding northerly along Martin Luther King Jr. parkway  
11 13 until it intersects Euclid avenue, then proceeding east along  
11 14 Euclid avenue and East Euclid avenue to the point of origin.  
11 15 For purposes of this section, such reference to a street or  
11 16 other boundary means such street or boundary as ~~they were it~~  
11 17 was delineated on the official Pub. L. No. 94=171 census maps  
11 18 used for redistricting following the 2000 United States  
11 19 decennial census.

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

11 22 2. A practitioner, other than a pharmacy, or a  
11 23 practitioner's authorized agent may transmit an electronic  
11 24 prescription or facsimile prescription to a pharmacy for a

11 25 schedule II controlled substance, provided that the ~~electronic~~  
11 26 prescription complies with section 155A.27 and provided that  
11 27 the original signed prescription is presented to the  
11 28 pharmacist prior to the dispensing of the schedule II  
11 29 controlled substance. If permitted by federal law, and in  
11 30 accordance with federal requirements, the electronic or  
11 31 facsimile prescription shall serve as the original signed  
11 32 prescription and the practitioner shall not provide the  
11 33 patient or the patient's authorized representative with a  
11 34 signed, written prescription.

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

12 2 135.31 LOCATION OF BOARDS == RULEMAKING.

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

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

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

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

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

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

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

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

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

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

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

13 23 135J.7 RULES.

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

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

13 32 3. For the board of nursing examiners, four registered  
13 33 nurses, two of whom shall be actively engaged in practice, two  
13 34 of whom shall be nurse educators from nursing education  
13 35 programs; of these, one in higher education and one in area

14 1 community and vocational=technical registered nurse education;  
14 2 one licensed practical nurse actively engaged in practice; and  
14 3 two members not registered nurses or licensed practical nurses  
14 4 and who shall represent the general public. The  
14 5 representatives of the general public shall not be members of  
14 6 health care delivery systems. A majority of the members of  
14 7 the board constitutes a quorum.

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

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

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

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

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

14 32 In addition to the license requirements of section 157.3,  
14 33 ~~as provided in this section,~~ a written application and proof  
14 34 of additional training and certification shall be required  
14 35 prior to approval by the board for the provision of the  
15 1 services described in this section.

15 2 Sec. 40. Section 162.2, subsection 6, Code 2005, is  
15 3 amended to read as follows:

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

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

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

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

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

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

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

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

16 10 2. The board may issue negotiable bonds and notes of the  
16 11 authority in principal amounts which are necessary to provide

16 12 sufficient funds for achievement of its corporate purposes,  
16 13 the payment of interest on its bonds and notes, the  
16 14 establishment of reserves to secure its bonds and notes, and  
16 15 all other expenditures of the board incident to and necessary  
16 16 or convenient to carry out its purposes and powers, subject to  
16 17 authorization and approval required under subsection 1.  
16 18 However, the total principal amount of bonds and notes  
16 19 outstanding at any time under subsection 1 and this subsection  
16 20 shall not exceed twenty-five million dollars. The bonds and  
16 21 notes are deemed to be investment securities and negotiable  
16 22 instruments within the meaning of and for all purposes of the  
16 23 uniform commercial code, chapter 554.

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

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

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

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

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

17 28 181.17 PRODUCERS NOT MEMBERS.

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

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

18 2 181.18 RULES.

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

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

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

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

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

18 20 216E.7 EXEMPTIONS.

18 21 This chapter does not apply to a hearing aid sold, leased,  
18 22 or transferred to a consumer by an audiologist licensed under

18 23 chapter 147, or a hearing aid ~~dealer~~ dispenser licensed under  
18 24 chapter 154A, if the audiologist or ~~dealer~~ dispenser provides  
18 25 either an express warranty for the hearing aid or provides for  
18 26 service and replacement of the hearing aid.

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

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

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

19 4 218.28 INVESTIGATION.

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

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

19 14 229.36 LIMITATION ON PROCEEDINGS.

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

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

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

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

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

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

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

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

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

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

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

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

20 27 2. Prior to the organization organizational meeting of the  
20 28 newly formed district, the boards of the former districts  
20 29 shall designate directors to be retained as members to serve  
20 30 on the initial board, and if the total number of directors  
20 31 determined under subsection 1 is an even number, that number  
20 32 of directors shall function and may within five days of the  
20 33 organizational meeting appoint one additional director by

20 34 unanimous vote with all directors voting. Otherwise, the  
20 35 board shall function until a special election can be held to  
21 1 elect an additional director. The procedure for calling the  
21 2 special election shall be the procedure specified in section  
21 3 275.25. If there is an insufficient number of board members  
21 4 eligible to be retained from a former school district, the  
21 5 board of the former school district may appoint members to  
21 6 fill the vacancies. A vacancy occurs if there is an  
21 7 insufficient number of former board members who reside in the  
21 8 newly formed district or if there is an insufficient number  
21 9 who are willing to serve on the board of the newly formed  
21 10 district.

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

21 13 279.27 DISCHARGE OF TEACHER.

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

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

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

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

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

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

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

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

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

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

23 9 329.13 ADMINISTRATION OF AIRPORT ZONING REGULATIONS.

23 10 All airport zoning regulations adopted under this chapter  
23 11 shall provide for the administration and enforcement of such  
23 12 regulations by an administrative agency ~~(which, which~~ may be  
23 13 an agency created by such ~~regulations)~~ regulations, or by any  
23 14 official, board, or other existing agency of the municipality  
23 15 adopting the regulations, or of one or both of the  
23 16 municipalities which participated therein, but in no case  
23 17 shall such administrative agency be or include any member of  
23 18 the board of adjustment. The duties of any administrative  
23 19 agency designated pursuant to this chapter shall not include  
23 20 any of the powers herein delegated to the board of adjustment.

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

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

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

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

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

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

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

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

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

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

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

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

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

25 21 propelled building equipment, pile drivers, motorized  
25 22 scaffolding, or attachments customarily drawn or attached to  
25 23 self-propelled building equipment, pile drivers, and motorized  
25 24 scaffolding, including auxiliary attachments which improve the  
25 25 performance, safety, operation, or efficiency of the equipment  
25 26 and replacement parts and are directly and primarily used by  
25 27 contractors, subcontractors, and builders for new  
25 28 construction, reconstruction, alterations, expansion, or  
25 29 remodeling of real property or structures, and on the sales  
25 30 price from the sale of a lottery ticket or share in a lottery  
25 31 game conducted pursuant to chapter 99G and except the tax  
25 32 shall not be imposed on the sales price from the sale or use  
25 33 of natural gas, natural gas service, electricity, or electric  
25 34 service in a city or county where the sales price from the  
25 35 sale of natural gas or electric energy ~~are~~ is subject to a  
26 1 franchise fee or user fee during the period the franchise or  
26 2 user fee is imposed. A local sales and services tax is  
26 3 applicable to transactions within those incorporated and  
26 4 unincorporated areas of the county where it is imposed and  
26 5 shall be collected by all persons required to collect state  
26 6 sales taxes. However, a person required to collect state  
26 7 retail sales tax under chapter 423, subchapter V or VI, is not  
26 8 required to collect local sales and services tax on  
26 9 transactions delivered within the area where the local sales  
26 10 and services tax is imposed unless the person has physical  
26 11 presence in that taxing area. All cities contiguous to each  
26 12 other shall be treated as part of one incorporated area and  
26 13 the tax would be imposed in each of those contiguous cities  
26 14 only if the majority of those voting in the total area covered  
26 15 by the contiguous cities favors its imposition.

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

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

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

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

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

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

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

27 32 follows:

27 33 453A.26 LIENS AND ACTIONS.

27 34 All of the provisions for the lien of the tax, its  
27 35 collection, and all actions as provided in the uniform sales  
28 1 and use tax administration Act, chapter 423, shall apply to  
28 2 the tax imposed by this chapter, except that where the sales  
28 3 tax and the cigarette tax may become conflicting liens, they  
28 4 shall be of equal priority.

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

28 7 456A.18 REPORT OF FUNDS.

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

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

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

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

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

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

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

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

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

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

30 8 shall employ officers, attorneys, accountants, and other  
30 9 employees as needed for the administration of ~~the~~ this  
30 10 chapter.

30 11 Sec. 79. Section 504.115, subsection 2, paragraph a,  
30 12 subparagraph (1), Code 2005, is amended to read as follows:

30 13 (1) Describe the document, including its filing date, or  
30 14 ~~attaching attach~~ a copy of the document to the articles.

30 15 Sec. 80. Section 504.1701, subsection 1, Code 2005, is  
30 16 amended to read as follows:

30 17 1. A domestic corporation that is incorporated under  
30 18 chapter 504A, Code 2005, is subject to this chapter beginning  
30 19 on July 1, 2005.

30 20 Sec. 81. Section 504.1701, subsection 2, paragraph b, Code  
30 21 2005, is amended to read as follows:

30 22 b. A corporation incorporated under chapter 504A, Code  
30 23 2005, that voluntarily elects to be subject to the provisions  
30 24 of this chapter in accordance with the procedures set forth in  
30 25 subsection 3.

30 26 Sec. 82. Section 504.1701, subsection 3, unnumbered  
30 27 paragraph 1, Code 2005, is amended to read as follows:

30 28 A corporation incorporated under chapter 504A, Code 2005,  
30 29 may voluntarily elect to be subject to the provisions of this  
30 30 chapter by doing all of the following:

30 31 Sec. 83. Section 515.109A, subsection 1, paragraph j, Code  
30 32 2005, is amended to read as follows:

30 33 j. "Personal insurance" means personal insurance and not  
30 34 commercial insurance and is limited to private passenger  
30 35 automobile, homeowners, farm owners, personal farm liability,  
31 1 motorcycle, mobile home owners, noncommercial dwelling fire  
31 2 ~~insurance~~, boat, personal watercraft, snowmobile, and  
31 3 recreational vehicle insurance policies, that are individually  
31 4 underwritten for personal, family, farm, or household use. No  
31 5 other type of insurance is included as personal insurance for  
31 6 the purposes of this section.

31 7 Sec. 84. Section 515.109A, subsection 3, Code 2005, is  
31 8 amended to read as follows:

31 9 3. DISPUTE RESOLUTION AND ERROR CORRECTION. If it is  
31 10 determined through the dispute resolution process set forth  
31 11 under the federal Fair Credit Reporting Act, 15 U.S.C. }  
31 12 1681i(a)(5), that the credit information of a current insured  
31 13 is incorrect or incomplete and the insurer receives notice of  
31 14 such determination from either the consumer reporting agency  
31 15 or from the insured, the insurer shall re-underwrite and re=  
31 16 rate the insured within thirty days of receiving the notice.  
31 17 After re-underwriting or re-rating the insured, the insurer  
31 18 shall make any adjustments necessary, consistent with the  
31 19 insurer's underwriting and rating guidelines. If an insurer  
31 20 determines that an insured has overpaid the premium on a  
31 21 personal insurance policy, the insurer shall refund the amount  
31 22 of the overpayment to the insured, calculated for either the  
31 23 last twelve months of coverage or the actual policy period,  
31 24 whichever is shorter.

31 25 Sec. 85. Section 515.138, Code 2005, is amended to read as  
31 26 follows:

31 27 515.138 FIRE INSURANCE CONTRACT == STANDARD POLICY  
31 28 PROVISIONS == PERMISSIBLE VARIATIONS.

31 29 ~~FIRST-~~ 1. The printed form of a policy of fire insurance  
31 30 as set forth in subsection ~~sixth~~ 6 shall be known and  
31 31 designated as the "standard policy" to be used in the state of  
31 32 Iowa.

31 33 ~~SECOND-~~ 2. STANDARD POLICY, ADDITIONS, RIDERS AND  
31 34 CLAUSES. It shall be unlawful for any insurance company to  
31 35 issue any policy of fire insurance upon any property in this  
32 1 state except upon automobiles, airplanes, seaplanes,  
32 2 dirigibles, or other aircraft, farm crops until stored, marine  
32 3 and inland marine risks other or different from the standard  
32 4 form of fire insurance policy herein set forth.

32 5 There shall be printed at the head of said policy the name  
32 6 of the insurer or insurers issuing the policy; the location of  
32 7 the home office thereof; a statement whether said insurer or  
32 8 insurers are stock or mutual corporations or are reciprocal  
32 9 insurers; and subject to the approval of the commissioner of  
32 10 insurance, there may be added thereto such device or devices  
32 11 as the insurer or insurers issuing said policy shall desire.  
32 12 Provided, however, that any company organized under special  
32 13 charter provisions may so indicate upon its policy, and may  
32 14 add a statement of the plan under which it operates in this  
32 15 state.

32 16 The standard policy provided for herein need not be used  
32 17 for effecting reinsurance between insurers.

32 18 If the policy is issued by a mutual, co-operative or

32 19 reciprocal insurer having special regulations with respect to  
32 20 the payment by the policyholder of assessments, such  
32 21 regulations shall be printed upon the policy, and any such  
32 22 insurer may print upon the policy such regulations as may be  
32 23 required by its home state or appropriate to its form of  
32 24 organization.

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

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

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

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

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

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

34 4 FIRST PAGE OF STANDARD FIRE POLICY

34 5 No. ...

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

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

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

34 30 PERILS INSURED AGAINST IN THIS POLICY, EXCEPT AS HEREINAFTER  
34 31 PROVIDED, to the property described hereinafter while located  
34 32 or contained as described in this policy, or pro rata for five  
34 33 days at each proper place to which any of the property shall  
34 34 necessarily be removed for preservation from the perils  
34 35 insured against in this policy, but not elsewhere.

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

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

35 8 IN WITNESS WHEREOF, this company has executed and attested  
35 9 these presents; but this policy shall not be valid unless  
35 10 countersigned by the duly authorized agent of this company at  
35 11 .....

35 12 .....  
35 13 Secretary. President.

35 14 Countersigned this ....  
35 15 day of ..... (month), ... (year).

35 16 .....  
35 17 Agent.

35 18 SECOND PAGE OF STANDARD FIRE POLICY  
35 19 CONCEALMENT == FRAUD. This entire policy shall be void if,  
35 20 whether before or after a loss, the insured has willfully  
35 21 concealed or misrepresented any material fact or circumstance  
35 22 concerning this insurance or the subject thereof, or the  
35 23 interest of the insured therein, or in case of any fraud or  
35 24 false swearing by the insured relating thereto.

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

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

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

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

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

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

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

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

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

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

37 4 CANCELLATION OF POLICY. This policy shall be canceled at  
37 5 any time at the request of the insured, in which case this

37 6 company shall, upon demand and surrender of this policy,  
37 7 refund the excess of paid premium above the customary short  
37 8 rates for the expired time. This policy may be canceled at  
37 9 any time by this company by giving to the insured a five days'  
37 10 written notice of cancellation with or without tender of the  
37 11 excess of paid premium above the pro rata premium for the  
37 12 expired time, which excess, if not tendered, shall be refunded  
37 13 on demand. Notice of cancellation shall state that said  
37 14 excess premium (if not tendered) will be refunded on demand.  
37 15 MORTGAGEE INTERESTS AND OBLIGATIONS. If loss hereunder is  
37 16 made payable, in whole or in part, to a designated mortgagee  
37 17 not named herein as the insured, such interest in this policy  
37 18 may be canceled by giving to such mortgagee a ten days'  
37 19 written notice of cancellation.

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

37 33 PRO RATA LIABILITY. This company shall not be liable for a  
37 34 greater proportion of any loss than the amount hereby insured  
37 35 shall bear to the whole insurance covering the property

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

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

39 17 and loss. Each appraiser shall be paid by the party selecting  
39 18 the appraiser and the expenses of appraisal and umpire shall  
39 19 be paid by the parties equally.

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

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

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

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

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

40 8 THIRD PAGE OF STANDARD FIRE POLICY  
40 9 Attach Form Below This Line  
40 10 FOURTH PAGE OF STANDARD FIRE POLICY  
40 11 Standard Fire Insurance Policy

40 12 =====  
40 13 Expires .....  
40 14 Property .....  
40 15 Total  
40 16 Amount \$ ..... Premium \$ .....  
40 17 Insured .....

40 18  
40 19 SEE INSIDE OF POLICY FOR PERILS COVERED  
40 20 No.

40 21 =====  
40 22 (Space of approximately two (2) inches for use of  
40 23 Agent or Insurer.)

40 24 =====  
40 25 =====  
40 26 (Space of approximately two (2) inches for use of  
40 27 Agent or Insurer.)

40 28 =====  
40 29 It is important that the written portions of all policies  
40 30 covering the same property read exactly alike. If they do  
40 31 not, they should be made uniform at once.

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

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

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

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

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

41 28 recording in the secretary of state's office, and they shall  
41 29 be filed in the office of the county recorder. The secretary  
41 30 of state upon filing the articles of merger shall issue a  
41 31 certificate of merger and send the certificate to the state  
41 32 bank and a copy of it to the superintendent.

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

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

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

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

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

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

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

43 6 537.1103 LAW APPLICABLE.

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

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

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

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

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

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

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

44 4 purchaser of any consideration in connection with the offer or  
44 5 sale of the business opportunity.

44 6 Sec. 95. Section 554D.101, Code 2005, is amended to read  
44 7 as follows:

44 8 554D.101 SHORT TITLE.

44 9 This ~~section and sections 554D.102 through 554D.124 of this~~  
~~44 10 chapter subchapter~~ may be cited as the "Uniform Electronic  
44 11 Transactions Act".

44 12 Sec. 96. Section 558.1, Code 2005, is amended to read as  
44 13 follows:

44 14 558.1 "INSTRUMENTS AFFECTING REAL ESTATE" DEFINED ==  
44 15 REVOCATION.

44 16 All instruments containing a power to convey, or in any  
44 17 manner relating to real estate, including certified copies of  
44 18 petitions in bankruptcy with or without the schedules  
44 19 appended, of decrees of adjudication in bankruptcy, and of  
44 20 orders approving trustees' bonds in bankruptcy, and a jobs  
44 21 training agreement entered into under chapter 260E or 260F  
44 22 between an employer and community college which contains a  
44 23 description of the real estate affected, shall be held to be  
44 24 instruments affecting the same; and no such instrument, when  
44 25 acknowledged or certified and recorded as in this chapter  
44 26 prescribed, can be revoked as to third parties by any act of  
44 27 the parties by whom it was executed, until the instrument  
44 28 containing such revocation is acknowledged and filed for  
44 29 record in the same office in which the instrument containing  
44 30 such power is recorded, except that uniform commercial code  
44 31 financing statements and financing statement changes as  
~~44 32 provided in chapter 554~~ need not be thus acknowledged.

44 33 Sec. 97. Section 558.42, Code 2005, is amended to read as  
44 34 follows:

44 35 558.42 ACKNOWLEDGMENT AS CONDITION PRECEDENT.

45 1 A document shall not be deemed lawfully recorded, unless it  
45 2 has been previously acknowledged or proved in the manner  
45 3 prescribed in chapter 9E, except that affidavits, and  
45 4 certified copies of petitions in bankruptcy with or without  
45 5 the schedules appended, of decrees of adjudication in  
45 6 bankruptcy, and of orders approving trustees' bonds in  
45 7 bankruptcy, and ~~Uniform Commercial Code~~ uniform commercial  
~~45 8 code~~ financing statements and financing statement changes as  
~~45 9 provided in chapter 554~~ need not be thus acknowledged.

45 10 Sec. 98. Section 586.1, subsection 3, Code 2005, is  
45 11 amended to read as follows:

45 12 3. Acknowledgments taken and oaths administered by mayors  
45 13 under section 691, Code 1897, or section 1216 of subsequent  
45 14 Codes to and including ~~the Code of 1939 and section 63A.2 to~~  
~~45 15 and including 78.2, Code of 1966 and earlier editions,~~ in  
45 16 proceedings not connected with their offices.

45 17 Sec. 99. Section 589.9, Code 2005, is amended to read as  
45 18 follows:

45 19 589.9 MARGINAL RELEASES OF SCHOOL=FUND MORTGAGES.

45 20 The release or satisfaction of a school=fund mortgage  
45 21 entered on the margin of the record of the mortgage by the  
45 22 auditor of the county more than ten years earlier, is  
45 23 legalized as though the auditor had, at the time of entering  
45 24 the release or satisfaction, the same power thereafter  
45 25 conferred upon the auditor by ~~chapter 1894 Iowa Acts, ch 53 of~~  
~~45 26 the Acts of the Twenty-fifth General Assembly.~~

45 27 Sec. 100. Section 589.22, Code 2005, is amended to read as  
45 28 follows:

45 29 589.22 CERTAIN LOANS, CONTRACTS AND MORTGAGES.

45 30 All loans, contracts, and mortgages which are affected by  
45 31 the repeal of ~~chapter 1898 Iowa Acts, ch 48, Acts of the~~  
~~45 32 Twenty-seventh General Assembly,~~ are hereby legalized so far  
45 33 as to permit recovery to be had thereon for interest at the  
45 34 rate of eight percent per annum, but at no greater rate, and  
45 35 nothing contained in such contracts shall be construed to be  
46 1 usurious so as to work a forfeiture of any penalty to the  
46 2 school fund.

46 3 Sec. 101. Section 600B.28, Code 2005, is amended to read  
46 4 as follows:

46 5 600B.28 REPORT BY TRUSTEE.

46 6 The trustee shall report to the court annually, or ~~oftener~~  
46 7 more often as directed by the court, the amounts received and  
46 8 paid over.

46 9 Sec. 102. Section 602.8102, subsection 69, Code 2005, is  
46 10 amended to read as follows:

46 11 69. With acceptable sureties, approve the bond of a  
46 12 petitioner filing an appeal for review of an order of the  
46 13 commissioner of insurance as provided in section ~~502.606 or~~  
46 14 507A.7.

46 15 Sec. 103. Section 602.8108, subsections 5 and 6, Code  
46 16 2005, are amended to read as follows:

46 17 5. The clerk of the district court shall remit all moneys  
46 18 collected from the assessment of the law enforcement  
46 19 initiative surcharge provided in section 911.3 to the state  
46 20 court administrator no later than the fifteenth day of each  
46 21 month, ~~all the moneys collected during the preceding month,~~  
46 22 for deposit in the general fund of the state.

46 23 6. The clerk of the district court shall remit all moneys  
46 24 collected from the county enforcement surcharge pursuant to  
46 25 section 911.4 to the county where the citation was issued for  
46 26 deposit in the county general fund no later than the fifteenth  
46 27 day of each month.

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

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

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

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

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

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

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

48 10 636.28 ANNUAL ACCOUNTING.

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

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

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

48 26 perform activities alleged to constitute a nuisance.  
48 27 Sec. 109. Section 708.3A, subsections 5, 6, 7, and 8, Code  
48 28 2005, are amended to read as follows:

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

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

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

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

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

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

50 14 Sec. 110. Section 717A.2, subsection 3, unnumbered  
50 15 paragraph 1, Code 2005, is amended to read as follows:  
50 16 A person violating this section is guilty of the following  
50 17 penalties:

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

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

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

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

51 2 been adopted by the federal substance abuse and mental health  
51 3 services administration, the standards for determining  
51 4 detectable levels of controlled substances for purposes of  
51 5 determining a confirmed positive test result shall be the same  
51 6 standard that has been established by the federal food and  
51 7 drug administration for the measuring instrument used to  
51 8 perform the oral fluid test.

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

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

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

51 21 SEC. 117. Sections 15E.149, 422.15, 486A.901, 486A.902,  
51 22 486A.906, and 490A.1203, ~~and 669.14~~, Code 2003, and section  
51 23 ~~669.14, Code Supplement 2003~~, as amended by this Act, are  
51 24 amended by striking from the sections the figure and word "487  
51 25 or" or the figure "487".

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

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

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

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

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

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

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

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

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

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

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

53 4 EXPLANATION

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

53 13 all of the following:

53 14 Code section 4.1: Strikes the words "or digital" from a  
53 15 reference to terms defined in Code section 554D.103. The term  
53 16 "digital signature" was stricken from Code section 554D.103 by  
53 17 2004 Iowa Acts, chapter 1067, section 2.

53 18 Code sections 10B.4, 10B.7, 217.41, 306.46, 331.609,  
53 19 537.1103, 558.1, and 558.42: Adds a reference to chapter 504  
53 20 to a string of chapter citations that refer to corporate and  
53 21 other entities required to file certain reports with the  
53 22 secretary of state. Chapter 504 will replace chapter 504A as  
53 23 the chapter governing nonprofit corporations effective July 1,  
53 24 2005, pursuant to 2004 Iowa Acts, chapter 1049.

53 25 Code section 10C.6: Changes references to prior Code  
53 26 versions of provisions within Code chapter 10C to eliminate  
53 27 electronic hypertext linkage problems.

53 28 Code sections 12.71, 12.81, 12E.11, 16.26, 16.105, 16.177,  
53 29 173.14B, 175.17, 257C.8, 331.609, 537.1103, 558.1, and 558.42:  
53 30 Adds numeric references to Code chapter 554 where the uniform  
53 31 commercial code is referred to by name to facilitate  
53 32 electronic hypertext linkage to that Code chapter. The  
53 33 uniform commercial code is codified at Code chapter 554. In  
53 34 Code section 558.42, the capitalization of the term "uniform  
53 35 commercial code" is also made consistent with other Code  
54 1 references to the uniform commercial code.

54 2 Code sections 12E.16, 76.16, 76.16A, and 97C.2: Updates  
54 3 references to chapter nine of the federal bankruptcy code to  
54 4 eliminate electronic hypertext linkage problems. Code section  
54 5 76.16 is also amended to include the United States Code  
54 6 citation to bankruptcy code chapter nine.

54 7 Code sections 17A.1 and 17A.23: Substitutes a reference to  
54 8 "chapter" for references to "the Iowa administrative procedure  
54 9 Act". Code chapter 17A is the Iowa administrative procedure  
54 10 Act.

54 11 Code section 29B.82: Updates the style and internal  
54 12 numbering structure in this provision relating to desertion by  
54 13 members of the military to conform the section to current bill  
54 14 drafting style and to reduce opportunity for error in future  
54 15 Code publications.

54 16 Code section 68A.406: Corrects a reference to the title of  
54 17 Code chapter 480 in a campaign finance provision. Code  
54 18 chapter 480 is entitled "underground facilities information".

54 19 Code section 68A.503: Corrects a grammatical problem in  
54 20 the sentence structure of a paragraph describing how certain  
54 21 campaign-related funds may and may not be used by certain  
54 22 financial institutions, insurance companies, and other  
54 23 corporate entities.

54 24 Code section 97B.1A: Changes "the chapter" to "this  
54 25 chapter" in a provision relating to entitlement to benefits  
54 26 under the Iowa public employees' retirement system. The  
54 27 change is consistent with other references to the chapter in  
54 28 the Code section.

54 29 Code sections 99D.2 and 99D.11: Changes the term "racing  
54 30 enclosure" to "racetrack enclosure" to conform to the defined  
54 31 term under Code section 99D.2 in provisions relating to pari=  
54 32 mutuel wagering.

54 33 Code sections 99D.13 and 99D.20: Changes the term "race  
54 34 meet" to "race meeting" to conform to the defined term under  
54 35 Code section 99D.2 in a provision relating to pari=mutuel  
55 1 wagering.

55 2 Code section 99F.4C: Corrects a grammatical error in  
55 3 language describing the area in which facilities are not  
55 4 permitted to be licensed to conduct gambling games by the  
55 5 racing and gaming commission.

55 6 Code section 124.308: Strikes the word "electronic" from  
55 7 language relating to whether an electronic or facsimile  
55 8 prescription may be transmitted by a health care practitioner  
55 9 to a pharmacy. The transmission of both electronic and  
55 10 facsimile prescriptions is contemplated in this Code section,  
55 11 and Code section 155A.27 regulates written, electronic, and  
55 12 facsimile prescriptions.

55 13 Code sections 135.31 and 147.14: Conforms references to  
55 14 the name of the board responsible for the regulation of the  
55 15 profession of nursing to the name given to that board under  
55 16 Code chapter 152.

55 17 Code section 135.146: Separates and adds a comma between  
55 18 the words "diphtheria" and "tetanus" in a list of types of  
55 19 vaccinations that are to be offered for first responders in  
55 20 the event that federal funding is received for such a purpose.  
55 21 The two types of vaccinations are administered separately, not  
55 22 as a single vaccination.

55 23 Code sections 135J.1, 135J.2, 135J.5, and 135J.7:

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

57 35 federal Health Insurance Portability and Accountability Act in  
58 1 a provision relating to disclosure of certain services by  
58 2 counties to the department of human services.  
58 3 Code section 356.1: Adds the word "the" in language to  
58 4 describe the jurisdiction of the sheriff over county jails.  
58 5 Code section 423.18: Makes grammatical changes to  
58 6 eliminate the word "its" in two places in this provision  
58 7 relating to sales tax permits.  
58 8 Code section 423.56: Replaces the words "his or her" with  
58 9 "the individual's" to eliminate any gender references in  
58 10 language relating to sales taxes.  
58 11 Code sections 423B.5 and 423E.3: Makes a grammatical  
58 12 change in these lists of items that are excluded from certain  
58 13 local sales and services taxes.  
58 14 Code section 435.1: Corrects a reference to the Code  
58 15 chapter title and inserts a reference to Code chapter 562B  
58 16 after a reference by chapter title to that chapter within a  
58 17 provision relating to taxation of homes in manufactured home  
58 18 communities and mobile home parks.  
58 19 Code section 452A.3: Corrects a typographical error to the  
58 20 state of Iowa in a provision relating to the collection of  
58 21 excise taxes on motor fuel.  
58 22 Code section 453A.26: Adds a numerical reference to Code  
58 23 chapter 423 after a reference to that chapter by name in  
58 24 language relating to liens for cigarette and tobacco tax.  
58 25 Code section 456A.18: Substitutes for a reference to "five  
58 26 funds" a reference to "funds created in Code section 456A.17"  
58 27 in a provision relating to a duty of the director of the  
58 28 department of natural resources to make a return and pay to  
58 29 the treasurer of state moneys belonging to various funds  
58 30 relating to fish, game, and conservation. The "five funds"  
58 31 reference is a reference to the funds in Code section 456A.17,  
58 32 of which there are now only four, since the strike of one of  
58 33 the funds by 1994 Iowa Acts, chapter 1107, section 72.  
58 34 Code section 502.304A: Strikes a redundant "that" in  
58 35 language relating to securities regulation.  
59 1 Code section 502.412: Makes changes in the manner of  
59 2 citation to Code chapter 502 as it appeared in previous Codes  
59 3 to avoid electronic hypertext linkage problems.  
59 4 Code section 502.601: Changes "the" to "this" in a  
59 5 provision relating to administration of the securities chapter  
59 6 by the commissioner of insurance. This is consistent with the  
59 7 reference to the chapter that exists in the immediately  
59 8 preceding sentence in the same paragraph.  
59 9 Code section 504.115: Makes a grammatical change in  
59 10 language pertaining to corrections to documents filed by  
59 11 nonprofit corporations with the secretary of state.  
59 12 Code section 504.1701: Adds the word and figure "Code  
59 13 2005" to several references to Code chapter 504A. Code  
59 14 chapter 504A is scheduled to be repealed and replaced by new  
59 15 Code chapter 504 effective July 1, 2005, pursuant to 2004 Iowa  
59 16 Acts, chapter 1049.  
59 17 Code section 515.109A: In subsection 1, moves the word  
59 18 "insurance" to the end of a series that describes types of  
59 19 insurance policies that are included in the term "personal  
59 20 insurance" to avoid the creation of a break in the series. In  
59 21 subsection 3, the word "the" is added to correct a grammatical  
59 22 error.  
59 23 Code section 515.138: Updates the method by which the  
59 24 numerical references to the subsections in this section are  
59 25 expressed by changing the words "First" through "Sixth" to the  
59 26 numerals "1" through "6" and correcting an internal reference.  
59 27 The changes conform the Code section to current bill drafting  
59 28 and codification practices.  
59 29 Code section 524.103: Makes a grammatical change in the  
59 30 definition of "board of directors" that conforms the plural  
59 31 subject "banks" to the singular object "limited liability  
59 32 company".  
59 33 Code section 524.1408: Adds the word "liability" to the  
59 34 term subsidiary "limited company" to conform to other usage of  
59 35 the term "limited liability company" within the Code section.  
60 1 Code section 535B.10: Adds the citation for the consumer  
60 2 fraud Act, Code section 714.16, after a reference to that Act  
60 3 by name in provisions relating to the enforcement of the Code  
60 4 chapter regulating mortgage bankers and brokers.  
60 5 Code section 536.4: Changes the term "banking department"  
60 6 to "banking division" in language relating the process by  
60 7 which the superintendent of the division of banking reviews  
60 8 and grants or denies applications for a license to make  
60 9 certain regulated loans.  
60 10 Code section 546A.1: Makes a grammatical correction in a

60 11 definition of new and unused property in the unused property  
60 12 markets == regulation of sales Code chapter.  
60 13 Code section 546A.4: Substitutes the word "offense" for  
60 14 the word "violation" to make a provision relating to third  
60 15 offense violations of the unused property market sales  
60 16 provisions consistent with references to other offenses.  
60 17 Code section 551A.3: Makes a minor clarification, by  
60 18 changing "the" to "this" in language relating to sellers of  
60 19 business opportunities. Code section 551A.7 provides that  
60 20 sellers must file irrevocable consents prior to engaging in  
60 21 the sale of a business opportunity in "this state".  
60 22 Code section 554D.101: Substitutes the word "subchapter"  
60 23 for references to the Code sections that are or were contained  
60 24 within the subchapter that is referred to as the uniform  
60 25 electronic transactions Act and eliminates the electronic  
60 26 hypertext linkage problem created by the repeal of Code  
60 27 section 554D.102 by 2004 Iowa Acts, chapter 1067, section 10.  
60 28 Code section 586.1: Updates citations to former Code  
60 29 provisions to eliminate electronic hypertext linkage problems  
60 30 and corrects a reference to Code section 63A.2 to refer to  
60 31 former Code section 78.2 in a provision legalizing certain  
60 32 defective acts and instruments. Former Code section 78.2 was  
60 33 moved to current Code section 63A.2 as part of the 1993  
60 34 chapter transfers and Code reorganization project. From the  
60 35 time of publication of Code 1946 to the time of publication of  
61 1 Code 1966, the correct citation for the provision pertaining  
61 2 to the acknowledgments taken and oaths administered by mayors  
61 3 would have been to former Code section 78.2.  
61 4 Code sections 589.9 and 589.22: Updates Iowa Iowa Acts  
61 5 references to eliminate electronic hypertext linkage problems  
61 6 in these provisions that legalize certain old releases of  
61 7 school=fund mortgages and any loans, contracts, and mortgages  
61 8 pertaining to the school fund that were affected by the repeal  
61 9 of an 1898 Act.  
61 10 Code section 602.8102, subsection 69: Eliminates a  
61 11 reference to Code section 502.606 in this provision relating  
61 12 to approval of bonds executed by petitioners in judicial  
61 13 review of administrative action pertaining to the uniform  
61 14 securities Act. Code section 502.606 was stricken and  
61 15 rewritten by 2004 Iowa Acts, chapter 1161, section 56, and  
61 16 although the subject matter of former Code section 502.606 was  
61 17 moved to current Code section 502.609, the requirement for the  
61 18 posting of a bond was eliminated.  
61 19 Code section 602.8108, subsections 5 and 6: Strikes  
61 20 redundant language in a provision requiring the clerk of the  
61 21 district court to remit all moneys collected in a preceding  
61 22 month from the assessment of the law enforcement initiative  
61 23 surcharge to the state court administrator no later than the  
61 24 15th day of each month. A citation to the provision  
61 25 establishing the county enforcement surcharge is also added.  
61 26 Code section 602.1116: Reverts references to the  
61 27 department of administrative services back to references to  
61 28 the department of personnel in language pertaining to  
61 29 activities that took place prior to the creation of the  
61 30 department of administrative services in 2003 Iowa Acts,  
61 31 chapter 145.  
61 32 Code section 633.905: Adds the word "a" between the words  
61 33 "in" and "writing" to eliminate a grammatical error and  
61 34 conform the language to the model uniform disclaimer of  
61 35 property interest Act.  
62 1 Code section 656.1: Strikes a redundant occurrence of the  
62 2 word "that" in a provision relating to actions to abate a  
62 3 nuisance against an electric utility.  
62 4 Code section 708.3A: Restructures subsections 5 through 8  
62 5 of this section to combine all defined terms into a single  
62 6 subsection containing all definitions that pertain to this  
62 7 section covering assaults on persons engaged in certain  
62 8 occupations.  
62 9 Code section 717A.2: Strikes the word "penalties" in lead=  
62 10 in language describing what a person is guilty of, if they  
62 11 commit any of the enumerated classes of offenses against  
62 12 animals or property.  
62 13 Code section 728.1: Corrects a citation to the Code  
62 14 chapter governing the obtaining of sales tax permits. The  
62 15 provisions governing sales and use taxes were moved from Code  
62 16 chapter 422 to Code chapter 423 effective July 1, 2004, by  
62 17 2003 Iowa Acts, 1st Extraordinary Session, chapter 2.  
62 18 Code section 730.5: Corrects references to the federal  
62 19 substance abuse and mental health services administration in  
62 20 this provision relating to testing for alcohol and controlled  
62 21 substances in private sector workplaces.

62 22 Code section 812.9: Corrects a grammatical error in  
62 23 language relating to potential reinstatement of prosecution of  
62 24 an individual who has been found incompetent to stand trial if  
62 25 the person's placement has been terminated and it appears that  
62 26 the person has regained competency.  
62 27 2004 Iowa Acts, chapter 1021: Corrects a Code section  
62 28 citation in a provision directing the substitution of  
62 29 references to Code chapter 487, the uniform limited  
62 30 partnership Act, effective January 1, 2006. Code chapter 487  
62 31 is repealed on January 1, 2006.  
62 32 2004 Iowa Acts, chapter 1052: Corrects a lead-in in a  
62 33 provision amending Code section 668.8102, subsection 78, by  
62 34 adding the word "Supplement" after the word "Code". Code  
62 35 section 602.8102 was amended in 2003 and was republished in  
63 1 the 2003 Code Supplement. This change is made retroactive to  
63 2 July 1, 2004.  
63 3 2004 Iowa Acts, chapter 1084: Corrects a clerical drafting  
63 4 error creating a redundancy in new Code section 812.6. The  
63 5 correction is made retroactive to July 1, 2004.  
63 6 2004 Iowa Acts, chapter 1141: Corrects a directive to make  
63 7 terminology changes to account for a definition of the term  
63 8 "board" to mean "state banking board" that appeared in some of  
63 9 the provisions in which the terminology change was to be made.  
63 10 The correction is made retroactive to July 1, 2004.  
63 11 LSB 1052SC 81  
63 12 lh:rj/gg/14