

FEB 9 2005
Place On Calendar

HOUSE FILE 227
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 118)

Passed House, Date 2-14-05 Passed Senate, Date 3-14-05
Vote: Ayes 100 Nays 0 Vote: Ayes 50 Nays 0
Re-passed Approved 4/6/05
3-29-05 99-0

A BILL FOR

1 An Act relating to statutory corrections which may adjust
2 language to reflect current practices, insert earlier
3 omissions, delete redundancies and inaccuracies, delete
4 temporary language, resolve inconsistencies and conflicts,
5 update ongoing provisions, or remove ambiguities, and
6 including effective and retroactive applicability date
7 provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HF 227

HOUSE FILE 227

S-3011

1 Amend House File 227, as passed by the House, as
2 follows:
3 1. Page 24, line 15, by striking the words "a
4 state" and inserting the following: "a the state".
5 2. Page 24, line 16, by inserting after the word
6 "fair" the following: "or a fair".

COMMITTEE ON JUDICIARY
KEITH A. KREIMAN, CO-CHAIRPERSON
DAVID MILLER, CO-CHAIRPERSON

S-3011 FILED MARCH 7, 2005

19

**SENATE AMENDMENT TO
HOUSE FILE 227**

H-1062

1 Amend House File 227, as passed by the House, as
2 follows:
3 1. Page 24, line 15, by striking the words "a
4 state" and inserting the following: "a the state".
5 2. Page 24, line 16, by inserting after the word
6 "fair" the following: "or a fair".

RECEIVED FROM THE SENATE

H-1062 FILED MARCH 14, 2005

1 Section 1. Section 2B.5, subsection 3, Code 2005, is
2 amended to read as follows:

3 3. Cause to be published annually a correct list of state
4 officers and deputies; members of boards and commissions;
5 justices of the supreme court, judges of the court of appeals,
6 and judges of the district courts including district associate
7 judges and judicial magistrates; and members of the general
8 assembly. The ~~offices~~ office of the governor ~~and secretary of~~
9 ~~state~~ shall cooperate in the preparation of the list.

10 Sec. 2. Section 2B.12, subsection 8, Code 2005, is amended
11 to read as follows:

12 8. A Code or Code Supplement may include appropriate
13 tables showing the disposition of Acts of the general
14 assembly, the corresponding sections from edition to edition
15 of a Code or Code Supplement, and other reference material as
16 determined by the Iowa Code editor in accordance with policies
17 of the legislative council.

18 Sec. 3. Section 2B.17, subsection 2, Code 2005, is amended
19 to read as follows:

20 2. The Acts of each general assembly shall be known as
21 "Acts of the .. General Assembly, .. Session, Chapter (or File
22 No.) .., Section .." (inserting the appropriate numbers) and
23 shall be cited as ".. Iowa Acts, chapter (or File No.)..,
24 section .." (inserting the appropriate year, chapter or file
25 number, and section number).

26 Sec. 4. Section 2C.13, Code 2005, is amended to read as
27 follows:

28 2C.13 NO INVESTIGATION -- NOTICE TO COMPLAINANT.

29 If the citizens' aide decides not to investigate, the
30 complainant shall be informed of the reasons for the decision.
31 If the citizens' aide decides to investigate, the complainant
32 and the agency shall be notified of the decision. After
33 completing consideration of a complaint, whether or not it has
34 been investigated, the citizens' aide shall without delay
35 inform the complainant of the fact, and if appropriate, shall

1 inform the **administrative** agency involved. The citizens' aide
2 shall on request of the complainant, and as appropriate,
3 report the status of the investigation to the complainant.

4 Sec. 5. Section 2C.14, Code 2005, is amended to read as
5 follows:

6 2C.14 INSTITUTIONALIZED COMPLAINANTS.

7 A letter to the citizens' aide from a person in a
8 correctional institution, a hospital, or other institution
9 under the control of an **administrative** agency shall be
10 immediately forwarded, unopened to the citizens' aide by the
11 institution where the writer of the letter is a resident. A
12 letter from the citizens' aide to such a person shall be
13 immediately delivered, unopened to the person.

14 Sec. 6. Section 2C.17, unnumbered paragraph 1, Code 2005,
15 is amended to read as follows:

16 The citizens' aide may publish the conclusions,
17 recommendations, and suggestions and transmit them to the
18 governor, or the general assembly or any of its committees.
19 When publishing an opinion adverse to an **administrative** agency
20 or official the citizens' aide shall, unless excused by the
21 agency or official affected, include with the opinion any
22 unedited reply made by the agency.

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

25 3.3 HEADNOTES AND HISTORICAL REFERENCES.

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

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

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

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

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

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

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

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

3 4. A certificate of a notarial act on an instrument to be
4 recorded must also comply with the requirements of section
5 ~~331-602, subsection 1~~ 331.606B.

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

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

26 Sec. 13. Section 13B.9, subsection 2, Code 2005, is
27 amended to read as follows:

28 2. An attorney appointed under this section is not liable
29 to a person represented by the attorney for damages as a
30 result of a conviction in a criminal case unless the court
31 determines in a postconviction proceeding or on direct appeal
32 that the person's conviction resulted from ineffective
33 assistance of counsel, and the ineffective assistance of
34 counsel is the proximate cause of the damage. In juvenile or
35 civil proceedings, an attorney appointed under this section is

1 not liable to a person represented by the attorney for damages
2 unless it has been determined that the attorney has provided
3 ineffective assistance of counsel and the ineffective
4 assistance of counsel claim is the proximate cause of the
5 damage.

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

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

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

28 2. A third-party developer shall state under oath, on
29 forms provided by the department of economic development, the
30 amount of taxes paid as described in subsection 1 and shall
31 submit such forms to the department. The taxes paid shall be
32 itemized to allow identification of the taxes attributable to
33 racks, shelving, and conveyor equipment to be used in a
34 warehouse or distribution center. After receiving the form
35 from the third-party developer, the department shall issue a

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

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

35 NEW UNNUMBERED PARAGRAPH. "Public records" also includes

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

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

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

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

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

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

32 8. A voter registration application lacking the
33 registrant's name, sex, date of birth, or residence address or
34 description shall not be processed. A voter registration
35 application lacking the registrant's Iowa driver's license

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

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

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

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

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

35 Sec. 21. Section 50.20, Code 2005, is amended to read as

1 follows:

2 50.20 NOTICE OF NUMBER OF PROVISIONAL BALLOTS.

3 The commissioner shall compile a list of the number of
4 provisional ballots cast under section 49.81 in each precinct.
5 The list shall be made available to the public as soon as
6 possible, but in no case later than nine o'clock a.m. on the
7 second day following the election. Any elector may examine
8 the list during normal office hours, and may also examine the
9 affidavit envelopes bearing the ballots of challenged electors
10 until the reconvening of the special precinct board as
11 required by this chapter. Only those persons so permitted by
12 section 53.23, subsection 4, shall have access to the
13 affidavits while that board is in session. Any elector may
14 present written statements or documents, supporting or
15 opposing the counting of any ~~special~~ provisional ballot, at
16 the commissioner's office until the reconvening of the special
17 precinct board.

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

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

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

35 If a ~~special~~ provisional ballot is rejected, the person

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

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

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

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

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

33 53.24 COUNTIES USING VOTING MACHINES.

34 In counties which provide the special precinct election
35 board with voting machines, the absentee ballot envelopes

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

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

15 The commissioner shall immediately send a written notice to
16 the elector whose qualifications have been challenged. The
17 notice shall be sent to the address at which the challenged
18 elector is registered to vote. If the ballot was mailed to
19 the challenged elector, the notice shall also be sent to the
20 address to which the ballot was mailed if it is different from
21 the elector's registration address. The notice shall advise
22 the elector of the reason for the challenge, the date and time
23 that the special precinct election board will reconvene to
24 determine challenges, and that the elector has the right to
25 submit written evidence of the elector's qualifications. The
26 notice shall include the telephone number of the
27 commissioner's office. If the commissioner has access to a
28 facsimile machine, the notice shall include the telephone
29 number of the facsimile machine. As far as possible, other
30 procedures for considering ~~special~~ provisional ballots shall
31 be followed.

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

34 v. If it is determined that an injury has produced a
35 disability less than that specifically described in ~~said~~ the

1 schedule described in paragraphs "a" through "t", compensation
2 shall be paid during the lesser number of weeks of disability
3 determined, as will not exceed a total amount equal to the
4 same percentage proportion of said scheduled maximum
5 compensation.

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

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

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

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

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

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

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

1 purposes as may be authorized by the general assembly.

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

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

32 6. In the payment of any benefits in the future, as a
33 result of the provisions of chapter 97, Code 1950, as amended,
34 the department system shall follow the same procedure as
35 provided by said chapter 97, as amended, as though said

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

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

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

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

27 a. A person wishing to conduct games and raffles pursuant
28 to this section as a qualified organization shall submit an
29 application and a license fee of one hundred fifty dollars.
30 The annual license fee for a statewide raffle license shall be
31 one hundred fifty dollars. However, upon submission of an
32 application accompanied by a license fee of fifteen dollars, a
33 person may be issued a limited license to conduct all games
34 and raffles pursuant to this section at a specified location
35 and during a specified period of fourteen consecutive calendar

1 days, except that a bingo occasion may only be conducted once
2 per each seven consecutive calendar days of the specified
3 period. In addition, a qualified organization may be issued a
4 limited license to conduct raffles pursuant to this section
5 for a period of ninety days for a license fee of forty dollars
6 or for a period of one hundred eighty days for a license fee
7 of seventy-five dollars. For the purposes of this paragraph,
8 a limited license is deemed to be issued on the first day of
9 the period for which the license is issued.

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

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

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

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

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

34 3. This section does not apply if the a parent objects to
35 the screening. If a parent objects to the screening of a

1 newborn, the attending health care provider shall document the
2 refusal in the newborn's medical record and shall obtain a
3 written refusal from the parent and report the refusal to the
4 department as provided by rule of the department.

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

7 3. "Manufacturer" includes every person engaged in the
8 preparation, at any stage of the process, of biological
9 products, except those engaged in such preparation ~~in-the~~
10 ~~biological-laboratory-in-the-Iowa-State-University-of-science~~
11 ~~and-technology,~~ or in any other state or governmental
12 institution.

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

15 174.15 PURCHASE AND MANAGEMENT.

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

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

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

1 out-of-home placement during the ~~fiscal-year~~ period and the
2 type of placement.

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

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

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

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

12 2. The report shall be made available to the chairpersons
13 and ranking members of the senate and house committees on
14 education, ~~the-legislative-education-accountability-and~~
15 ~~oversight-committee~~, the deans of the colleges of education at
16 approved practitioner preparation institutions in this state,
17 the state board, the governor, and school districts by January
18 1. School districts shall provide information as required by
19 the department for the compilation of the report and for
20 accounting and auditing purposes.

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

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

29 3. The damage disclosure statement shall be provided by
30 the transferor to the transferee at or before the time of
31 sale. If the transferor is not a resident of this state or if
32 the transferee acquired the vehicle by operation of law as
33 provided in section 321.47, the transferee shall not be
34 required to submit a damage disclosure statement from the
35 transferor with the transferee's application for title unless

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

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

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

1 or 5. Except for subsections 10 and 11, this section does not
2 apply to new motor vehicles with a true mileage, as defined in
3 section 321.71, of one thousand miles or less, unless such
4 vehicle has incurred damage as defined described in subsection
5 2.

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

8 322.10 JUDICIAL REVIEW.

9 Judicial review of actions of the department may be sought
10 in accordance with the terms of the Iowa administrative
11 procedure Act, chapter 17A. The petitioner shall file with
12 the clerk a bond for the use of the respondent, with sureties
13 approved by such the clerk and in an amount fixed by the
14 clerk~~7-provided-in.~~ In no case shall the bond be less than
15 fifty dollars7-conditioned. All bonds shall include the
16 condition that the petitioner shall perform the orders of the
17 court.

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

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

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

28 b. The auditor shall not issue a warrant to a drawee until
29 the auditor has transmitted to the treasurer a list of the
30 warrants to be issued. The list shall include the date,
31 amount, and number of the warrant, name of the person to whom
32 the warrant is issued, and the purpose for which the warrant
33 is issued. The treasurer shall acknowledge receipt of the
34 list by affixing the treasurer's signature at the bottom of
35 the list and immediately returning the list to the auditor.

1 The requirement that the treasurer sign to acknowledge receipt
2 of the list is satisfied by use of a ~~digital-signature-or~~
3 ~~other~~ secure electronic signature if the county auditor and
4 treasurer have complied with the applicable provisions of
5 chapter 554D.

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

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

12 10. Furnish the assessor a plat book which is platted with
13 the lands and lots within the assessment district as provided
14 in section 441.29. ~~The-auditor,-with-the-approval-of-the~~
15 ~~board-of-supervisors,-may-establish-a-permanent-real-estate~~
16 ~~index-number-system-as-provided-in-section-441-29-~~

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

19 3. To provide for statewide, uniform procedures and
20 standards for the platting of land while allowing the widest
21 possible latitude for cities and counties to establish and
22 enforce ordinances regulating the division and use of land,
23 within the scope of, but not limited to, chapters 331, 335,
24 364, 414, and this chapter. All documents presented for
25 recording pursuant to this chapter shall comply with section
26 ~~331-602,-subsection-1~~ 331.606B.

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

29 2. The auditor ~~may~~ shall note a permanent real estate
30 index number upon each parcel shown on a plat of survey
31 according to section 441.29 for real estate tax administration
32 purposes. The surveyor shall not assign parcel letters or
33 prepare a metes and bounds description for any parcel shown on
34 a plat of survey unless the parcel was surveyed by the
35 surveyor in compliance with chapter 355. Parcels within a

1 plat of survey prepared pursuant to this section are subject
2 to the regulations and ordinances of the governing body.

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

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

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

11 354.27 NOTING THE PERMANENT REAL ESTATE INDEX NUMBER.

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

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

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

31 d. The city shall provide for a public hearing on the
32 application before approving or denying it. The city shall
33 provide written notice at least fourteen business days prior
34 to any action by the city council regarding the application,
35 including a public hearing, by regular mail to the chairperson

1 of the board of supervisors of each county which contains a
2 portion of the territory proposed to be annexed, each public
3 utility which serves the territory proposed to be annexed,
4 each owner of property located within the territory to be
5 annexed who is not a party to the application, and each owner
6 of property that adjoins the territory to be annexed unless
7 the adjoining property is in a city. The city shall publish
8 notice of the application and public hearing on the
9 application in an official county newspaper in each county
10 which contains a portion of the territory proposed to be
11 annexed. Both the written and published notice shall include
12 the time and place of the public hearing and a legal
13 description of the territory to be annexed. The city may
14 shall not assess the costs of providing notice as required in
15 this section to the applicants.

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

18 368.25 FAILURE TO PROVIDE MUNICIPAL SERVICES.

19 Prior to expiration of the three-year period established in
20 section 368.11, subsection ~~4~~ 3, paragraph "n", the annexing
21 city shall submit a report to the board describing the status
22 of the provision of municipal services identified in the plan
23 required in section 368.11, subsection ~~4~~ 3, paragraph "n".

24 If a city fails to provide municipal services, or fails to
25 show substantial and continuing progress in the provision of
26 municipal services, to territory involuntarily annexed,
27 according to the plan for extending municipal services filed
28 pursuant to section 368.11, subsection ~~4~~ 3, paragraph "n",
29 within the time period specified in that subsection, the city
30 development board may initiate proceedings to sever the
31 annexed territory from the city. The board shall notify the
32 city of the severance proceedings and shall hold a public
33 hearing on the proposed severance. The board shall give
34 notice of the hearing in the same manner as notice of a public
35 meeting in section 368.11. The board may order severance of

1 all or a portion of the territory and the order to sever is
2 not subject to approval at an election. A city may request
3 that the board allow up to an additional three years to
4 provide municipal services if good cause is shown. As an
5 alternative to severance of the territory, the board may
6 impose a moratorium on additional annexation by the city until
7 the city complies with its plan for extending municipal
8 services. For purposes of this section, "municipal services"
9 means services included in the plan required by section
10 368.11, subsection ~~14~~ 3, paragraph "n", for extending
11 municipal services.

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

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

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

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

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

35 3. EVENT SPONSOR'S LIABILITY FOR SALES TAX. A person

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

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

19 441.39 TRIAL ON APPEAL.

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

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

31 e. If a public water supply has a groundwater source that
32 contains petroleum, a fraction of crude oil, or their
33 degradation products, or is located in an area deemed by the
34 department as likely to be contaminated by such materials, and
35 after consultation with the public water supply system and

1 consideration of all applicable rules relating to remediation,
2 the department may require the public water supply system to
3 replace that groundwater source in order to receive a permit
4 to operate. The requirement to replace the source shall only
5 be made by the department if the public water supply system is
6 fully compensated for any additional design, construction,
7 operation, and monitoring costs from the Iowa comprehensive
8 petroleum underground storage tank fund created by chapter
9 455G or from any other funds that do not impose a financial
10 obligation on the part of the public water supply system.
11 Funds available to or provided by the public water supply
12 system may be used for system improvements made in conjunction
13 with replacement of the source. The department cannot require
14 a public water supply system to replace its water source with
15 a less reliable water source or with a source that does not
16 meet federal primary, secondary, or other health-based
17 standards unless treatment is provided to ensure that the
18 drinking water meets these standards. Nothing in this
19 paragraph shall affect the public water ~~supply's~~ supply
20 system's right to pursue recovery from a responsible party.

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

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

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

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

35 Sec. 60. Section 455G.2, subsection 15, Code 2005, is

1 amended by striking the subsection.

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

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

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

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

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

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

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

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

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

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

30 Sec. 67. Section 455G.13, subsection 12, Code 2005, is
31 amended to read as follows:

32 12. RECOVERY OR SUBROGATION -- INSTALLERS AND INSPECTORS.
33 Notwithstanding any other provision contained in this chapter,
34 the board or a person insured under the underground storage
35 tank insurance fund, established in section 455G.11, Code

1 2003, has no right of recovery or right of subrogation against
2 an installer or an inspector who was insured by the
3 underground storage tank insurance fund for the tank giving
4 rise to the liability other than for recovery of any
5 deductibles paid.

6 Sec. 68. Section 455G.14, Code 2005, is amended to read as
7 follows:

8 455G.14 FUND NOT SUBJECT TO REGULATION.

9 The fund~~, including but not limited to insurance coverage~~
10 ~~offered by the insurance fund~~, is not subject to regulation
11 under chapter 502 or Title XIII, subtitle 1.

12 Sec. 69. Section 455G.17, subsection 3, Code 2005, is
13 amended to read as follows:

14 3. The board shall adopt approved curricula for training
15 persons to install underground storage tanks ~~in such a manner~~
16 ~~that the resulting installation may be certified under section~~
17 ~~4556.11, subsection 10~~, and provide fire safety and
18 environmental protection guidelines for persons removing
19 tanks.

20 Sec. 70. Section 488.108, subsection 4, paragraph b, Code
21 2005, is amended to read as follows:

22 b. Each name reserved under section 488.109, or under
23 sections 486A.1001, 490.401, 490.402, 490A.401, 490A.402,
24 504.401, 504.402, 504A.6, 504A.7, and 547.1.

25 Sec. 71. Section 488.1003, subsections 1 and 2, Code 2005,
26 are amended to read as follows:

27 1. The person ~~that~~ was a partner when the conduct giving
28 rise to the action occurred.

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

33 Sec. 72. Section 490.850, subsection 2, Code 2005, is
34 amended to read as follows:

35 2. "Director" or "officer" means an individual who is or

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

14 Sec. 73. Section 501.103, subsection 3, unnumbered
15 paragraph 1, Code 2005, is amended to read as follows:

16 A cooperative that claims that it is exempt from the
17 restrictions of section 9H.4 pursuant to subsection 2 shall
18 file ~~an annual~~ a biennial report with the secretary of state
19 on or before March 31 of each even-numbered year on forms
20 supplied by the secretary of state. The report shall be
21 signed by the president or the vice president of the
22 cooperative and shall contain the following:

23 Sec. 74. Section 502.102, subsection 17, paragraph d, Code
24 2005, is amended to read as follows:

25 d. With respect to a viatical settlement investment
26 contract, "issuer" means a person involved in creating,
27 transferring, or selling to an investor any interest in such a
28 contract, including but not limited to fractional or pooled
29 interests, but does not include an agent or a broker-dealer.

30 Sec. 75. Section 502.204, subsection 1, Code 2005, is
31 amended to read as follows:

32 1. ENFORCEMENT-RELATED POWERS. Except with respect to a
33 federal covered security or a transaction involving a federal
34 covered security, an order under this chapter may deny,
35 suspend application of, condition, limit, or revoke an

1 exemption created under section 502.201, subsection 3,
2 paragraph "c", or subsection 7 ~~or 8~~, 8A, or 8B, or section
3 502.202, or an exemption or waiver created under section
4 502.203 with respect to a specific security, transaction, or
5 offer. An order under this section may be issued only
6 pursuant to the procedures in section 502.306, subsection 4,
7 or section 502.604, and only prospectively.

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

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

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

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

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

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

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

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

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

31 8. Written notice is correctly addressed to a domestic or
32 foreign corporation authorized to transact business in this
33 state, other than in its capacity as a member, if addressed to
34 its registered agent or to its secretary at its principal
35 office shown in its most recent biennial report or, in the

1 case of a foreign corporation that has not yet delivered an
2 ~~annual~~ a biennial report, in its application for a certificate
3 of authority.

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

6 (3) A violation of section ~~504-834~~ 504.835.

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

9 (3) A violation of section ~~504-834~~ 504.835.

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

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

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

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

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

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

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

29 1. Unless limited or prohibited by the articles or bylaws
30 of the corporation, action required or permitted by this
31 ~~subchapter~~ chapter to be approved by the members of a
32 corporation may be approved without a meeting of members if
33 the action is approved by members holding at least eighty
34 percent of the voting power. The action must be evidenced by
35 one or more written consents describing the action taken,

1 signed by those members representing at least eighty percent
2 of the voting power, and delivered to the corporation for
3 inclusion in the minutes or filing with the corporate records.
4 A written consent may be revoked by a writing to that effect
5 received by the corporation prior to the receipt by the
6 corporation of unrevoked written consents sufficient in number
7 to take corporation action.

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

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

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

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

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

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

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

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

1 constitute a majority of the required quorum, is the act of
2 the members.

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

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

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

14 504.824 WAIVER OF NOTICE.

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

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

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

29 504.825 QUORUM AND VOTING.

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

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

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

7 a. That section 504.202, subsection 2, paragraph "d", or
8 504.901 or the protection afforded by section ~~504-831~~ 504.833,
9 if interposed as a bar to the proceeding by the director, does
10 not preclude liability.

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

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

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

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

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

23 5. For purposes of subsection 2, paragraph "b", a conflict
24 of interest transaction is authorized, approved, or ratified
25 by the members if it receives a majority of the votes entitled
26 to be counted under this subsection. Votes cast by or voted
27 under the control of a director who has a direct or indirect
28 interest in the transaction, and votes cast by or voted under
29 the control of an entity described in subsection 3, paragraph
30 "a", shall not be counted in a vote of members to determine
31 whether to authorize, approve, or ratify a conflict of
32 interest transaction under subsection 2, paragraph "b". The
33 vote of these members, however, is counted in determining
34 whether the transaction is approved under other sections of
35 this ~~subchapter~~ chapter. A majority of the voting power,

1 whether or not present, that is entitled to be counted in a
2 vote on the transaction under this subsection constitutes a
3 quorum for the purpose of taking action under this section.

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

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

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

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

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

21 a. In connection with a proceeding by or in the right of
22 the corporation, except for reasonable expenses incurred in
23 connection with the proceeding if it is determined that the
24 director has met the relevant standard of conduct under
25 subsection 1.

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

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

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

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

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

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

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

6 504.1008 EFFECT OF AMENDMENT AND RESTATEMENT.

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

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

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

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

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

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

32 c. The annuity shall not be contestable, or limit death
33 benefits in the case of suicide, with respect to that portion
34 of the face amount of the annuity which is required by
35 paragraph "b". The annuity shall not refer to physical

1 examination, or otherwise operate as an exclusion, limitation,
2 or condition other than requiring submission of proof of death
3 or surrender of the annuity at the time the prepaid purchase
4 agreement is funded, matures, or is canceled, as the case may
5 be.

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

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

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

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

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

26 5. Within thirty days after the date of the **second**
27 publication of the notice, any interested person may submit to
28 the superintendent a written request for a hearing on the
29 application. The request shall state the nature of the issues
30 or facts to be presented and the reasons why written
31 submissions would be insufficient to make an adequate
32 presentation to the superintendent. If the reasons are
33 related to factual disputes, the disputes shall be described.
34 Comments challenging the legality of an application shall be
35 submitted separately in writing and shall not be considered at

1 a hearing conducted pursuant to this section. Written
2 requests for hearings shall be evaluated by the
3 superintendent, who may grant or deny such requests in whole
4 or in part. A hearing request shall generally be granted only
5 if it is determined that written submissions would be
6 inadequate or that a hearing would otherwise be beneficial to
7 the decision-making process. A hearing may be limited to
8 issues considered material by the superintendent.

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

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

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

1 of state's office, and they the superintendent shall be-filed
2 file and recorded record them in the office of the county
3 recorder.

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

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

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

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

32 The collection of any costs other than as expressly
33 permitted by this paragraph "b" is prohibited. However,
34 additional costs incurred in connection with a loan under this
35 paragraph "b", if bona fide and reasonable, may be collected

1 by a state-chartered financial institution licensed under
2 chapter 524, 533, or 534, to the extent permitted under
3 applicable federal law as determined by the office of the
4 comptroller of the currency of the United States department of
5 treasury, the national credit union administration, or the
6 office of thrift supervision of the United States department
7 of treasury. Such costs shall apply only to the same type of
8 state-chartered entity as the federally chartered entity
9 affected and shall apply to and may be collected by an insurer
10 organized under chapter 508 or 515, or otherwise authorized to
11 conduct the business of insurance in this state.

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

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

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

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

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

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

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

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

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

35 The provisions of sections 714.17 ~~to-714-22~~ through 714.21

1 shall not apply to trade or vocational schools if they meet
2 either of the following conditions:

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

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

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

20 6. An attorney appointed under this section is not liable
21 to a person represented by the attorney for damages as a
22 result of a conviction in a criminal case unless the court
23 determines in a postconviction proceeding or on direct appeal
24 that the person's conviction resulted from ineffective
25 assistance of counsel, and the ineffective assistance of
26 counsel is the proximate cause of the damage. In juvenile or
27 civil proceedings, an attorney appointed under this section is
28 not liable to a person represented by the attorney for damages
29 unless it has been determined that the attorney has provided
30 ineffective assistance of counsel, and the ineffective
31 assistance of counsel ~~claim~~ is the proximate cause of the
32 damage.

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

35 Sec. 122. 2004 Iowa Acts, chapter 1049, section 81, the

1 portion enacting section 504.810, subsection 1, paragraph a,
2 is amended to read as follows:

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

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

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

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

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

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

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

28 Sec. 126. EFFECTIVE DATES AND RETROACTIVE APPLICABILITY.

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

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

35 3. The section of this Act amending 2004 Acts, chapter

1 1049, section 81, takes effect upon enactment and applies
2 retroactively to July 1, 2004.

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

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

9 EXPLANATION

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

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

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

34 Code section 2B.17: Amends language relating to the proper
35 citations to Acts of the general assembly to include the use

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

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

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

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

33 Code sections 8A.205, 22.7, and 331.506: Substitutes "an
34 electronic" for a reference to "a digital" signature in
35 language that relates to the disclosure of private keys and

1 refers to technologies provided in Code chapter 554D. The
2 term "digital signature" was stricken from Code chapter 554D
3 by 2004 Iowa Acts, chapter 1067, section 2. The term
4 "electronic signature" remains a defined term in chapter 554D.

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

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

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

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

32 Code section 15.331C: Conforms language pertaining to
33 corporate tax credits for certain sales taxes paid by third-
34 party developers to language that was altered in a similar
35 manner in Code section 15.331A by 2003 Iowa Acts, 1st

1 Extraordinary Session, chapter 2, section 152. The 2003 Act
2 struck sales and use tax provisions from Code chapter 422 and
3 recodified the provisions in Code chapter 423 effective July
4 1, 2004.

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

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

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

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

33 Code section 85.34: Designates an unnumbered paragraph at
34 the end of subsection 2 as lettered paragraph "v" to eliminate
35 technical drafting and codification issues in a provision

1 relating to workers' compensation for permanent disabilities,
2 and updates a reference to "said schedule" to clarify that the
3 schedule is the compensation schedule specified in paragraphs
4 "a" through "t". The addition of references to paragraphs "a"
5 through "t" conforms the language to a similar reference in
6 paragraph "u".

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

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

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

26 Code section 99D.24: Substitutes for the term "betting
27 enclosure" the defined term "wagering area" in a provision
28 relating to pari-mutuel wagering. The defined term "wagering
29 area" was added to Code section 99D.2 by 2004 Iowa Acts,
30 chapter 1136, section 3, and refers to that portion of a
31 racetrack in which a licensee may receive wagers of money from
32 a person present in a licensed racing enclosure on a horse or
33 dog in a race selected by the person making the wager as
34 designated by the commission. The term "betting enclosure" is
35 not defined in Code chapter 99D.

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

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

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

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

23 Code section 225C.42: Changes the words "fiscal year" to
24 "period" to be consistent with technical changes made in 2004
25 Iowa Acts, chapter 1116, in subsection 1 and subsection 2,
26 paragraph "a", that converted what had been annual reporting
27 to periodic reporting.

28 Code section 235A.15: Substitutes for the words
29 "administrative agency" the words "the department" in language
30 relating to the hearing of an appeal for correction of child
31 abuse report and disposition data as provided in Code section
32 235A.19. Code section 235A.19 specifies that the department
33 of human services is the agency responsible for providing a
34 person who is the subject of a child abuse report with an
35 opportunity for making corrections to data that is in whole or

1 in part erroneous. The term "department" is defined under
2 Code section 235A.13 as meaning the department of human
3 services. The term "administrative agency" is not defined
4 under Code chapter 235A.

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

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

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

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

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

33 Code sections 331.512, 354.4, 354.5, and 354.27: Strikes
34 language relating to the authority to establish a permanent
35 real estate index number system. Code section 441.29 was

1 amended to require such establishment in 2004 Iowa Acts,
2 chapter 1144.

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

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

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

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

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

35 Code section 423.33: Adds a reference to Code section

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

5 Code section 441.39: Corrects a printing error made in the
6 1971 Code of Iowa. In the original enactment in 1959 Iowa
7 Acts, chapter 239, section 39, the word "or" was enacted and
8 appeared that same way when it was originally published in the
9 1962 Code of Iowa, and then again in the 1966 Code of Iowa.
10 In the 1971 Code of Iowa publication, a printing problem
11 occurred that is visible in this Code section. When the 1973
12 Code was published, the word had been changed and no
13 intervening legislation had passed to cause the change.

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

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

31 Code sections 455G.2, 455G.3, 455G.4, 455G.13, 455G.14, and
32 455G.17: Strikes or replaces references to insurance
33 coverage, the underground storage tank insurance fund, and the
34 Iowa underground storage tank insurance board in these
35 provisions. The fund and the board were repealed effective

1 July 1, 2004, pursuant to 1989 Iowa Acts, chapter 131, section
2 61.

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

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

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

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

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

33 Code section 502.204: Substitutes, in this provision
34 relating to denial, suspension, revocation, condition, or
35 limitation of statutory exemptions from securities

1 registration requirements, for a reference to subsection 8 of
2 Code section 502.201, references to subsections 8A and 8B of
3 that Code section. There is no language at subsection 8 of
4 Code section 502.201, and subsections 8A and 8B were intended
5 as the replacement language in Iowa for the model securities
6 Act language when 2004 Iowa Acts, chapter 1161, was enacted.
7 Code section 502.508: Adds the word "attorney" after the
8 word "county" in language relating to who may bring a criminal
9 action under the securities Act. This conforms the language
10 to the model Act which provides that the attorney general or
11 the proper "prosecuting attorney" may bring this type of
12 action.

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

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

32 Code section 504.202: Changes a citation to Code section
33 504.834 to Code section 504.835 in a provision relating to the
34 articles of incorporation of nonprofit corporations. This
35 conforms this aspect of this provision to the corresponding

1 language in the sister provision applicable to business
2 corporations, Code section 490.202.

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

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

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

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

1 corporation Act.

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

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

21 Code section 504.901: Changes an internal reference within
22 the provision describing when a director, officer, member, or
23 other volunteer for a nonprofit corporation is personally
24 liable for action or inaction on the part of that person, from
25 a reference to a provision governing conduct by a corporation
26 to a reference to a provision describing the circumstances
27 under which a director is personally liable to the corporation
28 for unlawful distributions. The change conforms the reference
29 to a provision containing almost identical language found in
30 Code section 490.833, which applies to for-profit
31 corporations.

32 Code section 504.1008: Adds commas to a series to clarify
33 the meaning of a provision describing the effect of an
34 amendment to articles of incorporation on causes of action,
35 proceedings, or existing rights of persons other than members.

1 The amendment conforms the provision to a similar provision,
2 Code section 490.1009, that applies to for-profit
3 corporations.

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

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

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

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

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

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

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

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

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

32 Code section 551A.9: Deletes the redundant words "business
33 opportunity" from the term "business opportunity purchaser" to
34 conform the manner in which a purchaser of a business
35 opportunity is referred to in this subsection to other

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

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

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

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

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

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

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

17 REPEALS

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

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

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

34 Code section 266.32: This section is repealed due to the
35 2004 repeal, in 2004 Iowa Acts, chapter 1175, section 283, of

1 Code section 266.31, establishing the meat export research
2 center for which the moneys were to be received by the state
3 board of regents.

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H5B 118
JUDICIARY

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

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

A BILL FOR

1 An Act relating to statutory corrections which may adjust
2 language to reflect current practices, insert earlier
3 omissions, delete redundancies and inaccuracies, delete
4 temporary language, resolve inconsistencies and conflicts,
5 update ongoing provisions, or remove ambiguities, and
6 including effective and retroactive applicability date
7 provisions.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 2B.5, subsection 3, Code 2005, is
2 amended to read as follows:

3 3. Cause to be published annually a correct list of state
4 officers and deputies; members of boards and commissions;
5 justices of the supreme court, judges of the court of appeals,
6 and judges of the district courts including district associate
7 judges and judicial magistrates; and members of the general
8 assembly. ~~The offices~~ office of the governor ~~and-secretary-of~~
9 ~~state~~ shall cooperate in the preparation of the list.

10 Sec. 2. Section 2B.12, subsection 8, Code 2005, is amended
11 to read as follows:

12 8. A Code or Code Supplement may include appropriate
13 tables showing the disposition of Acts of the general
14 assembly, the corresponding sections from edition to edition
15 of a Code or Code Supplement, and other reference material as
16 determined by the Iowa Code editor in accordance with policies
17 of the legislative council.

18 Sec. 3. Section 2B.17, subsection 2, Code 2005, is amended
19 to read as follows:

20 2. The Acts of each general assembly shall be known as
21 "Acts of the .. General Assembly, .. Session, Chapter (or File
22 No.) .., Section .." (inserting the appropriate numbers) and
23 shall be cited as ".. Iowa Acts, chapter (or File No.)..,
24 section .." (inserting the appropriate year, chapter or file
25 number, and section number).

26 Sec. 4. Section 2C.13, Code 2005, is amended to read as
27 follows:

28 2C.13 NO INVESTIGATION -- NOTICE TO COMPLAINANT.

29 If the citizens' aide decides not to investigate, the
30 complainant shall be informed of the reasons for the decision.
31 If the citizens' aide decides to investigate, the complainant
32 and the agency shall be notified of the decision. After
33 completing consideration of a complaint, whether or not it has
34 been investigated, the citizens' aide shall without delay
35 inform the complainant of the fact, and if appropriate, shall

1 inform the **administrative** agency involved. The citizens' aide
2 shall on request of the complainant, and as appropriate,
3 report the status of the investigation to the complainant.

4 Sec. 5. Section 2C.14, Code 2005, is amended to read as
5 follows:

6 2C.14 INSTITUTIONALIZED COMPLAINANTS.

7 A letter to the citizens' aide from a person in a
8 correctional institution, a hospital, or other institution
9 under the control of an **administrative** agency shall be
10 immediately forwarded, unopened to the citizens' aide by the
11 institution where the writer of the letter is a resident. A
12 letter from the citizens' aide to such a person shall be
13 immediately delivered, unopened to the person.

14 Sec. 6. Section 2C.17, unnumbered paragraph 1, Code 2005,
15 is amended to read as follows:

16 The citizens' aide may publish the conclusions,
17 recommendations, and suggestions and transmit them to the
18 governor, or the general assembly or any of its committees.
19 When publishing an opinion adverse to an **administrative** agency
20 or official the citizens' aide shall, unless excused by the
21 agency or official affected, include with the opinion any
22 unedited reply made by the agency.

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

25 3.3 HEADNOTES AND HISTORICAL REFERENCES.

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

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

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

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

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

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

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

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

3 4. A certificate of a notarial act on an instrument to be
4 recorded must also comply with the requirements of section
5 ~~331-6027-subsection-1~~ 331.606B.

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

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

26 Sec. 13. Section 13B.9, subsection 2, Code 2005, is
27 amended to read as follows:

28 2. An attorney appointed under this section is not liable
29 to a person represented by the attorney for damages as a
30 result of a conviction in a criminal case unless the court
31 determines in a postconviction proceeding or on direct appeal
32 that the person's conviction resulted from ineffective
33 assistance of counsel, and the ineffective assistance of
34 counsel is the proximate cause of the damage. In juvenile or
35 civil proceedings, an attorney appointed under this section is

1 not liable to a person represented by the attorney for damages
2 unless it has been determined that the attorney has provided
3 ineffective assistance of counsel and the ineffective
4 assistance of counsel claim is the proximate cause of the
5 damage.

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

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

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

28 2. A third-party developer shall state under oath, on
29 forms provided by the department of economic development, the
30 amount of taxes paid as described in subsection 1 and shall
31 submit such forms to the department. The taxes paid shall be
32 itemized to allow identification of the taxes attributable to
33 racks, shelving, and conveyor equipment to be used in a
34 warehouse or distribution center. After receiving the form
35 from the third-party developer, the department shall issue a

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

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

35 NEW UNNUMBERED PARAGRAPH. "Public records" also includes

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

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

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

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

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

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

32 8. A voter registration application lacking the
33 registrant's name, sex, date of birth, or residence address or
34 description shall not be processed. A voter registration
35 application lacking the registrant's Iowa driver's license

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

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

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

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

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

35 Sec. 21. Section 50.20, Code 2005, is amended to read as

1 follows:

2 50.20 NOTICE OF NUMBER OF PROVISIONAL BALLOTS.

3 The commissioner shall compile a list of the number of
4 provisional ballots cast under section 49.81 in each precinct.
5 The list shall be made available to the public as soon as
6 possible, but in no case later than nine o'clock a.m. on the
7 second day following the election. Any elector may examine
8 the list during normal office hours, and may also examine the
9 affidavit envelopes bearing the ballots of challenged electors
10 until the reconvening of the special precinct board as
11 required by this chapter. Only those persons so permitted by
12 section 53.23, subsection 4, shall have access to the
13 affidavits while that board is in session. Any elector may
14 present written statements or documents, supporting or
15 opposing the counting of any ~~special~~ provisional ballot, at
16 the commissioner's office until the reconvening of the special
17 precinct board.

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

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

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

35 If a ~~special~~ provisional ballot is rejected, the person

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

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

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

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

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

33 53.24 COUNTIES USING VOTING MACHINES.

34 In counties which provide the special precinct election
35 board with voting machines, the absentee ballot envelopes

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

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

15 The commissioner shall immediately send a written notice to
16 the elector whose qualifications have been challenged. The
17 notice shall be sent to the address at which the challenged
18 elector is registered to vote. If the ballot was mailed to
19 the challenged elector, the notice shall also be sent to the
20 address to which the ballot was mailed if it is different from
21 the elector's registration address. The notice shall advise
22 the elector of the reason for the challenge, the date and time
23 that the special precinct election board will reconvene to
24 determine challenges, and that the elector has the right to
25 submit written evidence of the elector's qualifications. The
26 notice shall include the telephone number of the
27 commissioner's office. If the commissioner has access to a
28 facsimile machine, the notice shall include the telephone
29 number of the facsimile machine. As far as possible, other
30 procedures for considering ~~special~~ provisional ballots shall
31 be followed.

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

34 v. If it is determined that an injury has produced a
35 disability less than that specifically described in ~~said~~ the

1 schedule described in paragraphs "a" through "t", compensation
2 shall be paid during the lesser number of weeks of disability
3 determined, as will not exceed a total amount equal to the
4 same percentage proportion of said scheduled maximum
5 compensation.

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

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

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

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

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

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

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

1 purposes as may be authorized by the general assembly.

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

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

32 6. In the payment of any benefits in the future, as a
33 result of the provisions of chapter 97, Code 1950, as amended,
34 the department system shall follow the same procedure as
35 provided by said chapter 97, as amended, as though said

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

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

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

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

27 a. A person wishing to conduct games and raffles pursuant
28 to this section as a qualified organization shall submit an
29 application and a license fee of one hundred fifty dollars.
30 The annual license fee for a statewide raffle license shall be
31 one hundred fifty dollars. However, upon submission of an
32 application accompanied by a license fee of fifteen dollars, a
33 person may be issued a limited license to conduct all games
34 and raffles pursuant to this section at a specified location
35 and during a specified period of fourteen consecutive calendar

1 days, except that a bingo occasion may only be conducted once
2 per each seven consecutive calendar days of the specified
3 period. In addition, a qualified organization may be issued a
4 limited license to conduct raffles pursuant to this section
5 for a period of ninety days for a license fee of forty dollars
6 or for a period of one hundred eighty days for a license fee
7 of seventy-five dollars. For the purposes of this paragraph,
8 a limited license is deemed to be issued on the first day of
9 the period for which the license is issued.

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

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

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

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

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

34 3. This section does not apply if the a parent objects to
35 the screening. If a parent objects to the screening of a

1 newborn, the attending health care provider shall document the
2 refusal in the newborn's medical record and shall obtain a
3 written refusal from the parent and report the refusal to the
4 department as provided by rule of the department.

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

7 3. "Manufacturer" includes every person engaged in the
8 preparation, at any stage of the process, of biological
9 products, except those engaged in such preparation ~~in the~~
10 ~~biological-laboratory-in-the-Iowa-State-University-of-science~~
11 ~~and-technology,~~ or in any other state or governmental
12 institution.

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

15 174.15 PURCHASE AND MANAGEMENT.

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

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

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

1 out-of-home placement during the ~~fiscal-year~~ period and the
2 type of placement.

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

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

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

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

12 2. The report shall be made available to the chairpersons
13 and ranking members of the senate and house committees on
14 education, ~~the-legislative-education-accountability-and~~
15 ~~oversight-committee,~~ the deans of the colleges of education at
16 approved practitioner preparation institutions in this state,
17 the state board, the governor, and school districts by January
18 1. School districts shall provide information as required by
19 the department for the compilation of the report and for
20 accounting and auditing purposes.

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

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

29 3. The damage disclosure statement shall be provided by
30 the transferor to the transferee at or before the time of
31 sale. If the transferor is not a resident of this state or if
32 the transferee acquired the vehicle by operation of law as
33 provided in section 321.47, the transferee shall not be
34 required to submit a damage disclosure statement from the
35 transferor with the transferee's application for title unless

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

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

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

1 or 5. Except for subsections 10 and 11, this section does not
2 apply to new motor vehicles with a true mileage, as defined in
3 section 321.71, of one thousand miles or less, unless such
4 vehicle has incurred damage as defined described in subsection
5 2.

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

8 322.10 JUDICIAL REVIEW.

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

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

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

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

28 b. The auditor shall not issue a warrant to a drawee until
29 the auditor has transmitted to the treasurer a list of the
30 warrants to be issued. The list shall include the date,
31 amount, and number of the warrant, name of the person to whom
32 the warrant is issued, and the purpose for which the warrant
33 is issued. The treasurer shall acknowledge receipt of the
34 list by affixing the treasurer's signature at the bottom of
35 the list and immediately returning the list to the auditor.

1 The requirement that the treasurer sign to acknowledge receipt
2 of the list is satisfied by use of a ~~digital-signature-or~~
3 other secure electronic signature if the county auditor and
4 treasurer have complied with the applicable provisions of
5 chapter 554D.

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

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

12 10. Furnish the assessor a plat book which is platted with
13 the lands and lots within the assessment district as provided
14 in section 441.29. ~~The-auditor,-with-the-approval-of-the~~
15 ~~board-of-supervisors,-may-establish-a-permanent-real-estate~~
16 ~~index-number-system-as-provided-in-section-441-29-~~

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

19 3. To provide for statewide, uniform procedures and
20 standards for the platting of land while allowing the widest
21 possible latitude for cities and counties to establish and
22 enforce ordinances regulating the division and use of land,
23 within the scope of, but not limited to, chapters 331, 335,
24 364, 414, and this chapter. All documents presented for
25 recording pursuant to this chapter shall comply with section
26 ~~331-602,-subsection-1~~ 331.606B.

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

29 2. The auditor ~~may~~ shall note a permanent real estate
30 index number upon each parcel shown on a plat of survey
31 according to section 441.29 for real estate tax administration
32 purposes. The surveyor shall not assign parcel letters or
33 prepare a metes and bounds description for any parcel shown on
34 a plat of survey unless the parcel was surveyed by the
35 surveyor in compliance with chapter 355. Parcels within a

1 plat of survey prepared pursuant to this section are subject
2 to the regulations and ordinances of the governing body.

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

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

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

11 354.27 NOTING THE PERMANENT REAL ESTATE INDEX NUMBER.

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

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

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

31 d. The city shall provide for a public hearing on the
32 application before approving or denying it. The city shall
33 provide written notice at least fourteen business days prior
34 to any action by the city council regarding the application,
35 including a public hearing, by regular mail to the chairperson

1 of the board of supervisors of each county which contains a
2 portion of the territory proposed to be annexed, each public
3 utility which serves the territory proposed to be annexed,
4 each owner of property located within the territory to be
5 annexed who is not a party to the application, and each owner
6 of property that adjoins the territory to be annexed unless
7 the adjoining property is in a city. The city shall publish
8 notice of the application and public hearing on the
9 application in an official county newspaper in each county
10 which contains a portion of the territory proposed to be
11 annexed. Both the written and published notice shall include
12 the time and place of the public hearing and a legal
13 description of the territory to be annexed. The city may
14 shall not assess the costs of providing notice as required in
15 this section to the applicants.

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

18 368.25 FAILURE TO PROVIDE MUNICIPAL SERVICES.

19 Prior to expiration of the three-year period established in
20 section 368.11, subsection ~~14~~ 3, paragraph "n", the annexing
21 city shall submit a report to the board describing the status
22 of the provision of municipal services identified in the plan
23 required in section 368.11, subsection ~~14~~ 3, paragraph "n".
24 If a city fails to provide municipal services, or fails to
25 show substantial and continuing progress in the provision of
26 municipal services, to territory involuntarily annexed,
27 according to the plan for extending municipal services filed
28 pursuant to section 368.11, subsection ~~14~~ 3, paragraph "n",
29 within the time period specified in that subsection, the city
30 development board may initiate proceedings to sever the
31 annexed territory from the city. The board shall notify the
32 city of the severance proceedings and shall hold a public
33 hearing on the proposed severance. The board shall give
34 notice of the hearing in the same manner as notice of a public
35 meeting in section 368.11. The board may order severance of

1 all or a portion of the territory and the order to sever is
2 not subject to approval at an election. A city may request
3 that the board allow up to an additional three years to
4 provide municipal services if good cause is shown. As an
5 alternative to severance of the territory, the board may
6 impose a moratorium on additional annexation by the city until
7 the city complies with its plan for extending municipal
8 services. For purposes of this section, "municipal services"
9 means services included in the plan required by section
10 368.11, subsection ~~4~~ 3, paragraph "n", for extending
11 municipal services.

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

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

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

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

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

35 3. EVENT SPONSOR'S LIABILITY FOR SALES TAX. A person

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

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

19 441.39 TRIAL ON APPEAL.

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

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

31 e. If a public water supply has a groundwater source that
32 contains petroleum, a fraction of crude oil, or their
33 degradation products, or is located in an area deemed by the
34 department as likely to be contaminated by such materials, and
35 after consultation with the public water supply system and

1 consideration of all applicable rules relating to remediation,
2 the department may require the public water supply system to
3 replace that groundwater source in order to receive a permit
4 to operate. The requirement to replace the source shall only
5 be made by the department if the public water supply system is
6 fully compensated for any additional design, construction,
7 operation, and monitoring costs from the Iowa comprehensive
8 petroleum underground storage tank fund created by chapter
9 455G or from any other funds that do not impose a financial
10 obligation on the part of the public water supply system.
11 Funds available to or provided by the public water supply
12 system may be used for system improvements made in conjunction
13 with replacement of the source. The department cannot require
14 a public water supply system to replace its water source with
15 a less reliable water source or with a source that does not
16 meet federal primary, secondary, or other health-based
17 standards unless treatment is provided to ensure that the
18 drinking water meets these standards. Nothing in this
19 paragraph shall affect the public water ~~supply's~~ supply
20 system's right to pursue recovery from a responsible party.

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

23 7. "Third party" means any person other than a person that
24 holds indicia of title to property ~~as-identified-in-section~~
25 ~~455B.7527-subsection-17~~ or that has acquired property as
26 identified in section 455B.7527-subsection-2.

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

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

35 Sec. 60. Section 455G.2, subsection 15, Code 2005, is

1 amended by striking the subsection.

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

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

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

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

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

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

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

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

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

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

30 Sec. 67. Section 455G.13, subsection 12, Code 2005, is
31 amended to read as follows:

32 12. RECOVERY OR SUBROGATION -- INSTALLERS AND INSPECTORS.
33 Notwithstanding any other provision contained in this chapter,
34 the board or a person insured under the underground storage
35 tank insurance fund, established in section 455G.11, Code

1 2003, has no right of recovery or right of subrogation against
2 an installer or an inspector who was insured by the
3 underground storage tank insurance fund for the tank giving
4 rise to the liability other than for recovery of any
5 deductibles paid.

6 Sec. 68. Section 455G.14, Code 2005, is amended to read as
7 follows:

8 455G.14 FUND NOT SUBJECT TO REGULATION.

9 ~~The fund, including but not limited to insurance coverage~~
10 ~~offered by the insurance fund,~~ is not subject to regulation
11 under chapter 502 or Title XIII, subtitle 1.

12 Sec. 69. Section 455G.17, subsection 3, Code 2005, is
13 amended to read as follows:

14 3. The board shall adopt approved curricula for training
15 persons to install underground storage tanks ~~in such a manner~~
16 ~~that the resulting installation may be certified under section~~
17 ~~4556.117, subsection 10,~~ and provide fire safety and
18 environmental protection guidelines for persons removing
19 tanks.

20 Sec. 70. Section 488.108, subsection 4, paragraph b, Code
21 2005, is amended to read as follows:

22 b. Each name reserved under section 488.109, or under
23 sections 486A.1001, 490.401, 490.402, 490A.401, 490A.402,
24 504.401, 504.402, 504A.6, 504A.7, and 547.1.

25 Sec. 71. Section 488.1003, subsections 1 and 2, Code 2005,
26 are amended to read as follows:

27 1. The person ~~that~~ was a partner when the conduct giving
28 rise to the action occurred.

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

33 Sec. 72. Section 490.850, subsection 2, Code 2005, is
34 amended to read as follows:

35 2. "Director" or "officer" means an individual who is or

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

14 Sec. 73. Section 501.103, subsection 3, unnumbered
15 paragraph 1, Code 2005, is amended to read as follows:

16 A cooperative that claims that it is exempt from the
17 restrictions of section 9H.4 pursuant to subsection 2 shall
18 ~~file an-annual~~ a biennial report with the secretary of state
19 on or before March 31 of each even-numbered year on forms
20 supplied by the secretary of state. The report shall be
21 signed by the president or the vice president of the
22 cooperative and shall contain the following:

23 Sec. 74. Section 502.102, subsection 17, paragraph d, Code
24 2005, is amended to read as follows:

25 d. With respect to a viatical settlement investment
26 contract, "issuer" means a person involved in creating,
27 transferring, or selling to an investor any interest in such a
28 contract, including but not limited to fractional or pooled
29 interests, but does not include an agent or a broker-dealer.

30 Sec. 75. Section 502.204, subsection 1, Code 2005, is
31 amended to read as follows:

32 1. ENFORCEMENT-RELATED POWERS. Except with respect to a
33 federal covered security or a transaction involving a federal
34 covered security, an order under this chapter may deny,
35 suspend application of, condition, limit, or revoke an

1 exemption created under section 502.201, subsection 3,
2 paragraph "c", or subsection 7 ~~or~~ 8, 8A, or 8B, or section
3 502.202, or an exemption or waiver created under section
4 502.203 with respect to a specific security, transaction, or
5 offer. An order under this section may be issued only
6 pursuant to the procedures in section 502.306, subsection 4,
7 or section 502.604, and only prospectively.

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

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

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

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

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

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

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

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

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

31 8. Written notice is correctly addressed to a domestic or
32 foreign corporation authorized to transact business in this
33 state, other than in its capacity as a member, if addressed to
34 its registered agent or to its secretary at its principal
35 office shown in its most recent biennial report or, in the

1 case of a foreign corporation that has not yet delivered an
2 ~~annual~~ a biennial report, in its application for a certificate
3 of authority.

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

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

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

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

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

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

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

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

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

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

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

29 1. Unless limited or prohibited by the articles or bylaws
30 of the corporation, action required or permitted by this
31 ~~subchapter~~ chapter to be approved by the members of a
32 corporation may be approved without a meeting of members if
33 the action is approved by members holding at least eighty
34 percent of the voting power. The action must be evidenced by
35 one or more written consents describing the action taken,

1 signed by those members representing at least eighty percent
2 of the voting power, and delivered to the corporation for
3 inclusion in the minutes or filing with the corporate records.
4 A written consent may be revoked by a writing to that effect
5 received by the corporation prior to the receipt by the
6 corporation of unrevoked written consents sufficient in number
7 to take corporation action.

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

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

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

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

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

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

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

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

1 constitute a majority of the required quorum, is the act of
2 the members.

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

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

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

14 504.824 WAIVER OF NOTICE.

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

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

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

29 504.825 QUORUM AND VOTING.

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

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

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

7 a. That section 504.202, subsection 2, paragraph "d", or
8 504.901 or the protection afforded by section ~~504.832~~ 504.833,
9 if interposed as a bar to the proceeding by the director, does
10 not preclude liability.

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

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

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

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

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

23 5. For purposes of subsection 2, paragraph "b", a conflict
24 of interest transaction is authorized, approved, or ratified
25 by the members if it receives a majority of the votes entitled
26 to be counted under this subsection. Votes cast by or voted
27 under the control of a director who has a direct or indirect
28 interest in the transaction, and votes cast by or voted under
29 the control of an entity described in subsection 3, paragraph
30 "a", shall not be counted in a vote of members to determine
31 whether to authorize, approve, or ratify a conflict of
32 interest transaction under subsection 2, paragraph "b". The
33 vote of these members, however, is counted in determining
34 whether the transaction is approved under other sections of
35 this ~~subchapter~~ chapter. A majority of the voting power,

1 whether or not present, that is entitled to be counted in a
2 vote on the transaction under this subsection constitutes a
3 quorum for the purpose of taking action under this section.

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

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

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

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

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

21 a. In connection with a proceeding by or in the right of
22 the corporation, except for reasonable expenses incurred in
23 connection with the proceeding if it is determined that the
24 director has met the relevant standard of conduct under
25 subsection 1.

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

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

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

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

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

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

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

6 504.1008 EFFECT OF AMENDMENT AND RESTATEMENT.

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

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

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

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

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

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

32 c. The annuity shall not be contestable, or limit death
33 benefits in the case of suicide, with respect to that portion
34 of the face amount of the annuity which is required by
35 paragraph "b". The annuity shall not refer to physical

1 examination, or otherwise operate as an exclusion, limitation,
2 or condition other than requiring submission of proof of death
3 or surrender of the annuity at the time the prepaid purchase
4 agreement is funded, matures, or is canceled, as the case may
5 be.

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

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

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

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

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

26 5. Within thirty days after the date of the **second**
27 publication of the notice, any interested person may submit to
28 the superintendent a written request for a hearing on the
29 application. The request shall state the nature of the issues
30 or facts to be presented and the reasons why written
31 submissions would be insufficient to make an adequate
32 presentation to the superintendent. If the reasons are
33 related to factual disputes, the disputes shall be described.
34 Comments challenging the legality of an application shall be
35 submitted separately in writing and shall not be considered at

1 a hearing conducted pursuant to this section. Written
2 requests for hearings shall be evaluated by the
3 superintendent, who may grant or deny such requests in whole
4 or in part. A hearing request shall generally be granted only
5 if it is determined that written submissions would be
6 inadequate or that a hearing would otherwise be beneficial to
7 the decision-making process. A hearing may be limited to
8 issues considered material by the superintendent.

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

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

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

1 of state's office, and they the superintendent shall be-filed
2 file and recorded record them in the office of the county
3 recorder.

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

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

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

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

32 The collection of any costs other than as expressly
33 permitted by this paragraph "b" is prohibited. However,
34 additional costs incurred in connection with a loan under this
35 paragraph "b", if bona fide and reasonable, may be collected

1 by a state-chartered financial institution licensed under
2 chapter 524, 533, or 534, to the extent permitted under
3 applicable federal law as determined by the office of the
4 comptroller of the currency of the United States department of
5 treasury, the national credit union administration, or the
6 office of thrift supervision of the United States department
7 of treasury. Such costs shall apply only to the same type of
8 state-chartered entity as the federally chartered entity
9 affected and shall apply to and may be collected by an insurer
10 organized under chapter 508 or 515, or otherwise authorized to
11 conduct the business of insurance in this state.

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

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

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

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

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

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

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

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

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

35 The provisions of sections 714.17 ~~to-714-22~~ through 714.21

1 shall not apply to trade or vocational schools if they meet
2 either of the following conditions:

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

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

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

20 6. An attorney appointed under this section is not liable
21 to a person represented by the attorney for damages as a
22 result of a conviction in a criminal case unless the court
23 determines in a postconviction proceeding or on direct appeal
24 that the person's conviction resulted from ineffective
25 assistance of counsel, and the ineffective assistance of
26 counsel is the proximate cause of the damage. In juvenile or
27 civil proceedings, an attorney appointed under this section is
28 not liable to a person represented by the attorney for damages
29 unless it has been determined that the attorney has provided
30 ineffective assistance of counsel, and the ineffective
31 assistance of counsel claim is the proximate cause of the
32 damage.

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

35 Sec. 122. 2004 Iowa Acts, chapter 1049, section 81, the

1 portion enacting section 504.810, subsection 1, paragraph a,
2 is amended to read as follows:

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

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

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

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

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

20 1. A joint investment trust organized pursuant to chapter
21 28E for the purposes of joint investment of public funds is
22 subject to the jurisdiction and authority of the
23 administrator, including all requirements of this chapter,
24 except the registration provisions of sections ~~502.201~~ 502.301
25 and ~~502.218~~ 502.321I.

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

28 Sec. 126. EFFECTIVE DATES AND RETROACTIVE APPLICABILITY.

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

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

35 3. The section of this Act amending 2004 Acts, chapter

1 1049, section 81, takes effect upon enactment and applies
2 retroactively to July 1, 2004.

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

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

9

EXPLANATION

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

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

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

34 Code section 2B.17: Amends language relating to the proper
35 citations to Acts of the general assembly to include the use

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

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

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

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

33 Code sections 8A.205, 22.7, and 331.506: Substitutes "an
34 electronic" for a reference to "a digital" signature in
35 language that relates to the disclosure of private keys and

1 refers to technologies provided in Code chapter 554D. The
2 term "digital signature" was stricken from Code chapter 554D
3 by 2004 Iowa Acts, chapter 1067, section 2. The term
4 "electronic signature" remains a defined term in chapter 554D.
5 Code section 8A.316: Updates language relating to the
6 procedures and specifications of the department of
7 administrative services that pertain to the purchase of
8 certain oils to reflect the reorganization of the department
9 in 2003 Iowa Acts, chapter 145, and the recodification of
10 provisions reassigning to the department certain
11 responsibilities previously performed by the former department
12 of general services.

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

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

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

32 Code section 15.331C: Conforms language pertaining to
33 corporate tax credits for certain sales taxes paid by third-
34 party developers to language that was altered in a similar
35 manner in Code section 15.331A by 2003 Iowa Acts, 1st

1 Extraordinary Session, chapter 2, section 152. The 2003 Act
2 struck sales and use tax provisions from Code chapter 422 and
3 recodified the provisions in Code chapter 423 effective July
4 1, 2004.

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

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

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

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

33 Code section 85.34: Designates an unnumbered paragraph at
34 the end of subsection 2 as lettered paragraph "v" to eliminate
35 technical drafting and codification issues in a provision

1 relating to workers' compensation for permanent disabilities,
2 and updates a reference to "said schedule" to clarify that the
3 schedule is the compensation schedule specified in paragraphs
4 "a" through "t". The addition of references to paragraphs "a"
5 through "t" conforms the language to a similar reference in
6 paragraph "u".

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

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

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

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

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

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

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

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

23 Code section 225C.42: Changes the words "fiscal year" to
24 "period" to be consistent with technical changes made in 2004
25 Iowa Acts, chapter 1116, in subsection 1 and subsection 2,
26 paragraph "a", that converted what had been annual reporting
27 to periodic reporting.

28 Code section 235A.15: Substitutes for the words
29 "administrative agency" the words "the department" in language
30 relating to the hearing of an appeal for correction of child
31 abuse report and disposition data as provided in Code section
32 235A.19. Code section 235A.19 specifies that the department
33 of human services is the agency responsible for providing a
34 person who is the subject of a child abuse report with an
35 opportunity for making corrections to data that is in whole or

1 in part erroneous. The term "department" is defined under
2 Code section 235A.13 as meaning the department of human
3 services. The term "administrative agency" is not defined
4 under Code chapter 235A.

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

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

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

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

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

33 Code sections 331.512, 354.4, 354.5, and 354.27: Strikes
34 language relating to the authority to establish a permanent
35 real estate index number system. Code section 441.29 was

1 amended to require such establishment in 2004 Iowa Acts,
2 chapter 1144.

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

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

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

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

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

35 Code section 423.33: Adds a reference to Code section

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

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

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

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

31 Code sections 455G.2, 455G.3, 455G.4, 455G.13, 455G.14, and
32 455G.17: Strikes or replaces references to insurance
33 coverage, the underground storage tank insurance fund, and the
34 Iowa underground storage tank insurance board in these
35 provisions. The fund and the board were repealed effective

1 July 1, 2004, pursuant to 1989 Iowa Acts, chapter 131, section
2 61.

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

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

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

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

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

33 Code section 502.204: Substitutes, in this provision
34 relating to denial, suspension, revocation, condition, or
35 limitation of statutory exemptions from securities

1 registration requirements, for a reference to subsection 8 of
2 Code section 502.201, references to subsections 8A and 8B of
3 that Code section. There is no language at subsection 8 of
4 Code section 502.201, and subsections 8A and 8B were intended
5 as the replacement language in Iowa for the model securities
6 Act language when 2004 Iowa Acts, chapter 1161, was enacted.

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

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

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

32 Code section 504.202: Changes a citation to Code section
33 504.834 to Code section 504.835 in a provision relating to the
34 articles of incorporation of nonprofit corporations. This
35 conforms this aspect of this provision to the corresponding

1 language in the sister provision applicable to business
2 corporations, Code section 490.202.

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

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

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

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

1 corporation Act.

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

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

21 Code section 504.901: Changes an internal reference within
22 the provision describing when a director, officer, member, or
23 other volunteer for a nonprofit corporation is personally
24 liable for action or inaction on the part of that person, from
25 a reference to a provision governing conduct by a corporation
26 to a reference to a provision describing the circumstances
27 under which a director is personally liable to the corporation
28 for unlawful distributions. The change conforms the reference
29 to a provision containing almost identical language found in
30 Code section 490A.707, which applies to limited liability
31 companies.

32 Code section 504.1008: Adds commas to a series to clarify
33 the meaning of a provision describing the effect of an
34 amendment to articles of incorporation on causes of action,
35 proceedings, or existing rights of persons other than members.

1 The amendment conforms the provision to a similar provision,
2 Code section 490.1009, that applies to for-profit
3 corporations.

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

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

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

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

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

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

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

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

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

32 Code section 551A.9: Deletes the redundant words "business
33 opportunity" from the term "business opportunity purchaser" to
34 conform the manner in which a purchaser of a business
35 opportunity is referred to in this subsection to other

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

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

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

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

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

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

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

17 **REPEALS**

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

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

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

34 Code section 266.32: This section is repealed due to the
35 2004 repeal, in 2004 Iowa Acts, chapter 1175, section 283, of

1 Code section 266.31, establishing the meat export research
2 center for which the moneys were to be received by the state
3 board of regents.

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HOUSE FILE 227

AN ACT

RELATING TO STATUTORY CORRECTIONS WHICH MAY ADJUST LANGUAGE TO REFLECT CURRENT PRACTICES, INSERT EARLIER OMISSIONS, DELETE REDUNDANCIES AND INACCURACIES, DELETE TEMPORARY LANGUAGE, RESOLVE INCONSISTENCIES AND CONFLICTS, UPDATE ONGOING PROVISIONS, OR REMOVE AMBIGUITIES, AND INCLUDING EFFECTIVE AND RETROACTIVE APPLICABILITY DATE PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 2B.5, subsection 3, Code 2005, is amended to read as follows:

3. Cause to be published annually a correct list of state officers and deputies; members of boards and commissions; justices of the supreme court, judges of the court of appeals, and judges of the district courts including district associate

judges and judicial magistrates; and members of the general assembly. ~~The offices office~~ of the governor and ~~secretary of~~ state shall cooperate in the preparation of the list.

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

8. A Code or Code Supplement may include appropriate tables showing the disposition of Acts of the general assembly, the corresponding sections from edition to edition of a Code or Code Supplement, and other reference material as determined by the Iowa Code editor in accordance with policies of the legislative council.

Sec. 3. Section 2B.17, subsection 2, Code 2005, is amended to read as follows:

2. The Acts of each general assembly shall be known as "Acts of the .. General Assembly, .. Session, Chapter (or File No.) .., Section .." (inserting the appropriate numbers) and shall be cited as ".. Iowa Acts, chapter (or File No.)..., section .." (inserting the appropriate year, chapter or file number, and section number).

Sec. 4. Section 2C.13, Code 2005, is amended to read as follows:

2C.13 NO INVESTIGATION -- NOTICE TO COMPLAINANT.

If the citizens' aide decides not to investigate, the complainant shall be informed of the reasons for the decision. If the citizens' aide decides to investigate, the complainant and the agency shall be notified of the decision. After completing consideration of a complaint, whether or not it has been investigated, the citizens' aide shall without delay inform the complainant of the fact, and if appropriate, shall inform the administrative agency involved. The citizens' aide shall on request of the complainant, and as appropriate, report the status of the investigation to the complainant.

Sec. 5. Section 2C.14, Code 2005, is amended to read as follows:

2C.14 INSTITUTIONALIZED COMPLAINANTS.

A letter to the citizens' aide from a person in a correctional institution, a hospital, or other institution under the control of an administrative agency shall be immediately forwarded, unopened to the citizens' aide by the institution where the writer of the letter is a resident. A letter from the citizens' aide to such a person shall be immediately delivered, unopened to the person.

Sec. 6. Section 2C.17, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The citizens' aide may publish the conclusions, recommendations, and suggestions and transmit them to the governor, or the general assembly or any of its committees. When publishing an opinion adverse to an administrative agency or official the citizens' aide shall, unless excused by the agency or official affected, include with the opinion any unedited reply made by the agency.

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

3.3 HEADNOTES AND HISTORICAL REFERENCES.

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

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

When such publications, ~~except supplements to the Iowa administrative code~~, paid for by public funds furnished by the state, contain reprints of statutes or rules, or both, they shall be sold and distributed at cost by the department ordering the publication if the cost per publication is one dollar or more, unless a central library or depository is established. Such publications shall be obtained from the

director of the department of administrative services on requisition by the department ordering the publication, and the selling price, if any, shall be determined by the director of the department of administrative services by dividing the total cost of printing, paper, distribution, and binding by the number printed. The price shall be set at the nearest multiple of ten to the quotient thus obtained. Distribution of such publications shall be made by the director gratis to public officers, purchasers of licenses from state departments required by statute, and departments. Funds from the sale of such publications shall be deposited monthly in the general fund of the state except the cost of distribution shall be deposited in the printing revolving fund established in section 8A.345. This section does not apply to the printed versions of the official legal publications listed in section 2A.5.

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

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

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

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

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

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

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

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

Sec. 13. Section 13B.9, subsection 2, Code 2005, is amended to read as follows:

2. An attorney appointed under this section is not liable to a person represented by the attorney for damages as a result of a conviction in a criminal case unless the court determines in a postconviction proceeding or on direct appeal that the person's conviction resulted from ineffective assistance of counsel, and the ineffective assistance of counsel is the proximate cause of the damage. In juvenile or civil proceedings, an attorney appointed under this section is not liable to a person represented by the attorney for damages unless it has been determined that the attorney has provided ineffective assistance of counsel and the ineffective assistance of counsel claim is the proximate cause of the damage.

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

15.331C CORPORATE TAX CREDIT FOR CERTAIN SALES TAXES PAID BY THIRD-PARTY DEVELOPER.

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

2. A third-party developer shall state under oath, on forms provided by the department of economic development, the amount of taxes paid as described in subsection 1 and shall submit such forms to the department. The taxes paid shall be itemized to allow identification of the taxes attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center. After receiving the form from the third-party developer, the department shall issue a tax credit certificate to the eligible business or supporting business equal to the sales and use taxes paid by a third-party developer under chapters-422-and chapter 423 for gas, electricity, water, or sewer utility services, goods, wares, or merchandise, or on services rendered, furnished, or performed to or for a contractor or subcontractor and used in the fulfillment of a written contract relating to the construction or equipping of a facility. The department shall

also issue a tax credit certificate to the eligible business or supporting business equal to the taxes paid and attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center. The aggregate combined total amount of tax refunds under section 15.331A for taxes attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center and of tax credit certificates issued by the department for the taxes paid and attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center shall not exceed five hundred thousand dollars in a fiscal year. If an applicant for a tax credit certificate does not receive a certificate for the taxes paid and attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center, the application shall be considered in succeeding fiscal years. The eligible business or supporting business shall not claim a tax credit under this section unless a tax credit certificate issued by the department of economic development is attached to the taxpayer's tax return for the tax year for which the tax credit is claimed. A tax credit certificate shall contain the eligible business's or supporting business's name, address, tax identification number, the amount of the tax credit, and other information required by the department of revenue.

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

NEW UNNUMBERED PARAGRAPH. "Public records" also includes all records relating to the investment of public funds including but not limited to investment policies, instructions, trading orders, or contracts, whether in the custody of the public body responsible for the public funds or a fiduciary or other third party.

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

a. Records containing information that would disclose, or might lead to the disclosure of, private keys used in a

~~digital~~ an electronic signature or other similar technologies as provided in chapter 554D.

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

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

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

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

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

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

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

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

Sec. 21. Section 50.20, Code 2005, is amended to read as follows:

50.20 NOTICE OF NUMBER OF PROVISIONAL BALLOTS.

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

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

Sec. 22. Section 50.22, unnumbered paragraphs 1 through 3, Code 2005, are amended to read as follows:

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

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

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

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

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

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

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

53.24 COUNTIES USING VOTING MACHINES.

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

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

The commissioner shall immediately send a written notice to the elector whose qualifications have been challenged. The notice shall be sent to the address at which the challenged elector is registered to vote. If the ballot was mailed to the challenged elector, the notice shall also be sent to the address to which the ballot was mailed if it is different from the elector's registration address. The notice shall advise the elector of the reason for the challenge, the date and time that the special precinct election board will reconvene to determine challenges, and that the elector has the right to submit written evidence of the elector's qualifications. The notice shall include the telephone number of the commissioner's office. If the commissioner has access to a facsimile machine, the notice shall include the telephone number of the facsimile machine. As far as possible, other procedures for considering ~~special~~ provisional ballots shall be followed.

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

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

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

b. Under the direction of the department system and as designated by the department system, invest such portion of said trust funds as are not needed for current payment of benefits, in interest-bearing securities issued by the United States, or interest-bearing bonds issued by the state of Iowa, or bonds issued by counties, school districts or general

obligations or limited levy bonds issued by municipal corporations in this state as authorized by law; also to sell and dispose of same when needed for the payment of benefits.

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

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

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

a. To be used by the department system for the payment of claims for benefits.

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

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

4. Any public employee subject to coverage under the provisions of chapter 97, Code 1950, as amended, in public service as of June 30, 1953, and who has not applied for and qualified for benefit payments under the provisions of chapter 97, Code 1950, as amended, who had contributed to the Iowa old-age and survivors' insurance fund prior to the repeal of said chapter 97, as amended, shall be entitled to a refund of contributions paid into the Iowa old-age and survivors' insurance fund by such employee without interest, but there

shall be deducted from the amount of any such refund any amount which has been or will be paid in the employee's behalf as the employee's contribution as an employee to obtain retroactive federal social security coverage. Any former public employee not in public service as of June 30, 1953, who has contributed to the Iowa old-age and survivors' insurance fund, the employee's beneficiaries or estate, when no benefit has been paid under chapter 97, Code 1950, based upon such employee's prior record, shall be entitled to a refund of seventy-five percent of all contributions paid by the employee into said fund, without interest. The department system shall prescribe rules in regard to the granting of such refunds. In the event of such refund any individual receiving the same shall be deemed to have waived any and all rights in behalf of the individual or any beneficiary or the individual's estate to further benefits under the provisions of chapter 97, Code 1950, as amended.

6. In the payment of any benefits in the future, as a result of the provisions of chapter 97, Code 1950, as amended, the department system shall follow the same procedure as provided by said chapter 97, as amended, as though said chapter had not been repealed, except the requirements of section 97.21, subsection 4, paragraph "a", and 97.21, subsection 5, shall not be applicable, but no primary benefit, based upon employment prior to June 30, 1953, shall be paid to any individual for any month during which the individual receives compensation for work in any position which would have been subject to coverage under the provisions of said chapter 97, as amended, if the individual's earnings for such month exceed one hundred dollars, nor shall any benefit be paid to a wife or dependent of such employee for such months, except that after a retired member reaches the age of seventy-two years, the member, the member's wife and dependents shall be entitled to the benefits of this chapter regardless of the amount earned.

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

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

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

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

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

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

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

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

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

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

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

3. "Manufacturer" includes every person engaged in the preparation, at any stage of the process, of biological products, except those engaged in such preparation ~~in the biological-laboratory-in-the-Iowa-State-University-of-science and-technology-or~~ in any other state or governmental institution.

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

174.15 PURCHASE AND MANAGEMENT.

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

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

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

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

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

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

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

2. The report shall be made available to the chairpersons and ranking members of the senate and house committees on education, ~~the-legislative-education-accountability-and-oversight-committee~~, the deans of the colleges of education at

approved practitioner preparation institutions in this state, the state board, the governor, and school districts by January 1. School districts shall provide information as required by the department for the compilation of the report and for accounting and auditing purposes.

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

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

3. The damage disclosure statement shall be provided by the transferor to the transferee at or before the time of sale. If the transferor is not a resident of this state or if the transferee acquired the vehicle by operation of law as provided in section 321.47, the transferee shall not be required to submit a damage disclosure statement from the transferor with the transferee's application for title unless the state of the transferor's residence requires a damage disclosure statement. However, the transferee shall submit a damage disclosure statement with the transferee's application for title indicating whether a salvage, rebuilt, or flood title had ever existed for the vehicle, and if not, whether the vehicle was damaged to the extent that it was a wrecked or salvage vehicle as defined in section 321.52, subsection 4, paragraph "d", during or prior to the transferor's ownership of the vehicle, and the year, make, and vehicle identification number of the motor vehicle. The transferee shall not be required to indicate whether the vehicle was damaged to the extent that it was a wrecked or salvage vehicle as defined in section 321.52, subsection 4, paragraph "d", under this subsection if the transferor's certificate of title is from another state and if it indicates that the vehicle is salvaged and not rebuilt or is another state's salvage certificate of title.

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

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

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

322.10 JUDICIAL REVIEW.

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

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

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

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

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

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

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

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

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

3. To provide for statewide, uniform procedures and standards for the platting of land while allowing the widest possible latitude for cities and counties to establish and enforce ordinances regulating the division and use of land, within the scope of, but not limited to, chapters 331, 335, 364, 414, and this chapter. All documents presented for recording pursuant to this chapter shall comply with section ~~331.6027-subsection-1~~ 331.606B.

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

2. The auditor may shall note a permanent real estate index number upon each parcel shown on a plat of survey according to section 441.29 for real estate tax administration purposes. The surveyor shall not assign parcel letters or prepare a metes and bounds description for any parcel shown on a plat of survey unless the parcel was surveyed by the surveyor in compliance with chapter 355. Parcels within a plat of survey prepared pursuant to this section are subject to the regulations and ordinances of the governing body.

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

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

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

354.27 NOTING THE PERMANENT REAL ESTATE INDEX NUMBER.

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

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

a. All of the owners of land in a territory adjoining a city may apply in writing to the council of the adjoining city

requesting annexation of the territory. Territory comprising railway right-of-way or territory comprising not more than twenty percent of the land area may be included in the application without the consent of the owner to avoid creating an island or to create more uniform boundaries. Public land may be included in the territory to be annexed. However, the area of the territory that is public land included without the written consent of the agency with jurisdiction over the public land ~~may~~ shall not be used to determine the percentage of territory that is included with the consent of the owner and without the consent of the owner.

d. The city shall provide for a public hearing on the application before approving or denying it. The city shall provide written notice at least fourteen business days prior to any action by the city council regarding the application, including a public hearing, by regular mail to the chairperson of the board of supervisors of each county which contains a portion of the territory proposed to be annexed, each public utility which serves the territory proposed to be annexed, each owner of property located within the territory to be annexed who is not a party to the application, and each owner of property that adjoins the territory to be annexed unless the adjoining property is in a city. The city shall publish notice of the application and public hearing on the application in an official county newspaper in each county which contains a portion of the territory proposed to be annexed. Both the written and published notice shall include the time and place of the public hearing and a legal description of the territory to be annexed. The city may shall not assess the costs of providing notice as required in this section to the applicants.

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

368.25 FAILURE TO PROVIDE MUNICIPAL SERVICES.

Prior to expiration of the three-year period established in section 368.11, subsection ~~14~~ 3, paragraph "n", the annexing

city shall submit a report to the board describing the status of the provision of municipal services identified in the plan required in section 368.11, subsection 14 3, paragraph "n". If a city fails to provide municipal services, or fails to show substantial and continuing progress in the provision of municipal services, to territory involuntarily annexed, according to the plan for extending municipal services filed pursuant to section 368.11, subsection 14 3, paragraph "n", within the time period specified in that subsection, the city development board may initiate proceedings to sever the annexed territory from the city. The board shall notify the city of the severance proceedings and shall hold a public hearing on the proposed severance. The board shall give notice of the hearing in the same manner as notice of a public meeting in section 368.11. The board may order severance of all or a portion of the territory and the order to sever is not subject to approval at an election. A city may request that the board allow up to an additional three years to provide municipal services if good cause is shown. As an alternative to severance of the territory, the board may impose a moratorium on additional annexation by the city until the city complies with its plan for extending municipal services. For purposes of this section, "municipal services" means services included in the plan required by section 368.11, subsection 14 3, paragraph "n", for extending municipal services.

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

a. To establish, administer, and make available a centralized debt collection capability and procedure for the use by any state agency as defined in former-subsection-29 section 8A.504 to collect delinquent accounts, charges, fees, loans, taxes, or other indebtedness owed to or being collected by the state. The department's collection facilities shall only be available for use by other state agencies for their discretionary use when resources are available to the director

and subject to the director's determination that use of the procedure is feasible. The director shall prescribe the appropriate form and manner in which this information is to be submitted to the office of the department. The obligations or indebtedness must be delinquent and not subject to litigation, claim, appeal, or review pursuant to the appropriate remedies of each state agency.

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

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

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

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

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

441.39 TRIAL ON APPEAL.

The court shall hear the appeal in equity and determine anew all questions arising before the board which relate to the liability of the property to assessment or the amount

thereof. The court shall consider all of the evidence and there shall be no presumption as to the correctness of the valuation of or assessment appealed from. Its decision shall be certified by the clerk of the court to the county auditor, and the assessor, who shall correct the assessment books accordingly.

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

e. If a public water supply has a groundwater source that contains petroleum, a fraction of crude oil, or their degradation products, or is located in an area deemed by the department as likely to be contaminated by such materials, and after consultation with the public water supply system and consideration of all applicable rules relating to remediation, the department may require the public water supply system to replace that groundwater source in order to receive a permit to operate. The requirement to replace the source shall only be made by the department if the public water supply system is fully compensated for any additional design, construction, operation, and monitoring costs from the Iowa comprehensive petroleum underground storage tank fund created by chapter 455G or from any other funds that do not impose a financial obligation on the part of the public water supply system. Funds available to or provided by the public water supply system may be used for system improvements made in conjunction with replacement of the source. The department cannot require a public water supply system to replace its water source with a less reliable water source or with a source that does not meet federal primary, secondary, or other health-based standards unless treatment is provided to ensure that the drinking water meets these standards. Nothing in this paragraph shall affect the public water supply's supply system's right to pursue recovery from a responsible party.

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

7. "Third party" means any person other than a person that holds indicia of title to property ~~as identified in section 455B.7527-subsection-17~~ or that has acquired property as identified in section 455B.7527-subsection-2.

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

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

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

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

1. The Iowa comprehensive petroleum underground storage tank fund is created as a separate fund in the state treasury, and any funds remaining in the fund at the end of each fiscal year shall not revert to the general fund but shall remain in the Iowa comprehensive petroleum underground storage tank fund. Interest or other income earned by the fund shall be deposited in the fund. The fund shall include moneys credited to the fund under this section, section 423.43, subsection 1, paragraph "a", and sections 455G.8, 455G.9, and 455G.11, Code 2003, and other funds which by law may be credited to the fund. The moneys in the fund are appropriated to and for the purposes of the board as provided in this chapter. Amounts in the fund shall not be subject to appropriation for any other purpose by the general assembly, but shall be used only for the purposes set forth in this chapter. The treasurer of state shall act as custodian of the fund and disburse amounts contained in it as directed by the board including automatic disbursements of funds as received pursuant to the terms of bond indentures and documents and security provisions to trustees and custodians. The treasurer of state is authorized

to invest the funds deposited in the fund at the direction of the board and subject to any limitations contained in any applicable bond proceedings. The income from such investment shall be credited to and deposited in the fund. The fund shall be administered by the board which shall make expenditures from the fund consistent with the purposes of the programs set out in this chapter without further appropriation. The fund may be divided into different accounts with different depositories as determined by the board and to fulfill the purposes of this chapter.

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

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

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

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

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

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

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

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

Sec. 67. Section 455G.13, subsection 12, Code 2005, is amended to read as follows:

12. RECOVERY OR SUBROGATION -- INSTALLERS AND INSPECTORS. Notwithstanding any other provision contained in this chapter, the board or a person insured under the underground storage tank insurance fund, established in section 455G.11, Code 2003, has no right of recovery or right of subrogation against an installer or an inspector who was insured by the underground storage tank insurance fund for the tank giving rise to the liability other than for recovery of any deductibles paid.

Sec. 68. Section 455G.14, Code 2005, is amended to read as follows:

455G.14 FUND NOT SUBJECT TO REGULATION.

~~The fund, including but not limited to insurance coverage offered by the insurance fund,~~ is not subject to regulation under chapter 502 or Title XIII, subtitle 1.

Sec. 69. Section 455G.17, subsection 3, Code 2005, is amended to read as follows:

3. The board shall adopt approved curricula for training persons to install underground storage tanks ~~in such a manner that the resulting installation may be certified under section 455G.17, subsection 10,~~ and provide fire safety and environmental protection guidelines for persons removing tanks.

Sec. 70. Section 488.108, subsection 4, paragraph b, Code 2005, is amended to read as follows:

b. Each name reserved under section 488.109, or under sections 486A.1001, 490.401, 490.402, 490A.401, 490A.402, 504.401, 504.402, 504A.6, 504A.7, and 547.1.

Sec. 71. Section 488.1003, subsections 1 and 2, Code 2005, are amended to read as follows:

1. The person that was a partner when the conduct giving rise to the action occurred.
2. The person-whose person's status as a partner devolved upon the person by operation of law or pursuant to the terms of the partnership agreement from a person that was a partner at the time of the conduct.

Sec. 72. Section 490.850, subsection 2, Code 2005, is amended to read as follows:

2. "Director" or "officer" means an individual who is or was a director or officer, respectively, of a corporation or who, while a director or officer of the corporation, is or was serving at the corporation's request as a director, officer, partner, trustee, employee, or agent of another domestic or foreign corporation, partnership, joint venture, trust, employee benefit plan, or other entity. A director or officer is considered to be serving an employee benefit plan at the corporation's request if the director's duties to the corporation also impose duties on, or otherwise involve services by, that director to the plan or to participants in or beneficiaries of the plan. "Director" or "officer" includes, unless the context requires otherwise, the estate or personal representative of a director or officer.

Sec. 73. Section 501.103, subsection 3, unnumbered paragraph 1, Code 2005, is amended to read as follows:

A cooperative that claims that it is exempt from the restrictions of section 9H.4 pursuant to subsection 2 shall file an annual a biennial report with the secretary of state on or before March 31 of each even-numbered year on forms supplied by the secretary of state. The report shall be signed by the president or the vice president of the cooperative and shall contain the following:

Sec. 74. Section 502.102, subsection 17, paragraph d, Code 2005, is amended to read as follows:

d. With respect to a viatical settlement investment contract, "issuer" means a person involved in creating, transferring, or selling to an investor any interest in such a contract, including but not limited to fractional or pooled interests, but does not include an agent or a broker-dealer.

Sec. 75. Section 502.204, subsection 1, Code 2005, is amended to read as follows:

1. ENFORCEMENT-RELATED POWERS. Except with respect to a federal covered security or a transaction involving a federal covered security, an order under this chapter may deny, suspend application of, condition, limit, or revoke an exemption created under section 502.201, subsection 3, paragraph "c", or subsection 7 or-8, 8A, or 8B, or section 502.202, or an exemption or waiver created under section 502.203 with respect to a specific security, transaction, or offer. An order under this section may be issued only pursuant to the procedures in section 502.306, subsection 4, or section 502.604, and only prospectively.

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

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

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

3. The document must contain the information required by this subchapter chapter. It may contain other information as well.

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

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

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

b. When electronically transmitted to the shareholder member in a manner authorized by the shareholder member.

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

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

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

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

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

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

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

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

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

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

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

b. A corporate name reserved under section 490.402, 490.403, or 504.402, or 504A.6 or registered under this section.

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

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

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

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

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

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

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

1. Unless this subchapter chapter or the articles or bylaws of a corporation provide for a higher or lower quorum, ten percent of the votes entitled to be cast on a matter must

be represented at a meeting of members to constitute a quorum on that matter.

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

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

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

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

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

504.824 WAIVER OF NOTICE.

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

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

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

504.825 QUORUM AND VOTING.

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

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

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

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

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

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

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

A transaction in which a director of a mutual-benefit corporation has a conflict of interest may be approved if either of the following occurs:

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

5. For purposes of subsection 2, paragraph "b", a conflict of interest transaction is authorized, approved, or ratified by the members if it receives a majority of the votes entitled to be counted under this subsection. Votes cast by or voted under the control of a director who has a direct or indirect interest in the transaction, and votes cast by or voted under the control of an entity described in subsection 3, paragraph

"a", shall not be counted in a vote of members to determine whether to authorize, approve, or ratify a conflict of interest transaction under subsection 2, paragraph "b". The vote of these members, however, is counted in determining whether the transaction is approved under other sections of this subchapter chapter. A majority of the voting power, whether or not present, that is entitled to be counted in a vote on the transaction under this subsection constitutes a quorum for the purpose of taking action under this section.

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

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

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

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

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

a. In connection with a proceeding by or in the right of the corporation, except for reasonable expenses incurred in connection with the proceeding if it is determined that the director has met the relevant standard of conduct under subsection 1.

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

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

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

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

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

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

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

504.1008 EFFECT OF AMENDMENT AND RESTATEMENT.

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

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

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

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

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

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

c. The annuity shall not be contestable, or limit death benefits in the case of suicide, with respect to that portion of the face amount of the annuity which is required by paragraph "b". The annuity shall not refer to physical examination, or otherwise operate as an exclusion, limitation, or condition other than requiring submission of proof of death or surrender of the annuity at the time the prepaid purchase agreement is funded, matures, or is canceled, as the case may be.

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

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

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

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

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

5. Within thirty days after the date of the second publication of the notice, any interested person may submit to the superintendent a written request for a hearing on the application. The request shall state the nature of the issues or facts to be presented and the reasons why written submissions would be insufficient to make an adequate presentation to the superintendent. If the reasons are

related to factual disputes, the disputes shall be described. Comments challenging the legality of an application shall be submitted separately in writing and shall not be considered at a hearing conducted pursuant to this section. Written requests for hearings shall be evaluated by the superintendent, who may grant or deny such requests in whole or in part. A hearing request shall generally be granted only if it is determined that written submissions would be inadequate or that a hearing would otherwise be beneficial to the decision-making process. A hearing may be limited to issues considered material by the superintendent.

Sec. 111. Section 524.1309, subsections 5 and 6, Code 2005, are amended to read as follows:

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

6. Upon completion of all the requirements of this section, the state bank shall deliver to the superintendent articles of intent to be subject to chapter 490 or 490A, together with the applicable filing and recording fees, which shall set forth that the state bank has complied with this section, that it has ceased to carry on the business of banking, and the information required by section 490.202 relative to the contents of articles of incorporation under chapter 490, or article of organization under chapter 490A. If the superintendent finds that the state bank has complied with this section and that the articles of intent to be subject to chapter 490 or 490A satisfy the requirements of

this section, the superintendent shall deliver them to the secretary of state for filing and recording in the secretary of state's office, and they the superintendent shall be filed file and recorded record them in the office of the county recorder.

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

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

6. Within thirty days after the date of the second publication of the notice required under subsection 4, any interested person may submit to the superintendent a written request for a hearing on the application. The request shall state the nature of the issues or facts to be presented and the reasons why written submissions would be insufficient to make an adequate presentation to the superintendent. If the reasons are related to factual disputes, the disputes shall be described. Written requests for hearings shall be evaluated by the superintendent, who may grant or deny such requests in whole or in part. A hearing request shall generally be granted only if it is determined that written submissions would be inadequate or that a hearing would otherwise be beneficial to the decision-making process. A hearing may be limited to issues considered material by the superintendent.

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

The collection of any costs other than as expressly permitted by this paragraph "b" is prohibited. However, additional costs incurred in connection with a loan under this

paragraph "b", if bona fide and reasonable, may be collected by a state-chartered financial institution licensed under chapter 524, 533, or 534, to the extent permitted under applicable federal law as determined by the office of the comptroller of the currency of the United States department of treasury, the national credit union administration, or the office of thrift supervision of the United States department of treasury. Such costs shall apply only to the same type of state-chartered entity as the federally chartered entity affected and shall apply to and may be collected by an insurer organized under chapter 508 or 515, or otherwise authorized to conduct the business of insurance in this state.

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

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

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

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

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

e. Misrepresent the amount of profits, net or gross, which the business-opportunity purchaser can expect from the operation of the business opportunity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. A joint investment trust organized pursuant to chapter 28E for the purposes of joint investment of public funds is subject to the jurisdiction and authority of the administrator, including all requirements of this chapter, except the registration provisions of sections ~~502.201~~ 502.301 and ~~502.218~~ 502.321I.

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

Sec. 126. EFFECTIVE DATES AND RETROACTIVE APPLICABILITY.

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

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

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

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

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

CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 227, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 4/6, 2005

THOMAS J. VILSACK
Governor