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SENATE FILE 2255  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3096)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to nonsubstantive Code corrections and including  
2 effective and retroactive applicability date provisions.

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

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SF 2255

1 Section 1. Section 2.1, Code 2005, is amended to read as  
2 follows:

3 2.1 SESSIONS -- PLACE.

4 The sessions of the general assembly shall be held annually  
5 at the seat of government, unless the governor shall convene  
6 them at some other place in times of pestilence or public  
7 danger. Each annual session of the general assembly shall  
8 commence on the second Monday in January of each year. The  
9 general assembly may recess from time to time during each year  
10 in such manner as it may provide, subject to Article III,  
11 section 14 of the Constitution of the ~~state~~ State of Iowa.

12 Sec. 2. Section 3.7, subsection 8, Code 2005, is amended  
13 to read as follows:

14 8. An Act or resolution under this section is also subject  
15 to the applicable provisions of Article III, sections 16 and  
16 ~~17 of Article III~~ of the Constitution of the State of Iowa.

17 Sec. 3. Section 3.14, Code 2005, is amended to read as  
18 follows:

19 3.14 CERTAIN APPROPRIATIONS PROHIBITED.

20 ~~No appropriations~~ An appropriation shall not be made to any  
21 institution not wholly under the control of the state of Iowa.

22 Sec. 4. Section 7.15, Code 2005, is amended to read as  
23 follows:

24 7.15 FEDERAL FUNDS FOR HIGHWAY SAFETY.

25 The governor, in addition to other duties and  
26 responsibilities conferred by the Constitution and laws of  
27 this state, is hereby empowered to contract for the benefits  
28 available to this state under any Act of Congress for highway  
29 safety, law enforcement, or other related programs, and in so  
30 doing, to co-operate with federal and state agencies, private  
31 and public organizations, and with individuals, to effectuate  
32 the purposes of these enactments. The governor shall be  
33 responsible for and is hereby empowered to administer, either  
34 through the governor's office or through one or more state  
35 departments or agencies designated by the governor or any

1 combination of the foregoing the highway safety, law  
2 enforcement and related programs of this state and those of  
3 its political subdivisions, all in accordance with said Acts  
4 and the Constitution of the state State of Iowa, in  
5 implementation thereof.

6 Sec. 5. Section 9G.12, Code 2005, is amended to read as  
7 follows:

8 9G.12 DUBUQUE AND PACIFIC RAILROAD LANDS.

9 The secretary of state is hereby authorized upon the  
10 application of any person claiming title under the trust deeds  
11 executed by the Dubuque and Pacific Railroad Company, to  
12 secure its construction bonds, to any lands included in the  
13 list of lands certified to the state of Iowa, by the  
14 commissioner of the general land office and approved by the  
15 secretary of the interior, as selected to satisfy the grant  
16 made to the state of Iowa, by Act of Congress approved May 15,  
17 1856 [~~11~~, 11 Stat. ~~57-9~~ 9], in aid of the construction of a  
18 railroad from Dubuque to Sioux City; to certify said land as  
19 inuring to the grantees of the said Dubuque and Pacific  
20 Railroad Company, which certificate shall be signed by the  
21 governor, and attested by the secretary of state, with the  
22 seal of the state, and deliver the same to such applicant who  
23 is hereby authorized to have said certificate recorded in the  
24 county in which the land so certified is situated, and when so  
25 recorded, shall be notice to all persons the same as deeds now  
26 are, and shall be evidence of the title from the state of Iowa  
27 to any person deriving title to said land under the Dubuque  
28 and Pacific Railroad Company, to the land therein described  
29 under the grant of Congress by which the land was certified to  
30 the state so far as the certified lists made by the  
31 commissioner aforesaid, conferred title to the state, but  
32 where lands embraced in such lists are not of the character  
33 embraced by such Acts of Congress or the Acts of the general  
34 assembly of the state, and are not intended to be granted  
35 thereby, the lists so far as these lands are concerned, shall

1 be void; nor shall the secretary include, in any of the lists  
2 so certified to the state, lands which have been adjudicated  
3 by the proper courts to belong to any other grant, or  
4 adjudicated to belong to any county or individual under the  
5 swampland grant, or any homestead or ~~pre-emption~~ preemption  
6 settlement; nor shall said certificate so issued confer any  
7 right or title as against any person or company having any  
8 vested right, either legal or equitable, to any of the lands  
9 so certified.

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

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

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

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

29 The department of economic development, in cooperation with  
30 the state department of transportation and the department of  
31 cultural affairs, shall establish and administer a program  
32 designed to promote knowledge of and access to buildings,  
33 sites, districts, structures, and objects located in this  
34 state that have been designated by the secretary of the  
35 interior of the United States as a national historic landmark,

1 unless the national historic landmark is protected under  
2 section 22.7, subsection 20, and certified cultural and  
3 entertainment districts, as established ~~in-2005-Iowa-Acts,-if~~  
4 enacted pursuant to section 303.3B. The program shall be  
5 designed to maximize the visibility and visitation of national  
6 historic landmarks in this state and buildings, sites,  
7 structures, and objects located in certified cultural and  
8 entertainment districts, as established ~~in-2005-Iowa-Acts,-if~~  
9 enacted pursuant to section 303.3B. Methods used to maximize  
10 the visibility and visitation of such locations may include  
11 the use of tourism literature, signage on highways, maps of  
12 the state and cities, and internet websites. For purposes of  
13 this section, "highway" means the same as defined in section  
14 325A.1.

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

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

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

30 For the fiscal period beginning July 1, 2005, and ending  
31 June 30, 2015, there is appropriated each fiscal year from the  
32 grow Iowa values fund created in section 15G.108 to the  
33 department of economic development five million dollars for  
34 financial assistance to institutions of higher learning under  
35 the control of the state board of regents for capacity

1 building infrastructure in areas related to technology  
2 commercialization, for marketing and business development  
3 efforts in areas related to technology commercialization,  
4 entrepreneurship, and business growth, and for infrastructure  
5 projects and programs needed to assist in the implementation  
6 of activities under chapter 262B~~7-if-so-amended~~. In  
7 allocating moneys to institutions under the control of the  
8 state board of regents, the board shall require the  
9 institutions to provide a one-to-one match of additional  
10 moneys for the activities funded with moneys appropriated  
11 under this subsection. The state board of regents shall  
12 annually prepare a report for submission to the governor, the  
13 general assembly, and the legislative services agency  
14 regarding the activities, projects, and programs funded with  
15 moneys appropriated under this subsection.

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

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

33 a. For the fiscal period beginning July 1, 2005, and  
34 ending June 30, 2015, there is appropriated each fiscal year  
35 from the grow Iowa values fund created in section 15G.108 to

1 the department of economic development one million dollars for  
2 providing economic development region financial assistance  
3 under section 15E.232, subsections 3, 4, 5, and 6, 7, and 8,  
4 and under section 15E.233.

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

7 i. Administer the retired and senior volunteer program.

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

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

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

29 1. The authority shall participate in the housing  
30 assistance payments program under section 8 of the United  
31 States Housing Act of 1937, ~~section-1401-et-seq-7-title-427~~  
32 ~~United-States-Code,~~ as amended by section 201 of the Housing  
33 and Community Development Act of 1974 ~~(Public-Law-93-383),~~  
34 Pub. L. No. 93-383, codified at 42 U.S.C. § 1437 et seq. The  
35 purpose of participation is to enable the authority to obtain,

1 on behalf of the state of Iowa, set-asides of contract  
2 authorization reserved by the United States secretary of  
3 housing and urban development for public housing agencies, to  
4 enter into annual contributions contracts, to otherwise  
5 expedite use of the program through the use of state housing  
6 finance funds, and to encourage new construction and  
7 substantial rehabilitation of housing suitable for assistance  
8 under the program. Assistance may be provided for existing  
9 housing units made available by owners for the program, as  
10 well as for newly constructed housing units. Maximum rents  
11 shall be established by the authority in conformity with  
12 federal law.

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

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

29 7. The authority may participate in other programs under  
30 the Housing and Community Development Act of 1974 (~~Public Law~~  
31 ~~93-383~~), Pub. L. No. 93-383, and in other federal programs  
32 designed to increase the supply of adequate housing for low or  
33 moderate income families and may recommend appropriate  
34 legislation to the general assembly where further legislation  
35 is needed to accomplish such participation. However, failure

1 of the authority to participate in the federal programs set  
2 out in this section does not invalidate any bonds, notes or  
3 other obligations of the authority.

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

6 22.3 SUPERVISION -- FEES.

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

27 2. All expenses of the work examination and copying shall  
28 be paid by the person desiring to examine or copy. The lawful  
29 custodian may charge a reasonable fee for the services of the  
30 lawful custodian or the custodian's authorized designee in  
31 supervising the examination and copying of the records ~~during~~  
32 ~~the-work~~. If copy equipment is available at the office of the  
33 lawful custodian of any public records, the lawful custodian  
34 shall provide any person a reasonable number of copies of any  
35 public record in the custody of the office upon the payment of

1 a fee. The fee for the copying service as determined by the  
2 lawful custodian shall not exceed the actual cost of providing  
3 the service. Actual costs shall include only those expenses  
4 directly attributable to supervising the examination of and  
5 making and providing copies of public records. Actual costs  
6 shall not include charges for ordinary expenses or costs such  
7 as employment benefits, depreciation, maintenance,  
8 electricity, or insurance associated with the administration  
9 of the office of the lawful custodian.

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

12 14. With the assistance of the state departments  
13 represented on the Iowa empowerment board and the community  
14 empowerment office, develop and implement requirements for  
15 community empowerment areas and the state administrators of  
16 programs providing early care or early care services to  
17 annually report to the public and the early care staff  
18 designated pursuant to section 28.3 regarding the results  
19 produced by the community empowerment initiative and by the  
20 programs. Source data shall also be made available to the  
21 early care staff.

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

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

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

34 a. Make loans for the acquisition or construction of the  
35 facility to such person upon such terms as the port authority

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

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

15 29A.3 UNITS OF GUARD.

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

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

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

35 Sec. 20. Section 42.3, subsection 4, Code 2005, is amended

1 to read as follows:

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

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

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

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

34 b. Congressional districts shall each have a population as  
35 nearly equal as practicable to the ideal district population,

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

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

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

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

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

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

26 49.46 MARKING BALLOTS ON PUBLIC MEASURES.

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

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

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

34 For the purpose of this section, "state board" includes any  
35 board, commission, committee, council, or task force of the

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

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

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

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

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

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

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

1 greater than sixty consecutive days. The temporary vacancy  
2 terminates on the date when such person is released from such  
3 service, or the term of office expires.

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

6 80.22 PROHIBITION ON OTHER DEPARTMENTS.

7 All other departments and bureaus of the state are hereby  
8 prohibited from employing special peace officers or conferring  
9 upon regular employees any police powers to enforce provisions  
10 of the statutes which are specifically reserved by 1939 Iowa  
11 Acts, chapter ch. 120, to the department of public safety.

12 But the commissioner of public safety shall, upon the  
13 requisition of the attorney general, from time to time assign  
14 for service in the department of justice such of its officers,  
15 not to exceed six in number, as may be requisitioned by the  
16 attorney general for special service in the department of  
17 justice, and when so assigned such officers shall be under the  
18 exclusive direction and control of the attorney general.

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

21 80.33 ACCESS TO DRUG RECORDS BY PEACE OFFICERS.

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

1 counterfeit substances, and upon good cause shown, ~~the~~ a peace  
2 officer of the department shall be allowed to inspect audits  
3 and records in the possession of the state board of pharmacy  
4 examiners.

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

7 b. If an injured employee has a preexisting disability  
8 that was caused by a prior injury arising out of and in the  
9 course of employment with the same employer, and the  
10 preexisting disability was compensable under the same  
11 paragraph of ~~section-85-347~~ subsection 27 as the employee's  
12 present injury, the employer is liable for the combined  
13 disability that is caused by the injuries, measured in  
14 relation to the employee's condition immediately prior to the  
15 first injury. In this instance, the employer's liability for  
16 the combined disability shall be considered to be already  
17 partially satisfied to the extent of the percentage of  
18 disability for which the employee was previously compensated  
19 by the employer.

20 If, however, an employer is liable to an employee for a  
21 combined disability that is payable under ~~section-85-347~~  
22 subsection 2, paragraph "u", and the employee has a  
23 preexisting disability that causes the employee's earnings to  
24 be less at the time of the present injury than if the prior  
25 injury had not occurred, the employer's liability for the  
26 combined disability shall be considered to be already  
27 partially satisfied to the extent of the percentage of  
28 disability for which the employee was previously compensated  
29 by the employer minus the percentage that the employee's  
30 earnings are less at the time of the present injury than if  
31 the prior injury had not occurred.

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

34 1. DUTIES OF DEPARTMENT. The department shall establish  
35 and maintain free public employment services accessible to all

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

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

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

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

29 1. All peace officer members of the division of state  
30 patrol and the division of criminal investigation or the  
31 predecessor divisions or subunits in the department of public  
32 safety, excepting the members of the clerical force, who are  
33 employed by the state of Iowa on July 4, 1949, and all persons  
34 thereafter employed as members of such divisions or the  
35 predecessor divisions or subunits in the department of public

1 safety or division of narcotics enforcement or division of  
2 state fire marshal or the predecessor divisions or subunits,  
3 except the members of the clerical force, shall be members of  
4 this system, except as otherwise provided in subsection 3.  
5 Effective July 1, 1994, gaming enforcement officers employed  
6 by the division of criminal investigation for excursion boat  
7 gambling enforcement activities and fire prevention inspector  
8 peace officers employed by the department of public safety  
9 shall be members of this system, except as otherwise provided  
10 in subsection 3 or section 97B.42B. Such members shall not be  
11 required to make contributions under any other pension or  
12 retirement system of the state of Iowa, anything to the  
13 contrary notwithstanding.

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

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

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

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

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

31 3. The treasurer of state shall transfer into a special  
32 revenue account in the general fund of the state, a sum of  
33 money at least equal to seven percent of the gross amount of  
34 sales made by the division from the beer and liquor control  
35 fund on a monthly basis but not less than nine million dollars

1 annually, and any amounts so transferred shall be used by the  
2 ~~substance-abuse-division-of-the~~ Iowa department of public  
3 health staff who administer the comprehensive substance abuse  
4 program under chapter 125 for substance abuse treatment and  
5 prevention programs in an amount determined by the general  
6 assembly and any amounts received in excess of the amounts  
7 appropriated to the ~~substance-abuse-division-of-the~~ Iowa  
8 department of public health for use by the staff who  
9 administer the comprehensive substance abuse program under  
10 chapter 125 shall be considered part of the general fund  
11 balance.

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

14 3. "Hospital" means a place which is devoted primarily to  
15 the maintenance and operation of facilities for the diagnosis,  
16 treatment or care over a period exceeding twenty-four hours of  
17 two or more nonrelated individuals suffering from illness,  
18 injury, or deformity, or a place which is devoted primarily to  
19 the rendering over a period exceeding twenty-four hours of  
20 obstetrical or other medical or nursing care for two or more  
21 nonrelated individuals, or any institution, place, building or  
22 agency in which any accommodation is primarily maintained,  
23 furnished or offered for the care over a period exceeding  
24 twenty-four hours of two or more nonrelated aged or infirm  
25 persons requiring or receiving chronic or convalescent care;  
26 and shall include sanatoriums or other related institutions  
27 within the meaning of this chapter. Provided, however,  
28 nothing in this chapter shall apply to hotels or other similar  
29 places that furnish only food and lodging, or either, to their  
30 guests or to a freestanding hospice facility which operates a  
31 hospice program in accordance with 42 C.F.R. § 418.

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

1 13, 1946.

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

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

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

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

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

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

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

33 163.27 BOILING GARBAGE.

34 It shall be unlawful for any person, firm, partnership, or  
35 corporation to feed garbage to animals unless such garbage has

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

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

11 176A.2 DECLARATION OF POLICY.

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

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

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

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

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

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

8        b. When such milk and milk products do not conform to  
9 their definitions as contained in this chapter and chapters  
10 190~~7-191~~ and 192.

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

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

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

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

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

34        1. Each operator upon completion of any reclamation work  
35 required by this chapter shall apply to the division in

1 writing for approval of the work. The division shall  
2 promulgate rules consistent with Pub. L. No. 95-87, section  
3 519, regarding procedures and requirements to release  
4 performance bonds or deposits.

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

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

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

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

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

33 The departments of human services, corrections, and public  
34 safety, the division on the status of African-Americans, the  
35 ~~division-of-substance-abuse-of-the~~ Iowa department of public

1 health, the chairperson of the board of parole, the attorney  
2 general, the state public defender, and the chief justice of  
3 the supreme court shall each designate a person to serve on  
4 the council. The person appointed by the Iowa department of  
5 public health shall be from the departmental staff who  
6 administer the comprehensive substance abuse program under  
7 chapter 125.

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

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

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

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

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

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

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

28 The department shall establish by rule, in accordance with  
29 chapter 17A, minimum standards for certification and  
30 monitoring of elder group homes. The department may adopt by  
31 reference, with or without amendment, nationally recognized  
32 standards and rules for elder group homes. The standards and  
33 rules shall be formulated in consultation with the department  
34 of inspections and appeals and affected industry,  
35 professional, and consumer groups, and shall be designed to

1 accomplish the purposes of this chapter, and shall include but  
2 not be limited to rules relating to all of the following:

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

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

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

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

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

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

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

34 An assisted living program shall not discriminate or  
35 retaliate in any way against a tenant, tenant's family, or an

1 employee of the program who has initiated or participated in  
2 any proceeding authorized by this chapter. An assisted living  
3 program that violates this section is subject to a penalty as  
4 established by administrative rule in accordance with chapter  
5 17A, and to be assessed and collected by the department of  
6 inspections and appeals, and paid into the state treasury to  
7 be, and credited to the general fund of the state.

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

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

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

21 1. Two members of the Iowa department of public health  
22 selected by the director of the Iowa department of public  
23 health, one from the staff who administer the comprehensive  
24 division-of substance abuse program under chapter 125, and one  
25 from the division of family and community health.

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

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

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

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

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

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

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

18 257B.12 BONDS TO COVER LOSSES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 321.210C PROBATION PERIOD.

1 A person whose driver's license or operating privileges  
2 have been suspended, revoked, or barred under this chapter ~~321~~  
3 for a conviction of a moving traffic violation, or suspended,  
4 revoked, or barred under section 321.205 or section 321.210,  
5 subsection 1, paragraph "e", or chapter 321J, must  
6 satisfactorily complete a twelve-month probation period  
7 beginning immediately after the end of the period of  
8 suspension, revocation, or bar. Upon conviction of a moving  
9 traffic violation which occurred during the probation period,  
10 the department may suspend the driver's license or operating  
11 privileges for an additional period equal in duration to the  
12 original period of suspension, revocation, or bar, or for one  
13 year, whichever is the shorter period.

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

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

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

20 3. The state department of transportation, in cooperation  
21 with the judicial branch, shall adopt rules, pursuant to the  
22 procedure in section 125.33, regarding the assignment of  
23 persons ordered under section 321J.17 to submit to substance  
24 abuse evaluation and treatment. The rules shall be applicable  
25 only to persons other than those committed to the custody of  
26 the director of the department of corrections under section  
27 321J.2. The rules shall be consistent with the practices and  
28 procedures of the judicial branch in sentencing persons to  
29 substance abuse evaluation and treatment under section 321J.2.  
30 The rules shall include the requirement that the treatment  
31 programs utilized by a person pursuant to an order of the  
32 department meet the licensure standards of the ~~division of~~  
33 ~~substance-abuse-for-the~~ department of public health for  
34 substance abuse treatment programs under chapter 125. The  
35 rules shall also include provisions for payment of costs by

1 the offenders, including insurance reimbursement on behalf of  
2 offenders, or other forms of funding, and shall also address  
3 reporting requirements of the facility, consistent with the  
4 provisions of sections 125.84 and 125.86. The department  
5 shall be entitled to treatment information contained in  
6 reports to the department, notwithstanding any provision of  
7 chapter 125 that would restrict department access to treatment  
8 information and records.

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

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

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

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

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

32 25. Assist the ~~division of beer and liquor law enforcement~~  
33 department of public safety in the enforcement of beer and  
34 liquor laws as provided in section 123.14. The county  
35 attorney shall also prosecute nuisances, forfeitures of

1 abatement bonds, and foreclosures of the bonds as provided in  
2 sections 123.62 and 123.86.

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

5 364.1 SCOPE.

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

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

19 2. The enumeration of a specific power of a city does not  
20 limit or restrict the general grant of home rule power  
21 conferred by the Constitution of the State of Iowa. A city  
22 may exercise its general powers subject only to limitations  
23 expressly imposed by a state or city law.

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

26 7. Notwithstanding any other provisions of this chapter,  
27 where the local governing body certifies that an area is in  
28 need of redevelopment or rehabilitation as a result of a  
29 flood, fire, hurricane, earthquake, storm, or other  
30 catastrophe respecting which the governor of the state has  
31 certified the need for disaster assistance under Pub. L. No.  
32 875 81-875, Eighty-first Congress, 64 Stat. 5- 1109, codified  
33 at 42 U.S.C. § ~~1855-1855g~~ 1855--1855g or other federal law,  
34 the local governing body may approve an urban renewal plan and  
35 an urban renewal project with respect to such area without

1 regard to the provisions of subsection 4 and without regard to  
2 provisions of this section requiring notification and  
3 consultation, a general plan for the municipality, and a  
4 public hearing on the urban renewal plan or project.

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

7 414.14 VOTE REQUIRED.

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

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

19 421.1 STATE BOARD OF TAX REVIEW.

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

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

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

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

35 The members of the state board shall qualify by taking the

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

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

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

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

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

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

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

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

32 ~~4-~~ d. Advise and counsel with the director of revenue  
33 concerning the tax laws and the rules adopted pursuant to the  
34 ~~law; and upon its own motion or upon appeal by any affected~~  
35 ~~taxpayer; review the record evidence and the decisions of; and~~

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

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

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

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

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

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

33 The affected taxpayer and the department shall be given at  
34 least fifteen days' written notice by the board of the date  
35 the appeal shall be heard and both parties may be present at

1 such hearing if they desire. The board shall adopt and  
2 promulgate, pursuant to chapter 17A, rules for the conduct of  
3 appeals by the board. The record and all documents, reports,  
4 audits and all other information certified to the board by the  
5 director, and hearings held by the board pursuant to the  
6 appeal and the decision of the board thereon shall be open to  
7 the public notwithstanding the provisions of section 422.72,  
8 subsection 1, and section 422.20; except that the board upon  
9 the application of the affected taxpayer may order the record  
10 and all documents, reports, audits, and all other information  
11 certified to it by the director, or so much thereof as it  
12 deems necessary, held confidential, if the public disclosure  
13 of same would reveal trade secrets or any other confidential  
14 information that would give the affected taxpayer's competitor  
15 a competitive advantage. Any deliberation of the board in  
16 reaching a decision on any appeal shall be confidential.

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

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

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

26 422.1 CLASSIFICATION OF CHAPTER.

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

- 29 Division I Introductory provisions.
- 30 Division II Personal net income tax.
- 31 Division III Business tax on corporations.
- 32 Division IV Retail-sales-tax Repealed by 2003 Acts, 1st  
33 Ex., ch. 2, § 151, 205; see chapter 423.
- 34 Division V Taxation of financial institutions.
- 35 Division VI Administration.

1 Division VII Estimated taxes by corporations and financial  
2 institutions.

3 Division VIII Allocation of revenues.

4 Division IX Fuel tax credit.

5 Division X Livestock production tax credit.

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

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

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

17 422.75 STATISTICS -- PUBLICATION.

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

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

31 423A.3 STATE-IMPOSED HOTEL AND MOTEL TAX.

32 A tax of five percent is imposed upon the sales price for  
33 the ~~rental~~ renting of any lodging if the ~~rental~~ renting occurs  
34 in this state. The tax shall be collected by any lessor of  
35 lodging from the user of that lodging. The lessor shall add

1 the tax to the sales price of the lodging, and the state-  
2 imposed tax, when collected, shall be stated as a distinct  
3 item, separate and apart from the sales price of the lodging  
4 and the local tax imposed, if any, under section 423A.4.

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

7 A local sales and services tax at the rate of not more than  
8 one percent may be imposed by a county on the sales price  
9 taxed by the state under chapter 423, subchapter II. A local  
10 sales and services tax shall be imposed on the same basis as  
11 the state sales and services tax or in the case of the use of  
12 natural gas, natural gas service, electricity, or electric  
13 service on the same basis as the state use tax and shall not  
14 be imposed on the sale of any property or on any service not  
15 taxed by the state, except the tax shall not be imposed on the  
16 sales price from the sale of motor fuel or special fuel as  
17 defined in chapter 452A which is consumed for highway use or  
18 in watercraft or aircraft if the fuel tax is paid on the  
19 transaction and a refund has not or will not be allowed, on  
20 the sales price from the sale of equipment by the state  
21 department of transportation, ~~and-except-the-tax-shall-not-be~~  
22 imposed or on the sales price from the sale or use of natural  
23 gas, natural gas service, electricity, or electric service in  
24 a city or county where the sales price from the sale of  
25 natural gas or electric energy is subject to a franchise fee  
26 or user fee during the period the franchise or user fee is  
27 imposed. A local sales and services tax is applicable to  
28 transactions within those incorporated and unincorporated  
29 areas of the county where it is imposed and shall be collected  
30 by all persons required to collect state sales taxes. All  
31 cities contiguous to each other shall be treated as part of  
32 one incorporated area and the tax would be imposed in each of  
33 those contiguous cities only if the majority of those voting  
34 in the total area covered by the contiguous cities favors its  
35 imposition.

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

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

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

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

1 of the action of the state board of tax review in accordance  
2 with chapter 17A.

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

5 426A.6 SETTING ASIDE ALLOWANCE.

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

35 Sec. 94. Section 426A.13, unnumbered paragraph 1, Code

1 Supplement 2005, is amended to read as follows:

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

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

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

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

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

35 Sec. 97. Section 432.12F, Code Supplement 2005, is amended

1 to read as follows:

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

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

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

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

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

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

1 year following the tax year in which the major addition was  
2 acquired multiplied by the percentage derived by dividing the  
3 number of months that the major addition existed during the  
4 tax year by twelve, counting any portion of a month as a full  
5 month.

6 Sec. 100. Section 445.5, subsection 4, Code Supplement  
7 2005, is amended to read as follows:

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

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

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

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

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

32 In cases where taxes were suspended one year or more upon  
33 the parcel of a deceased old-age supplementary assistance  
34 recipient and no estate was opened within ninety days after  
35 the death of the recipient and the surviving spouse of the

1 recipient is not occupying the parcel, the county may apply to  
2 the probate court to have the parcel conveyed to it for  
3 satisfaction of the suspended taxes. The probate court shall  
4 prescribe the manner and notices to be given. The probate  
5 court shall order the parcel conveyed to the county for  
6 satisfaction of the suspended taxes if an estate is not opened  
7 within a time specified by the court. The probate court shall  
8 make and enter all appropriate orders to effect this  
9 conveyance to the county if an estate is not opened within the  
10 time specified. The parcel, at the election of the county  
11 treasurer, may be offered at tax sale in accordance with this  
12 chapter in lieu of the county making application to the  
13 probate court.

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

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

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

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

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

30 456A.27 FEDERAL WILDLIFE ACT -- ASSENT.

31 The state of Iowa assents to the provisions of the Act of  
32 Congress entitled "An Act to provide that the United States  
33 shall aid the states in wildlife restoration projects, and for  
34 other purposes", approved September 2, 1937, 50 Stat. 57 917,  
35 and the department may perform acts as necessary to the

1 conduct and establishment of ~~co-operative~~ cooperative wildlife  
2 restoration projects, as defined in the Act of Congress, in  
3 compliance with the Act and with regulations promulgated by  
4 the secretary of agriculture under the Act. No funds accruing  
5 to the state of Iowa from license fees paid by hunters shall  
6 be diverted for any other purpose than as set out in sections  
7 456A.17 and 456A.19.

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

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

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

15 b. The board shall ~~consist-of~~ also include four members of  
16 the general assembly who shall serve as voting members. Not  
17 more than one member from each house shall be from the same  
18 political party. Two state senators shall be appointed, one  
19 by the majority leader of the senate and one by the minority  
20 leader of the senate. Two state representatives shall be  
21 appointed, one by the speaker of the house of representatives  
22 and one by the minority leader of the house of  
23 representatives. A member may designate another person to  
24 attend a board meeting if the member is unavailable. Only the  
25 member is eligible for per diem and expenses as provided in  
26 section 2.10.

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

29 468.378 BANKRUPTCY PROCEEDINGS.

30 All drainage districts with pumping plant and levee, which  
31 have power to incur indebtedness, through action of their own  
32 governing bodies are hereby authorized to proceed under and  
33 take advantage of all laws enacted by the Congress of the  
34 United States under the federal bankruptcy powers, which laws  
35 have for their object the relief of municipal indebtedness,

1 including 48 Stat. ~~ch~~ 345, entitled "An Act to amend an Act  
2 entitled 'An Act to establish a uniform system of bankruptcy  
3 throughout the United States', approved July 1, 1898, and Acts  
4 amendatory thereof and supplementary thereto", approved May  
5 24, 1934, and the officials and governing bodies of such  
6 drainage, pumping plant and levee districts, are authorized to  
7 adopt all proceedings and to do any and all acts necessary or  
8 convenient to fully avail such drainage, pumping plant, and  
9 levee districts, of the provisions of such Acts of Congress.

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

13 In addition to other services or facilities previously  
14 deregulated, effective July 1, 2005, and at the election of  
15 each telephone utility subject to rate regulation, the  
16 jurisdiction of the board is not applicable to the retail rate  
17 regulation of business and retail local exchange services  
18 provided throughout the state except for single line flat-  
19 rated residential and business service rates provided by a  
20 telephone utility subject to rate regulation on January 1,  
21 2005. For each such telephone utility, the initial single  
22 line flat-rated residential and business service rates shall  
23 be the corresponding rates charged by the utility as of  
24 January 31, 2005. The initial single line flat-rated  
25 residential monthly service rates may be increased by an  
26 amount not to exceed one dollar per twelve-month period  
27 beginning July 1, 2005, and ending June 30, 2008. The initial  
28 single line flat-rated business monthly service rates may be  
29 increased by an amount not to exceed two dollars per twelve-  
30 month period beginning July 1, 2005, and ending June 30, 2008.  
31 However, the single line flat-rated residential service rate  
32 shall not exceed nineteen dollars per month and the single  
33 line flat-rated business service rate shall not exceed  
34 thirty-eight dollars per month prior to July 1, 2008, not  
35 including charges for extended area service, regulatory

1 charges, taxes, and other fees. Each telephone utility's  
2 extended area service rates shall not be greater than the  
3 corresponding rates charged by the telephone utility as of  
4 January 31, 2005. The board shall determine a telephone  
5 utility's extended area service rates for new extended area  
6 service established on or after July 1, 2005. If a telephone  
7 utility fails to impose the rate increase during any twelve-  
8 month period, the utility shall not impose the unused increase  
9 in any subsequent year. In addition to the rate increases  
10 permitted pursuant to this section, the telephone utility may  
11 adjust its single line flat-rated residential and business  
12 service rates by a percentage equal to the most recent annual  
13 percentage change in the gross domestic product price index as  
14 published by the federal government. The board may also  
15 authorize additional changes in the monthly rates for single  
16 line flat-rated residential and business services to reflect  
17 exogenous factors beyond the control of the telephone utility.

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

20 481B.2 COOPERATION WITH FEDERAL GOVERNMENT.

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

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

29 6. A license shall not be required of minor pupils of the  
30 state school for the blind, state school for the deaf, or of  
31 minor residents of other state institutions under the control  
32 of an administrator of a division of the department of human  
33 services. In addition, a person who is on active duty with  
34 the armed forces of the United States, on authorized leave  
35 from a duty station located outside of this state, and a

1 resident of the state of Iowa shall not be required to have a  
2 license to hunt or fish in this state. The military person  
3 shall carry the person's leave papers and a copy of the  
4 person's current earnings statement showing a deduction for  
5 Iowa income taxes while hunting or fishing. In lieu of  
6 carrying the person's earnings statement, the military person  
7 may also claim residency if the person is registered to vote  
8 in this state. If a deer or wild turkey is taken, the  
9 military person shall immediately contact a state conservation  
10 officer to obtain an appropriate tag to transport the animal.  
11 A license shall not be required of residents of county care  
12 facilities or any person who is receiving ~~old-age~~  
13 supplementary assistance under chapter 249.

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

16 b. The instrument shall be delivered to the secretary of  
17 state for filing and recording in the secretary of state's  
18 office. If the corporation was organized under chapter ~~1767~~  
19 5247 or 533, the instrument shall also be filed and recorded  
20 in the office of the county recorder. The corporation shall  
21 at the time it files the instrument with the secretary of  
22 state deliver also to the secretary of state for filing in the  
23 secretary of state's office any biennial report which is then  
24 due.

25 If the county of the initial registered office as stated in  
26 the instrument for a corporation organized under chapter ~~1767~~  
27 5247 or 533 is one which is other than the county where the  
28 principal place of business of the corporation, as designated  
29 in its articles of incorporation, was located, the corporation  
30 shall forward to the county recorder of the county in which  
31 the principal place of business of the corporation was located  
32 a copy of the instrument and the corporation shall forward to  
33 the recorder of the county in which the initial registered  
34 office of the corporation is located, in addition to a copy of  
35 the original instrument, a copy of the articles of

1 incorporation of the corporation together with all amendments  
2 to them as then on file in the secretary of state's office.  
3 The corporation shall, through an officer or director, certify  
4 to the secretary of state that a copy has been sent to each  
5 applicable county recorder, including the date each copy was  
6 sent.

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

9 490A.1201 CONSTITUENT ENTITY.

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

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

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

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

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

1 negotiate the price at which its commodities or products may  
2 be sold.

3 Sec. 116. Section 501A.715, subsection 2, paragraph a,  
4 unnumbered paragraph 1, Code Supplement 2005, is amended to  
5 read as follows:

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

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

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

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

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

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

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

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

7 In furtherance of such state interest, the general assembly  
8 herein provides methods for substituted service of process  
9 upon such persons or insurers in any proceeding, suit or  
10 action in any court and substitute service of any notice,  
11 order, pleading or process upon such persons or insurers in  
12 any proceeding before the commissioner of insurance to enforce  
13 or effect full compliance with the insurance and tax laws of  
14 this state. In so doing, the state exercises its powers to  
15 protect residents of this state and to define what constitutes  
16 doing an insurance business in this state, and also exercises  
17 powers and privileges available to this state by virtue of  
18 ~~Public-Law~~ Pub. L. No. 79-15, 79th Congress of the United  
19 States, Chapter 20, 1st Sess., S. 340, 59 Stat. ~~57~~ 337,  
20 codified at 15 U.S.C. § ~~1011 to 10157~~ inclusive 1011--1015,  
21 which declares that the business of insurance and every person  
22 engaged therein shall be subject to the laws of the several  
23 states.

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

26 507B.1 DECLARATION OF PURPOSE.

27 The purpose of this chapter is to regulate trade practices  
28 in the business of insurance in accordance with the intent of  
29 Congress as expressed in the Act of Congress of March 9, 1945,  
30 ~~Public-Law-157-79th-Congress~~ Pub. L. No. 79-15, 59 Stat. ~~57~~  
31 337, codified at 15 U.S.C. § ~~1011 to 10157~~ inc. 1011--1015, by  
32 defining, or providing for the determination of, all such  
33 practices in this state which constitute unfair methods of  
34 competition or unfair or deceptive acts or practices and by  
35 prohibiting the trade practices so defined or determined.

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

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

10    c. Bonds, notes, or other evidences of indebtedness  
11 representing loans and advances of credit that have been  
12 issued or guaranteed, in whole or in part, in accordance with  
13 the terms and provisions of Title III of an Act of Congress of  
14 the United States of America approved June 22, 1944, known as  
15 ~~Public-Law-346----Seventy-eighth-Congress, Chapter-268----2nd~~  
16 ~~Session, Pub. L. No. 78-348~~, cited as the "Servicemen's  
17 Readjustment Act of 1944", 58 Stat. 291, recodified at 72  
18 Stat. 1105, 1273, 38 U.S.C. § 3701, et seq., as heretofore and  
19 hereafter amended.

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

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

30     The terms "class I railroads", "balance of income available  
31 for the payment of fixed charges", "fixed charges" and  
32 "railway operating revenues" when used in this subsection, are  
33 to be given the same meaning as in the accounting reports  
34 filed by a railroad company in accordance with the regulations  
35 for common carriers by rail of the Interstate Commerce Act; 24

1 Stat. ~~Er~~ 379, codified at 49 U.S.C. § ~~1-to-40-inc.,-1001-to~~  
2 ~~1100-inc. 1--40, 1001--1100~~, provided that the "balance of  
3 income available for the payment of fixed charges" and  
4 "railway operating revenues remaining", as the terms are used  
5 in this subsection, shall be computed before deduction of  
6 federal income or excess profits taxes; and that in computing  
7 "fixed charges" there shall be excluded interest and  
8 amortization charges applicable to debt called for redemption  
9 or which will otherwise mature within six months from the time  
10 of investment and for the payment of which funds have been or  
11 currently are being specifically set aside.

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

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

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

29 512B.13 INSTITUTIONS.

30 A society may create, maintain, and operate, or may  
31 establish organizations to operate, not-for-profit  
32 institutions to further the purposes permitted by section  
33 512B.5, subsection 1, paragraph "b". The institutions may  
34 furnish services free or at a reasonable charge. Any real or  
35 personal property owned, held, or leased by the society for

1 this purpose shall be reported in every annual statement. A  
2 not-for-profit institution so established is a charitable  
3 institution with all the rights, benefits, and privileges  
4 given to charitable institutions under the ~~constitution~~  
5 Constitution and laws of ~~this-state~~ the State of Iowa. The  
6 commissioner may adopt appropriate rules and reporting  
7 requirements.

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

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

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

19 a. UNITED STATES GOVERNMENT OBLIGATIONS. Bonds or other  
20 evidences of indebtedness issued, assumed, or guaranteed by  
21 the United States of America, or by any agency or  
22 instrumentality of the United States of America, ~~include~~  
23 including investments in an open-end management investment  
24 company registered with the federal securities and exchange  
25 commission under the federal Investment Company Act of 1940,  
26 15 U.S.C. § 80(a) and operated in accordance with 17 C.F.R. §  
27 270.2a-7, the portfolio of which is limited to the United  
28 States obligations described in this paragraph, and which are  
29 included in the national association of insurance  
30 commissioners' securities valuation office's United States  
31 direct obligation--full faith and credit list.

32 Sec. 128. Section 518A.12, subsection 4, paragraph a, Code  
33 Supplement 2005, is amended to read as follows:

34 a. UNITED STATES GOVERNMENT OBLIGATIONS. Bonds or other  
35 evidences of indebtedness issued, assumed, or guaranteed by

1 the United States of America, or by any agency or  
2 instrumentality of the United States of America, include  
3 including investments in an open-end management investment  
4 company registered with the federal securities and exchange  
5 commission under the federal Investment Company Act of 1940,  
6 15 U.S.C. § 80(a) and operated in accordance with 17 C.F.R. §  
7 270.2a-7, the portfolio of which is limited to the United  
8 States obligations described in this paragraph, and which are  
9 included in the national association of insurance  
10 commissioners' securities valuation office's United States  
11 direct obligation--full faith and credit list.

12 Sec. 129. Section 518B.1, subsection 3, Code 2005, is  
13 amended to read as follows:

14 3. "The Act" means Section 1223 of the Housing and Urban  
15 Development Act of 1968, Public-Law Pub. L. No. 90-448, 90th  
16 Congress approved August 1, 1968.

17 Sec. 130. Section 523.13, Code 2005, is amended to read as  
18 follows:

19 523.13 EXCEPTIONS AS TO DOMESTIC STOCK COMPANIES.

20 The provisions of sections 523.7, 523.8 and 523.9 shall not  
21 apply to equity securities of a domestic stock insurance  
22 company if (1) such securities shall be registered, or shall  
23 be required to be registered, pursuant to section 12 of the  
24 Securities Exchange Act of 1934, ~~48 Stat. 881~~,  
25 codified at 15 U.S.C. § 77b et ~~seq.~~ seq., as amended, or if  
26 (2) such domestic stock insurance company shall not have any  
27 class of its equity securities held of record by one hundred  
28 or more persons on the last business day of the year next  
29 preceding the year in which equity securities of the company  
30 would be subject to the provisions of sections 523.7, 523.8  
31 and 523.9 except for the provisions of this subsection 2.

32 Sec. 131. Section 523C.1, subsection 6, Code 2005, is  
33 amended to read as follows:

34 6. "Licensed service company" means a service company  
35 which is licensed by the commission commissioner pursuant to

1 this chapter.

2 Sec. 132. Section 523C.9, subsection 1, paragraph a, Code  
3 2005, is amended to read as follows:

4 a. The service company violated a lawful order of the  
5 commission commissioner or any provision of this chapter.

6 Sec. 133. Section 523I.103, subsection 3, Code Supplement  
7 2005, is amended to read as follows:

8 3. If a foreign person does not have a registered agent or  
9 agents in the state of Iowa, doing business within this state  
10 shall constitute the person's appointment of the secretary of  
11 state of the state of Iowa to be its the person's true and  
12 lawful attorney upon whom may be served all lawful process of  
13 original notice in actions or proceedings arising or growing  
14 out of any contract or tort.

15 Sec. 134. Section 523I.601, Code Supplement 2005, is  
16 amended to read as follows:

17 523I.601 SETTLEMENT OF ESTATES -- MAINTENANCE FUND.

18 The court in which the estate of a deceased person is  
19 administered, before final distribution, may allow and set  
20 apart from the estate a sum sufficient to provide an income  
21 adequate to pay for the perpetual care and upkeep of the  
22 interment spaces-upon space in which the body of the deceased  
23 is buried, except where perpetual care has otherwise been  
24 provided for. The sum so allowed and set apart shall be paid  
25 to a trustee as provided by this chapter.

26 Sec. 135. Section 524.1416, subsection 2, Code 2005, is  
27 amended to read as follows:

28 2. A state bank which converts into a national bank or  
29 federal savings association shall notify the superintendent of  
30 the proposed conversion, provide such evidence of the adoption  
31 of the plan as the superintendent may request, notify the  
32 superintendent of any abandonment or disapproval of the plan,  
33 and file with the superintendent and with the secretary of  
34 state a certificate of the approval of the conversion by the  
35 comptroller of the currency of the United States or director

1 of the office of thrift supervision, as applicable, and the  
2 date upon which such conversion is to become effective. A  
3 state bank that converts into a national bank or federal  
4 savings association shall comply with the provisions of  
5 section 524.310, subsection 1.

6 Sec. 136. Section 533.3, subsection 2, Code 2005, is  
7 amended to read as follows:

8 2. The prohibitions contained in subsection 1 do not apply  
9 to a credit union organized under this chapter or under the  
10 Federal Credit Union Act, 12 U.S.C. Sec. § 1751 et seq., or to  
11 the Iowa credit union league, or a chapter, affiliate or  
12 subsidiary of the Iowa credit union league, or to a political  
13 action committee formed under ~~Public-Law~~ Pub. L. No. 94-283 or  
14 chapter 68A by the Iowa credit union league or by credit  
15 unions organized under this chapter or federal law.

16 Sec. 137. Section 591.11, Code 2005, is amended to read as  
17 follows:

18 591.11 FAILURE TO PUBLISH NOTICE OF AMENDMENT.

19 In all instances where notices of amendments to articles of  
20 incorporation have not been published within three months  
21 after the filing with and approval by the secretary of state  
22 of such amendments, as provided in section 491.20, ~~of-the~~ Code  
23 1954, but such notices have been thereafter published in the  
24 form and manner as required by law and proof of publication  
25 filed with the secretary of state, such notices are hereby  
26 legalized and shall have the same force and effect as though  
27 published within said period of three months and proper proof  
28 of publication filed with the secretary of state.

29 Sec. 138. Section 598.21G, unnumbered paragraph 1, Code  
30 Supplement 2005, is amended to read as follows:

31 In any order or judgment entered under this chapter or  
32 chapter 234, 252A, 252C, 252F, 598, or 600B, or under any  
33 other chapter which provides for temporary or permanent  
34 support payments, if the parent ordered to pay support is less  
35 than eighteen years of age, one of the following shall apply:

1     Sec. 139. Section 602.10125, Code 2005, is amended to read  
2 as follows:

3     602.10125 ATTORNEY GENERAL -- APPROPRIATENESS OF PROCEDURE  
4 -- ORDER FOR APPEARANCE.

5     If an action is commenced on the petition of an individual,  
6 the court shall notify and refer the matter to the attorney  
7 general. The attorney general, within thirty days of the  
8 referral, shall submit a report to the court concerning the  
9 appropriateness of bringing the action under this chapter.  
10 The court shall not proceed with consideration of the merits  
11 of the complaint until the report from the attorney general is  
12 received. If the court deems the accusation sufficient to  
13 justify further action, the court shall determine whether the  
14 complaint is more appropriately pursued under this chapter  
15 rather than the procedures established under Iowa court rules,  
16 chapter ch. 35. If the court finds that proceeding under this  
17 chapter is more appropriate, it shall cause an order to be  
18 entered requiring the accused to appear and answer in the  
19 court where the accusation has been filed on the day fixed in  
20 the order, and shall cause a copy of the accusation and order  
21 to be served upon the accused personally.

22     Sec. 140. Section 633.3, subsections 15, 17, 34, and 35,  
23 Code Supplement 2005, are amended to read as follows:

24     15. ESTATE -- the real and personal property of either a  
25 decedent or a ward, and may also refer to the real and  
26 personal property of a trust as-defined described in section  
27 633.10.

28     17. FIDUCIARY -- includes personal representative,  
29 executor, administrator, guardian, conservator, and the  
30 trustee of any trust as-defined described in section 633.10.

31     34. TRUSTEE -- the person or persons serving as trustee of  
32 a trust as-defined described in section 633.10.

33     35. TRUSTS -- includes only those trusts defined described  
34 in section 633.10.

35     Sec. 141. Section 633.10, unnumbered paragraph 1, Code

1 Supplement 2005, is amended to read as follows:

2 In addition to the jurisdiction granted the district court  
3 under the trust code, chapter 633A, or elsewhere, the district  
4 court sitting in probate shall have jurisdiction of:

5 Sec. 142. Section 633.699B, Code Supplement 2005, is  
6 amended to read as follows:

7 633.699B APPLICABILITY OF LAW.

8 The terms of this division, and all other terms of this  
9 probate code relating to trusts and trustees, shall apply only  
10 to trusts that remain under continuous court supervision  
11 pursuant to section 633.10 and to trusts that have not been  
12 released from such continuous supervision pursuant to section  
13 633.10. Regarding all such trusts, the terms of this chapter  
14 shall supersede any inconsistent terms in the trust code,  
15 chapter 633A, and such trusts shall be governed by terms of  
16 the trust code, chapter 633A, that are not inconsistent with  
17 this probate code.

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

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

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

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

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

32 ARTICLE VIII -- MISCELLANEOUS PROVISIONS

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

34 Administration of this compact shall not interfere with the  
35 management and control of the director of the FBI over the

1 FBI's collection and dissemination of criminal history records  
2 and the advisory function of the FBI's advisory policy board  
3 chartered under the Federal Advisory Committee Act, (5 5  
4 U.S.C. App. App., for all purposes other than noncriminal  
5 justice.

6 (b) NO AUTHORITY FOR NONAPPROPRIATED EXPENDITURES.  
7 Nothing in this compact shall require the FBI to obligate or  
8 expend funds beyond those appropriated to the FBI.

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

21 ARTICLE XI -- ADJUDICATION OF DISPUTES

22 (a) IN GENERAL. The council shall

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

25 (A) interpretation of this compact;

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

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

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

35 (b) DUTIES OF FBI. The FBI shall exercise immediate and

1 necessary action to preserve the integrity of the III system,  
2 maintain system policy and standards, protect the accuracy and  
3 privacy of records, and to prevent abuses, until the council  
4 holds a hearing on such matters.

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

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

17 1. If any person ~~make~~ makes or ~~aid~~ aids in making or  
18 establishing, or ~~advertise~~ advertises or ~~make~~ makes public a  
19 scheme for a lottery; or ~~advertise~~ advertises, ~~offer~~ offers  
20 for sale, ~~sell~~ sells, ~~distribute~~ distributes, ~~negotiate~~  
21 negotiates, ~~dispose~~ disposes of, ~~purchase~~ purchases, or  
22 ~~receive~~ receives a ticket or part of a ticket in a lottery or  
23 number of a ticket in a lottery; or ~~have~~ has in the person's  
24 possession a ticket, part of a ticket, or paper purporting to  
25 be the number of a ticket of a lottery, with the intent to  
26 sell or dispose of the ticket, part of a ticket, or paper on  
27 the person's own account or as the agent of another, the  
28 person commits a serious misdemeanor. However, this section  
29 does not prohibit the advertising of a lottery or possession  
30 by a person of a lottery ticket, part of a ticket, or number  
31 of a lottery ticket from a lottery legally operated or  
32 permitted under the laws of another jurisdiction. This  
33 section also does not prohibit the advertising of a lottery,  
34 game of chance, contest, or activity conducted by a not-for-  
35 profit organization that would qualify as tax exempt under

1 section 501 of the Internal Revenue Code, as defined in  
2 section 422.3, or conducted by a commercial organization as a  
3 promotional activity which is clearly occasional and ancillary  
4 to the primary business of that organization, provided that  
5 the effective dates on any promotional activity shall be  
6 clearly stated on all promotional materials. A lottery, game  
7 of chance, contest, or activity shall be presumed to be a  
8 promotional activity which is not occasional if the lottery,  
9 game of chance, contest, or activity is in effect or available  
10 to the public for a period of more than ninety days within a  
11 one-year period.

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

14 729.1 RELIGIOUS TEST.

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

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

21 822.2 SITUATIONS WHERE LAW APPLICABLE.

22 1. Any person who has been convicted of, or sentenced for,  
23 a public offense and who claims that any of the following may  
24 institute, without paying a filing fee, a proceeding under  
25 this chapter to secure relief:

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

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

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

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

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

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

9 7- g. The conviction or sentence is otherwise subject to  
10 collateral attack upon any ground of alleged error formerly  
11 available under any common law, statutory or other writ,  
12 motion, petition, proceeding, or remedy, except alleged error  
13 relating to restitution, court costs, or fees under section  
14 904.702 or chapter 815 or 910  
15 ~~may institute without paying a filing fee a proceeding under~~  
16 ~~this chapter to secure relief.~~

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

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

27 822.3 HOW TO COMMENCE PROCEEDING -- LIMITATION.

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

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

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

16 822.5 PAYMENT OF COSTS.

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

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

33 822.7 COURT TO HEAR APPLICATION.

34 The application shall be heard in, and before any judge of  
35 the court in which the conviction or sentence took place.

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

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

21 822.9 APPEAL.

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

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

32 3. The department shall adopt rules for the implementation  
33 of this section. The rules shall include the requirement that  
34 the treatment programs established pursuant to this chapter  
35 meet the licensure standards of the ~~division-of-substance~~

1 ~~abuse-for~~ the department of public health under chapter 125.  
2 The rules shall also include provisions for the funding of the  
3 program by means of self-contribution by the offenders,  
4 insurance reimbursement on behalf of offenders, or other forms  
5 of funding, program structure, criteria for the evaluation of  
6 offenders and programs, and all other issues the director  
7 shall deem appropriate.

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

10 914.1 POWER OF GOVERNOR.

11 The power of the governor under the ~~constitution~~  
12 Constitution of the State of Iowa to grant a reprieve, pardon,  
13 commutation of sentence, remission of fines and forfeitures,  
14 or restoration of the rights of citizenship shall not be  
15 impaired.

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

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

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

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

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

1 to read as follows:

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

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

35 The department shall by rule adopt standards for the

1 commercial cleaning of private sewage disposal facilities,  
2 including but not limited to septic tanks, and for the  
3 disposal of waste from the facilities. The standards shall  
4 not be in conflict with the state building code adopted  
5 pursuant to section 103A.7. A person shall not commercially  
6 clean such facilities or dispose of waste from such facilities  
7 unless the person has been issued a license by the department.  
8 The department shall be exclusively responsible for adopting  
9 the standards and issuing licenses. However, county boards of  
10 health shall enforce the standards and licensing requirements  
11 established by the department. The department may contract  
12 for the delegation of the authority for inspection of land  
13 application sites, record reviews, and equipment inspections  
14 to a county board of health. In the event of entering into  
15 such a contract, the department shall retain concurrent  
16 authority over such activities. Application for the license  
17 shall be made in the manner provided by the department.  
18 Licenses expire one year from the date of issue unless revoked  
19 and may be renewed in the manner provided by the department.  
20 A license application shall include registration applications  
21 for each vehicle used by the applicant for purposes of  
22 collecting septage from private sewage disposal facilities and  
23 each vehicle used by the applicant for purposes of applying  
24 septage to land. Septic disposal management plans shall be  
25 submitted to the department and approved annually as a  
26 condition of licensing and shall also be filed annually with  
27 the county board of health in the county where a proposed  
28 septage application site is located. The septic disposal  
29 management plan shall include, but not be limited to, the  
30 sites of septage application, the anticipated volume of  
31 septage applied to each site, the area of each septage  
32 application site, the type of application to be used at each  
33 site, the volume of septage expected to be collected from  
34 private sewage disposal facilities, and a list of registered  
35 vehicles collecting septage from private sewage disposal

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

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

34 There is appropriated from the general fund of the state to  
35 the homeland security and emergency management division of the

1 department of public ~~safety~~ defense for the fiscal year  
2 beginning July 1, 2005, and ending June 30, 2006, the  
3 following amount, or so much thereof as is necessary, to be  
4 used for the purpose designated:

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

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

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

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

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

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

28 Sec. 163. EFFECTIVE DATES.

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

32 2. The sections of this Act amending 2005 Acts, ch 136,  
33 section 20; section 15.103, as amended by 2005 Acts, ch 150,  
34 section 4; section 455B.172, as amended by 2005 Acts, ch 153,  
35 section 2; 2005 Acts, ch 179, section 14; and 2005 Acts, ch

1 179, section 48, being deemed of immediate importance, take  
2 effect upon enactment and apply retroactively to July 1, 2005.

3 3. The section of this Act amending section 12B.6, as  
4 enacted by 2005 Acts, ch 179, section 98, being deemed of  
5 immediate importance, takes effect upon enactment and applies  
6 retroactively to June 16, 2005.

7

#### EXPLANATION

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

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

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

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

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

33 Code section 15.274: Replaces references to 2005 Iowa Acts  
34 provisions establishing certified cultural and entertainment  
35 districts with a reference to Code section 303.3B, the

1 codified provision directing the department of cultural  
2 affairs to establish a cultural and entertainment district  
3 certification program.

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

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

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

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

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

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

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

1 certain facilities within the port authority's jurisdiction.

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

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

9 Code section 49.46: Strikes a check mark symbol following  
10 the words "a check mark" in a provision relating to marking of  
11 ballots. The symbol does not exist in the computer database  
12 used for the Code of Iowa.

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

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

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

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

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

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

34 Code section 96.12: Updates and standardizes references to  
35 a federal Act and United States Code provisions regarding the

1 provision of state employment services.

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

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

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

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

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

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

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

35 Code section 176A.2: Updates and standardizes references

1 to a federal Act in provisions relating to the provision of  
2 county agricultural extension services.

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

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

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

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

19 Code sections 123.53, 216A.132, 235C.2, 321J.3, and  
20 904.513: Replaces references to the division of substance  
21 abuse within the Iowa department of public health with  
22 appropriate references to the department and its duties under  
23 Code chapter 125, relating to chemical substance abuse. The  
24 division no longer exists within the department.

25 Code section 226.19: Makes a grammatical change by  
26 substituting the words "Every patient" for the words "All  
27 patients" in a provision relating to the discharge of state  
28 mental health institute patients.

29 Code section 231.23A: Corrects a reference to the case  
30 management program for frail elders in a provision relating to  
31 programs administered by the department of elder affairs.

32 Code sections 231B.2 and 231C.3: Makes punctuation changes  
33 for readability in provisions directing the department of  
34 elder affairs to adopt minimum standards for the regulation of  
35 elder group homes and assisted living programs.

1 Code sections 231B.13, 231C.13, and 231D.12: Makes  
2 grammatical changes for readability in provisions prohibiting  
3 an elder group home, assisted living program, or adult day  
4 services program from discriminating or retaliating against a  
5 tenant, participant, or employee who initiates a proceeding  
6 under the applicable Code chapter.

7 Code section 237A.30: Substitutes the word "webpage" for  
8 "page" in a provision allowing a child care facility's quality  
9 rating pursuant to the voluntary quality rating system to be  
10 included on the department of human services internet webpage  
11 providing child care information to consumers, in order to be  
12 consistent with other usages of the term.

13 Code section 249.1: Updates a reference to a federal Act  
14 that amends Title XVI of the Social Security Act in a  
15 definition contained in the state supplementary assistance  
16 chapter.

17 Code section 257.33: Adds an additional reference to the  
18 1991 Iowa Code after a citation to former Code chapter 442 and  
19 deletes language that appeared after a citation to former Code  
20 section 279.43 and that indicated that former Code chapter 442  
21 and Code section 279.43 appeared in the 1991 Code, in  
22 provisions relating to voter approval of the use of an  
23 additional enrichment amount under former provisions in the  
24 school funding formula. The change eliminates a problem  
25 experienced with hypertext linkages in the electronic version  
26 of this Code section.

27 Code section 276.10: Updates a reference to a federal Act  
28 in a provision relating to establishment of community  
29 education programs by school boards.

30 Code section 306A.3: Specifies that the department  
31 referenced in a provision directing the department to adopt  
32 rules embodying a utility accommodation policy is the state  
33 department of transportation. The term "department" is not  
34 defined for purposes of Code chapter 306A.

35 Code section 307.26: Standardizes a reference to a federal

1 Act in a provision relating to the duties of the state  
2 administrator for rail and water as they relate to that  
3 federal Act.

4 Code section 308.3: Standardizes a reference to a federal  
5 Act in definitions relating to the establishment of the  
6 Mississippi river parkway.

7 Code section 312.3B: Adds the word "fund" in the phrase  
8 "farm-to-market road distributions" to clarify that  
9 distributions are made from the farm-to-market road fund.

10 Code section 321.69: Strikes the words "of the title" in a  
11 provision regulating the placement of language relating to the  
12 status of a vehicle as wrecked or salvage on the certificate  
13 of title and registration receipt to agree with language used  
14 elsewhere in the Code section.

15 Code section 331.756: Replaces a reference to the division  
16 of beer and liquor law enforcement with a reference to the  
17 department of public safety in a provision directing the  
18 county attorney to assist the division in the enforcement of  
19 beer and liquor laws. The division no longer exists.

20 Code section 403.5: Standardizes references to a federal  
21 Act relating to certification of need for disaster assistance  
22 in provisions relating to approval of urban renewal plans or  
23 projects.

24 Code section 414.14: Makes a grammatical change for  
25 readability in a provision requiring the majority vote of a  
26 city's board of adjustment to reverse an order of an  
27 administrative official.

28 Code sections 421.1, 422.75, 425.7, 426A.6, and 429.2:  
29 Updates language relating to the state board of tax review by  
30 internally renumbering the Code section, adding numerical Code  
31 chapter and subchapter references to a reference by name to  
32 the Iowa merit system, and by correcting references to Code  
33 section 421.1 in other Code sections. The update also moves  
34 language describing the manner in which hearings and appeals  
35 are to be conducted by the state board of tax review to a

1 separate subsection from the provision enumerating the board's  
2 duty to advise and counsel with the director of revenue. The  
3 subsection paragraph containing the language describing the  
4 board's duty to advise and counsel is also updated to include  
5 a reference to the conducting of hearings and appeals in  
6 accordance with the language that was moved to the separate  
7 subsection.

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

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

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

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

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

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

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

35 Code section 445.5: Adds the words "or entity" following

1 the words "such person" in a provision allowing a property  
2 titleholder to have the tax statement for the property  
3 delivered to another person or entity to agree with another  
4 usage in the provision.

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

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

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

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

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

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

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

34 Code section 481B.2: Standardizes a reference to a federal  
35 Act pertaining to endangered and threatened species in a

1 provision in the Code chapter pertaining to endangered plants  
2 and wildlife.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Iowa cemetery Act.

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

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

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

16 Code section 591.11: Strikes the words "of the" and adds a  
17 comma in a reference to former 1954 Code section 491.20 to  
18 eliminate electronic hypertext linkage problems in this  
19 provision relating to notices of amendments to articles of  
20 incorporation of business corporations.

21 Code section 602.10125: Changes the word "chapter" to  
22 "ch." in a reference to an Iowa court rule to avoid electronic  
23 hypertext linkage problems in a provision relating to actions  
24 involving the regulation of the activities of attorneys and  
25 counselors.

26 Code section 633.3: In several provisions defining terms  
27 for purposes of the probate code, clarifies that Code section  
28 633.10 describes certain types of trusts rather than defining  
29 the term "trust".

30 Code sections 633.10 and 633.699B: Adds a numeric  
31 reference to Code chapter 633A where the trust Code is  
32 referred to by name to facilitate electronic hypertext linkage  
33 to that Code chapter.

34 Code section 679C.103: Corrects a grammatical error in a  
35 provision describing the scope of Code chapter 679C, relating

1 to mediation.

2 Code section 679C.104: Adds the words "the privilege" in  
3 language providing that a mediation communication is  
4 privileged to clarify that it is the privilege that can be  
5 waived or precluded rather than the communication.

6 Code section 692B.2: Standardizes references to federal  
7 Acts in the interstate crime prevention and privacy compact.

8 Code section 725.12: Updates archaic language in a  
9 provision prohibiting certain lottery activities.

10 Code sections 822.2, 822.3, 822.5, 822.7, and 822.9:  
11 Updates an obsolete drafting style by moving qualifying  
12 language to an introductory paragraph and renumbering and  
13 relettering provisions in Code section 822.2 and by changing  
14 internal references to that Code section in other locations in  
15 the same chapter to correspond with the number and lettering  
16 changes made in Code section 822.2.

17 2004 Iowa Acts, chapter 1076: Updates a 2004 Act to  
18 reflect an editorial change made to a term of art in Code  
19 section 69.20 at the time the Code section was codified. The  
20 term "active state service" was changed to "state military  
21 service" in 2004 Iowa Acts, ch 1086, in Code provisions  
22 existing prior to 2004 and this change conforms this Act to  
23 those changes and the language of Code section 69.20 as  
24 codified. This provision is effective upon enactment and  
25 applies retroactively to April 14, 2004.

26 2005 Iowa Acts, chapter 136: Corrects the bill section  
27 amending clause to this 2005 Iowa Act to clarify that only  
28 unnumbered paragraph 1 of subsection 4 of Code section  
29 455B.103 was amended in that section of that Act. This  
30 provision is effective upon enactment and is retroactively  
31 applicable to July 1, 2005.

32 2005 Iowa Acts, chapter 150: Adds a reference to the  
33 division of the Act within which these 2005 changes to Code  
34 section 15.103 can be found. 2005 Iowa Acts, chapter 150  
35 contained multiple effective dates, but when these changes to

1 Code section 15.103 were codified, the effective date of the  
2 division of the Act in which these changes were found was  
3 substituted for references to the Act's effective date. This  
4 provision is effective upon enactment and is retroactively  
5 applicable to July 1, 2005.

6 2005 Iowa Acts, chapter 153: Adds the word "with" to  
7 language describing the duration of time for which a penalty  
8 should be assessed for violations by private sewage disposal  
9 facilities. The word "with" was included in otherwise  
10 identical language in amendments to other subsections in Code  
11 section 455B.172 contained in this same Act. This provision  
12 is effective upon enactment and is retroactively applicable to  
13 July 1, 2005.

14 2005 Iowa Acts, chapter 179, section 14: Corrects a  
15 reference to the department of public safety in a provision  
16 appropriating moneys to the homeland security and emergency  
17 management division. The division is part of the department  
18 of public defense rather than the department of public safety.  
19 This provision is effective upon enactment and is  
20 retroactively applicable to July 1, 2005.

21 2005 Iowa Acts, chapter 179, section 48: Changes "health  
22 facilities council" to "health facilities division" in two  
23 places in a provision relating to the applicability of another  
24 2005 Iowa Acts provision appropriating funds to the department  
25 of inspections and appeals for the division. The proper name  
26 of the body is the health facilities division. This provision  
27 is effective upon enactment and is retroactively applicable to  
28 July 1, 2005.

29 2005 Iowa Acts, chapter 179, section 98: Adds a reference  
30 to the division of the Act within which these 2005 changes to  
31 Code section 12B.6 can be found. 2005 Iowa Acts, chapter 179  
32 contained multiple effective dates, but when these changes to  
33 Code section 12B.6 were codified, the effective date of the  
34 division of the Act in which these changes were found was  
35 substituted for references to the Act's effective date. This

1 provision is effective upon enactment and is retroactively  
2 applicable to June 16, 2005.

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SENATE FILE 2255

S-5010

1 Amend Senate File 2255 as follows:

2 1. Page 6, line 3, by striking the word and  
3 figure "and 6" and inserting the following: "and 6".

4 2. Page 10, by inserting after line 21, the  
5 following:

6 "Sec. \_\_\_\_\_. Section 29B.48, Code 2005, is amended  
7 to read as follows:

8 29B.48 REFUSAL TO APPEAR OR TESTIFY.

9 1. Any person not subject to this code ~~who is~~  
10 guilty of a simple misdemeanor if the person does all  
11 of the following:

12 ~~1.~~ a. Has been duly subpoenaed to appear as a  
13 witness or to produce books and records before a  
14 military court or before any military or civil officer  
15 and designated to take a deposition to be read in  
16 evidence before such a court~~+~~.

17 ~~2.~~ b. Has been duly paid or tendered the fees and  
18 mileage of a witness at the rates allowed to witnesses  
19 attending the courts of the state~~;~~ ~~and.~~

20 ~~3.~~ c. Willfully neglects or refuses to appear, or  
21 refuses to qualify as a witness or to testify or to  
22 produce any evidence which that person has been  
23 legally subpoenaed to produce~~+~~

~~24 is guilty of a simple misdemeanor.~~

25 2. Upon certification of the facts in a case under  
26 this section by the military judge, president of  
27 courts-martial without a military judge, or summary  
28 courts-martial officer, the county attorney of the  
29 county where the offense occurred shall prosecute the  
30 offense as if it were included in the Iowa criminal  
31 code.

32 Sec. \_\_\_\_\_. Section 29B.74, Code 2005, is amended to  
33 read as follows:

34 29B.74 PRINCIPALS.

35 Any person subject to this code ~~who is~~ is a principal  
36 if the person does any of the following:

37 1. Commits an offense punishable by this code, or  
38 aids, abets, counsels, commands, or procures its  
39 commission~~+~~ ~~or.~~

40 2. Causes an act to be done which if directly  
41 performed by the person would be punishable by this  
42 code~~+~~

~~43 is a principal.~~

44 Sec. \_\_\_\_\_. Section 29B.80, Code 2005, is amended to  
45 read as follows:

46 29B.80 FRAUDULENT ENLISTMENT -- APPOINTMENT OR  
47 SEPARATION.

48 Any person ~~who~~ shall be punished as a court-martial  
49 may direct if the person does any of the following:

50 1. Procures the person's own enlistment or

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1 appointment in the state military forces by knowingly  
2 false representation or deliberate concealment as to  
3 the person's qualifications for that enlistment or  
4 appointment and receives pay or allowances thereunder;  
5 ~~or.~~

6 2. Procures the person's own separation from the  
7 state military forces by knowingly false  
8 representation or deliberate concealment as to the  
9 person's eligibility for that separation;  
10 ~~shall be punished as a court-martial may direct.~~

11 Sec. \_\_\_\_\_. Section 29B.83, Code 2005, is amended to  
12 read as follows:

13 29B.83 ABSENCE WITHOUT LEAVE.

14 Any person subject to this code ~~who~~ shall be  
15 punished as a court-martial may direct, if the person  
16 without authority does any of the following:

17 1. Fails to go to the person's appointed place of  
18 duty at the time prescribed;

19 2. Goes from that place;~~or.~~

20 3. Leaves or remains absent from the unit,  
21 organization, or place of duty at which the person is  
22 required to be at the time prescribed;

23 ~~shall be punished as a court-martial may direct.~~

24 Sec. \_\_\_\_\_. Section 29B.87, Code 2005, is amended to  
25 read as follows:

26 29B.87 ASSAULTING OR WILLFULLY DISOBEYING SUPERIOR  
27 COMMISSIONED OFFICER.

28 Any person subject to this code ~~who~~ shall be  
29 punished as a court-martial may direct if the person  
30 does any of the following:

31 1. Strikes the person's superior commissioned  
32 officer or draws or lifts up any weapon or offers any  
33 violence against the superior commissioned officer  
34 while the superior commissioned officer is in the  
35 execution of the officer's office;~~or.~~

36 2. Willfully disobeys a lawful command of the  
37 person's superior commissioned officer;~~or~~

38 ~~shall be punished as a court-martial may direct.~~

39 Sec. \_\_\_\_\_. Section 29B.88, Code 2005, is amended to  
40 read as follows:

41 29B.88 INSUBORDINATE CONDUCT TOWARD WARRANT  
42 OFFICER, NONCOMMISSIONED OFFICER OR PETTY OFFICER.

43 Any warrant officer or enlisted member ~~who~~ shall be  
44 punished as a court-martial may direct if the person  
45 does any of the following:

46 1. Strikes or assaults a warrant officer,  
47 noncommissioned officer or petty officer, while that  
48 officer is in the execution of the officer's office;

49 2. Willfully disobeys the lawful order of a  
50 warrant officer, noncommissioned officer, or petty

1 officer; ~~or.~~

2 3. Treats with contempt or is disrespectful in  
3 language or deportment toward a warrant officer,  
4 noncommissioned officer, or petty officer, while that  
5 officer is in the execution of the officer's office;  
~~6 shall be punished as a court-martial may direct.~~

7 Sec. \_\_\_\_\_. Section 29B.89, Code 2005, is amended to  
8 read as follows:

9 29B.89 FAILURE TO OBEY ORDER OR REGULATION.

10 Any person subject to this code ~~who~~ shall be  
11 punished as a court-martial may direct if the person  
12 does any of the following:

13 1. Violates or fails to obey any lawful general  
14 order or regulation;.

15 2. Having knowledge of any other lawful order  
16 issued by a member of the state military forces which  
17 it is the person's duty to obey, fails to obey the  
18 order; ~~or.~~

19 3. Is derelict in the performance of the person's  
20 duties;

~~21 shall be punished as a court-martial may direct.~~

22 Sec. \_\_\_\_\_. Section 29B.95, Code 2005, is amended to  
23 read as follows:

24 29B.95 NONCOMPLIANCE WITH PROCEDURAL RULES.

25 Any person subject to this code ~~who~~ shall be  
26 punished as a court-martial may direct if the person  
27 does any of the following:

28 1. Is responsible for unnecessary delay in the  
29 disposition of any case of a person accused of an  
30 offense under this code; ~~or.~~

31 2. Knowingly and intentionally fails to enforce or  
32 comply with any provisions of this code regulating the  
33 proceedings before, during, or after trial of an  
34 accused;

~~35 shall be punished as a court-martial may direct.~~

36 Sec. \_\_\_\_\_. Section 29B.96, Code 2005, is amended to  
37 read as follows:

38 29B.96 MISBEHAVIOR BEFORE THE ENEMY.

39 Any person subject to this code ~~who~~ shall be  
40 punished as a court-martial may direct if the person,  
41 before or in the presence of the enemy, does any of  
42 the following:

43 1. Runs away;.

44 2. Shamefully abandons, surrenders, or delivers up  
45 any command, unit, place, or military property which  
46 it is the person's duty to defend;.

47 3. Through disobedience, neglect, or intentional  
48 misconduct endangers the safety of any such command,  
49 unit, place, or military property;.

50 4. Casts away the person's arms or ammunition;.

- 1 5. Is guilty of cowardly conduct~~+~~.
- 2 6. Quits the person's place of duty to plunder or
- 3 pillage~~+~~.
- 4 7. Causes false alarms in any command, unit, or
- 5 place under control of the armed forces of the United
- 6 States or the state military forces~~+~~.
- 7 8. Willfully fails to do the person's utmost to
- 8 encounter, engage, capture, or destroy any enemy
- 9 troops, combatants, vessels, aircraft, or any other
- 10 thing, which it is the person's duty so to encounter,
- 11 engage, capture or destroy~~+~~~~or~~.
- 12 9. Does not afford all practicable relief and
- 13 assistance to any troops, combatants, vessels, or
- 14 aircraft of the armed forces belonging to the United
- 15 States or their allies, to the state, or to any other
- 16 state, when engaged in battle~~+~~

~~17 shall be punished as a court-martial may direct.~~

18 Sec. \_\_\_\_ . Section 29B.101, Code 2005, is amended  
19 to read as follows:

20 29B.101 AIDING THE ENEMY.

21 Any person subject to this code ~~who~~ shall be  
22 punished as a court-martial may direct if the person  
23 does any of the following:

24 1. Aids, or attempts to aid, the enemy with arms,  
25 ammunition, supplies, money, or other things~~+~~~~or~~.

26 2. Without proper authority, knowingly harbors or  
27 protects or gives intelligence to, or communicates or  
28 corresponds with or holds any intercourse with the  
29 enemy, either directly or indirectly~~+~~

~~30 shall be punished as a court-martial may direct.~~

31 Sec. \_\_\_\_ . Section 29B.102, Code 2005, is amended  
32 to read as follows:

33 29B.102 MISCONDUCT OF A PRISONER.

34 Any person subject to this code ~~who~~ shall be  
35 punished as a court-martial may direct if the person,  
36 while in the hands of the enemy in time of war, does  
37 any of the following:

38 1. For the purpose of securing favorable treatment  
39 by the captors acts without proper authority in a  
40 manner contrary to law, custom, or regulation, to the  
41 detriment of others of whatever nationality held by  
42 the enemy as civilian or military prisoners~~+~~~~or~~.

43 2. While in a position of authority over such  
44 persons maltreats them without justifiable cause~~+~~

~~45 shall be punished as a court-martial may direct.~~

46 Sec. \_\_\_\_ . Section 29B.109, Code 2005, is amended  
47 to read as follows:

48 29B.109 MALINGERING.

49 Any person subject to this code ~~who~~ shall be  
50 punished as a court-martial may direct if the person

1 for the purpose of avoiding work, duty, or service in  
2 the state military forces does any of the following:

3 1. Feigns illness, physical disablement, mental  
4 lapse or derangement; ~~or.~~

5 2. Intentionally inflicts self-injury;

~~6 shall be punished as a court-martial may direct.~~

7 Sec. \_\_\_\_ . Section 29B.113, Code 2005, is amended  
8 to read as follows:

9 29B.113 FRAUDS AGAINST THE GOVERNMENT.

10 Any person subject to this code shall, upon  
11 conviction of any of the following, be punished as a  
12 court-martial may direct:

13 1. ~~Who~~ The person, knowing it to be false or  
14 fraudulent does any of the following:

15 a. Makes any claim against the United States, the  
16 state, or any officer thereof; ~~or~~

17 b. Presents to any person in the civil or military  
18 service thereof, for approval or payment any claim  
19 against the United States, the state, or any officer  
20 thereof;

21 2. ~~Who~~ The person, for the purpose of obtaining  
22 the approval, allowance, or payment of any claim  
23 against the United States, the state, or any officer  
24 thereof, does any of the following:

25 a. Makes or uses any writing or other paper  
26 knowing it to contain any false or fraudulent  
27 statements;

28 b. Makes any oath to any fact or to any writing or  
29 other paper knowing the oath to be false; ~~or.~~

30 c. Forges or counterfeits any signature upon any  
31 writing or other paper, or uses any such signature  
32 knowing it to be forged or counterfeited;

33 3. ~~Who~~ The person, having charge, possession,  
34 custody, or control of any money, or other property of  
35 the United States or the state, furnished or intended  
36 for the armed forces of the United States or the state  
37 military forces, knowingly delivers to any person  
38 having authority to receive it, any amount thereof  
39 less than that for which the person receives a  
40 certificate or receipt; ~~or.~~

41 4. ~~Who~~ The person, being authorized to make or  
42 deliver any paper certifying the receipt of any  
43 property of the United States or the state, furnished  
44 or intended for the armed forces of the United States  
45 or the state military forces, makes or delivers to any  
46 person such writing without having full knowledge of  
47 the truth of the statements therein contained and with  
48 intent to defraud the United States or the state;

~~49 shall, upon conviction, be punished as a court-martial~~  
50 ~~may direct.~~

1 Sec. \_\_\_\_ Section 29B.114, Code 2005, is amended  
2 to read as follows:

3 29B.114 LARCENY AND WRONGFUL APPROPRIATION.

4 1. Any person subject to this code who wrongfully  
5 takes, obtains, or withholds, by any means, from the  
6 possession of the owner or of any other person any  
7 money, personal property, or article of value of any  
8 kind:

9 ~~1-~~ a. With intent permanently to deprive or  
10 defraud another person of the use and benefit of  
11 property or to appropriate it to the person's own use  
12 or the use of any person other than the owner, steals  
13 that property and is guilty of larceny; or

14 ~~2-~~ b. With intent temporarily to deprive or  
15 defraud another person of the use and benefit of  
16 property or to appropriate it to the person's own use  
17 or the use of any person other than the owner, is  
18 guilty of wrongful appropriation.

19 2. Any person found guilty of larceny or wrongful  
20 appropriation shall be punished as a court-martial may  
21 direct."

22 3. Page 16, line 19, by striking the word "are"  
23 and inserting the following: "is".

24 4. Page 44, line 23, by striking the words "of  
25 an" and inserting the following: "of ~~an~~ a".

26 5. Page 53, line 15, by striking the words and  
27 figure "Public Law 346" and inserting the following:  
28 "Public Law 346".

29 6. Page 53, line 16, by striking the words and  
30 figure "~~Session, Pub. L. No. 78-348~~" and inserting the  
31 following: "~~Session, Pub. L. No. 78-268~~".

32 7. Page 53, line 17, by striking the word and  
33 figures "58 Stat. 291" and inserting the following:  
34 "58 Stat. 284".

35 8. Page 56, by striking lines 22 through 26, and  
36 inserting the following: "company if ~~(1) such~~ either  
37 of the following apply:

38 1. The securities ~~shall be~~ are registered, or  
39 ~~shall be~~ are required to be registered, pursuant to  
40 section 12 of the Securities Exchange Act of 1934, ~~-(48~~  
41 48 Stat. 881, 15 U.S.C. ~~7~~ § 77b et seq. ~~seq.,~~  
42 ~~amended, or if (2) such.~~

43 2. The domestic stock insurance company ~~shall~~ does  
44 not have any".

45 9. Page 67, line 1, by striking the words "for  
46 the" and inserting the following: "~~for the~~".

47 10. By renumbering as necessary.

COMMITTEE ON JUDICIARY

KEITH A. KREIMAN, CO-CHAIRPERSON

DAVID MILLER, CO-CHAIRPERSON

Hancock co-chair  
Zawn co-chair  
Schoenjahn  
Ward

Succeeded By  
SF/HF 2255

SSB# 3096  
Judiciary

SENATE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CO-CHAIRPERSONS KREIMAN  
AND MILLER)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to nonsubstantive Code corrections and including  
2 effective and retroactive applicability date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 2.1, Code 2005, is amended to read as  
2 follows:

3 2.1 SESSIONS -- PLACE.

4 The sessions of the general assembly shall be held annually  
5 at the seat of government, unless the governor shall convene  
6 them at some other place in times of pestilence or public  
7 danger. Each annual session of the general assembly shall  
8 commence on the second Monday in January of each year. The  
9 general assembly may recess from time to time during each year  
10 in such manner as it may provide, subject to Article III,  
11 section 14 of the Constitution of the ~~state~~ State of Iowa.

12 Sec. 2. Section 3.7, subsection 8, Code 2005, is amended  
13 to read as follows:

14 8. An Act or resolution under this section is also subject  
15 to the applicable provisions of Article III, sections 16 and  
16 ~~17 of Article III~~ of the Constitution of the State of Iowa.

17 Sec. 3. Section 3.14, Code 2005, is amended to read as  
18 follows:

19 3.14 CERTAIN APPROPRIATIONS PROHIBITED.

20 ~~No-appropriations~~ An appropriation shall not be made to any  
21 institution not wholly under the control of the state of Iowa.

22 Sec. 4. Section 7.15, Code 2005, is amended to read as  
23 follows:

24 7.15 FEDERAL FUNDS FOR HIGHWAY SAFETY.

25 The governor, in addition to other duties and  
26 responsibilities conferred by the Constitution and laws of  
27 this state, is hereby empowered to contract for the benefits  
28 available to this state under any Act of Congress for highway  
29 safety, law enforcement, or other related programs, and in so  
30 doing, to co-operate with federal and state agencies, private  
31 and public organizations, and with individuals, to effectuate  
32 the purposes of these enactments. The governor shall be  
33 responsible for and is hereby empowered to administer, either  
34 through the governor's office or through one or more state  
35 departments or agencies designated by the governor or any

3096

1 combination of the foregoing the highway safety, law  
2 enforcement and related programs of this state and those of  
3 its political subdivisions, all in accordance with said Acts  
4 and the Constitution of the ~~state~~ State of Iowa, in  
5 implementation thereof.

6 Sec. 5. Section 9G.12, Code 2005, is amended to read as  
7 follows:

8 9G.12 DUBUQUE AND PACIFIC RAILROAD LANDS.

9 The secretary of state is hereby authorized upon the  
10 application of any person claiming title under the trust deeds  
11 executed by the Dubuque and Pacific Railroad Company, to  
12 secure its construction bonds, to any lands included in the  
13 list of lands certified to the state of Iowa, by the  
14 commissioner of the general land office and approved by the  
15 secretary of the interior, as selected to satisfy the grant  
16 made to the state of Iowa, by Act of Congress approved May 15,  
17 1856 ~~{11, 11 Stat. 57-9}~~ 9, in aid of the construction of a  
18 railroad from Dubuque to Sioux City; to certify said land as  
19 inuring to the grantees of the said Dubuque and Pacific  
20 Railroad Company, which certificate shall be signed by the  
21 governor, and attested by the secretary of state, with the  
22 seal of the state, and deliver the same to such applicant who  
23 is hereby authorized to have said certificate recorded in the  
24 county in which the land so certified is situated, and when so  
25 recorded, shall be notice to all persons the same as deeds now  
26 are, and shall be evidence of the title from the state of Iowa  
27 to any person deriving title to said land under the Dubuque  
28 and Pacific Railroad Company, to the land therein described  
29 under the grant of Congress by which the land was certified to  
30 the state so far as the certified lists made by the  
31 commissioner aforesaid, conferred title to the state, but  
32 where lands embraced in such lists are not of the character  
33 embraced by such Acts of Congress or the Acts of the general  
34 assembly of the state, and are not intended to be granted  
35 thereby, the lists so far as these lands are concerned, shall

1 be void; nor shall the secretary include, in any of the lists  
2 so certified to the state, lands which have been adjudicated  
3 by the proper courts to belong to any other grant, or  
4 adjudicated to belong to any county or individual under the  
5 swampland grant, or any homestead or ~~pre-emption~~ preemption  
6 settlement; nor shall said certificate so issued confer any  
7 right or title as against any person or company having any  
8 vested right, either legal or equitable, to any of the lands  
9 so certified.

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

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

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

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

29 The department of economic development, in cooperation with  
30 the state department of transportation and the department of  
31 cultural affairs, shall establish and administer a program  
32 designed to promote knowledge of and access to buildings,  
33 sites, districts, structures, and objects located in this  
34 state that have been designated by the secretary of the  
35 interior of the United States as a national historic landmark,

1 unless the national historic landmark is protected under  
 2 section 22.7, subsection 20, and certified cultural and  
 3 entertainment districts, as established in-2005-Iowa-Acts,-if  
 4 enacted pursuant to section 303.3B. The program shall be  
 5 designed to maximize the visibility and visitation of national  
 6 historic landmarks in this state and buildings, sites,  
 7 structures, and objects located in certified cultural and  
 8 entertainment districts, as established in-2005-Iowa-Acts,-if  
 9 enacted pursuant to section 303.3B. Methods used to maximize  
 10 the visibility and visitation of such locations may include  
 11 the use of tourism literature, signage on highways, maps of  
 12 the state and cities, and internet websites. For purposes of  
 13 this section, "highway" means the same as defined in section  
 14 325A.1.

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

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

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

30 For the fiscal period beginning July 1, 2005, and ending  
 31 June 30, 2015, there is appropriated each fiscal year from the  
 32 grow Iowa values fund created in section 15G.108 to the  
 33 department of economic development five million dollars for  
 34 financial assistance to institutions of higher learning under  
 35 the control of the state board of regents for capacity

1 building infrastructure in areas related to technology  
2 commercialization, for marketing and business development  
3 efforts in areas related to technology commercialization,  
4 entrepreneurship, and business growth, and for infrastructure  
5 projects and programs needed to assist in the implementation  
6 of activities under chapter 262B~~7-if-so-amended~~. In  
7 allocating moneys to institutions under the control of the  
8 state board of regents, the board shall require the  
9 institutions to provide a one-to-one match of additional  
10 moneys for the activities funded with moneys appropriated  
11 under this subsection. The state board of regents shall  
12 annually prepare a report for submission to the governor, the  
13 general assembly, and the legislative services agency  
14 regarding the activities, projects, and programs funded with  
15 moneys appropriated under this subsection.

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

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

33 a. For the fiscal period beginning July 1, 2005, and  
34 ending June 30, 2015, there is appropriated each fiscal year  
35 from the grow Iowa values fund created in section 15G.108 to

1 the department of economic development one million dollars for  
2 providing economic development region financial assistance  
3 under section 15E.232, subsections 3, 4, 5, and 6, 7, and 8,  
4 and under section 15E.233.

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

7 i. Administer the retired and senior volunteer program.

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

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

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

29 1. The authority shall participate in the housing  
30 assistance payments program under section 8 of the United  
31 States Housing Act of 1937, ~~section-1401-et-seq., title-42,~~  
32 ~~United-States-Code,~~ as amended by section 201 of the Housing  
33 and Community Development Act of 1974 ~~(Public-Law-93-383),~~  
34 Pub. L. No. 93-383, codified at 42 U.S.C. § 1437 et seq. The  
35 purpose of participation is to enable the authority to obtain,

1 on behalf of the state of Iowa, set-asides of contract  
2 authorization reserved by the United States secretary of  
3 housing and urban development for public housing agencies, to  
4 enter into annual contributions contracts, to otherwise  
5 expedite use of the program through the use of state housing  
6 finance funds, and to encourage new construction and  
7 substantial rehabilitation of housing suitable for assistance  
8 under the program. Assistance may be provided for existing  
9 housing units made available by owners for the program, as  
10 well as for newly constructed housing units. Maximum rents  
11 shall be established by the authority in conformity with  
12 federal law.

13 5. The authority shall, when appropriate, take necessary  
14 steps to cooperate with the United States department of  
15 agriculture in implementation of sections 517 and 521 of the  
16 Housing Act of 1949, ~~sections-1487-and-1490a7-title-427-United~~  
17 ~~States-Code~~ codified at 42 U.S.C. § 1487 and 1490a, as amended  
18 by section 514 of the Housing and Community Development Act of  
19 1974 (~~Public-Law-93-383~~), Pub. L. No. 93-383. The purpose of  
20 such programs is to extend to rural areas the provisions of  
21 housing assistance payments programs.

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

29 7. The authority may participate in other programs under  
30 the Housing and Community Development Act of 1974 (~~Public-Law~~  
31 ~~93-383~~), Pub. L. No. 93-383, and in other federal programs  
32 designed to increase the supply of adequate housing for low or  
33 moderate income families and may recommend appropriate  
34 legislation to the general assembly where further legislation  
35 is needed to accomplish such participation. However, failure

1 of the authority to participate in the federal programs set  
2 out in this section does not invalidate any bonds, notes or  
3 other obligations of the authority.

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

6 22.3 SUPERVISION -- FEES.

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

27 2. All expenses of the work examination and copying shall  
28 be paid by the person desiring to examine or copy. The lawful  
29 custodian may charge a reasonable fee for the services of the  
30 lawful custodian or the custodian's authorized designee in  
31 supervising the examination and copying of the records during  
32 the-work. If copy equipment is available at the office of the  
33 lawful custodian of any public records, the lawful custodian  
34 shall provide any person a reasonable number of copies of any  
35 public record in the custody of the office upon the payment of

1 a fee. The fee for the copying service as determined by the  
2 lawful custodian shall not exceed the actual cost of providing  
3 the service. Actual costs shall include only those expenses  
4 directly attributable to supervising the examination of and  
5 making and providing copies of public records. Actual costs  
6 shall not include charges for ordinary expenses or costs such  
7 as employment benefits, depreciation, maintenance,  
8 electricity, or insurance associated with the administration  
9 of the office of the lawful custodian.

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

12 14. With the assistance of the state departments  
13 represented on the Iowa empowerment board and the community  
14 empowerment office, develop and implement requirements for  
15 community empowerment areas and the state administrators of  
16 programs providing early care or early care services to  
17 annually report to the public and the early care staff  
18 designated pursuant to section 28.3 regarding the results  
19 produced by the community empowerment initiative and by the  
20 programs. Source data shall also be made available to the  
21 early care staff.

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

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

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

34 a. Make loans for the acquisition or construction of the  
35 facility to such person upon such terms as the port authority

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

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

15 29A.3 UNITS OF GUARD.

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

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

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

35 Sec. 20. Section 42.3, subsection 4, Code 2005, is amended

1 to read as follows:

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

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

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

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

34 b. Congressional districts shall each have a population as  
35 nearly equal as practicable to the ideal district population,

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

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

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

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

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

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

26 49.46 MARKING BALLOTS ON PUBLIC MEASURES.

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

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

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

34 For the purpose of this section, "state board" includes any  
35 board, commission, committee, council, or task force of the

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

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

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

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

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

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

29 1. A temporary vacancy in an elective office of a  
30 political subdivision, community college, and or hospital  
31 board of trustees of this state occurs on the date when the  
32 person filling that office is placed on state military service  
33 or federal service, as those terms are defined in section  
34 29A.1, and when such a person will not be able to attend to  
35 the duties of that person's elective position for a period

1 greater than sixty consecutive days. The temporary vacancy  
2 terminates on the date when such person is released from such  
3 service, or the term of office expires.

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

6 80.22 PROHIBITION ON OTHER DEPARTMENTS.

7 All other departments and bureaus of the state are hereby  
8 prohibited from employing special peace officers or conferring  
9 upon regular employees any police powers to enforce provisions  
10 of the statutes which are specifically reserved by 1939 Iowa  
11 Acts, chapter ch. 120, to the department of public safety.

12 But the commissioner of public safety shall, upon the  
13 requisition of the attorney general, from time to time assign  
14 for service in the department of justice such of its officers,  
15 not to exceed six in number, as may be requisitioned by the  
16 attorney general for special service in the department of  
17 justice, and when so assigned such officers shall be under the  
18 exclusive direction and control of the attorney general.

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

21 80.33 ACCESS TO DRUG RECORDS BY PEACE OFFICERS.

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

1 counterfeit substances, and upon good cause shown, the a peace  
2 officer of the department shall be allowed to inspect audits  
3 and records in the possession of the state board of pharmacy  
4 examiners.

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

7 b. If an injured employee has a preexisting disability  
8 that was caused by a prior injury arising out of and in the  
9 course of employment with the same employer, and the  
10 preexisting disability was compensable under the same  
11 paragraph of ~~section-85-34~~, subsection 2, as the employee's  
12 present injury, the employer is liable for the combined  
13 disability that is caused by the injuries, measured in  
14 relation to the employee's condition immediately prior to the  
15 first injury. In this instance, the employer's liability for  
16 the combined disability shall be considered to be already  
17 partially satisfied to the extent of the percentage of  
18 disability for which the employee was previously compensated  
19 by the employer.

20 If, however, an employer is liable to an employee for a  
21 combined disability that is payable under ~~section-85-34~~  
22 subsection 2, paragraph "u", and the employee has a  
23 preexisting disability that causes the employee's earnings to  
24 be less at the time of the present injury than if the prior  
25 injury had not occurred, the employer's liability for the  
26 combined disability shall be considered to be already  
27 partially satisfied to the extent of the percentage of  
28 disability for which the employee was previously compensated  
29 by the employer minus the percentage that the employee's  
30 earnings are less at the time of the present injury than if  
31 the prior injury had not occurred.

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

34 1. DUTIES OF DEPARTMENT. The department shall establish  
35 and maintain free public employment services accessible to all

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

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

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

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

29 1. All peace officer members of the division of state  
 30 patrol and the division of criminal investigation or the  
 31 predecessor divisions or subunits in the department of public  
 32 safety, excepting the members of the clerical force, who are  
 33 employed by the state of Iowa on July 4, 1949, and all persons  
 34 thereafter employed as members of such divisions or the  
 35 predecessor divisions or subunits in the department of public

1 safety or division of narcotics enforcement or division of  
2 state fire marshal or the predecessor divisions or subunits,  
3 except the members of the clerical force, shall be members of  
4 this system, except as otherwise provided in subsection 3.  
5 Effective July 1, 1994, gaming enforcement officers employed  
6 by the division of criminal investigation for excursion boat  
7 gambling enforcement activities and fire prevention inspector  
8 peace officers employed by the department of public safety  
9 shall be members of this system, except as otherwise provided  
10 in subsection 3 or section 97B.42B. Such members shall not be  
11 required to make contributions under any other pension or  
12 retirement system of the state of Iowa, anything to the  
13 contrary notwithstanding.

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

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

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

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

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

31 3. The treasurer of state shall transfer into a special  
32 revenue account in the general fund of the state, a sum of  
33 money at least equal to seven percent of the gross amount of  
34 sales made by the division from the beer and liquor control  
35 fund on a monthly basis but not less than nine million dollars

1 annually, and any amounts so transferred shall be used by the  
 2 ~~substance-abuse-division-of-the~~ Iowa department of public  
 3 health staff who administer the comprehensive substance abuse  
 4 program under chapter 125 for substance abuse treatment and  
 5 prevention programs in an amount determined by the general  
 6 assembly and any amounts received in excess of the amounts  
 7 appropriated to the ~~substance-abuse-division-of-the~~ Iowa  
 8 department of public health for use by the staff who  
 9 administer the comprehensive substance abuse program under  
 10 chapter 125 shall be considered part of the general fund  
 11 balance.

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

14 3. "Hospital" means a place which is devoted primarily to  
 15 the maintenance and operation of facilities for the diagnosis,  
 16 treatment or care over a period exceeding twenty-four hours of  
 17 two or more nonrelated individuals suffering from illness,  
 18 injury, or deformity, or a place which is devoted primarily to  
 19 the rendering over a period exceeding twenty-four hours of  
 20 obstetrical or other medical or nursing care for two or more  
 21 nonrelated individuals, or any institution, place, building or  
 22 agency in which any accommodation is primarily maintained,  
 23 furnished or offered for the care over a period exceeding  
 24 twenty-four hours of two or more nonrelated aged or infirm  
 25 persons requiring or receiving chronic or convalescent care;  
 26 and shall include sanatoriums or other related institutions  
 27 within the meaning of this chapter. Provided, however,  
 28 nothing in this chapter shall apply to hotels or other similar  
 29 places that furnish only food and lodging, or either, to their  
 30 guests or to a freestanding hospice facility which operates a  
 31 hospice program in accordance with 42 C.F.R. § 418.  
 32 "Hospital" shall include, in any event, any facilities wholly  
 33 or partially constructed or to be constructed with federal  
 34 financial assistance, pursuant to ~~Public-Law-7257-79th~~  
 35 Congress Pub. L. No. 79-725, 60 Stat. 1040, approved August

1 13, 1946.

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

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

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

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

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

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

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

33 163.27 BOILING GARBAGE.

34 It shall be unlawful for any person, firm, partnership, or  
35 corporation to feed garbage to animals unless such garbage has

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

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

11 176A.2 DECLARATION OF POLICY.

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

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

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

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

1 3. As part of the council's education programs or  
2 projects, it the council may provide for the dissemination of  
3 information of public interest, including but not limited to  
4 the development or publication of materials in a printed or  
5 electronic format.

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

8 b. When such milk and milk products do not conform to  
9 their definitions as contained in this chapter and chapters  
10 1907--191 and 192.

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

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

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

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

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

34 1. Each operator upon completion of any reclamation work  
35 required by this chapter shall apply to the division in

1 writing for approval of the work. The division shall  
2 promulgate rules consistent with Pub. L. No. 95-87, section  
3 519, regarding procedures and requirements to release  
4 performance bonds or deposits.

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

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

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

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

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

33 The departments of human services, corrections, and public  
34 safety, the division on the status of African-Americans, the  
35 ~~division-of-substance-abuse-of-the~~ Iowa department of public

1 health, the chairperson of the board of parole, the attorney  
2 general, the state public defender, and the chief justice of  
3 the supreme court shall each designate a person to serve on  
4 the council. The person appointed by the Iowa department of  
5 public health shall be from the departmental staff who  
6 administer the comprehensive substance abuse program under  
7 chapter 125.

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

10 Nothing contained in section 218.1 shall limit the general  
11 supervisory or examining powers vested in the governor by the  
12 laws or Constitution of the state State of Iowa, or legally  
13 vested by the governor in any committee appointed by the  
14 governor.

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

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

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

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

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

28 The department shall establish by rule, in accordance with  
29 chapter 17A, minimum standards for certification and  
30 monitoring of elder group homes. The department may adopt by  
31 reference, with or without amendment, nationally recognized  
32 standards and rules for elder group homes. The standards and  
33 rules shall be formulated in consultation with the department  
34 of inspections and appeals and affected industry,  
35 professional, and consumer groups, and shall be designed to

1 accomplish the purposes of this chapter, and shall include but  
2 not be limited to rules relating to all of the following:

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

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

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

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

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

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

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

34 An assisted living program shall not discriminate or  
35 retaliate in any way against a tenant, tenant's family, or an

1 employee of the program who has initiated or participated in  
2 any proceeding authorized by this chapter. An assisted living  
3 program that violates this section is subject to a penalty as  
4 established by administrative rule in accordance with chapter  
5 17A, and to be assessed and collected by the department of  
6 inspections and appeals, and paid into the state treasury to  
7 be, and credited to the general fund of the state.

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

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

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

21 1. Two members of the Iowa department of public health  
22 selected by the director of the Iowa department of public  
23 health, one from the staff who administer the comprehensive  
24 division-of substance abuse program under chapter 125, and one  
25 from the division of family and community health.

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

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

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

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

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

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

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

18 257B.12 BONDS TO COVER LOSSES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 321.210C PROBATION PERIOD.

1 A person whose driver's license or operating privileges  
 2 have been suspended, revoked, or barred under this chapter 321  
 3 for a conviction of a moving traffic violation, or suspended,  
 4 revoked, or barred under section 321.205 or section 321.210,  
 5 subsection 1, paragraph "e", or chapter 321J, must  
 6 satisfactorily complete a twelve-month probation period  
 7 beginning immediately after the end of the period of  
 8 suspension, revocation, or bar. Upon conviction of a moving  
 9 traffic violation which occurred during the probation period,  
 10 the department may suspend the driver's license or operating  
 11 privileges for an additional period equal in duration to the  
 12 original period of suspension, revocation, or bar, or for one  
 13 year, whichever is the shorter period.

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

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

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

20 3. The state department of transportation, in cooperation  
 21 with the judicial branch, shall adopt rules, pursuant to the  
 22 procedure in section 125.33, regarding the assignment of  
 23 persons ordered under section 321J.17 to submit to substance  
 24 abuse evaluation and treatment. The rules shall be applicable  
 25 only to persons other than those committed to the custody of  
 26 the director of the department of corrections under section  
 27 321J.2. The rules shall be consistent with the practices and  
 28 procedures of the judicial branch in sentencing persons to  
 29 substance abuse evaluation and treatment under section 321J.2.  
 30 The rules shall include the requirement that the treatment  
 31 programs utilized by a person pursuant to an order of the  
 32 department meet the licensure standards of the ~~division of~~  
 33 ~~substance-abuse-for-the~~ department of public health for  
 34 substance abuse treatment programs under chapter 125. The  
 35 rules shall also include provisions for payment of costs by

1 the offenders, including insurance reimbursement on behalf of  
2 offenders, or other forms of funding, and shall also address  
3 reporting requirements of the facility, consistent with the  
4 provisions of sections 125.84 and 125.86. The department  
5 shall be entitled to treatment information contained in  
6 reports to the department, notwithstanding any provision of  
7 chapter 125 that would restrict department access to treatment  
8 information and records.

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

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

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

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

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

32 25. Assist the ~~division of beer and liquor law enforcement~~  
33 department of public safety in the enforcement of beer and  
34 liquor laws as provided in section 123.14. The county  
35 attorney shall also prosecute nuisances, forfeitures of

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1 abatement bonds, and foreclosures of the bonds as provided in  
2 sections 123.62 and 123.86.

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

5 364.1 SCOPE.

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

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

19 2. The enumeration of a specific power of a city does not  
20 limit or restrict the general grant of home rule power  
21 conferred by the Constitution of the State of Iowa. A city  
22 may exercise its general powers subject only to limitations  
23 expressly imposed by a state or city law.

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

26 7. Notwithstanding any other provisions of this chapter,  
27 where the local governing body certifies that an area is in  
28 need of redevelopment or rehabilitation as a result of a  
29 flood, fire, hurricane, earthquake, storm, or other  
30 catastrophe respecting which the governor of the state has  
31 certified the need for disaster assistance under Pub. L. No.  
32 875 81-875, Eighty-first Congress, 64 Stat. 1109, codified  
33 at 42 U.S.C. § 1855-1855g 1855--1855g or other federal law,  
34 the local governing body may approve an urban renewal plan and  
35 an urban renewal project with respect to such area without

1 regard to the provisions of subsection 4 and without regard to  
2 provisions of this section requiring notification and  
3 consultation, a general plan for the municipality, and a  
4 public hearing on the urban renewal plan or project.

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

7 414.14 VOTE REQUIRED.

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

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

19 421.1 STATE BOARD OF TAX REVIEW.

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

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

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

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

35 The members of the state board shall qualify by taking the

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

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

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

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

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

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

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

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

32 ~~4-~~ d. Advise and counsel with the director of revenue  
33 concerning the tax laws and the rules adopted pursuant to the  
34 law; ~~and, upon its own motion or upon appeal by any affected~~  
35 ~~taxpayer, review the record evidence and the decisions of, and~~

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

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

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

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

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

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

33 The affected taxpayer and the department shall be given at  
34 least fifteen days' written notice by the board of the date  
35 the appeal shall be heard and both parties may be present at

1 such hearing if they desire. The board shall adopt and  
2 promulgate, pursuant to chapter 17A, rules for the conduct of  
3 appeals by the board. The record and all documents, reports,  
4 audits and all other information certified to the board by the  
5 director, and hearings held by the board pursuant to the  
6 appeal and the decision of the board thereon shall be open to  
7 the public notwithstanding the provisions of section 422.72,  
8 subsection 1, and section 422.20; except that the board upon  
9 the application of the affected taxpayer may order the record  
10 and all documents, reports, audits, and all other information  
11 certified to it by the director, or so much thereof as it  
12 deems necessary, held confidential, if the public disclosure  
13 of same would reveal trade secrets or any other confidential  
14 information that would give the affected taxpayer's competitor  
15 a competitive advantage. Any deliberation of the board in  
16 reaching a decision on any appeal shall be confidential.

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

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

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

26 422.1 CLASSIFICATION OF CHAPTER.

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

- 29 Division I Introductory provisions.
- 30 Division II Personal net income tax.
- 31 Division III Business tax on corporations.
- 32 Division IV Retail-sales-tax Repealed by 2003 Acts, 1st  
33 Ex., ch. 2, § 151, 205; see chapter 423.
- 34 Division V Taxation of financial institutions.
- 35 Division VI Administration.

1 Division VII Estimated taxes by corporations and financial  
2 institutions.

3 Division VIII Allocation of revenues.

4 Division IX Fuel tax credit.

5 Division X Livestock production tax credit.

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

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

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

17 422.75 STATISTICS -- PUBLICATION.

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

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

31 423A.3 STATE-IMPOSED HOTEL AND MOTEL TAX.

32 A tax of five percent is imposed upon the sales price for  
33 the rental renting of any lodging if the rental renting occurs  
34 in this state. The tax shall be collected by any lessor of  
35 lodging from the user of that lodging. The lessor shall add

1 the tax to the sales price of the lodging, and the state-  
2 imposed tax, when collected, shall be stated as a distinct  
3 item, separate and apart from the sales price of the lodging  
4 and the local tax imposed, if any, under section 423A.4.

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

7 A local sales and services tax at the rate of not more than  
8 one percent may be imposed by a county on the sales price  
9 taxed by the state under chapter 423, subchapter II. A local  
10 sales and services tax shall be imposed on the same basis as  
11 the state sales and services tax or in the case of the use of  
12 natural gas, natural gas service, electricity, or electric  
13 service on the same basis as the state use tax and shall not  
14 be imposed on the sale of any property or on any service not  
15 taxed by the state, except the tax shall not be imposed on the  
16 sales price from the sale of motor fuel or special fuel as  
17 defined in chapter 452A which is consumed for highway use or  
18 in watercraft or aircraft if the fuel tax is paid on the  
19 transaction and a refund has not or will not be allowed, on  
20 the sales price from the sale of equipment by the state  
21 department of transportation, ~~and-except-the-tax-shall-not-be~~  
22 imposed or on the sales price from the sale or use of natural  
23 gas, natural gas service, electricity, or electric service in  
24 a city or county where the sales price from the sale of  
25 natural gas or electric energy is subject to a franchise fee  
26 or user fee during the period the franchise or user fee is  
27 imposed. A local sales and services tax is applicable to  
28 transactions within those incorporated and unincorporated  
29 areas of the county where it is imposed and shall be collected  
30 by all persons required to collect state sales taxes. All  
31 cities contiguous to each other shall be treated as part of  
32 one incorporated area and the tax would be imposed in each of  
33 those contiguous cities only if the majority of those voting  
34 in the total area covered by the contiguous cities favors its  
35 imposition.

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

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

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

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

1 of the action of the state board of tax review in accordance  
2 with chapter 17A.

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

5 426A.6 SETTING ASIDE ALLOWANCE.

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

35 Sec. 94. Section 426A.13, unnumbered paragraph 1, Code

1 Supplement 2005, is amended to read as follows:

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

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

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

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

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

35 Sec. 97. Section 432.12F, Code Supplement 2005, is amended

1 to read as follows:

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

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

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

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

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

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

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1 year following the tax year in which the major addition was  
2 acquired multiplied by the percentage derived by dividing the  
3 number of months that the major addition existed during the  
4 tax year by twelve, counting any portion of a month as a full  
5 month.

6 Sec. 100. Section 445.5, subsection 4, Code Supplement  
7 2005, is amended to read as follows:

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

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

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

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

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

32 In cases where taxes were suspended one year or more upon  
33 the parcel of a deceased old-age supplementary assistance  
34 recipient and no estate was opened within ninety days after  
35 the death of the recipient and the surviving spouse of the

1 recipient is not occupying the parcel, the county may apply to  
2 the probate court to have the parcel conveyed to it for  
3 satisfaction of the suspended taxes. The probate court shall  
4 prescribe the manner and notices to be given. The probate  
5 court shall order the parcel conveyed to the county for  
6 satisfaction of the suspended taxes if an estate is not opened  
7 within a time specified by the court. The probate court shall  
8 make and enter all appropriate orders to effect this  
9 conveyance to the county if an estate is not opened within the  
10 time specified. The parcel, at the election of the county  
11 treasurer, may be offered at tax sale in accordance with this  
12 chapter in lieu of the county making application to the  
13 probate court.

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

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

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

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

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

30 456A.27 FEDERAL WILDLIFE ACT -- ASSENT.

31 The state of Iowa assents to the provisions of the Act of  
32 Congress entitled "An Act to provide that the United States  
33 shall aid the states in wildlife restoration projects, and for  
34 other purposes", approved September 2, 1937, 50 Stat. 57 917,  
35 and the department may perform acts as necessary to the

1 conduct and establishment of co-operative cooperative wildlife  
2 restoration projects, as defined in the Act of Congress, in  
3 compliance with the Act and with regulations promulgated by  
4 the secretary of agriculture under the Act. No funds accruing  
5 to the state of Iowa from license fees paid by hunters shall  
6 be diverted for any other purpose than as set out in sections  
7 456A.17 and 456A.19.

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

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

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

15 b. The board shall ~~consist-of~~ also include four members of  
16 the general assembly who shall serve as voting members. Not  
17 more than one member from each house shall be from the same  
18 political party. Two state senators shall be appointed, one  
19 by the majority leader of the senate and one by the minority  
20 leader of the senate. Two state representatives shall be  
21 appointed, one by the speaker of the house of representatives  
22 and one by the minority leader of the house of  
23 representatives. A member may designate another person to  
24 attend a board meeting if the member is unavailable. Only the  
25 member is eligible for per diem and expenses as provided in  
26 section 2.10.

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

29 468.378 BANKRUPTCY PROCEEDINGS.

30 All drainage districts with pumping plant and levee, which  
31 have power to incur indebtedness, through action of their own  
32 governing bodies are hereby authorized to proceed under and  
33 take advantage of all laws enacted by the Congress of the  
34 United States under the federal bankruptcy powers, which laws  
35 have for their object the relief of municipal indebtedness,

1 including 48 Stat. ch 345, entitled "An Act to amend an Act  
2 entitled 'An Act to establish a uniform system of bankruptcy  
3 throughout the United States', approved July 1, 1898, and Acts  
4 amendatory thereof and supplementary thereto", approved May  
5 24, 1934, and the officials and governing bodies of such  
6 drainage, pumping plant and levee districts, are authorized to  
7 adopt all proceedings and to do any and all acts necessary or  
8 convenient to fully avail such drainage, pumping plant, and  
9 levee districts, of the provisions of such Acts of Congress.

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

13 In addition to other services or facilities previously  
14 deregulated, effective July 1, 2005, and at the election of  
15 each telephone utility subject to rate regulation, the  
16 jurisdiction of the board is not applicable to the retail rate  
17 regulation of business and retail local exchange services  
18 provided throughout the state except for single line flat-  
19 rated residential and business service rates provided by a  
20 telephone utility subject to rate regulation on January 1,  
21 2005. For each such telephone utility, the initial single  
22 line flat-rated residential and business service rates shall  
23 be the corresponding rates charged by the utility as of  
24 January 31, 2005. The initial single line flat-rated  
25 residential monthly service rates may be increased by an  
26 amount not to exceed one dollar per twelve-month period  
27 beginning July 1, 2005, and ending June 30, 2008. The initial  
28 single line flat-rated business monthly service rates may be  
29 increased by an amount not to exceed two dollars per twelve-  
30 month period beginning July 1, 2005, and ending June 30, 2008.  
31 However, the single line flat-rated residential service rate  
32 shall not exceed nineteen dollars per month and the single  
33 line flat-rated business service rate shall not exceed  
34 thirty-eight dollars per month prior to July 1, 2008, not  
35 including charges for extended area service, regulatory

1 charges, taxes, and other fees. Each telephone utility's  
 2 extended area service rates shall not be greater than the  
 3 corresponding rates charged by the telephone utility as of  
 4 January 31, 2005. The board shall determine a telephone  
 5 utility's extended area service rates for new extended area  
 6 service established on or after July 1, 2005. If a telephone  
 7 utility fails to impose the rate increase during any twelve-  
 8 month period, the utility shall not impose the unused increase  
 9 in any subsequent year. In addition to the rate increases  
 10 permitted pursuant to this section, the telephone utility may  
 11 adjust its single line flat-rated residential and business  
 12 service rates by a percentage equal to the most recent annual  
 13 percentage change in the gross domestic product price index as  
 14 published by the federal government. The board may also  
 15 authorize additional changes in the monthly rates for single  
 16 line flat-rated residential and business services to reflect  
 17 exogenous factors beyond the control of the telephone utility.

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

20 481B.2 COOPERATION WITH FEDERAL GOVERNMENT.

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

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

29 6. A license shall not be required of minor pupils of the  
 30 state school for the blind, state school for the deaf, or of  
 31 minor residents of other state institutions under the control  
 32 of an administrator of a division of the department of human  
 33 services. In addition, a person who is on active duty with  
 34 the armed forces of the United States, on authorized leave  
 35 from a duty station located outside of this state, and a

1 resident of the state of Iowa shall not be required to have a  
2 license to hunt or fish in this state. The military person  
3 shall carry the person's leave papers and a copy of the  
4 person's current earnings statement showing a deduction for  
5 Iowa income taxes while hunting or fishing. In lieu of  
6 carrying the person's earnings statement, the military person  
7 may also claim residency if the person is registered to vote  
8 in this state. If a deer or wild turkey is taken, the  
9 military person shall immediately contact a state conservation  
10 officer to obtain an appropriate tag to transport the animal.  
11 A license shall not be required of residents of county care  
12 facilities or any person who is receiving ~~old-age~~  
13 supplementary assistance under chapter 249.

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

16 b. The instrument shall be delivered to the secretary of  
17 state for filing and recording in the secretary of state's  
18 office. If the corporation was organized under chapter ~~1767~~  
19 ~~5247~~ or 533, the instrument shall also be filed and recorded  
20 in the office of the county recorder. The corporation shall  
21 at the time it files the instrument with the secretary of  
22 state deliver also to the secretary of state for filing in the  
23 secretary of state's office any biennial report which is then  
24 due.

25 If the county of the initial registered office as stated in  
26 the instrument for a corporation organized under chapter ~~1767~~  
27 ~~5247~~ or 533 is one which is other than the county where the  
28 principal place of business of the corporation, as designated  
29 in its articles of incorporation, was located, the corporation  
30 shall forward to the county recorder of the county in which  
31 the principal place of business of the corporation was located  
32 a copy of the instrument and the corporation shall forward to  
33 the recorder of the county in which the initial registered  
34 office of the corporation is located, in addition to a copy of  
35 the original instrument, a copy of the articles of

1 incorporation of the corporation together with all amendments  
2 to them as then on file in the secretary of state's office.  
3 The corporation shall, through an officer or director, certify  
4 to the secretary of state that a copy has been sent to each  
5 applicable county recorder, including the date each copy was  
6 sent.

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

9 490A.1201 CONSTITUENT ENTITY.

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

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

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

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

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

1 negotiate the price at which its commodities or products may  
2 be sold.

3 Sec. 116. Section 501A.715, subsection 2, paragraph a,  
4 unnumbered paragraph 1, Code Supplement 2005, is amended to  
5 read as follows:

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

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

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

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

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

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

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

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

7 In furtherance of such state interest, the general assembly  
8 herein provides methods for substituted service of process  
9 upon such persons or insurers in any proceeding, suit or  
10 action in any court and substitute service of any notice,  
11 order, pleading or process upon such persons or insurers in  
12 any proceeding before the commissioner of insurance to enforce  
13 or effect full compliance with the insurance and tax laws of  
14 this state. In so doing, the state exercises its powers to  
15 protect residents of this state and to define what constitutes  
16 doing an insurance business in this state, and also exercises  
17 powers and privileges available to this state by virtue of  
18 ~~Public-Law~~ Pub. L. No. 79-15, 79th Congress of the United  
19 States, Chapter 20, 1st Sess., S. 340, 59 Stat. ~~57~~ 33~~7~~,  
20 codified at 15 U.S.C. § ~~1011 to 1015, inclusive~~ 1011--1015,  
21 which declares that the business of insurance and every person  
22 engaged therein shall be subject to the laws of the several  
23 states.

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

26 507B.1 DECLARATION OF PURPOSE.

27 The purpose of this chapter is to regulate trade practices  
28 in the business of insurance in accordance with the intent of  
29 Congress as expressed in the Act of Congress of March 9, 1945,  
30 ~~Public-Law-157-79th-Congress~~ Pub. L. No. 79-15, 59 Stat. ~~57~~  
31 33~~7~~ codified at 15 U.S.C. § ~~1011 to 1015, inc.~~ 1011--1015, by  
32 defining, or providing for the determination of, all such  
33 practices in this state which constitute unfair methods of  
34 competition or unfair or deceptive acts or practices and by  
35 prohibiting the trade practices so defined or determined.

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

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

10    c. Bonds, notes, or other evidences of indebtedness  
11 representing loans and advances of credit that have been  
12 issued or guaranteed, in whole or in part, in accordance with  
13 the terms and provisions of Title III of an Act of Congress of  
14 the United States of America approved June 22, 1944, known as  
15 ~~Public-Law-346---Seventy-eighth-Congress, Chapter-268---2nd~~  
16 ~~Session,~~ Pub. L. No. 78-348, cited as the "Servicemen's  
17 Readjustment Act of 1944", 58 Stat. 291, recodified at 72  
18 Stat. 1105, 1273, 38 U.S.C. § 3701, et seq., as heretofore and  
19 hereafter amended.

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

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

30     The terms "class I railroads", "balance of income available  
31 for the payment of fixed charges", "fixed charges" and  
32 "railway operating revenues" when used in this subsection, are  
33 to be given the same meaning as in the accounting reports  
34 filed by a railroad company in accordance with the regulations  
35 for common carriers by rail of the Interstate Commerce Act; 24

1 Stat. E. 379, codified at 49 U.S.C. § ~~1-to-40-inc.~~ 1001-to  
 2 ~~100-inc. 1--40, 1001--1100~~, provided that the "balance of  
 3 income available for the payment of fixed charges" and  
 4 "railway operating revenues remaining", as the terms are used  
 5 in this subsection, shall be computed before deduction of  
 6 federal income or excess profits taxes; and that in computing  
 7 "fixed charges" there shall be excluded interest and  
 8 amortization charges applicable to debt called for redemption  
 9 or which will otherwise mature within six months from the time  
 10 of investment and for the payment of which funds have been or  
 11 currently are being specifically set aside.

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

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

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

29 512B.13 INSTITUTIONS.

30 A society may create, maintain, and operate, or may  
 31 establish organizations to operate, not-for-profit  
 32 institutions to further the purposes permitted by section  
 33 512B.5, subsection 1, paragraph "b". The institutions may  
 34 furnish services free or at a reasonable charge. Any real or  
 35 personal property owned, held, or leased by the society for

1 this purpose shall be reported in every annual statement. A  
2 not-for-profit institution so established is a charitable  
3 institution with all the rights, benefits, and privileges  
4 given to charitable institutions under the constitution  
5 Constitution and laws of ~~this-state~~ the State of Iowa. The  
6 commissioner may adopt appropriate rules and reporting  
7 requirements.

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

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

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

19 a. UNITED STATES GOVERNMENT OBLIGATIONS. Bonds or other  
20 evidences of indebtedness issued, assumed, or guaranteed by  
21 the United States of America, or by any agency or  
22 instrumentality of the United States of America, ~~include~~  
23 including investments in an open-end management investment  
24 company registered with the federal securities and exchange  
25 commission under the federal Investment Company Act of 1940,  
26 15 U.S.C. § 80(a) and operated in accordance with 17 C.F.R. §  
27 270.2a-7, the portfolio of which is limited to the United  
28 States obligations described in this paragraph, and which are  
29 included in the national association of insurance  
30 commissioners' securities valuation office's United States  
31 direct obligation--full faith and credit list.

32 Sec. 128. Section 518A.12, subsection 4, paragraph a, Code  
33 Supplement 2005, is amended to read as follows:

34 a. UNITED STATES GOVERNMENT OBLIGATIONS. Bonds or other  
35 evidences of indebtedness issued, assumed, or guaranteed by

1 the United States of America, or by any agency or  
 2 instrumentality of the United States of America, ~~include~~  
 3 including investments in an open-end management investment  
 4 company registered with the federal securities and exchange  
 5 commission under the federal Investment Company Act of 1940,  
 6 15 U.S.C. § 80(a) and operated in accordance with 17 C.F.R. §  
 7 270.2a-7, the portfolio of which is limited to the United  
 8 States obligations described in this paragraph, and which are  
 9 included in the national association of insurance  
 10 commissioners' securities valuation office's United States  
 11 direct obligation--full faith and credit list.

12 Sec. 129. Section 518B.1, subsection 3, Code 2005, is  
 13 amended to read as follows:

14 3. "The Act" means Section 1223 of the Housing and Urban  
 15 Development Act of 1968, ~~Public Law~~ Pub. L. No. 90-448, 90th  
 16 Congress approved August 1, 1968.

17 Sec. 130. Section 523.13, Code 2005, is amended to read as  
 18 follows:

19 523.13 EXCEPTIONS AS TO DOMESTIC STOCK COMPANIES.

20 The provisions of sections 523.7, 523.8 and 523.9 shall not  
 21 apply to equity securities of a domestic stock insurance  
 22 company if (1) such securities shall be registered, or shall  
 23 be required to be registered, pursuant to section 12 of the  
 24 Securities Exchange Act of 1934, ~~48 Stat. 81~~ 48 Stat. 81,  
 25 codified at 15 U.S.C. § 77b et seq. ~~et seq.~~, as amended, or if  
 26 (2) such domestic stock insurance company shall not have any  
 27 class of its equity securities held of record by one hundred  
 28 or more persons on the last business day of the year next  
 29 preceding the year in which equity securities of the company  
 30 would be subject to the provisions of sections 523.7, 523.8  
 31 and 523.9 except for the provisions of this subsection 2.

32 Sec. 131. Section 523C.1, subsection 6, Code 2005, is  
 33 amended to read as follows:

34 6. "Licensed service company" means a service company  
 35 which is licensed by the ~~commission~~ commissioner pursuant to

1 this chapter.

2 Sec. 132. Section 523C.9, subsection 1, paragraph a, Code  
3 2005, is amended to read as follows:

4 a. The service company violated a lawful order of the  
5 ~~commission~~ commissioner or any provision of this chapter.

6 Sec. 133. Section 523I.103, subsection 3, Code Supplement  
7 2005, is amended to read as follows:

8 3. If a foreign person does not have a registered agent or  
9 agents in the state of Iowa, doing business within this state  
10 shall constitute the person's appointment of the secretary of  
11 state of the state of Iowa to be ~~its~~ the person's true and  
12 lawful attorney upon whom may be served all lawful process of  
13 original notice in actions or proceedings arising or growing  
14 out of any contract or tort.

15 Sec. 134. Section 523I.601, Code Supplement 2005, is  
16 amended to read as follows:

17 523I.601 SETTLEMENT OF ESTATES -- MAINTENANCE FUND.

18 The court in which the estate of a deceased person is  
19 administered, before final distribution, may allow and set  
20 apart from the estate a sum sufficient to provide an income  
21 adequate to pay for the perpetual care and upkeep of the  
22 interment ~~spaces-upon~~ space in which the body of the deceased  
23 is buried, except where perpetual care has otherwise been  
24 provided for. The sum so allowed and set apart shall be paid  
25 to a trustee as provided by this chapter.

26 Sec. 135. Section 524.1416, subsection 2, Code 2005, is  
27 amended to read as follows:

28 2. A state bank which converts into a national bank or  
29 federal savings association shall notify the superintendent of  
30 the proposed conversion, provide such evidence of the adoption  
31 of the plan as the superintendent may request, notify the  
32 superintendent of any abandonment or disapproval of the plan,  
33 and file with the superintendent and with the secretary of  
34 state a certificate of the approval of the conversion by the  
35 comptroller of the currency of the United States or director

1 of the office of thrift supervision, as applicable, and the  
2 date upon which such conversion is to become effective. A  
3 state bank that converts into a national bank or federal  
4 savings association shall comply with the provisions of  
5 section 524.310, subsection 1.

6 Sec. 136. Section 533.3, subsection 2, Code 2005, is  
7 amended to read as follows:

8 2. The prohibitions contained in subsection 1 do not apply  
9 to a credit union organized under this chapter or under the  
10 Federal Credit Union Act, 12 U.S.C. Sec. § 1751 et seq., or to  
11 the Iowa credit union league, or a chapter, affiliate or  
12 subsidiary of the Iowa credit union league, or to a political  
13 action committee formed under ~~Public Law~~ Pub. L. No. 94-283 or  
14 chapter 68A by the Iowa credit union league or by credit  
15 unions organized under this chapter or federal law.

16 Sec. 137. Section 591.11, Code 2005, is amended to read as  
17 follows:

18 591.11 FAILURE TO PUBLISH NOTICE OF AMENDMENT.

19 In all instances where notices of amendments to articles of  
20 incorporation have not been published within three months  
21 after the filing with and approval by the secretary of state  
22 of such amendments, as provided in section 491.20, ~~of the~~ Code  
23 1954, but such notices have been thereafter published in the  
24 form and manner as required by law and proof of publication  
25 filed with the secretary of state, such notices are hereby  
26 legalized and shall have the same force and effect as though  
27 published within said period of three months and proper proof  
28 of publication filed with the secretary of state.

29 Sec. 138. Section 598.21G, unnumbered paragraph 1, Code  
30 Supplement 2005, is amended to read as follows:

31 In any order or judgment entered under this chapter or  
32 chapter 234, 252A, 252C, 252F, 598, or 600B, or under any  
33 other chapter which provides for temporary or permanent  
34 support payments, if the parent ordered to pay support is less  
35 than eighteen years of age, one of the following shall apply:

1 Sec. 139. Section 602.10125, Code 2005, is amended to read  
2 as follows:

3 602.10125 ATTORNEY GENERAL -- APPROPRIATENESS OF PROCEDURE  
4 -- ORDER FOR APPEARANCE.

5 If an action is commenced on the petition of an individual,  
6 the court shall notify and refer the matter to the attorney  
7 general. The attorney general, within thirty days of the  
8 referral, shall submit a report to the court concerning the  
9 appropriateness of bringing the action under this chapter.  
10 The court shall not proceed with consideration of the merits  
11 of the complaint until the report from the attorney general is  
12 received. If the court deems the accusation sufficient to  
13 justify further action, the court shall determine whether the  
14 complaint is more appropriately pursued under this chapter  
15 rather than the procedures established under Iowa court rules,  
16 ~~chapter ch.~~ 35. If the court finds that proceeding under this  
17 chapter is more appropriate, it shall cause an order to be  
18 entered requiring the accused to appear and answer in the  
19 court where the accusation has been filed on the day fixed in  
20 the order, and shall cause a copy of the accusation and order  
21 to be served upon the accused personally.

22 Sec. 140. Section 633.3, subsections 15, 17, 34, and 35,  
23 Code Supplement 2005, are amended to read as follows:

24 15. ESTATE -- the real and personal property of either a  
25 decedent or a ward, and may also refer to the real and  
26 personal property of a trust ~~as-defined~~ described in section  
27 633.10.

28 17. FIDUCIARY -- includes personal representative,  
29 executor, administrator, guardian, conservator, and the  
30 trustee of any trust ~~as-defined~~ described in section 633.10.

31 34. TRUSTEE -- the person or persons serving as trustee of  
32 a trust ~~as-defined~~ described in section 633.10.

33 35. TRUSTS -- includes only those trusts ~~defined~~ described  
34 in section 633.10.

35 Sec. 141. Section 633.10, unnumbered paragraph 1, Code

1 Supplement 2005, is amended to read as follows:

2 In addition to the jurisdiction granted the district court  
3 under the trust code, chapter 633A, or elsewhere, the district  
4 court sitting in probate shall have jurisdiction of:

5 Sec. 142. Section 633.699B, Code Supplement 2005, is  
6 amended to read as follows:

7 633.699B APPLICABILITY OF LAW.

8 The terms of this division, and all other terms of this  
9 probate code relating to trusts and trustees, shall apply only  
10 to trusts that remain under continuous court supervision  
11 pursuant to section 633.10 and to trusts that have not been  
12 released from such continuous supervision pursuant to section  
13 633.10. Regarding all such trusts, the terms of this chapter  
14 shall supersede any inconsistent terms in the trust code,  
15 chapter 633A, and such trusts shall be governed by terms of  
16 the trust code, chapter 633A, that are not inconsistent with  
17 this probate code.

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

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

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

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

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

32 ARTICLE VIII -- MISCELLANEOUS PROVISIONS

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

34 Administration of this compact shall not interfere with the  
35 management and control of the director of the FBI over the

1 FBI's collection and dissemination of criminal history records  
2 and the advisory function of the FBI's advisory policy board  
3 chartered under the Federal Advisory Committee Act, ~~5~~ 5  
4 U.S.C. App. ~~5~~ App., for all purposes other than noncriminal  
5 justice.

6 (b) NO AUTHORITY FOR NONAPPROPRIATED EXPENDITURES.  
7 Nothing in this compact shall require the FBI to obligate or  
8 expend funds beyond those appropriated to the FBI.

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

21 ARTICLE XI -- ADJUDICATION OF DISPUTES

22 (a) IN GENERAL. The council shall

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

25 (A) interpretation of this compact;

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

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

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

35 (b) DUTIES OF FBI. The FBI shall exercise immediate and

1 necessary action to preserve the integrity of the III system,  
2 maintain system policy and standards, protect the accuracy and  
3 privacy of records, and to prevent abuses, until the council  
4 holds a hearing on such matters.

5 (c) RIGHT OF APPEAL. The FBI or a party state may appeal  
6 any decision of the council to the attorney general, and  
7 thereafter may file suit in the appropriate district court of  
8 the United States, which shall have original jurisdiction of  
9 all cases or controversies arising under this compact. Any  
10 suit arising under this compact and initiated in a state court  
11 shall be removed to the appropriate district court of the  
12 United States in the manner provided by ~~section-1446-of-title~~  
13 ~~287-United-States-Code~~ 28 U.S.C. § 1446, or other statutory  
14 authority.

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

17 1. If any person ~~make~~ makes or ~~aid~~ aids in making or  
18 establishing, or ~~advertise~~ advertises or ~~make~~ makes public a  
19 scheme for a lottery; or ~~advertise~~ advertises, ~~offer~~ offers  
20 for sale, ~~sell~~ sells, ~~distribute~~ distributes, ~~negotiate~~  
21 negotiates, ~~dispose~~ disposes of, ~~purchase~~ purchases, or  
22 ~~receive~~ receives a ticket or part of a ticket in a lottery or  
23 number of a ticket in a lottery; or ~~have~~ has in the person's  
24 possession a ticket, part of a ticket, or paper purporting to  
25 be the number of a ticket of a lottery, with the intent to  
26 sell or dispose of the ticket, part of a ticket, or paper on  
27 the person's own account or as the agent of another, the  
28 person commits a serious misdemeanor. However, this section  
29 does not prohibit the advertising of a lottery or possession  
30 by a person of a lottery ticket, part of a ticket, or number  
31 of a lottery ticket from a lottery legally operated or  
32 permitted under the laws of another jurisdiction. This  
33 section also does not prohibit the advertising of a lottery,  
34 game of chance, contest, or activity conducted by a not-for-  
35 profit organization that would qualify as tax exempt under

1 section 501 of the Internal Revenue Code, as defined in  
2 section 422.3, or conducted by a commercial organization as a  
3 promotional activity which is clearly occasional and ancillary  
4 to the primary business of that organization, provided that  
5 the effective dates on any promotional activity shall be  
6 clearly stated on all promotional materials. A lottery, game  
7 of chance, contest, or activity shall be presumed to be a  
8 promotional activity which is not occasional if the lottery,  
9 game of chance, contest, or activity is in effect or available  
10 to the public for a period of more than ninety days within a  
11 one-year period.

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

14 729.1 RELIGIOUS TEST.

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

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

21 822.2 SITUATIONS WHERE LAW APPLICABLE.

22 1. Any person who has been convicted of, or sentenced for,  
23 a public offense and who claims that any of the following may  
24 institute, without paying a filing fee, a proceeding under  
25 this chapter to secure relief:

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

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

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

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

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

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

9 7- g. The conviction or sentence is otherwise subject to  
10 collateral attack upon any ground of alleged error formerly  
11 available under any common law, statutory or other writ,  
12 motion, petition, proceeding, or remedy, except alleged error  
13 relating to restitution, court costs, or fees under section  
14 904.702 or chapter 815 or 910  
15 ~~may institute, without paying a filing fee, a proceeding under~~  
16 ~~this chapter to secure relief.~~

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

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

27 822.3 HOW TO COMMENCE PROCEEDING -- LIMITATION.

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

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

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

16 822.5 PAYMENT OF COSTS.

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

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

33 822.7 COURT TO HEAR APPLICATION.

34 The application shall be heard in, and before any judge of  
35 the court in which the conviction or sentence took place.

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

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

21 822.9 APPEAL.

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

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

32 3. The department shall adopt rules for the implementation  
 33 of this section. The rules shall include the requirement that  
 34 the treatment programs established pursuant to this chapter  
 35 meet the licensure standards of the ~~division-of-substance~~

1 ~~abuse-for~~ the department of public health under chapter 125.  
2 The rules shall also include provisions for the funding of the  
3 program by means of self-contribution by the offenders,  
4 insurance reimbursement on behalf of offenders, or other forms  
5 of funding, program structure, criteria for the evaluation of  
6 offenders and programs, and all other issues the director  
7 shall deem appropriate.

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

10 914.1 POWER OF GOVERNOR.

11 The power of the governor under the ~~constitution~~  
12 Constitution of the State of Iowa to grant a reprieve, pardon,  
13 commutation of sentence, remission of fines and forfeitures,  
14 or restoration of the rights of citizenship shall not be  
15 impaired.

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

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

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

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

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

1 to read as follows:

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

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

35 The department shall by rule adopt standards for the

1 commercial cleaning of private sewage disposal facilities,  
2 including but not limited to septic tanks, and for the  
3 disposal of waste from the facilities. The standards shall  
4 not be in conflict with the state building code adopted  
5 pursuant to section 103A.7. A person shall not commercially  
6 clean such facilities or dispose of waste from such facilities  
7 unless the person has been issued a license by the department.  
8 The department shall be exclusively responsible for adopting  
9 the standards and issuing licenses. However, county boards of  
10 health shall enforce the standards and licensing requirements  
11 established by the department. The department may contract  
12 for the delegation of the authority for inspection of land  
13 application sites, record reviews, and equipment inspections  
14 to a county board of health. In the event of entering into  
15 such a contract, the department shall retain concurrent  
16 authority over such activities. Application for the license  
17 shall be made in the manner provided by the department.  
18 Licenses expire one year from the date of issue unless revoked  
19 and may be renewed in the manner provided by the department.  
20 A license application shall include registration applications  
21 for each vehicle used by the applicant for purposes of  
22 collecting septage from private sewage disposal facilities and  
23 each vehicle used by the applicant for purposes of applying  
24 septage to land. Septic disposal management plans shall be  
25 submitted to the department and approved annually as a  
26 condition of licensing and shall also be filed annually with  
27 the county board of health in the county where a proposed  
28 septage application site is located. The septic disposal  
29 management plan shall include, but not be limited to, the  
30 sites of septage application, the anticipated volume of  
31 septage applied to each site, the area of each septage  
32 application site, the type of application to be used at each  
33 site, the volume of septage expected to be collected from  
34 private sewage disposal facilities, and a list of registered  
35 vehicles collecting septage from private sewage disposal

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

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

34 There is appropriated from the general fund of the state to  
35 the homeland security and emergency management division of the

1 department of public safety defense for the fiscal year  
2 beginning July 1, 2005, and ending June 30, 2006, the  
3 following amount, or so much thereof as is necessary, to be  
4 used for the purpose designated:

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

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

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

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

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

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

28 Sec. 163. EFFECTIVE DATES.

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

32 2. The sections of this Act amending 2005 Acts, ch 136,  
33 section 20; section 15.103, as amended by 2005 Acts, ch 150,  
34 section 4; section 455B.172, as amended by 2005 Acts, ch 153,  
35 section 2; 2005 Acts, ch 179, section 14; and 2005 Acts, ch

1 179, section 48, being deemed of immediate importance, take  
2 effect upon enactment and apply retroactively to July 1, 2005.

3 3. The section of this Act amending section 12B.6, as  
4 enacted by 2005 Acts, ch 179, section 98, being deemed of  
5 immediate importance, takes effect upon enactment and applies  
6 retroactively to June 16, 2005.

7 EXPLANATION

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

17 Code sections 2.1, 3.7, 3.14, 7.15, 16.2; section 42.3,  
18 subsection 4, paragraph "a"; sections 42.4, 49.3, 55.3, 99G.8,  
19 99G.21, 218.2, 257B.12, 261A.14, 331.301, 364.1, 364.2,  
20 512A.10, 512B.13, 729.1, and 914.1: Standardizes  
21 nonconforming references to the Constitution of the State of  
22 Iowa in various provisions throughout the Code to facilitate  
23 hypertext linkage in electronic publications of the Code.

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

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

33 Code section 15.274: Replaces references to 2005 Iowa Acts  
34 provisions establishing certified cultural and entertainment  
35 districts with a reference to Code section 303.3B, the

1 codified provision directing the department of cultural  
2 affairs to establish a cultural and entertainment district  
3 certification program.

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

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

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

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

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

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

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

1 certain facilities within the port authority's jurisdiction.

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

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

9 Code section 49.46: Strikes a check mark symbol following  
10 the words "a check mark" in a provision relating to marking of  
11 ballots. The symbol does not exist in the computer database  
12 used for the Code of Iowa.

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

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

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

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

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

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

34 Code section 96.12: Updates and standardizes references to  
35 a federal Act and United States Code provisions regarding the

1 provision of state employment services.

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

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

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

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

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

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

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

35 Code section 176A.2: Updates and standardizes references

1 to a federal Act in provisions relating to the provision of  
2 county agricultural extension services.

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

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

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

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

19 Code sections 123.53, 216A.132, 235C.2, 321J.3, and  
20 904.513: Replaces references to the division of substance  
21 abuse within the Iowa department of public health with  
22 appropriate references to the department and its duties under  
23 Code chapter 125, relating to chemical substance abuse. The  
24 division no longer exists within the department.

25 Code section 226.19: Makes a grammatical change by  
26 substituting the words "Every patient" for the words "All  
27 patients" in a provision relating to the discharge of state  
28 mental health institute patients.

29 Code section 231.23A: Corrects a reference to the case  
30 management program for frail elders in a provision relating to  
31 programs administered by the department of elder affairs.

32 Code sections 231B.2 and 231C.3: Makes punctuation changes  
33 for readability in provisions directing the department of  
34 elder affairs to adopt minimum standards for the regulation of  
35 elder group homes and assisted living programs.

1 Code sections 231B.13, 231C.13, and 231D.12: Makes  
2 grammatical changes for readability in provisions prohibiting  
3 an elder group home, assisted living program, or adult day  
4 services program from discriminating or retaliating against a  
5 tenant, participant, or employee who initiates a proceeding  
6 under the applicable Code chapter.

7 Code section 237A.30: Substitutes the word "webpage" for  
8 "page" in a provision allowing a child care facility's quality  
9 rating pursuant to the voluntary quality rating system to be  
10 included on the department of human services internet webpage  
11 providing child care information to consumers, in order to be  
12 consistent with other usages of the term.

13 Code section 249.1: Updates a reference to a federal Act  
14 that amends Title XVI of the Social Security Act in a  
15 definition contained in the state supplementary assistance  
16 chapter.

17 Code section 257.33: Adds an additional reference to the  
18 1991 Iowa Code after a citation to former Code chapter 442 and  
19 deletes language that appeared after a citation to former Code  
20 section 279.43 and that indicated that former Code chapter 442  
21 and Code section 279.43 appeared in the 1991 Code, in  
22 provisions relating to voter approval of the use of an  
23 additional enrichment amount under former provisions in the  
24 school funding formula. The change eliminate a problem  
25 experienced with hypertext linkages in the electronic version  
26 of this Code section.

27 Code section 276.10: Updates a reference to a federal Act  
28 in a provision relating to establishment of community  
29 education programs by school boards.

30 Code section 306A.3: Specifies that the department  
31 referenced in a provision directing the department to adopt  
32 rules embodying a utility accommodation policy is the state  
33 department of transportation. The term "department" is not  
34 defined for purposes of Code chapter 306A.

35 Code section 307.26: Standardizes a reference to a federal

1 Act in a provision relating to the duties of the state  
2 administrator for rail and water as they relate to that  
3 federal Act.

4 Code section 308.3: Standardizes a reference to a federal  
5 Act in definitions relating to the establishment of the  
6 Mississippi river parkway.

7 Code section 312.3B: Adds the word "fund" in the phrase  
8 "farm-to-market road distributions" to clarify that  
9 distributions are made from the farm-to-market road fund.

10 Code section 321.69: Strikes the words "of the title" in a  
11 provision regulating the placement of language relating to the  
12 status of a vehicle as wrecked or salvage on the certificate  
13 of title and registration receipt to agree with language used  
14 elsewhere in the Code section.

15 Code section 331.756: Replaces a reference to the division  
16 of beer and liquor law enforcement with a reference to the  
17 department of public safety in a provision directing the  
18 county attorney to assist the division in the enforcement of  
19 beer and liquor laws. The division no longer exists.

20 Code section 403.5: Standardizes references to a federal  
21 Act relating to certification of need for disaster assistance  
22 in provisions relating to approval of urban renewal plans or  
23 projects.

24 Code section 414.14: Makes a grammatical change for  
25 readability in a provision requiring the majority vote of a  
26 city's board of adjustment to reverse an order of an  
27 administrative official.

28 Code sections 421.1, 422.75, 425.7, 426A.6, and 429.2:  
29 Updates language relating to the state board of tax review by  
30 internally renumbering the Code section, adding numerical Code  
31 chapter and subchapter references to a reference by name to  
32 the Iowa merit system, and by correcting references to Code  
33 421.1 in other Code sections. The update also moves language  
34 describing the manner in which hearings and appeals are to be  
35 conducted by the state board of tax review to a separate

1 subsection from the provision enumerating the board's duty to  
2 advise and counsel with the director of revenue. The  
3 subsection paragraph containing the language describing the  
4 board's duty to advise and counsel is also updated to include  
5 a reference to the conducting of hearings and appeals in  
6 accordance with the language that was moved to the separate  
7 subsection.

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

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

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

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

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

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

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

35 Code section 445.5: Adds the words "or entity" following

1 the words "such person" in a provision allowing a property  
2 titleholder to have the tax statement for the property  
3 delivered to another person or entity to agree with another  
4 usage in the provision.

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

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

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

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

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

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

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

34 Code section 481B.2: Standardizes a reference to a federal  
35 Act pertaining to endangered and threatened species in a

1 provision in the Code chapter pertaining to endangered plants  
2 and wildlife.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Iowa cemetery Act.

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

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

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

16 Code section 591.11: Strikes the words "of the" and adds a  
17 comma in a reference to former 1954 Code section 491.20 to  
18 eliminate electronic hypertext linkage problems in this  
19 provision relating to notices of amendments to articles of  
20 incorporation of business corporations.

21 Code section 602.10125: Changes the word "chapter" to  
22 "ch." in a reference to an Iowa court rule to avoid electronic  
23 hypertext linkage problems in a provision relating to actions  
24 involving the regulation of the activities of attorneys and  
25 counselors.

26 Code section 633.3: In several provisions defining terms  
27 for purposes of the probate code, clarifies that Code section  
28 633.10 describes certain types of trusts rather than defining  
29 the term "trust".

30 Code sections 633.10 and 633.699B: Adds a numeric  
31 reference to Code chapter 633A where the trust Code is  
32 referred to by name to facilitate electronic hypertext linkage  
33 to that Code chapter.

34 Code section 679C.103: Corrects a grammatical error in a  
35 provision describing the scope of Code chapter 679C, relating

1 to mediation.

2 Code section 679C.104: Adds the words "the privilege" in  
3 language providing that a mediation communication is  
4 privileged to clarify that is the privilege that can be waived  
5 or precluded rather than the communication.

6 Code section 692B.2: Standardizes references to federal  
7 Acts in the interstate crime prevention and privacy compact.

8 Code section 725.12: Updates archaic language in a  
9 provision prohibiting certain lottery activities.

10 Code sections 822.2, 822.3, 822.5, 822.7, and 822.9:  
11 Updates an obsolete drafting style by moving qualifying  
12 language to an introductory paragraph and renumbering and  
13 relettering provisions in Code section 822.2 and by changing  
14 internal references to that Code section in other locations in  
15 the same chapter to correspond with the number and lettering  
16 changes made in Code section 822.2.

17 2005 Iowa Acts, chapter 136: Corrects the bill section  
18 amending clause to this 2005 Iowa Act to clarify that only  
19 unnumbered paragraph 1 of subsection 4 of Code section  
20 455B.103 was amended in that section of that Act. This  
21 provision is effective upon enactment and is retroactively  
22 applicable to July 1, 2005.

23 2005 Iowa Acts, chapter 150: Adds a reference to the  
24 division of the Act within which these 2005 changes to Code  
25 section 15.103 can be found. 2005 Iowa Acts, chapter 150  
26 contained multiple effective dates, but when these changes to  
27 Code section 15.103 were codified, the effective date of the  
28 division of the Act in which these changes were found was  
29 substituted for references to the Act's effective date. This  
30 provision is effective upon enactment and is retroactively  
31 applicable to July 1, 2005.

32 2004 Iowa Acts, chapter 1076: Updates a 2004 Act to  
33 reflect an editorial change made to a term of art in Code  
34 section 69.20 at the time the Code section was codified. The  
35 term "active state service" was changed to "state military

1 service" in 2004 Iowa Acts, ch 1086, in Code provisions  
2 existing prior to 2004 and this change conforms this Act to  
3 those changes and the language of Code section 69.20 as  
4 codified. This provision is effective upon enactment and  
5 applies retroactively to April 14, 2004.

6 2005 Iowa Acts, chapter 153: Adds the word "with" to  
7 language describing the duration of time for which a penalty  
8 should be assessed for violations by private sewage disposal  
9 facilities. The word "with" was included in otherwise  
10 identical language in amendments to other subsections in Code  
11 section 455B.172 contained in this same Act. This provision  
12 is effective upon enactment and is retroactively applicable to  
13 July 1, 2005.

14 2005 Iowa Acts, chapter 179, section 14: Corrects a  
15 reference to the department of public safety in a provision  
16 appropriating moneys to the homeland security and emergency  
17 management division. The division is part of the department  
18 of public defense rather than the department of public safety.  
19 This provision is effective upon enactment and is  
20 retroactively applicable to July 1, 2005.

21 2005 Iowa Acts, chapter 179, section 48: Changes "health  
22 facilities council" to "health facilities division" in two  
23 places in a provision relating to the applicability of another  
24 2005 Iowa Acts provision appropriating funds to the department  
25 of inspections and appeals for the division. The proper name  
26 of the body is the health facilities division. This provision  
27 is effective upon enactment and is retroactively applicable to  
28 July 1, 2005.

29 2005 Iowa Acts, chapter 179, section 98: Adds a reference  
30 to the division of the Act within which these 2005 changes to  
31 Code section 12B.6 can be found. 2005 Iowa Acts, chapter 179  
32 contained multiple effective dates, but when these changes to  
33 Code section 12B.6 were codified, the effective date of the  
34 division of the Act in which these changes were found was  
35 substituted for references to the Act's effective date. This

1 provision is effective upon enactment and is retroactively  
2 applicable to June 16, 2005.

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