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SENATE FILE 2253
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3144)

Passed Senate, Date 3-6-06 Passed House, Date _____
Vote: Ayes 48 Nays 0 Vote: Ayes _____ Nays _____
Approved April 7, 2006

A BILL FOR

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

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

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SF 2253

1 Section 1. Section 8A.222, subsection 4, Code 2005, is
2 amended by striking the subsection.

3 Sec. 2. Section 8A.324, subsection 2, unnumbered paragraph
4 2, Code Supplement 2005, is amended to read as follows:

5 A not-for-profit organization or governmental agency that
6 enters into an agreement with the director pursuant to this
7 subsection may sell or otherwise transfer the personal
8 property received from the department to any person that the
9 department would be able to sell or otherwise transfer such
10 property to under this chapter, including, but not limited to,
11 the general public. The authority granted to sell or
12 otherwise transfer personal property pursuant to this
13 paragraph supersedes any other restrictions applicable to the
14 not-for-profit organization or governmental entity agency, but
15 only for purposes of the personal property received from the
16 department.

17 Sec. 3. Section 12.72, subsection 4, paragraph d, Code
18 Supplement 2005, is amended to read as follows:

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

1 treasurer in the applicable bond reserve fund.

2 Sec. 4. Section 15E.351, subsection 3, paragraph c, Code
3 Supplement 2005, is amended to read as follows:

4 c. The business accelerator's professional staff with
5 demonstrated ~~disciplines~~ experience in all aspects of business
6 experience disciplines.

7 Sec. 5. Section 17A.18A, subsection 1, Code 2005, is
8 amended to read as follows:

9 1. Notwithstanding any other provision of this chapter and
10 to the extent consistent with the Constitution of the State of
11 Iowa and of the United States, an agency may use emergency
12 adjudicative proceedings in a situation involving an immediate
13 danger to the public health, safety, or welfare requiring
14 immediate agency action.

15 Sec. 6. Section 28.3, subsection 6, paragraph b, Code
16 Supplement 2005, is amended to read as follows:

17 b. In addition, a community empowerment office is
18 established as a division of the department of management to
19 provide a center for facilitation, communication, and
20 coordination for community empowerment activities and funding
21 and for improvement of the early care, education, health, and
22 human services systems. Staffing for the community
23 empowerment office shall be provided by a facilitator ~~or~~
24 ~~coordinator~~ appointed by the governor, subject to confirmation
25 by the senate, and who serves at the pleasure of the governor.
26 A deputy and support staff may be designated, subject to
27 appropriation made for this purpose. The facilitator ~~or~~
28 ~~coordinator~~ shall submit reports to the governor, the Iowa
29 board, and the general assembly. The facilitator ~~or~~
30 ~~coordinator~~ shall provide primary staffing to the board,
31 coordinate state technical assistance activities and
32 implementation of the technical assistance system, and other
33 communication and coordination functions to move authority and
34 decision-making responsibility from the state to communities
35 and individuals.

1 Sec. 7. Section 28.4, subsection 12, paragraph d, Code
2 Supplement 2005, is amended to read as follows:

3 d. The Iowa empowerment board shall regularly make
4 information available identifying community empowerment
5 funding and funding distributed for purposes of the early care
6 system. It is the intent of the general assembly that the
7 community empowerment area boards and the administrators of
8 the early care programs located within the community
9 empowerment areas that are supported by public funding shall
10 fully cooperate with one another in order to avoid
11 duplication, enhance efforts, combine planning, and take other
12 steps to best utilize the funding to meet the needs of the
13 families in the areas. The community empowerment area boards
14 and the program administrators shall annually submit a report
15 concerning such efforts to the community empowerment office.
16 If a community empowerment area is receiving a school ready
17 children grant, this report shall be an addendum to the annual
18 report required under section 28.8. The state community
19 empowerment facilitator ~~or-coordinator~~ shall compile and
20 summarize the reports which shall be submitted to the
21 governor, general assembly, and Iowa board.

22 Sec. 8. Section 28J.7, subsection 3, paragraphs a and b,
23 Code Supplement 2005, are amended to read as follows:

24 a. A port authority may provide for the administration and
25 enforcement of the laws of the state by employing peace
26 officers who shall have all the powers conferred by law on
27 peace officers of this state with regard to the apprehension
28 of violators upon all property under its control within and
29 without the port authority. The peace officers may seek the
30 assistance of other appropriate law enforcement officers to
31 enforce its port authority rules and maintain order.

32 b. Peace officers employed by a port authority shall meet
33 all requirements as established for police officers appointed
34 ~~under the-civil-service-law-of~~ chapter 400 and shall
35 ~~participate-in-the-retirement-system-established-by~~ be

1 considered police officers for the purposes of chapter 411.

2 Sec. 9. Section 35.10, Code Supplement 2005, is amended to
3 read as follows:

4 35.10 ELIGIBILITY AND PAYMENT OF AID.

5 Eligibility for aid shall be determined upon application to
6 the department of veterans affairs, whose decision is final.
7 The eligibility of eligible applicants shall be certified by
8 the department of veterans affairs to the director of the
9 department of administrative services, and all amounts that
10 are or become due to an individual or a training institution
11 under this chapter shall be paid to the individual or
12 institution by the director of the department of
13 administrative services upon receipt by the director of
14 certification by the president or governing board of the
15 educational or training institution as to accuracy of charges
16 made, and as to the attendance of the individual at the
17 educational or training institution. The department of
18 veterans affairs may pay over the annual sum of ~~four~~ six
19 hundred dollars to the educational or training institution in
20 a lump sum, or in installments as the circumstances warrant,
21 upon receiving from the institution such written undertaking
22 as the department may require to assure the use of funds for
23 the child for the authorized purposes and for no other
24 purpose. A person is not eligible for the benefits of this
25 chapter until the person has graduated from a high school or
26 educational institution offering a course of training
27 equivalent to high school training.

28 Sec. 10. Section 142C.15, subsection 4, paragraph a, Code
29 Supplement 2005, is amended to read as follows:

30 a. Not more than twenty percent of the moneys in the fund
31 annually may be expended in the form of grants to state
32 agencies or to nonprofit legal entities with an interest in
33 anatomical gift public awareness and transplantation to
34 conduct public awareness projects. Moneys remaining that were
35 not requested and awarded for public awareness projects may be

1 used for research, or to develop and support a statewide organ
2 and tissue donor registry. Grants shall be made based upon
3 the submission of a grant application by an agency or entity
4 to conduct a public awareness project or to research, or
5 develop, and support a statewide organ and tissue donor
6 registry.

7 Sec. 11. Section 152.7, unnumbered paragraph 2, Code
8 Supplement 2005, is amended to read as follows:

9 For purposes of licensure pursuant to the nurse licensure
10 compact contained in section 152E.1 ~~or pursuant to the~~
11 ~~advanced-practice-registered-nurse-compact-contained-in~~
12 ~~section-152E.3~~, the compact administrator may refuse to accept
13 a change in the qualifications for licensure as a registered
14 nurse or as a licensed practical or vocational nurse by a
15 licensing authority in another state which is a party to the
16 compact which substantially modifies that state's
17 qualifications for licensure in effect on July 1, 2000. For
18 purposes of licensure pursuant to the advanced practice
19 registered nurse compact contained in section 152E.3, the
20 compact administrator may refuse to accept a change in the
21 qualifications for licensure as an advanced practice
22 registered nurse by a licensing authority in another state
23 which is a party to the compact which substantially modifies
24 that state's qualifications for licensure in effect on July 1,
25 2005. A refusal to accept a change in a party state's
26 qualifications for licensure may result in submitting the
27 issue to an arbitration panel or in withdrawal from the
28 respective compact, at the discretion of the compact
29 administrator.

30 Sec. 12. Section 159.5, subsection 9, Code 2005, is
31 amended to read as follows:

32 9. Inspect and supervise all food meat, poultry, or dairy
33 producing or distributing establishments including the
34 furniture, fixtures, utensils, machinery, and other equipment
35 so as to prevent the production, preparation, packing,

1 storage, or transportation of feed meat, poultry, or dairy
2 products in a manner detrimental to ~~its~~ the character or
3 quality of those products.

4 Sec. 13. Section 181.13, subsection 1, Code 2005, is
5 amended to read as follows:

6 1. All state assessments imposed under this chapter shall
7 be paid to and collected by the council and deposited with the
8 treasurer of state in a separate cattle promotion fund which
9 shall be created by the treasurer of state. The department of
10 administrative services shall transfer moneys from the fund to
11 the council for deposit into an account established by the
12 council in a qualified financial institution. The department
13 shall transfer the moneys as provided in a resolution adopted
14 by the council. However, the department is only required to
15 transfer moneys once during each day and only during hours
16 when the offices of the state are open. From the moneys
17 collected, deposited, and transferred to the council, in
18 accordance with the provisions of this chapter, the council
19 shall first pay the costs of referendums held pursuant to this
20 chapter, the costs of collection of such state assessments,
21 and the expenses of its agents. ~~Except-as-otherwise-provided~~
22 ~~in-section-181-19,-at~~ At least ten percent of the remaining
23 moneys shall be remitted to the association in proportions
24 determined by the council, for use in a manner not
25 inconsistent with section 181.7. The remaining moneys, with
26 approval of a majority of the council, shall be expended as
27 the council finds necessary to carry out the provisions and
28 purposes of this chapter. However, in no event shall the
29 total expenses exceed the total amount transferred from the
30 fund for use by the council.

31 Sec. 14. Section 185.26, subsection 1, Code Supplement
32 2005, is amended to read as follows:

33 1. The state assessment collected by the board shall be
34 deposited in a special fund known as the soybean promotion
35 fund, in the office of the treasurer of state. The fund may

1 also contain any gifts, or federal or state grant received by
2 the board. Moneys collected, deposited into the fund, and
3 transferred to the board, as provided in this chapter, shall
4 be subject to audit by the auditor of state. The department
5 of administrative services shall transfer moneys from the fund
6 to the board for deposit into an account known as the soybean
7 checkoff account which shall be established by the board in a
8 qualified financial institution. The department shall
9 transfer the moneys into the account as provided in a
10 resolution adopted by the board. However, the department is
11 only required to transfer moneys once during each day and only
12 during hours when the offices of the state are open. From
13 moneys collected, deposited, and transferred to the soybean
14 checkoff account as provided in this section, the board shall
15 first pay the costs of referendums, elections, and other
16 expenses incurred in the administration of this chapter,
17 before moneys may be expended to carry out the purposes of the
18 board as provided in section 185.11. The association board
19 shall strictly segregate moneys in the soybean checkoff
20 account from all other moneys of the association board.
21 Moneys in the soybean checkoff account shall be expended by
22 the board exclusively for carrying out the purposes of the
23 board as provided in section 185.11. The account shall be
24 subject to audit by the auditor of state.

25 Sec. 15. Section 202.1, subsection 4, Code 2005, is
26 amended to read as follows:

27 4. "Contract livestock facility" means an animal feeding
28 operation as defined in section 459.102, in which livestock or
29 raw milk is produced according to a production contract
30 executed pursuant to section 202.2 by a contract producer who
31 holds a legal interest in the animal feeding operation.
32 "Contract livestock facility" includes a confinement feeding
33 operation as defined in section 459.102, an open feedlot
34 operation as defined in section 459A.102, or an area which is
35 used for the raising of crops or other vegetation and upon

1 which livestock is fed for slaughter or is allowed to graze or
2 feed.

3 Sec. 16. Section 202.1, subsection 11, Code 2005, is
4 amended by striking the subsection.

5 Sec. 17. Section 229.19, Code 2005, is amended to read as
6 follows:

7 229.19 ADVOCATES -- DUTIES -- COMPENSATION -- STATE AND
8 COUNTY LIABILITY.

9 1. The district court in each county with a population of
10 under three hundred thousand inhabitants and the board of
11 supervisors in each county with a population of three hundred
12 thousand or more inhabitants shall appoint an individual who
13 has demonstrated by prior activities an informed concern for
14 the welfare and rehabilitation of persons with mental illness,
15 and who is not an officer or employee of the department of
16 human services nor of any agency or facility providing care or
17 treatment to persons with mental illness, to act as advocate
18 representing the interests of patients involuntarily
19 hospitalized by the court, in any matter relating to the
20 patients' hospitalization or treatment under section 229.14 or
21 229.15. The court or, if the advocate is appointed by the
22 county board of supervisors, the board shall assign the
23 advocate appointed from a patient's county of legal settlement
24 to represent the interests of the patient. If a patient has
25 no county of legal settlement, the court or, if the advocate
26 is appointed by the county board of supervisors, the board
27 shall assign the advocate appointed from the county where the
28 hospital or facility is located to represent the interests of
29 the patient. The advocate's responsibility with respect to
30 any patient shall begin at whatever time the attorney employed
31 or appointed to represent that patient as respondent in
32 hospitalization proceedings, conducted under sections 229.6 to
33 229.13, reports to the court that the attorney's services are
34 no longer required and requests the court's approval to
35 withdraw as counsel for that patient. However, if the patient

1 is found to be seriously mentally impaired at the
2 hospitalization hearing, the attorney representing the patient
3 shall automatically be relieved of responsibility in the case
4 and an advocate shall be assigned to the patient at the
5 conclusion of the hearing unless the attorney indicates an
6 intent to continue the attorney's services and the court so
7 directs. If the court directs the attorney to remain on the
8 case the attorney shall assume all the duties of an advocate.
9 The clerk shall furnish the advocate with a copy of the
10 court's order approving the withdrawal and shall inform the
11 patient of the name of the patient's advocate. With regard to
12 each patient whose interests the advocate is required to
13 represent pursuant to this section, the advocate's duties
14 shall include all of the following:

15 1- a. To review each report submitted pursuant to
16 sections 229.14 and 229.15.

17 2- b. If the advocate is not an attorney, to advise the
18 court at any time it appears that the services of an attorney
19 are required to properly safeguard the patient's interests.

20 3- c. To make the advocate readily accessible to
21 communications from the patient and to originate
22 communications with the patient within five days of the
23 patient's commitment.

24 4- d. To visit the patient within fifteen days of the
25 patient's commitment and periodically thereafter.

26 5- e. To communicate with medical personnel treating the
27 patient and to review the patient's medical records pursuant
28 to section 229.25.

29 6- f. To file with the court quarterly reports, and
30 additional reports as the advocate feels necessary or as
31 required by the court, in a form prescribed by the court. The
32 reports shall state what actions the advocate has taken with
33 respect to each patient and the amount of time spent.

34 2. The hospital or facility to which a patient is
35 committed shall grant all reasonable requests of the advocate

1 to visit the patient, to communicate with medical personnel
2 treating the patient and to review the patient's medical
3 records pursuant to section 229.25. An advocate shall not
4 disseminate information from a patient's medical records to
5 any other person unless done for official purposes in
6 connection with the advocate's duties pursuant to this chapter
7 or when required by law.

8 3. The court or, if the advocate is appointed by the
9 county board of supervisors, the board shall prescribe
10 reasonable compensation for the services of the advocate. The
11 compensation shall be based upon the reports filed by the
12 advocate with the court. The advocate's compensation shall be
13 paid by the county in which the court is located, either on
14 order of the court or, if the advocate is appointed by the
15 county board of supervisors, on the direction of the board.
16 If the advocate is appointed by the court, the advocate is an
17 employee of the state for purposes of chapter 669. If the
18 advocate is appointed by the county board of supervisors, the
19 advocate is an employee of the county for purposes of chapter
20 670. If the patient or the person who is legally liable for
21 the patient's support is not indigent, the board shall recover
22 the costs of compensating the advocate from that person. If
23 that person has an income level as determined pursuant to
24 section 815.9 greater than one hundred percent but not more
25 than one hundred fifty percent of the poverty guidelines, at
26 least one hundred dollars of the advocate's compensation shall
27 be recovered in the manner prescribed by the county board of
28 supervisors. If that person has an income level as determined
29 pursuant to section 815.9 greater than one hundred fifty
30 percent of the poverty guidelines, at least two hundred
31 dollars of the advocate's compensation shall be recovered in
32 substantially the same manner prescribed by the county board
33 of supervisors as provided in section ~~815.7~~ 815.9.

34 Sec. 18. Section 231B.10, subsection 1, paragraph g, Code
35 Supplement 2005, is amended to read as follows:

1 g. In the case of any officer, member of the board of
2 directors, trustee, or designated manager of the elder group
3 home or any stockholder, partner, or individual who has
4 greater than a five percent equity interest in the elder group
5 home, ~~who-has~~ having or ~~has~~ having had an ownership interest
6 in an elder group home, assisted living or adult day services
7 program, home health agency, residential care facility, or
8 licensed nursing facility in this or any state which has been
9 closed due to removal of program, agency, or facility
10 licensure or certification or involuntary termination from
11 participation in either the medical assistance or Medicare
12 programs, or ~~who-has~~ having been found to have failed to
13 provide adequate protection or services for tenants to prevent
14 abuse or neglect.

15 Sec. 19. Section 231C.10, subsection 1, paragraph g, Code
16 Supplement 2005, is amended to read as follows:

17 g. In the case of any officer, member of the board of
18 directors, trustee, or designated manager of the program or
19 any stockholder, partner, or individual who has greater than a
20 five percent equity interest in the program, ~~who-has~~ having or
21 ~~has~~ having had an ownership interest in an assisted living
22 program, adult day services program, elder group home, home
23 health agency, residential care facility, or licensed nursing
24 facility in any state which has been closed due to removal of
25 program, agency, or facility licensure or certification or
26 involuntary termination from participation in either the
27 medical assistance or Medicare programs, or ~~who-has~~ having
28 been found to have failed to provide adequate protection or
29 services for tenants to prevent abuse or neglect.

30 Sec. 20. Section 231D.5, subsection 1, paragraph h, Code
31 Supplement 2005, is amended to read as follows:

32 h. In the case of any officer, member of the board of
33 directors, trustee, or designated manager of the program or
34 any stockholder, partner, or individual who has greater than a
35 five percent equity interest in the program, ~~who-has~~ having or

1 ~~has~~ having had an ownership interest in an adult day services
2 program, assisted living program, elder group home, home
3 health agency, residential care facility, or licensed nursing
4 facility in any state which has been closed due to removal of
5 program, agency, or facility licensure or certification or
6 involuntary termination from participation in either the
7 medical assistance or Medicare programs, or ~~who-has~~ having
8 been found to have failed to provide adequate protection or
9 services for participants to prevent abuse or neglect.

10 Sec. 21. Section 235B.2, subsection 5, paragraph b,
11 subparagraph (3), Code Supplement 2005, is amended to read as
12 follows:

13 (3) The withholding or withdrawing of health care from a
14 dependent adult who is terminally ill in the opinion of a
15 licensed physician, when the withholding or withdrawing of
16 health care is done at the request of the dependent adult or
17 at the request of the dependent adult's next of kin, attorney
18 in fact, or guardian pursuant to the applicable procedures
19 under chapter 125, 144A, 144B, 222, 229, or 633.

20 Sec. 22. Section 235B.3, subsection 2, unnumbered
21 paragraph 1, Code 2005, is amended to read as follows:

22 A person who, in the course of employment, examines,
23 attends, counsels, or treats a dependent adult and reasonably
24 believes the dependent adult has suffered abuse, shall report
25 the suspected dependent adult abuse to the department
26 including. Persons required to report include all of the
27 following:

28 Sec. 23. Section 235B.6, subsection 2, paragraph d,
29 subparagraph (2), Code Supplement 2005, is amended to read as
30 follows:

31 (2) A court or administrative agency hearing an appeal for
32 correction of dependent adult abuse information as provided in
33 section 235B.10.

34 Sec. 24. Section 249J.14, subsection 8, Code Supplement
35 2005, is amended to read as follows:

1 8. REPORTS. The department shall report on a quarterly
2 basis to the medical assistance projections and assessment
3 council established pursuant to section 249J.20 and the
4 medical assistance advisory council created pursuant to
5 section ~~249A.47-subsection-8~~ 249A.4B, regarding the health
6 promotion partnerships described in this section. To the
7 greatest extent feasible, and if applicable to a data set, the
8 data reported shall include demographic information concerning
9 the population served including but not limited to factors,
10 such as race and economic status, as specified by the
11 department.

12 Sec. 25. Section 249J.18, subsection 2, Code Supplement
13 2005, is amended to read as follows:

14 2. The medical director of the Iowa Medicaid enterprise
15 shall report on a quarterly basis to the medical assistance
16 projections and assessment council established pursuant to
17 section 249J.20 and the medical assistance advisory council
18 created pursuant to section ~~249A.47-subsection-8~~ 249A.4B, any
19 recommendations made by the panel and adopted by rule of the
20 department pursuant to chapter 17A regarding clinically
21 appropriate health care utilization management and coverage
22 under the medical assistance program and the expansion
23 population.

24 Sec. 26. Section 256.40, subsection 2, unnumbered
25 paragraph 1, Code Supplement 2005, is amended to read as
26 follows:

27 The purpose of the program shall be to build a seamless
28 ~~system-of~~ career, future workforce, and economic development
29 system in Iowa to accomplish all of the following:

30 Sec. 27. Section 256B.15, subsection 9, Code 2005, is
31 amended to read as follows:

32 9. The department of education and the department of human
33 services shall adopt rules to implement this section ~~to-be~~
34 ~~effective-immediately-upon-filing-with-the-administrative~~
35 ~~rules-coordinator, or-at-a-stated-date-prior-to-indexing-and~~

1 publication, or at a stated date less than thirty-five days
2 after filing, indexing, and publication.

3 Sec. 28. Section 266.27, Code 2005, is amended to read as
4 follows:

5 266.27 ACT ACCEPTED.

6 The assent of the legislature general assembly of the state
7 of Iowa is hereby given to the provisions and requirements of
8 the congressional Smith-Lever Act, 38 Stat. 372-374, approved
9 May 22 18, 1928 1914, commonly-known-as-the-Capper-Ketcham and
10 any amendments to that Act, [45-Stat.-B.-71], codified at 7
11 U.S.C. § 341 et-seq.] -- 349.

12 Sec. 29. Section 321.177, subsection 10, Code 2005, is
13 amended by striking the subsection.

14 Sec. 30. Section 321.218, subsection 3, unnumbered
15 paragraph 1, Code Supplement 2005, is amended to read as
16 follows:

17 The department, upon receiving the record of the conviction
18 of a person under this section upon a charge of operating a
19 motor vehicle while the license of the person is suspended or
20 revoked, shall, except for licenses suspended under section
21 252J.8, 321.210, subsection 1, paragraph "c", or section
22 321.210A7-321.210B7, or 321.513, extend the period of
23 suspension or revocation for an additional like period, and
24 the department shall not issue a new driver's license to the
25 person during the additional period.

26 Sec. 31. Section 321I.10, subsection 5, Code Supplement
27 2005, is amended to read as follows:

28 5. The state department of transportation may issue a
29 permit to a state agency, a county, or a city to allow an all-
30 terrain vehicle trail to cross a primary highway. The trail
31 crossing shall be part of an all-terrain vehicle trail
32 designated by the state agency, county, or city. A permit
33 shall be issued only if the crossing can be accomplished in a
34 safe manner and allows for adequate sight distance for both
35 motorists and all-terrain vehicle operators. The state

1 department of transportation may adopt rules to administer
2 this subsection.

3 Sec. 32. Section 331.605, subsection 4, Code 2005, is
4 amended to read as follows:

5 4. For the issuance of snowmobile registrations and user
6 permits, the fees specified in ~~section~~ sections 321G.4 and
7 321G.4A.

8 Sec. 33. Section 423.1, subsection 30, Code Supplement
9 2005, is amended to read as follows:

10 30. "Nonresidential commercial operations" means
11 industrial, commercial, mining, or agricultural operations,
12 whether for profit or not, but does not include apartment
13 complexes, manufactured home communities, or mobile home
14 parks.

15 Sec. 34. Section 441.11, Code 2005, is amended to read as
16 follows:

17 441.11 INCUMBENT DEPUTY ASSESSORS.

18 ~~The director of revenue shall grant a restricted~~
19 ~~certificate to any deputy assessor holding office as of~~
20 ~~January 1, 1976.~~ A deputy assessor ~~possessing such a~~
21 ~~certificate~~ shall be considered eligible to remain in the
22 deputy's present position provided continuing education
23 requirements are met. To become eligible for another deputy
24 assessor position, a deputy assessor presently holding office
25 is required to obtain certification as provided for in
26 sections 441.5 and 441.10. The number of credit hours
27 required for certification as eligible for appointment as a
28 deputy in a jurisdiction other than where the deputy is
29 currently serving shall be prorated according to the completed
30 portion of the deputy's six-year continuing education period.

31 Sec. 35. Section 453A.22, subsection 3, Code Supplement
32 2005, is amended to read as follows:

33 3. If an employee of a retailer violates section 453A.2,
34 subsection 1, the retailer shall not be assessed a penalty
35 under subsection 2, and the violation shall be deemed not to

1 be a violation of section 453A.2, subsection 1, for the
2 purpose of determining the number of violations for which a
3 penalty may be assessed pursuant to subsection 2, if the
4 employee holds a valid certificate of completion of the
5 tobacco compliance employee training program pursuant to
6 section 453A.5 at the time of the violation. A retailer may
7 assert only once in a four-year period the bar under either
8 this subsection ~~or-subsection-4~~ against assessment of a
9 penalty pursuant to subsection 2, for a violation of section
10 453A.2, that takes place at the same place of business
11 location.

12 Sec. 36. Section 455B.306, subsection 2, unnumbered
13 paragraph 1, Code Supplement 2005, is amended to read as
14 follows:

15 A planning area that closes all of the municipal solid
16 waste sanitary landfills located in the planning area and
17 chooses to use a municipal solid waste sanitary landfill in
18 another planning area that complies with all requirements
19 under subtitle D of the federal Resource Conservation and
20 Recovery Act, with all solid waste generated within the
21 planning area being consolidated at and transported from a
22 permitted transfer station, may elect to retain autonomy as a
23 planning area and shall not be required to join the planning
24 area where the landfill being used for final disposal of solid
25 waste is located. If a planning area makes the election under
26 this subsection, the planning area receiving the solid waste
27 from the planning area making the election shall not be
28 required to include the planning area making the election in a
29 comprehensive plan provided no services are shared between the
30 two planning areas other than the acceptance of solid waste
31 for disposal at a sanitary landfill. The planning area
32 receiving the solid waste shall only be responsible for the
33 permitting, planning, and waste reduction and diversion
34 programs in the planning area receiving the solid waste. If
35 the department determines that solid waste cannot reasonably

1 be consolidated and transported from a particular transfer
2 station, the department may establish permit conditions to
3 address the transport and disposal of the solid waste. An
4 election may be made under this subsection only if the two
5 comprehensive planning areas enter into an agreement pursuant
6 to chapter 28E that includes, at a minimum, all of the
7 following:

8 Sec. 37. Section 455I.5, subsection 4, Code Supplement
9 2005, is amended to read as follows:

10 4. This chapter does not invalidate or render
11 unenforceable any interest, whether designated as an
12 environmental covenant or other interest, that was created
13 prior to ~~the enactment of this chapter~~ July 1, 2005, or that
14 is otherwise enforceable under the laws of this state.

15 Sec. 38. Section 455I.11, subsection 1, paragraph b, Code
16 Supplement 2005, is amended to read as follows:

17 b. The agency or, if ~~it~~ the agency is not the agency with
18 authority to determine or approve the environmental response
19 project, the department of natural resources.

20 Sec. 39. Section 459A.103, subsection 7, paragraph b, Code
21 Supplement 2005, is amended to read as follows:

22 b. If a drainage tile line to artificially lower the
23 seasonal high-water table is installed as ~~required by this~~
24 provided in section 459A.302, the level to which the seasonal
25 high-water table will be lowered will be the seasonal high-
26 water table.

27 Sec. 40. Section 459A.208, subsection 4, Code Supplement
28 2005, is amended to read as follows:

29 4. The department shall not approve an application for a
30 permit to construct a settled open feedlot effluent basin
31 unless the owner of the open feedlot operation applying for
32 approval submits a nutrient management plan together with the
33 application for the construction permit as provided in section
34 459A.205. The owner shall also submit proof that the owner
35 has published a notice for public comment as provided in this

1 section. The department shall approve or disapprove the
2 nutrient management plan as provided in section 459A.201. A
3 ~~nutrient-management-plan-using-an-alternative-technology~~
4 ~~system-shall-not-include-requirements-for-settled-effluent~~
5 ~~that-enters-the-alternative-technology-system.~~

6 Sec. 41. Section 459A.208, subsection 6, Code Supplement
7 2005, is amended to read as follows:

8 6. A nutrient management plan must be authenticated by the
9 owner of the ~~animal-feeding~~ open feedlot operation as required
10 by the department in accordance with section 459A.201.

11 Sec. 42. Section 465C.1, subsection 4, Code 2005, is
12 amended to read as follows:

13 4. "Dedication" means the allocation of an area as a
14 preserve by a public ~~administrative~~ agency or by a private
15 owner by written stipulation in a form approved by the state
16 advisory board for preserves.

17 Sec. 43. Section 465C.9, unnumbered paragraph 1, Code
18 2005, is amended to read as follows:

19 The public ~~administrative~~ agency or private owner shall
20 complete articles of dedication on forms approved by the
21 board. When the articles of dedication have been approved by
22 the governor the board shall record them with the county
23 recorder for the county or counties in which the area is
24 located.

25 Sec. 44. Section 465C.10, Code 2005, is amended to read as
26 follows:

27 465C.10 WHEN DEDICATED AS A PRESERVE.

28 An area shall become a preserve when it has been approved
29 by the board for dedication as a preserve, whether in public
30 or private ownership, formally dedicated as a preserve within
31 the system by a public ~~administrative~~ agency or private owner
32 and designated by the governor as a preserve.

33 Sec. 45. Section 476.6, subsection 22, paragraph g, Code
34 2005, is amended by striking the paragraph.

35 Sec. 46. Section 501A.103, Code Supplement 2005, is

1 amended to read as follows:

2 501A.103 REQUIREMENTS FOR SIGNATURES ON DOCUMENTS.

3 A document is signed when a person has written affixed the
4 person's name on a document. A person authorized to do so by
5 this chapter, the articles or bylaws, or by a resolution
6 approved by the directors or the members must sign the
7 document. A signature on a document may be a facsimile
8 affixed, engraved, printed, placed, stamped with indelible
9 ink, transmitted by facsimile or electronically, or in any
10 other manner reproduced on the document.

11 Sec. 47. Section 501A.503, subsection 2, paragraph c, Code
12 Supplement 2005, is amended to read as follows:

13 c. The secretary ~~shall~~ will issue an acknowledgment to the
14 cooperative.

15 Sec. 48. Section 501A.603, subsection 6, Code Supplement
16 2005, is amended to read as follows:

17 6. PENALTIES FOR CONTRACT INTERFERENCE. A person who
18 knowingly induces or attempts to induce any patron member or
19 patron of a cooperative organized under this chapter to breach
20 a marketing contract with the cooperative is guilty of a
21 simple misdemeanor.

22 Sec. 49. Section 501A.703, subsection 4, Code Supplement
23 2005, is amended to read as follows:

24 4. DISTRICT OR LOCAL UNIT ELECTION OF DIRECTORS. For a
25 cooperative with districts or other units, members may elect
26 directors on a district or unit basis if provided in the
27 bylaws. The directors may be nominated or elected at district
28 meetings if provided in the bylaws. Directors who are
29 nominated at district meetings shall be elected at the annual
30 regular members' meeting by vote of the entire membership,
31 unless the bylaws provide that directors who are nominated at
32 district meetings are to be elected by vote of the members of
33 the district, at the district meeting, or the annual regular
34 members' meeting.

35 Sec. 50. Section 501A.715, subsection 2, paragraph a,

1 subparagraph (1), subparagraph subdivision (d), Code
2 Supplement 2005, is amended to read as follows:

3 (d) The person has not committed an act for which
4 liability ~~cannot~~ can be eliminated or limited under section
5 501A.714.

6 Sec. 51. Section 501A.808, subsection 2, Code Supplement
7 2005, is amended to read as follows:

8 2. CLASS OR SERIES OF MEMBERSHIP INTERESTS. In any case
9 where a class or series of membership interests is entitled by
10 this chapter, the articles, bylaws, a member control
11 agreement, or the terms of the membership interests to vote as
12 a class or series, the matter being voted upon must also
13 receive the affirmative vote of the owners of the same
14 proportion of the membership interests present of that class
15 or series; or of the total outstanding membership interests of
16 that class or series, as the proportion required under
17 subsection 1, unless the articles, bylaws, or the member
18 control agreement requires a larger proportion. Unless
19 otherwise stated in the articles, bylaws, or a member control
20 agreement, in the case of voting as a class or series, the
21 minimum percentage of the total voting power of membership
22 interests of the class or series that must be present is equal
23 to the minimum percentage of all membership interests entitled
24 to vote required to be present under section ~~501A-707~~
25 501A.806.

26 Sec. 52. Section 501A.903, subsection 6, paragraphs a and
27 d, Code Supplement 2005, are amended to read as follows:

28 a. Subject to the right of the cooperative, ~~to~~ redeem any
29 of those membership interests at the price fixed for their
30 redemption by the articles or bylaws or by the board.

31 d. Convert ~~into~~ membership interests of into any other
32 class or any series of the same or another class.

33 Sec. 53. Section 501A.1005, subsection 2, Code Supplement
34 2005, is amended to read as follows:

35 2. DISTRIBUTION OF CASH OR OTHER ASSETS. A cooperative's

1 bylaws shall prescribe the distribution of cash or other
2 assets of the cooperative among the membership interests of
3 the cooperative. If nonpatron membership interests are
4 authorized by the patrons and the bylaws do not provide
5 otherwise, distributions ~~and allocations~~ shall be made to the
6 patron membership interests collectively and other members on
7 the basis of the value of contributions to capital made and
8 accepted by the cooperative, by the patron membership
9 interests collectively, and other membership interests. The
10 distributions to patron membership interests collectively
11 shall not be less than fifty percent of the total
12 distributions in any fiscal year, except if authorized in the
13 articles or bylaws adopted by the affirmative vote of the
14 patron members, or the articles or bylaws as amended by the
15 affirmative vote of the patron members. However, the
16 distributions to patron membership interests collectively
17 shall not be less than fifteen percent of the total
18 distributions in any fiscal year.

19 Sec. 54. Section 501A.1006, subsections 6 and 7, Code
20 Supplement 2005, are amended to read as follows:

21 6. ELIGIBLE NONMEMBER PATRONS. A cooperative may provide
22 in the bylaws that nonmember patrons are allowed to
23 participate in the distribution of net income, payable to
24 patron members on equal terms with patron members.

25 7. PATRONAGE CREDITS FOR INELIGIBLE MEMBERS. If a
26 nonmember patron with patronage credits is not qualified or
27 eligible for membership, a refund due may be credited to the
28 nonmember patron's individual account. The board may issue a
29 certificate of interest to reflect the credited amount. After
30 the nonmember patron is issued a certificate of interest, the
31 nonmember patron may participate in the distribution of net
32 income on the same basis as a patron member.

33 Sec. 55. Section 502.404, subsection 5, Code 2005, is
34 amended to read as follows:

35 5. LIMITS ON EMPLOYMENT OR ASSOCIATION. It is unlawful

1 for an individual acting as an investment adviser
2 representative, directly or indirectly, to conduct business in
3 this state on behalf of an investment adviser or a federal
4 covered investment adviser if the registration of the
5 individual as an investment adviser representative is
6 suspended or revoked or the individual is barred from
7 employment or association with an investment adviser or a
8 federal covered investment adviser by an order under this
9 chapter, the securities and exchange commission, or a self-
10 regulatory organization. Upon request from a federal covered
11 investment adviser and for good cause, the administrator, by
12 order issued, may waive, in whole or in part, the application
13 of the requirements of this subsection to the federal covered
14 investment adviser representative.

15 Sec. 56. Section 514.2, Code Supplement 2005, is amended
16 to read as follows:

17 514.2 INCORPORATION.

18 Persons desiring to form a nonprofit hospital service
19 corporation, or a nonprofit medical service corporation, or a
20 nonprofit pharmaceutical or optometric service corporation
21 shall have been incorporated under the provisions of chapter
22 504, Code 1989, or shall incorporate under the provisions of
23 current chapter 504~~7-as-supplemented-and-amended-herein-and~~
24 ~~any-Acts-amendatory-thereof~~.

25 Sec. 57. Section 516E.10, subsection 3, Code Supplement
26 2005, is amended to read as follows:

27 3. BOYCOTT, COERCION, AND INTIMIDATION. A provider,
28 service company, or third-party administrator shall not enter
29 into an agreement to commit, or by a concerted action commit,
30 an act of boycott, coercion, or intimidation resulting in or
31 tending to result in unreasonable restraint of, or monopoly
32 in, the service contract industry.

33 Sec. 58. Section 523I.201, subsection 1, Code Supplement
34 2005, is amended to read as follows:

35 1. This chapter shall be administered by the commissioner.

1 The deputy administrator appointed pursuant to section
2 ~~523A.801~~ 502.601 shall be the principal operations officer
3 responsible to the commissioner for the routine administration
4 of this chapter and management of the administrative staff.
5 In the absence of the commissioner, whether because of vacancy
6 in the office due to absence, physical disability, or other
7 cause, the deputy administrator shall, for the time being,
8 have and exercise the authority conferred upon the
9 commissioner. The commissioner may by order from time to time
10 delegate to the deputy administrator any or all of the
11 functions assigned to the commissioner in this chapter. The
12 deputy administrator shall employ officers, attorneys,
13 accountants, and other employees as needed for administering
14 this chapter.

15 Sec. 59. Section 523I.806, subsection 2, Code Supplement
16 2005, is amended to read as follows:

17 2. The care fund shall be administered under the
18 jurisdiction of the district court of the county where the
19 cemetery is located. Notwithstanding chapter 633 633A, annual
20 reports shall not be required unless specifically required by
21 the district court. Reports shall be filed with the court
22 when necessary to receive approval of appointments of
23 trustees, trust agreements and amendments, changes in fees or
24 expenses, and other matters within the court's jurisdiction.
25 A court having jurisdiction over a care fund shall have full
26 jurisdiction to approve the appointment of trustees, the
27 amount of surety bond required, if any, and investment of
28 funds.

29 Sec. 60. Section 546.10, subsection 1, Code Supplement
30 2005, is amended by adding the following new paragraph:

31 NEW PARAGRAPH. g. The interior design examining board
32 established pursuant to chapter 544C.

33 Sec. 61. Section 547.1, Code Supplement 2005, is amended
34 to read as follows:

35 547.1 USE OF TRADE NAME -- VERIFIED STATEMENT REQUIRED.

1 A person shall not engage in or conduct a business under a
2 trade name, or an assumed name of a character other than the
3 true surname of each person owning or having an interest in
4 the business, unless the person first records with the county
5 recorder of the county in which the business is to be
6 conducted a verified statement showing the name, post office
7 address, and residence address of each person owning or having
8 an interest in the business, and the address where the
9 business is to be conducted. However, this provision does not
10 apply to any person organized or incorporated in this state as
11 a domestic entity or authorized to do business in this state
12 as a foreign entity, if the person is a limited partnership
13 under chapter 488, a corporation under chapter 490; a limited
14 liability company under chapter 490A; a professional
15 corporation under chapter 496C; a cooperative or cooperative
16 association under chapter 497, 498, 499, ~~or~~ 501, or 501A; or a
17 nonprofit corporation under chapter 504.

18 Sec. 62. Section 551A.3, subsection 2, unnumbered
19 paragraph 1, Code Supplement 2005, is amended to read as
20 follows:

21 The disclosure document shall have a cover sheet which
22 shall consist of a title printed in bold and a statement. The
23 title and statement shall be in at least ten point type and
24 shall appear as follows:

25 DISCLOSURE REQUIRED BY IOWA LAW

26 ~~The registration of this~~ This business opportunity does not
27 ~~constitute~~ have the approval, recommendation, or endorsement
28 ~~by of~~ of the state of Iowa. The information contained in this
29 disclosure document has not been verified by this state. If
30 you have any questions or concerns about this investment, seek
31 professional advice before you sign a contract or make any
32 payment. You are to be provided ten (10) business days to
33 review this document before signing a contract or making any
34 payment to the seller or the seller's representative.

35 Sec. 63. Section 554.3309, subsection 1, paragraph a,

1 subparagraph (1), Code Supplement 2005, is amended to read as
2 follows:

3 (1) was entitled to enforce the instrument when loss ~~or~~ of
4 possession occurred, or

5 Sec. 64. Section 558A.1, subsection 4, paragraph a, Code
6 Supplement 2005, is amended to read as follows:

7 a. A transfer made pursuant to a court order, including
8 but not limited to a transfer under chapter 633 or 633A, the
9 execution of a judgment, the foreclosure of a real estate
10 mortgage pursuant to chapter 654, the forfeiture of a real
11 estate contract under chapter 656, a transfer by a trustee in
12 bankruptcy, a transfer by eminent domain, or a transfer
13 resulting from a decree for specific performance.

14 Sec. 65. Section 598.21C, subsection 4, Code Supplement
15 2005, is amended to read as follows:

16 4. RETROACTIVITY OF MODIFICATION. Judgments for child
17 support or child support awards entered pursuant to this
18 chapter, chapter 234, 252A, 252C, 252F, 600B, or any other
19 chapter of the Code which are subject to a modification
20 proceeding may be retroactively modified only from three
21 months after the date the notice of the pending petition for
22 modification is served on the opposing party. The three-month
23 limitation applies to a modification action pending on or
24 after July 1, 1997. The prohibition of retroactive
25 modification does not bar the child support recovery unit from
26 obtaining orders for accrued support for previous time
27 periods. Any retroactive modification which increases the
28 amount of child support or any order for accrued support under
29 this paragraph subsection shall include a periodic payment
30 plan. A retroactive modification shall not be regarded as a
31 delinquency unless there are subsequent failures to make
32 payments in accordance with the periodic payment plan.

33 Sec. 66. Section 598.21E, subsection 2, Code Supplement
34 2005, is amended to read as follows:

35 2. If the court overcomes a prior determination of

1 paternity, the previously established father shall be relieved
2 of support obligations as specified in section 600B.41A,
3 subsection 4. In any action to overcome paternity other than
4 through a pending dissolution action, the provisions of
5 section 600B.41A apply. Overcoming paternity under ~~this~~
6 subsection 1, paragraph "c", does not bar subsequent actions
7 to establish paternity. A subsequent action to establish
8 paternity against the previously established father is not
9 barred if it is subsequently determined that the written
10 statement attesting that the established father is not the
11 biological father of the child may have been submitted
12 erroneously, and that the person previously determined not to
13 be the child's father during the dissolution action may
14 actually be the child's biological father.

15 Sec. 67. Section 598.21F, subsection 6, Code Supplement
16 2005, is amended to read as follows:

17 6. APPLICATION. A support order, decree, or judgment
18 entered or pending before July 1, 1997, that provides for
19 support of a child for college, university, or community
20 college expenses may be modified in accordance with this
21 subsection section.

22 Sec. 68. Section 602.1304, subsection 2, paragraph b, Code
23 Supplement 2005, is amended to read as follows:

24 b. For each fiscal year, a judicial collection estimate
25 for that fiscal year shall be equally and proportionally
26 divided into a quarterly amount. The judicial collection
27 estimate shall be calculated by using the state revenue
28 estimating conference estimate made by December 15 pursuant to
29 section 8.22A, subsection 3, of the total amount of fines,
30 fees, civil penalties, costs, surcharges, and other revenues
31 collected by judicial officers and court employees for deposit
32 into the general fund of the state. The revenue estimating
33 conference estimate shall be reduced by the maximum amounts
34 allocated to the Iowa prison infrastructure fund pursuant to
35 section 602.8108A, the court technology and modernization fund

1 pursuant to section 602.8108, subsection 7, the judicial
2 branch pursuant to section 602.8108, subsection 8, and the
3 road use tax fund pursuant to section 602.8108, subsection 9,
4 and the remainder shall be the judicial collection estimate.
5 In each quarter of a fiscal year, after revenues collected by
6 judicial officers and court employees equal to that quarterly
7 amount are deposited into the general fund of the state, after
8 the required amount is deposited during the quarter into the
9 Iowa prison infrastructure fund pursuant to section 602.8108A,
10 and into the court technology and modernization fund pursuant
11 to section 602.8108, subsection 7, and into the road use tax
12 fund pursuant to section 602.8108, subsection 9, and after the
13 required amount is allocated to the judicial branch pursuant
14 to section 602.8108, subsection 8, the director of the
15 department of administrative services shall deposit the
16 remaining revenues for that quarter into the enhanced court
17 collections fund in lieu of the general fund. However, after
18 total deposits into the collections fund for the fiscal year
19 are equal to the maximum deposit amount established for the
20 collections fund, remaining revenues for that fiscal year
21 shall be deposited into the general fund. If the revenue
22 estimating conference agrees to a different estimate at a
23 later meeting which projects a lesser amount of revenue than
24 the initial estimate amount used to calculate the judicial
25 collection estimate, the director of the department of
26 administrative services shall recalculate the judicial
27 collection estimate accordingly. If the revenue estimating
28 conference agrees to a different estimate at a later meeting
29 which projects a greater amount of revenue than the initial
30 estimate amount used to calculate the judicial collection
31 estimate, the director of the department of administrative
32 services shall recalculate the judicial collection estimate
33 accordingly but only to the extent that the greater amount is
34 due to an increase in the fines, fees, civil penalties, costs,
35 surcharges, or other revenues allowed by law to be collected

1 by judicial officers and court employees.

2 Sec. 69. Section 602.6306, subsection 2, Code Supplement
3 2005, is amended to read as follows:

4 2. District associate judges also have jurisdiction in
5 civil actions for money judgment where the amount in
6 controversy does not exceed ten thousand dollars; jurisdiction
7 over involuntary commitment, treatment, or hospitalization
8 proceedings under chapters 125 and 229; jurisdiction of
9 indictable misdemeanors, class "D" felony violations, and
10 other felony arraignments; jurisdiction to enter a temporary
11 or emergency order of protection under chapter 236, and to
12 make court appointments and set hearings in criminal matters;
13 jurisdiction to enter orders in probate which do not require
14 notice and hearing and to set hearings in actions under
15 chapter 633 or 633A; and the jurisdiction provided in section
16 602.7101 when designated as a judge of the juvenile court.
17 While presiding in these subject matters a district associate
18 judge shall employ district judges' practice and procedure.

19 Sec. 70. Section 602.8108, subsection 10, Code Supplement
20 2005, is amended by striking the subsection.

21 Sec. 71. Section 633.264, Code Supplement 2005, is amended
22 to read as follows:

23 633.264 DISPOSAL OF PROPERTY BY WILL.

24 Subject to the rights of the surviving spouse to take an
25 elective share as provided by section 633.236, any person of
26 full age and sound mind may dispose by will of all the
27 person's property, except an amount sufficient to pay the
28 debts and charges against the person's estate.

29 Sec. 72. Section 633C.4, subsection 2, Code Supplement
30 2005, is amended to read as follows:

31 2. The trustee of a medical assistance income trust or a
32 medical assistance special needs trust is a fiduciary for
33 purposes of ~~this~~ chapter 633A and, in the exercise of the
34 trustee's fiduciary duties, the state shall be considered a
35 beneficiary of the trust. Regardless of the terms of the

1 trust, the trustee shall not take any action that is not
2 prudent in light of the state's interest in the trust.

3 Sec. 73. Section 679C.109, subsection 1, paragraph b, Code
4 Supplement 2005, is amended to read as follows:

5 b. Disclose any such known fact to the mediation parties
6 as soon as is ~~practical~~ practicable before accepting a
7 mediation.

8 Sec. 74. NEW SECTION. 691.9 CRIMINALISTICS LABORATORY
9 FUND.

10 A criminalistics laboratory fund is created as a separate
11 fund in the state treasury under the control of the department
12 of public safety. The fund shall consist of appropriations
13 made to the fund and transfers of interest, and earnings. All
14 moneys in the fund are appropriated to the department of
15 public safety for use by the department in criminalistics
16 laboratory equipment purchasing, maintenance, depreciation,
17 and training. Any balance in the fund on June 30 of any
18 fiscal year shall not revert to any other fund of the state
19 but shall remain available for the purposes described in this
20 section.

21 Sec. 75. Section 717E.2, subsection 2, Code 2005, is
22 amended to read as follows:

23 2. A prize for participating in a fair event.

24 Sec. 76. Section 815.11, Code Supplement 2005, is amended
25 to read as follows:.

26 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.

27 Costs incurred under chapter 229A, 665, 822, or 908, or
28 section 232.141, subsection 3, paragraph "c", or section
29 598.23A, 600A.6B, 814.9, 814.10, 814.11, 815.4, 815.7, or
30 815.10 on behalf of an indigent shall be paid from funds
31 appropriated by the general assembly to the office of the
32 state public defender in the department of inspections and
33 appeals for those purposes. Costs incurred representing an
34 indigent defendant in a contempt action, or representing an
35 indigent juvenile in a juvenile court proceeding under chapter

1 600, are also payable from these funds. However, costs
2 incurred in any administrative proceeding or in any other
3 proceeding under chapter 598, 600, 600A, 633, 633A, or 915 or
4 other provisions of the Code or administrative rules are not
5 payable from these funds.

6 Sec. 77. 2003 Iowa Acts, 1st Ex., chapter 2, section 93,
7 is amended to read as follows:

8 SEC. 93. The divisions of this Act designated economic
9 development appropriations, workforce-related issues, loan and
10 credit guarantee fund, university-based research utilization
11 program appropriation, endow Iowa tax credit, and
12 rehabilitation project tax credits are repealed effective June
13 30, 2010. This section does not apply to the section of the
14 division of this Act designated workforce-related issues that
15 enacts section 260C.18A.

16 Sec. 78. 2005 Iowa Acts, chapter 70, section 51, is
17 amended to read as follows:

18 SEC. 51. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
19 This section and the sections of this Act amending sections
20 513C.6 and 514E.2, and amending section 514E.7, subsection 1,
21 by enacting paragraph "e", being deemed of immediate
22 importance, take effect upon enactment. The section of the
23 Act amending section 513C.6 is retroactively applicable to
24 January 1, 2005, and is applicable on and after that date.
25 The sections of the Act amending section 514E.2 are
26 retroactively applicable to July 1, 1986, and are applicable
27 on and after that date. The portion of the section of the Act
28 amending section 514E.7, subsection 1, by enacting paragraph
29 "e" is retroactively applicable to January 1, 2005, and is
30 applicable on and after that date. The section of this Act
31 amending section 514E.8, being deemed of immediate importance,
32 takes effect upon enactment and applies retroactively to July
33 1, 2004.

34 Sec. 79. Section 501A.715, subsection 6, paragraph a,
35 subparagraphs (2) through (4), as enacted by 2005 Iowa Acts,

1 chapter 135, section 49, are amended to read as follows:

2 (2) If a quorum under subparagraph (1) cannot be obtained,
3 by a majority of a committee of the board consisting solely of
4 two or more directors not at the time parties to the
5 proceeding duly designated to act in the matter by a majority
6 of the full board, including directors who are parties.

7 (3) If a determination is not made under subparagraph (1)
8 or (2), by special legal counsel selected either by a majority
9 of the board or a committee by vote under subparagraph (1) or
10 (2), or if the requisite quorum of the full board cannot be
11 obtained and the committee cannot be established, by a
12 majority of the full board, including directors who are
13 parties.

14 (4) If a determination is not made under subparagraphs (1)
15 through (3) by the affirmative vote of the members, but the
16 membership interests held by parties to the proceeding must
17 not be counted in determining the presence of a quorum, and
18 are not considered to be present and entitled to vote on the
19 determination.

20 Sec. 80. Sections 321.210B and 490.1705, Code 2005, are
21 repealed.

22 Sec. 81. Chapter 217A, Code 2005, is repealed.

23 Sec. 82. The section of this Act amending section 152.7,
24 is repealed effective July 1, 2008.

25 Sec. 83. RETROACTIVE APPLICABILITY. The following
26 sections of this Act are retroactively applicable to January
27 1, 2005, and are applicable on and after that date:

28 1. The section of this Act amending section 455I.5,
29 subsection 4.

30 2. The section of this Act amending 2005 Iowa Acts,
31 chapter 135, section 49.

32 EXPLANATION

33 This bill contains statutory corrections that adjust
34 language to reflect current practices, insert earlier
35 omissions, delete redundancies and inaccuracies, delete

1 temporary language, resolve inconsistencies and conflicts,
2 update ongoing provisions, or remove ambiguities. The Code
3 sections amended include all of the following:

4 Code section 8A.222: Deletes a provision allowing the
5 department of administrative services to establish for the
6 fiscal years beginning July 1, 2003, and ending June 30, 2005,
7 a pilot project for fee collection. The time period for the
8 permitted pilot project has expired.

9 Code section 8A.324: Substitutes the word "agency" for the
10 word "entity" to conform to other usages of the term
11 "governmental agency" in a provision allowing the director of
12 the department of administrative services to enter into an
13 agreement with a not-for-profit organization or governmental
14 agency to dispose of certain personal property of the state.

15 Code section 12.72: Corrects an internal reference to a
16 provision relating to the accumulation in each bond reserve
17 fund created by the treasurer of state to secure vision Iowa
18 program bonds of an amount equal to the bond reserve fund
19 requirement for the fund. The same internal reference
20 correction was made in a nearly identical provision in Code
21 section 12.82 by 2005 Iowa Acts, chapter 19, section 12.

22 Code section 15E.351: Correctly orders misplaced terms in
23 a provision listing facts the department of economic
24 development may consider in determining whether a business
25 accelerator qualifies for financial assistance under the
26 business accelerator program.

27 Code section 17A.18A: Inserts the words "of the State of
28 Iowa or of the United States" after the word "Constitution" in
29 language allowing an agency to use emergency adjudicative
30 proceedings in a situation involving an immediate danger to
31 the public health, safety, or welfare to the extent not
32 inconsistent with the Constitution.

33 Code sections 28.3 and 28.4(12): Reverses a change made in
34 2005 Iowa Acts, chapters 148 and 179, which added the words
35 "or coordinator" after the word "facilitator" in multiple

1 locations in these sections. The title of the gubernatorial
2 appointee who provides staffing for the community empowerment
3 office is the "state community empowerment facilitator".

4 Code section 28J.7: Clarifies that port authority peace
5 officers shall meet the requirements established for police
6 officers for purposes of chapter 400, relating to civil
7 service, but are considered police officers under chapter 411,
8 relating to the retirement system for police officers and fire
9 fighters. The bill also makes a grammatical change by
10 substituting the words "port authority" for "its".

11 Code section 35.10: Substitutes "six" hundred dollars for
12 "four" hundred dollars in a provision relating to eligibility
13 for and the payment of war orphans educational aid moneys by
14 the department of veterans affairs to agree with a 1994 change
15 made in Code section 35.9 that increased the amount of aid
16 allowed.

17 Code section 142C.15: Corrects a drafting error made in
18 2005 Iowa Acts, chapter 89, section 11, by conforming language
19 relating to the making of grants from funds not requested or
20 awarded for anatomical gift public awareness projects, for
21 projects related to the statewide organ and tissue donor
22 registry, to other language stating the permissible use of
23 those same funds.

24 Code section 152.7: Corrects a drafting error that
25 inserted language relating to the advanced practice registered
26 nurse compact into a provision allowing the nurse licensure
27 compact administrator to refuse to accept nurse licensure
28 qualification changes by another compacting state if these
29 changes substantially modify that state's licensure
30 qualifications in effect on July 1, 2000. The bill provides a
31 separate provision allowing the advanced practice registered
32 nurse compact administrator to refuse to accept licensure
33 qualification changes that modify qualifications in effect on
34 July 1, 2005, the effective date of the advanced practice
35 registered nurse compact. The language is repealed effective

1 July 1, 2008, to conform with the repeal date for the advanced
2 practice registered nurse compact.

3 Code section 159.5, subsection 9: Clarifies language
4 relating to certain inspections carried out by the department
5 of agriculture and land stewardship to distinguish those
6 inspections of meat, poultry, and dairy producing
7 establishments that are carried out pursuant to federal law
8 from the inspections of food establishments and food
9 processing plants that are carried out by the department of
10 inspections and appeals under Code chapter 137F.

11 Code section 181.13: Strikes language providing an
12 exception from the requirement that a portion of the moneys
13 transferred to the Iowa beef industry council from state
14 assessments be remitted to the Iowa beef cattle producers
15 association in proportions determined by the council. The
16 language requiring the exception was eliminated from Code
17 section 181.19 in 1997 Iowa Acts, chapter 30, section 7.

18 Code section 185.26: Clarifies that moneys in the soybean
19 checkoff account and other moneys collected from the state
20 assessment on soybeans is to be administered by the Iowa
21 soybean association board of directors, rather than the
22 association, to agree with other language contained in the
23 Code section.

24 Code section 202.1: Strikes the definition of "open
25 feedlot" and modifies the only reference to the term in the
26 Code chapter relating to commodity production contracts in
27 order to agree with the definitions contained in Code chapter
28 459A, the animal agriculture compliance Act for open feedlot
29 operations, created in 2005.

30 Code section 229.19: Changes an incorrect citation to Code
31 section 815.7 to a citation to Code section 815.9 and
32 renumbers and reletters the section to facilitate citation to
33 provisions within this Code section.

34 Code sections 231B.10, 231C.10, and 231D.5: Makes changes
35 in provisions allowing the department of inspections and

1 appeals to deny, suspend, or revoke the certification of an
2 elder group home, assisted living program, or adult day
3 services program in certain circumstances to agree with the
4 grammatical structure used elsewhere in such provisions and to
5 clarify that the provisions apply to officers, directors,
6 trustees, designated program managers, or stockholders with a
7 certain level of equity interest.

8 Code section 235B.2: Adds references to the actions of an
9 attorney in fact acting under the auspices of Code chapters
10 144A and 144B to the exceptions to the definition of
11 "dependent adult abuse". This conforms this provision to
12 similar language contained in Code section 144A.11 and
13 language in Code section 144B.9 that immunizes attorneys in
14 fact who act in good faith under that chapter from criminal or
15 civil liability.

16 Code section 235B.3: Clarifies that the persons listed are
17 persons required to report suspected dependent adult abuse
18 rather than persons to whom such a report must be made.

19 Code section 235B.6: Strikes the word "administrative" in
20 language relating to agency access to dependent adult abuse
21 information in administrative proceedings when the agency is
22 hearing an appeal for correction of that information. Agency
23 hearings are governed by Code chapter 17A and the term
24 currently used within that chapter is "agency", not
25 "administrative agency". The term "administrative agency" was
26 synonymous with the term "agency" in Code chapter 17A up until
27 1974 Iowa Acts, chapter 1090, made substantial changes to that
28 chapter.

29 Code sections 249J.14 and 249J.18: Corrects the references
30 to the Code section creating the medical assistance advisory
31 council. The old Code section 249A.4, subsection 8, was
32 stricken and replaced by Code section 249A.4B in 2005 Iowa
33 Acts, chapter 120.

34 Code section 256.40: Restructures a sentence to clarify
35 that the purpose of the statewide work-based learning

1 intermediary network program established in the department of
2 education is to build a seamless career, future workforce, and
3 economic development system in Iowa.

4 Code section 256B.15: Deletes a provision specifying the
5 effective date of rules to be adopted by the department of
6 education and the department of human services to implement
7 the Code section relating to reimbursement for special
8 education services. The Code section was enacted in 1988 and
9 therefore the effective date for the initial rules has passed.

10 Code section 266.27: Updates the federal citation to and
11 name of the federal Act in language relating to the source of
12 federal funding for agricultural extension work at the Iowa
13 state university of science and technology. The federal Act,
14 known as the Capper-Ketcham Act, which was previously codified
15 at 7 U.S.C. 343a, was repealed by a 1953 federal amendment
16 that consolidated the provisions of the Capper-Ketcham Act
17 into the Smith-Lever Act.

18 Code sections 321.177, 321.210B, and 321.218: Strikes and
19 repeals provisions, and a reference thereto, directing the
20 state department of transportation to suspend or refuse to
21 renew the driver's license of a person who has a delinquent
22 account owed to the state. The language is applicable only to
23 those persons residing in a county which is participating in
24 the driver's license indebtedness clearance pilot project,
25 which has been completed. A replacement procedure is codified
26 at Code section 321.30, subsection 13, which does not rely on
27 these Code sections for refusal to register based on the owing
28 of delinquent amounts to the state.

29 Code section 321I.10: Specifies that the department that
30 may adopt rules to administer a provision regarding the
31 issuance of a permit to a state agency, a county, or a city to
32 allow an all-terrain vehicle trail to cross a primary highway
33 is the state department of transportation rather than the
34 department of natural resources.

35 Code section 331.605: Corrects a drafting error by

1 including fees for snowmobile user permits issued by county
2 recorders in the list of fees to be collected by county
3 recorders.

4 Code section 423.1: Includes "manufactured home
5 communities" within the definition of "nonresidential
6 commercial operations" for purposes of Code chapter 423,
7 relating to sales and use taxes. Mobile home parks, which
8 contain both manufactured and mobile homes, are already
9 included within the definition.

10 Code section 441.11: Strikes language relating to an
11 obsolete restricted certificate that was issued by the
12 director of revenue to deputy assessors who were holding
13 office as of January 1, 1976.

14 Code section 453A.22: Strikes a reference to a provision
15 deleted by 2003 Iowa Acts, chapter 26, section 6, in language
16 allowing a cigarette retailer to assert a bar against
17 assessment of a penalty for a violation of a prohibition
18 against tobacco and cigarette sales to persons under the legal
19 age.

20 Code section 455B.306: Corrects a drafting error by
21 inserting the words "disposal at a" preceding the words
22 "sanitary landfill". The provision allows for such disposal
23 without including the autonomous planning area making the
24 disposal election in the receiving planning area's
25 comprehensive plan.

26 Code section 455I.5: Replaces the words "the enactment of
27 this chapter" with "July 1, 2005" in a provision stating that
28 Code chapter 455I, the uniform environmental covenants Act,
29 does not invalidate or render unenforceable any interest,
30 whether designated as an environmental covenant or other
31 interest, that was created prior to the enactment of the
32 chapter. The change conforms to another provision in the Code
33 section referencing the effective date of the chapter, July 1,
34 2005. The use of language referring to the enactment of a
35 provision generally implies the date of enactment of the Act

1 creating Code chapter 455I, which was May 20, 2005.

2 Conforming the two provisions eliminates a potential gap in
3 applicability of the Act.

4 Code section 455I.11: Replaces the word "it" with the word
5 "agency" to clarify when the department of natural resources
6 may maintain a civil action for violation of an environmental
7 covenant.

8 Code section 459A.103: Changes language stating "as
9 required by this section" to a reference to Code section
10 459A.302. The language relates to installation of a drainage
11 tile line to artificially lower the seasonal high-water table
12 in a provision defining "seasonal high-water table". The
13 requirements relating to installation of the tile are
14 contained in Code section 459A.302 and are not in Code section
15 459.103.

16 Code section 459A.208: Corrects a drafting error by
17 substituting the words "open feedlot operation" for "animal
18 feeding operation" in a provision requiring a nutrient
19 management plan to be authenticated by the owner of the open
20 feed lot operation. The bill also eliminates a provision in
21 subsection 4 relating to nutrient management plans for open
22 feedlot operations using an alternative technology system that
23 conflicts with language in subsection 8 that deals with the
24 same subject matter.

25 Code sections 465C.1, 465C.9, and 465C.10: Strikes the word
26 "administrative" from the term "public administrative agency"
27 in language relating to the allocation of an area as a state
28 preserve. The term "public administrative agency" is not
29 defined for this Code chapter and the term "public agency" is
30 consistent with terms used to describe governmental agencies
31 in general throughout the Code and is consistent with the
32 scope of this chapter.

33 Code section 476.6: Strikes language relating to a report
34 that was delivered by the utilities board to the general
35 assembly in 2003.

1 Code section 501A.103: Changes language in the Iowa
2 cooperative associations Act providing that a document is
3 "signed" by a person when the person has "written" on the
4 document to specifically require that the person has "affixed
5 the person's name" to the document. This conforms the
6 "signing" requirement to later language describing how
7 signatures may be made.

8 Code section 501A.503: Substitutes "will" for "shall" in
9 language relating to the secretary of state's issuance of an
10 acknowledgment to a cooperative association to agree with
11 language providing certain presumptions upon a cooperative
12 association's filing of articles of organization or an
13 application for a certificate of authority.

14 Code section 501A.603: Changes "member" to "patron member"
15 to agree with other usages of the term in a provision relating
16 to marketing contracts between cooperative associations and
17 their patron members or patrons.

18 Code section 501A.703: Strikes a comma to clarify that if
19 the bylaws of a cooperative association so provide, directors
20 nominated at a district meeting may be elected by the members
21 of the district at the district meeting or the annual regular
22 members' meeting instead of by the entire membership of the
23 cooperative at the annual regular members' meeting.

24 Code section 501A.715: Substitutes "can" for "cannot" to
25 eliminate a double negative in a provision requiring
26 indemnification of a person by a cooperative association when
27 the act that was committed by the person, and which may
28 subject the person to liability, was not an act for which the
29 person's liability can be limited or eliminated due to the
30 person's status as a director, officer, employee, or member of
31 the cooperative association.

32 Code section 501A.808: Strikes a reference to section
33 501A.707 and substitutes a reference to section 501A.806 in a
34 provision relating to the minimum percentage of the total
35 voting power of a cooperative association that must be present

1 for voting. The general quorum requirements for members'
2 meetings are contained in Code section 501A.806.

3 Code section 501A.903: Conforms language in subsection 6,
4 relating to redemption or conversion of membership interests
5 in cooperative associations, to the syntax of the predicate
6 "lead-in" portion of the subsection.

7 Code section 501A.1005: Strikes "and allocations" in a
8 provision relating to distributions of cash or other assets to
9 members of a cooperative association. Allocations of profits
10 and losses to members are addressed in another provision of
11 section 501A.1005.

12 Code section 501A.1006: Corrects punctuation and changes
13 the term "income" to "net income" to conform to usage
14 throughout a provision relating to allocations and
15 distributions of net income to members of a cooperative
16 association.

17 Code section 502.404: Corrects language in the uniform
18 securities Act Code chapter that pertains to the limits placed
19 on the ability of individuals who act as investment adviser
20 "representatives" to conduct business in this state. These
21 individuals are prohibited from conducting business in this
22 state as investment adviser representatives if their
23 registrations are suspended or revoked or if they have been
24 barred from employment in that capacity under the uniform
25 securities Act Code chapter, by the securities and exchange
26 commission, or by a self-regulatory organization.

27 Code section 514.2: Eliminates redundant language relating
28 to updates to another Code chapter. Changes and updates to
29 any provision in the Code, that are intended to be currently
30 effective, are incorporated each year into the codified
31 version of those provisions and, as a consequence, references
32 to the "current" version of Code chapter 504 would include any
33 supplements, amendments, and "any Acts amendatory thereof".

34 Code section 516E.10: Inserts the verb phrase "shall not
35 enter into an", which was accidentally stricken by an

1 amendment in 2005 Iowa Acts, chapter 70, in a provision
2 relating to prohibited acts in regard to motor vehicle service
3 contracts.

4 Code section 523I.201: Substitutes in Code chapter 523I,
5 the Iowa Cemetery Act, the correct reference to the Code
6 section pursuant to which a deputy administrator for purposes
7 of Code chapter 502, the uniform securities Act, is appointed.
8 The deputy acts as the principal operations officer under Code
9 chapter 523I.

10 Code section 523I.806: Substitutes a reference to Code
11 chapter 633A, pertaining to trusts and trust administration,
12 for a reference to Code chapter 633 in language relating to
13 perpetual care funds trusts. The former subchapter of Code
14 chapter 633 that pertained to trusts and trust administration
15 was moved to new Code chapter 633A, Code Supplement 2005, in
16 2005 Iowa Acts, ch 128.

17 Code section 546.10: Adds the interior design examining
18 board established pursuant to Code chapter 544C to the list of
19 boards that the professional licensing and regulation division
20 of the department of commerce administers.

21 Code section 547.1: Adds a reference to Code chapter 501A,
22 the Iowa cooperative associations Act, to the list of
23 cooperatives and cooperative associations that are exempted
24 from a provision added in 2005 prohibiting the conducting of
25 business under a trade name unless the person first records
26 certain information with the county recorder.

27 Code section 551A.3: Deletes a reference to registration
28 of a business opportunity in a provision describing required
29 written disclosures by sellers of business opportunities.
30 There is no longer a requirement for registration of business
31 opportunities in Iowa.

32 Code section 554.3309: Changes "loss or possession" to
33 "loss of possession" in a provision of the uniform commercial
34 code to conform the phrase to language used in the model Act.

35 Code section 558A.1: Adds a reference to Code chapter 633A

1 to the language including transfers under Code chapter 633,
2 the probate code, in the definition of "transfer" for purposes
3 of the Code chapter relating to real estate disclosures.
4 Certain provisions relating to trusts in Code chapter 633 were
5 transferred to Code chapter 633A in 2005.

6 Code section 598.21C: Substitutes "subsection" for
7 "paragraph" to agree with the relocation of language relating
8 to the retroactivity of the modification of a child, spousal,
9 or medical support order in 2005.

10 Code section 598.21E: Substitutes "subsection 1, paragraph
11 "c", for "paragraph" to agree with the relocation of language
12 in 2005 relating to overcoming a prior determination of
13 paternity in a dissolution action by filing a written
14 agreement between the established father and mother of the
15 child.

16 Code section 598.21F: Substitutes "section" for
17 "subsection" to agree with the relocation of language relating
18 to court-ordered postsecondary education subsidies.

19 Code section 602.1304: Adds language relating to the
20 deductions and deposits into the road use tax fund from
21 revenue that is collected by court employees and judicial
22 officers to a provision describing what amount is available
23 for deposit into the enhanced court collections fund. The
24 addition is consistent with the immediately preceding language
25 in the provision describing how the judicial collection
26 estimate is calculated and how the actual enhanced court
27 collections fund is determined, and with the language of Code
28 section 602.8108 that directs the actions of the clerk of
29 court with respect to deposit of revenue.

30 Code sections 602.6306: Adds references to Code chapter
31 633A to provisions relating to the jurisdiction of district
32 associate judges to set hearings in actions under Code chapter
33 633 and disallowing payment of moneys from the indigent
34 defense fund for costs incurred in a proceeding under chapter
35 633. Certain provisions relating to trusts in Code chapter

1 633 were transferred to Code chapter 633A in 2005.

2 Code sections 602.8108 and 691.9: Transfers language
3 establishing a separate fund in the state treasury for the
4 criminalistics laboratory fund and providing for
5 appropriations in and out of the fund, to a new Code section
6 in the chapter that provides for the establishment of the
7 state criminalistics laboratory. Code section 602.8108
8 relates to the distribution and remission of revenue received
9 by the clerk of the district court. The language which is
10 being moved does not provide that revenue received by the
11 clerk be deposited to the credit of the criminalistics
12 laboratory fund.

13 Code section 633.264: Adds the words "an amount" to
14 complete a grammatical construction allowing a person to
15 dispose of all the person's property by will, except "an
16 amount" sufficient to pay the debts and charges against the
17 person's estate.

18 Code section 633C.4: Substitutes a reference to "chapter
19 633A" for a reference to "this chapter" in a provision
20 relating to powers of a trustee of a medical assistance income
21 trust or a medical assistance special needs trust. Code
22 section 633C.4 was transferred from Code section 633.710 in
23 2005; however, all of the provisions relating to the duties of
24 trustees were transferred from Code chapter 633 to chapter
25 633A.

26 Code section 679C.109: Changes the word "practical" to
27 "practicable" in a provision requiring an individual who is
28 requested to serve as a mediator to disclose certain
29 information to the parties to the mediation before accepting
30 the mediation. The word "practicable" is used in another
31 provision relating to such disclosure after acceptance of a
32 mediation.

33 Code section 717E.2: Conforms the term "fair event" used
34 in language prohibiting the use of pets as prizes to the term
35 "fair" used in the definitions for the Code chapter.

1 Code section 815.11: Adds a reference to Code chapter
2 633A, the Code chapter pertaining to trusts and trust
3 administration, to language providing that costs incurred in
4 certain proceedings are not payable from the funds
5 appropriated for indigent defense. The former subchapter of
6 Code chapter 633 that pertained to trusts and trust
7 administration and that would have been included within the
8 existing reference to Code chapter 633 was moved to Code
9 chapter 633A, Code Supplement 2005, in 2005 Iowa Acts, ch 128.
10 2003 Acts, 1st Ex., chapter 2, section 93: Adds commas in
11 an Acts provision relating to approval of indemnification of
12 directors and officers of cooperative associations to conform
13 the Act to the provision as codified. The commas were added
14 during codification to enhance readability of the provisions.
15 2005 Iowa Acts, chapter 70, section 51: Provides immediate
16 effectiveness and retroactive applicability to July 1, 2004,
17 for a 2005 amendment providing that an individual who is
18 covered by an Iowa comprehensive health insurance association
19 health insurance policy and who is eligible for Medicare
20 coverage based on age prior to January 1, 2005, may continue
21 to renew the coverage under the association policy.
22 2005 Iowa Acts, chapter 135, section 49: Makes punctuation
23 changes to correct grammatical drafting errors in provisions
24 relating to determinations of the eligibility of a person for
25 indemnification by a cooperative association.
26 Code section 490.1705: Strikes obsolete language that
27 permitted, on or before December 31, 1991, business
28 corporations whose corporate rights had been canceled and
29 forfeited prior to December 31, 1989, or which had a right to
30 renew, to apply to the secretary of state for reinstatement
31 pursuant to Code section 490.1422.
32 Code chapter 217A: Repeals a Code chapter that required
33 the department of human services to submit a report relating
34 to the establishment of a policy and service delivery system
35 to assist fathers in becoming and remaining engaged in their

1 children's lives. The report was submitted by the department
2 to the general assembly, as required, on December 31, 2003.

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SENATE FILE 2253

S-5009

1 Amend Senate File 2253 as follows:

2 1. Page 4, by inserting after line 1, the
3 following:

4 "Sec. ____ . Section 29B.100, Code 2005, is amended
5 to read as follows:

6 29B.100 CAPTURED OR ABANDONED PROPERTY.

7 1. All persons subject to this code shall secure
8 all public property taken from the enemy for the
9 service of the United States, and shall give notice
10 and turn over to the proper authority without delay
11 all captured or abandoned property in their
12 possession, custody or control.

13 2. Any person subject to this code ~~who~~ shall be
14 punished as a court-martial may direct if the person
15 does any of the following:

16 ~~1. a.~~ a. Fails to carry out the duties prescribed
17 herein~~;~~.

18 ~~2. b.~~ b. Buys, sells, trades, or in any way deals in
19 or disposes of captured or abandoned property, whereby
20 the person receives or expects any profit, benefit or
21 advantage to the person or another directly or
22 indirectly connected with the person~~;~~ ~~and.~~

23 ~~3. c.~~ c. Engages in looting or pillaging~~;~~ ~~shall be~~
24 ~~punished as a court-martial may direct."~~

25 2. Page 4, by inserting after line 27, the
26 following:

27 "Sec. ____ . Section 63.6, Code 2005, is amended to
28 read as follows:

29 63.6 JUDGES.

30 All judges of courts of record shall qualify before
31 taking office following appointment by taking and
32 subscribing an oath to the effect that they will
33 support the Constitution of the United States and ~~that~~
34 the Constitution of the state State of Iowa, and that,
35 without fear, favor, affection, or hope of reward,
36 they will, to the best of their knowledge and ability,
37 administer justice according to the law, equally to
38 the rich and the poor.

39 Sec. ____ . Section 124.401, subsection 1,
40 paragraphs a through c, Code 2005, are amended to read
41 as follows:

42 a. Violation of this subsection, with respect to
43 the following controlled substances, counterfeit
44 substances, or simulated controlled substances is a
45 class "B" felony, and notwithstanding section 902.9,
46 subsection 2, shall be punished by confinement for no
47 more than fifty years and a fine of not more than one
48 million dollars:

49 (1) More than one kilogram of a mixture or
50 substance containing a detectable amount of heroin.

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1 (2) More than five hundred grams of a mixture or
2 substance containing a detectable amount of any of the
3 following:

4 (a) Coca leaves, except coca leaves and extracts
5 of coca leaves from which cocaine, ecgonine, and
6 derivatives of ecgonine ~~or~~ and their salts have been
7 removed.

8 (b) Cocaine, its salts, optical and geometric
9 isomers, and or salts of isomers.

10 (c) Ecgonine, its derivatives, their salts,
11 isomers, and or salts of isomers.

12 (d) Any compound, mixture, or preparation which
13 contains any quantity of any of the substances
14 referred to in subparagraph subdivisions (a) through
15 (c).

16 (3) More than fifty grams of a mixture or
17 substance described in subparagraph (2) which contains
18 cocaine base.

19 (4) More than one hundred grams of phencyclidine
20 (PCP) or one kilogram or more of a mixture or
21 substance containing a detectable amount of
22 phencyclidine (PCP).

23 (5) More than ten grams of a mixture or substance
24 containing a detectable amount of lysergic acid
25 diethylamide (LSD).

26 (6) More than one thousand kilograms of a mixture
27 or substance containing a detectable amount of
28 marijuana.

29 (7) More than five kilograms of a mixture or
30 substance containing a detectable amount of any of the
31 following:

32 (a) Methamphetamine, its salts, isomers, or salts
33 of isomers.

34 (b) Amphetamine, its salts, isomers, and salts of
35 isomers.

36 (c) Any compound, mixture, or preparation which
37 contains any quantity of any of the substances
38 referred to in subparagraph subdivisions (a) and (b).

39 b. Violation of this subsection with respect to
40 the following controlled substances, counterfeit
41 substances, or simulated controlled substances is a
42 class "B" felony, and in addition to the provisions of
43 section 902.9, subsection 2, shall be punished by a
44 fine of not less than five thousand dollars nor more
45 than one hundred thousand dollars:

46 (1) More than one hundred grams but not more than
47 one kilogram of a mixture or substance containing a
48 detectable amount of heroin.

49 (2) More than one hundred grams but not more than
50 five hundred grams of any of the following:

1 of coca leaves from which cocaine, ecgonine, and
2 derivatives of ecgonine ~~or~~ and their salts have been
3 removed.

4 (b) Cocaine, its salts, optical and geometric
5 isomers, ~~and~~ or salts of isomers.

6 (c) Ecgonine, its derivatives, their salts,
7 isomers, ~~and~~ or salts of isomers.

8 (d) Any compound, mixture, or preparation which
9 contains any quantity of any of the substances
10 referred to in subparagraph subdivisions (a) through
11 (c).

12 (3) Ten grams or less of a mixture or substance
13 described in subparagraph (2) which contains cocaine
14 base.

15 (4) Ten grams or less of phencyclidine (PCP) or
16 one hundred grams or less of a mixture or substance
17 containing a detectable amount of phencyclidine (PCP).

18 (5) More than fifty kilograms but not more than
19 one hundred kilograms of marijuana.

20 (6) Five grams or less of methamphetamine, its
21 salts, isomers, or salts of isomers, or analogs of
22 methamphetamine, or any compound, mixture, or
23 preparation which contains any quantity or detectable
24 amount of methamphetamine, its salts, isomers, or
25 salts of isomers, or analogs of methamphetamine.

26 (7) Five grams or less of amphetamine, its salts,
27 isomers, or salts of isomers, or any compound,
28 mixture, or preparation which contains any quantity or
29 detectable amount of amphetamine, its salts, isomers,
30 ~~and~~ or salts of isomers.

31 (8) Any other controlled substance, counterfeit
32 substance, or simulated controlled substance
33 classified in schedule I, II, or III.

34 Sec. ____ . Section 124.401C, subsection 1, Code
35 2005, is amended to read as follows:

36 1. In addition to any other penalties provided in
37 this chapter, a person who is eighteen years of age or
38 older and who either directly or by extraction from
39 natural substances, or independently by means of
40 chemical processes, or both, unlawfully manufactures
41 methamphetamine, its salts, isomers, ~~and~~ or salts of
42 its isomers in the presence of a minor shall be
43 sentenced up to an additional term of confinement of
44 five years. However, the additional term of
45 confinement shall not be imposed on a person who has
46 been convicted and sentenced for a child endangerment
47 offense under section 726.6, subsection 1, paragraph
48 "g", arising from the same facts."

49 3. Page 7, by inserting after line 24, the
50 following:

1 (a) Coca leaves, except coca leaves and extracts
2 of coca leaves from which cocaine, ecgonine, and
3 derivatives of ecgonine or their salts have been
4 removed.

5 (b) Cocaine, its salts, optical and geometric
6 isomers, and salts of isomers.

7 (c) Ecgonine, its derivatives, their salts,
8 isomers, and salts of isomers.

9 (d) Any compound, mixture, or preparation which
10 contains any quantity of any of the substances
11 referred to in subparagraph subdivisions (a) through
12 (c).

13 (3) More than ten grams but not more than fifty
14 grams of a mixture or substance described in
15 subparagraph (2) which contains cocaine base.

16 (4) More than ten grams but not more than one
17 hundred grams of phencyclidine (PCP) or more than one
18 hundred grams but not more than one kilogram of a
19 mixture or substance containing a detectable amount of
20 phencyclidine (PCP).

21 (5) Not more than ten grams of a mixture or
22 substance containing a detectable amount of lysergic
23 acid diethylamide (LSD).

24 (6) More than one hundred kilograms but not more
25 than one thousand kilograms of marijuana.

26 (7) More than five grams but not more than five
27 kilograms of methamphetamine, its salts, isomers, or
28 salts of isomers, or analogs of methamphetamine, or
29 any compound, mixture, or preparation which contains
30 any quantity or detectable amount of methamphetamine,
31 its salts, isomers, or salts of isomers, or analogs of
32 methamphetamine.

33 (8) More than five grams but not more than five
34 kilograms of amphetamine, its salts, isomers, or salts
35 of isomers, or any compound, mixture, or preparation
36 which contains any quantity or detectable amount of
37 amphetamine, its salts, isomers, ~~and~~ or salts of
38 isomers.

39 c. Violation of this subsection with respect to
40 the following controlled substances, counterfeit
41 substances, or simulated controlled substances is a
42 class "C" felony, and in addition to the provisions of
43 section 902.9, subsection 4, shall be punished by a
44 fine of not less than one thousand dollars nor more
45 than fifty thousand dollars:

46 (1) One hundred grams or less of a mixture or
47 substance containing a detectable amount of heroin.

48 (2) One hundred grams or less of any of the
49 following:

50 (a) Coca leaves, except coca leaves and extracts

1 "Sec. ____ . Section 192.102, Code 2005, is amended
 2 to read as follows:
 3 192.102 GRADE "A" PASTEURIZED MILK ORDINANCE.
 4 The department shall adopt, by rule, the "Grade 'A'
 5 Pasteurized Milk Ordinance, ~~2003~~ 2005 Revision",
 6 including a subsequent revision of the ordinance. If
 7 the ordinance specifies that compliance with a
 8 provision of the ordinance's appendices is mandatory,
 9 the department shall also adopt that provision. The
 10 department shall not amend the ordinance, unless the
 11 department explains each amendment and reasons for the
 12 amendment in the Iowa administrative bulletin when the
 13 rules are required to be published pursuant to chapter
 14 17A. The department shall administer this chapter
 15 consistent with the provisions of the ordinance."

16 4. Page 14, by inserting after line 2, the
 17 following:

18 "Sec. ____ . Section 258.1, Code 2005, is amended to
 19 read as follows:

20 258.1 FEDERAL ACT ACCEPTED.

21 The provisions of the Act of Congress entitled "~~An~~
 22 ~~Act to provide for the promotion of vocational~~
 23 ~~education; to provide for co-operation with the states~~
 24 ~~in the promotion of such education in agriculture and~~
 25 ~~in the trades and industries; to provide for co-~~
 26 ~~operation with the states in the preparation of~~
 27 ~~teachers of vocational subjects; and to appropriate~~
 28 ~~money and regulate its expenditure"~~, approved February
 29 23, 1917, [~~39 Stat. L. 929; 20 U.S.C., ch 2~~] known as
 30 the Carl D. Perkins Vocational and Technical
 31 Education Act of 1998, codified at 20 U.S.C. § 2301 et
 32 seq., originally known as the Vocational Education Act
 33 of 1963, and enacted December 18, 1963, as part A of
 34 Pub. L. No. 88-210, 77 Stat. 403, and all amendments
 35 thereto and the benefit of all funds appropriated
 36 under said Act and all other Acts pertaining to
 37 vocational education, are accepted."

38 5. By renumbering as necessary.

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

1 Section 1. Section 8A.222, subsection 4, Code 2005, is
2 amended by striking the subsection.

3 Sec. 2. Section 8A.324, subsection 2, unnumbered paragraph
4 2, Code Supplement 2005, is amended to read as follows:

5 A not-for-profit organization or governmental agency that
6 enters into an agreement with the director pursuant to this
7 subsection may sell or otherwise transfer the personal
8 property received from the department to any person that the
9 department would be able to sell or otherwise transfer such
10 property to under this chapter, including, but not limited to,
11 the general public. The authority granted to sell or
12 otherwise transfer personal property pursuant to this
13 paragraph supersedes any other restrictions applicable to the
14 not-for-profit organization or governmental entity agency, but
15 only for purposes of the personal property received from the
16 department.

17 Sec. 3. Section 12.72, subsection 4, paragraph d, Code
18 Supplement 2005, is amended to read as follows:

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

1 treasurer in the applicable bond reserve fund.

2 Sec. 4. Section 15E.351, subsection 3, paragraph c, Code
3 Supplement 2005, is amended to read as follows:

4 c. The business accelerator's professional staff with
5 demonstrated ~~disciplines~~ experience in all aspects of business
6 ~~experience~~ disciplines.

7 Sec. 5. Section 17A.18A, subsection 1, Code 2005, is
8 amended to read as follows:

9 1. Notwithstanding any other provision of this chapter and
10 to the extent consistent with the Constitution of the State of
11 Iowa and of the United States, an agency may use emergency
12 adjudicative proceedings in a situation involving an immediate
13 danger to the public health, safety, or welfare requiring
14 immediate agency action.

15 Sec. 6. Section 28.3, subsection 6, paragraph b, Code
16 Supplement 2005, is amended to read as follows:

17 b. In addition, a community empowerment office is
18 established as a division of the department of management to
19 provide a center for facilitation, communication, and
20 coordination for community empowerment activities and funding
21 and for improvement of the early care, education, health, and
22 human services systems. Staffing for the community
23 empowerment office shall be provided by a facilitator ~~or~~
24 ~~coordinator~~ appointed by the governor, subject to confirmation
25 by the senate, and who serves at the pleasure of the governor.
26 A deputy and support staff may be designated, subject to
27 appropriation made for this purpose. The facilitator ~~or~~
28 ~~coordinator~~ shall submit reports to the governor, the Iowa
29 board, and the general assembly. The facilitator ~~or~~
30 ~~coordinator~~ shall provide primary staffing to the board,
31 coordinate state technical assistance activities and
32 implementation of the technical assistance system, and other
33 communication and coordination functions to move authority and
34 decision-making responsibility from the state to communities
35 and individuals.

1 Sec. 7. Section 28.4, subsection 12, paragraph d, Code
2 Supplement 2005, is amended to read as follows:

3 d. The Iowa empowerment board shall regularly make
4 information available identifying community empowerment
5 funding and funding distributed for purposes of the early care
6 system. It is the intent of the general assembly that the
7 community empowerment area boards and the administrators of
8 the early care programs located within the community
9 empowerment areas that are supported by public funding shall
10 fully cooperate with one another in order to avoid
11 duplication, enhance efforts, combine planning, and take other
12 steps to best utilize the funding to meet the needs of the
13 families in the areas. The community empowerment area boards
14 and the program administrators shall annually submit a report
15 concerning such efforts to the community empowerment office.
16 If a community empowerment area is receiving a school ready
17 children grant, this report shall be an addendum to the annual
18 report required under section 28.8. The state community
19 empowerment facilitator ~~or-coordinator~~ shall compile and
20 summarize the reports which shall be submitted to the
21 governor, general assembly, and Iowa board.

22 Sec. 8. Section 28J.7, subsection 3, paragraphs a and b,
23 Code Supplement 2005, are amended to read as follows:

24 a. A port authority may provide for the administration and
25 enforcement of the laws of the state by employing peace
26 officers who shall have all the powers conferred by law on
27 peace officers of this state with regard to the apprehension
28 of violators upon all property under its control within and
29 without the port authority. The peace officers may seek the
30 assistance of other appropriate law enforcement officers to
31 enforce its port authority rules and maintain order.

32 b. Peace officers employed by a port authority shall meet
33 all requirements as established for police officers appointed
34 under the-civil-service-law-of chapter 400 and shall
35 participate-in-the-retirement-system-established-by be

1 considered police officers for the purposes of chapter 411.

2 Sec. 9. Section 29B.100, Code 2005, is amended to read as
3 follows:

4 29B.100 CAPTURED OR ABANDONED PROPERTY.

5 1. All persons subject to this code shall secure all
6 public property taken from the enemy for the service of the
7 United States, and shall give notice and turn over to the
8 proper authority without delay all captured or abandoned
9 property in their possession, custody or control.

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

13 1- a. Fails to carry out the duties prescribed herein.

14 2- b. Buys, sells, trades, or in any way deals in or
15 disposes of captured or abandoned property, whereby the person
16 receives or expects any profit, benefit or advantage to the
17 person or another directly or indirectly connected with the
18 person;--and.

19 3- c. Engages in looting or pillaging;--shall-be-punished
20 as-a-court-martial-may-direct.

21 Sec. 10. Section 35.10, Code Supplement 2005, is amended
22 to read as follows:

23 35.10 ELIGIBILITY AND PAYMENT OF AID.

24 Eligibility for aid shall be determined upon application to
25 the department of veterans affairs, whose decision is final.
26 The eligibility of eligible applicants shall be certified by
27 the department of veterans affairs to the director of the
28 department of administrative services, and all amounts that
29 are or become due to an individual or a training institution
30 under this chapter shall be paid to the individual or
31 institution by the director of the department of
32 administrative services upon receipt by the director of
33 certification by the president or governing board of the
34 educational or training institution as to accuracy of charges
35 made, and as to the attendance of the individual at the

1 educational or training institution. The department of
2 veterans affairs may pay over the annual sum of four six
3 hundred dollars to the educational or training institution in
4 a lump sum, or in installments as the circumstances warrant,
5 upon receiving from the institution such written undertaking
6 as the department may require to assure the use of funds for
7 the child for the authorized purposes and for no other
8 purpose. A person is not eligible for the benefits of this
9 chapter until the person has graduated from a high school or
10 educational institution offering a course of training
11 equivalent to high school training.

12 Sec. 11. Section 63.6, Code 2005, is amended to read as
13 follows:

14 63.6 JUDGES.

15 All judges of courts of record shall qualify before taking
16 office following appointment by taking and subscribing an oath
17 to the effect that they will support the Constitution of the
18 United States and that the Constitution of the state State of
19 Iowa, and that, without fear, favor, affection, or hope of
20 reward, they will, to the best of their knowledge and ability,
21 administer justice according to the law, equally to the rich
22 and the poor.

23 Sec. 12. Section 124.401, subsection 1, paragraphs a
24 through c, Code 2005, are amended to read as follows:

25 a. Violation of this subsection, with respect to the
26 following controlled substances, counterfeit substances, or
27 simulated controlled substances is a class "B" felony, and
28 notwithstanding section 902.9, subsection 2, shall be punished
29 by confinement for no more than fifty years and a fine of not
30 more than one million dollars:

31 (1) More than one kilogram of a mixture or substance
32 containing a detectable amount of heroin.

33 (2) More than five hundred grams of a mixture or substance
34 containing a detectable amount of any of the following:

35 (a) Coca leaves, except coca leaves and extracts of coca

1 leaves from which cocaine, ecgonine, and derivatives of
2 ecgonine or and their salts have been removed.

3 (b) Cocaine, its salts, optical and geometric isomers, and
4 or salts of isomers.

5 (c) Ecgonine, its derivatives, their salts, isomers, and
6 or salts of isomers.

7 (d) Any compound, mixture, or preparation which contains
8 any quantity of any of the substances referred to in
9 subparagraph subdivisions (a) through (c).

10 (3) More than fifty grams of a mixture or substance
11 described in subparagraph (2) which contains cocaine base.

12 (4) More than one hundred grams of phencyclidine (PCP) or
13 one kilogram or more of a mixture or substance containing a
14 detectable amount of phencyclidine (PCP).

15 (5) More than ten grams of a mixture or substance
16 containing a detectable amount of lysergic acid diethylamide
17 (LSD).

18 (6) More than one thousand kilograms of a mixture or
19 substance containing a detectable amount of marijuana.

20 (7) More than five kilograms of a mixture or substance
21 containing a detectable amount of any of the following:

22 (a) Methamphetamine, its salts, isomers, or salts of
23 isomers.

24 (b) Amphetamine, its salts, isomers, and salts of isomers.

25 (c) Any compound, mixture, or preparation which contains
26 any quantity of any of the substances referred to in
27 subparagraph subdivisions (a) and (b).

28 b. Violation of this subsection with respect to the
29 following controlled substances, counterfeit substances, or
30 simulated controlled substances is a class "B" felony, and in
31 addition to the provisions of section 902.9, subsection 2,
32 shall be punished by a fine of not less than five thousand
33 dollars nor more than one hundred thousand dollars:

34 (1) More than one hundred grams but not more than one
35 kilogram of a mixture or substance containing a detectable

1 amount of heroin.

2 (2) More than one hundred grams but not more than five
3 hundred grams of any of the following:

4 (a) Coca leaves, except coca leaves and extracts of coca
5 leaves from which cocaine, ecgonine, and derivatives of
6 ecgonine or their salts have been removed.

7 (b) Cocaine, its salts, optical and geometric isomers, and
8 salts of isomers.

9 (c) Ecgonine, its derivatives, their salts, isomers, and
10 salts of isomers.

11 (d) Any compound, mixture, or preparation which contains
12 any quantity of any of the substances referred to in
13 subparagraph subdivisions (a) through (c).

14 (3) More than ten grams but not more than fifty grams of a
15 mixture or substance described in subparagraph (2) which
16 contains cocaine base.

17 (4) More than ten grams but not more than one hundred
18 grams of phencyclidine (PCP) or more than one hundred grams
19 but not more than one kilogram of a mixture or substance
20 containing a detectable amount of phencyclidine (PCP).

21 (5) Not more than ten grams of a mixture or substance
22 containing a detectable amount of lysergic acid diethylamide
23 (LSD).

24 (6) More than one hundred kilograms but not more than one
25 thousand kilograms of marijuana.

26 (7) More than five grams but not more than five kilograms
27 of methamphetamine, its salts, isomers, or salts of isomers,
28 or analogs of methamphetamine, or any compound, mixture, or
29 preparation which contains any quantity or detectable amount
30 of methamphetamine, its salts, isomers, or salts of isomers,
31 or analogs of methamphetamine.

32 (8) More than five grams but not more than five kilograms
33 of amphetamine, its salts, isomers, or salts of isomers, or
34 any compound, mixture, or preparation which contains any
35 quantity or detectable amount of amphetamine, its salts,

1 isomers, and or salts of isomers.

2 c. Violation of this subsection with respect to the
3 following controlled substances, counterfeit substances, or
4 simulated controlled substances is a class "C" felony, and in
5 addition to the provisions of section 902.9, subsection 4,
6 shall be punished by a fine of not less than one thousand
7 dollars nor more than fifty thousand dollars:

8 (1) One hundred grams or less of a mixture or substance
9 containing a detectable amount of heroin.

10 (2) One hundred grams or less of any of the following:

11 (a) Coca leaves, except coca leaves and extracts of coca
12 leaves from which cocaine, ecgonine, and derivatives of
13 ecgonine or and their salts have been removed.

14 (b) Cocaine, its salts, optical and geometric isomers, and
15 or salts of isomers.

16 (c) Ecgonine, its derivatives, their salts, isomers, and
17 or salts of isomers.

18 (d) Any compound, mixture, or preparation which contains
19 any quantity of any of the substances referred to in
20 subparagraph subdivisions (a) through (c).

21 (3) Ten grams or less of a mixture or substance described
22 in subparagraph (2) which contains cocaine base.

23 (4) Ten grams or less of phencyclidine (PCP) or one
24 hundred grams or less of a mixture or substance containing a
25 detectable amount of phencyclidine (PCP).

26 (5) More than fifty kilograms but not more than one
27 hundred kilograms of marijuana.

28 (6) Five grams or less of methamphetamine, its salts,
29 isomers, or salts of isomers, or analogs of methamphetamine,
30 or any compound, mixture, or preparation which contains any
31 quantity or detectable amount of methamphetamine, its salts,
32 isomers, or salts of isomers, or analogs of methamphetamine.

33 (7) Five grams or less of amphetamine, its salts, isomers,
34 or salts of isomers, or any compound, mixture, or preparation
35 which contains any quantity or detectable amount of

1 amphetamine, its salts, isomers, and or salts of isomers.

2 (8) Any other controlled substance, counterfeit substance,
3 or simulated controlled substance classified in schedule I,
4 II, or III.

5 Sec. 13. Section 124.401C, subsection 1, Code 2005, is
6 amended to read as follows:

7 1. In addition to any other penalties provided in this
8 chapter, a person who is eighteen years of age or older and
9 who either directly or by extraction from natural substances,
10 or independently by means of chemical processes, or both,
11 unlawfully manufactures methamphetamine, its salts, isomers,
12 and or salts of its isomers in the presence of a minor shall
13 be sentenced up to an additional term of confinement of five
14 years. However, the additional term of confinement shall not
15 be imposed on a person who has been convicted and sentenced
16 for a child endangerment offense under section 726.6,
17 subsection 1, paragraph "g", arising from the same facts.

18 Sec. 14. Section 142C.15, subsection 4, paragraph a, Code
19 Supplement 2005, is amended to read as follows:

20 a. Not more than twenty percent of the moneys in the fund
21 annually may be expended in the form of grants to state
22 agencies or to nonprofit legal entities with an interest in
23 anatomical gift public awareness and transplantation to
24 conduct public awareness projects. Moneys remaining that were
25 not requested and awarded for public awareness projects may be
26 used for research, or to develop and support a statewide organ
27 and tissue donor registry. Grants shall be made based upon
28 the submission of a grant application by an agency or entity
29 to conduct a public awareness project or to research, or
30 develop, and support a statewide organ and tissue donor
31 registry.

32 Sec. 15. Section 152.7, unnumbered paragraph 2, Code
33 Supplement 2005, is amended to read as follows:

34 For purposes of licensure pursuant to the nurse licensure
35 compact contained in section 152E.1 ~~or-pursuant-to-the~~

1 ~~advanced-practice-registered-nurse-compact-contained-in~~
2 ~~section-152E.3~~, the compact administrator may refuse to accept
3 a change in the qualifications for licensure as a registered
4 nurse or as a licensed practical or vocational nurse by a
5 licensing authority in another state which is a party to the
6 compact which substantially modifies that state's
7 qualifications for licensure in effect on July 1, 2000. For
8 purposes of licensure pursuant to the advanced practice
9 registered nurse compact contained in section 152E.3, the
10 compact administrator may refuse to accept a change in the
11 qualifications for licensure as an advanced practice
12 registered nurse by a licensing authority in another state
13 which is a party to the compact which substantially modifies
14 that state's qualifications for licensure in effect on July 1,
15 2005. A refusal to accept a change in a party state's
16 qualifications for licensure may result in submitting the
17 issue to an arbitration panel or in withdrawal from the
18 respective compact, at the discretion of the compact
19 administrator.

20 Sec. 16. Section 159.5, subsection 9, Code 2005, is
21 amended to read as follows:

22 9. Inspect and supervise all food meat, poultry, or dairy
23 producing or distributing establishments including the
24 furniture, fixtures, utensils, machinery, and other equipment
25 so as to prevent the production, preparation, packing,
26 storage, or transportation of food meat, poultry, or dairy
27 products in a manner detrimental to its the character or
28 quality of those products.

29 Sec. 17. Section 181.13, subsection 1, Code 2005, is
30 amended to read as follows:

31 1. All state assessments imposed under this chapter shall
32 be paid to and collected by the council and deposited with the
33 treasurer of state in a separate cattle promotion fund which
34 shall be created by the treasurer of state. The department of
35 administrative services shall transfer moneys from the fund to

1 the council for deposit into an account established by the
2 council in a qualified financial institution. The department
3 shall transfer the moneys as provided in a resolution adopted
4 by the council. However, the department is only required to
5 transfer moneys once during each day and only during hours
6 when the offices of the state are open. From the moneys
7 collected, deposited, and transferred to the council, in
8 accordance with the provisions of this chapter, the council
9 shall first pay the costs of referendums held pursuant to this
10 chapter, the costs of collection of such state assessments,
11 and the expenses of its agents. ~~Except-as-otherwise-provided~~
12 ~~in-section-181-197-at~~ At least ten percent of the remaining
13 moneys shall be remitted to the association in proportions
14 determined by the council, for use in a manner not
15 inconsistent with section 181.7. The remaining moneys, with
16 approval of a majority of the council, shall be expended as
17 the council finds necessary to carry out the provisions and
18 purposes of this chapter. However, in no event shall the
19 total expenses exceed the total amount transferred from the
20 fund for use by the council.

21 Sec. 18. Section 185.26, subsection 1, Code Supplement
22 2005, is amended to read as follows:

23 1. The state assessment collected by the board shall be
24 deposited in a special fund known as the soybean promotion
25 fund, in the office of the treasurer of state. The fund may
26 also contain any gifts, or federal or state grant received by
27 the board. Moneys collected, deposited into the fund, and
28 transferred to the board, as provided in this chapter, shall
29 be subject to audit by the auditor of state. The department
30 of administrative services shall transfer moneys from the fund
31 to the board for deposit into an account known as the soybean
32 checkoff account which shall be established by the board in a
33 qualified financial institution. The department shall
34 transfer the moneys into the account as provided in a
35 resolution adopted by the board. However, the department is

1 only required to transfer moneys once during each day and only
2 during hours when the offices of the state are open. From
3 moneys collected, deposited, and transferred to the soybean
4 checkoff account as provided in this section, the board shall
5 first pay the costs of referendums, elections, and other
6 expenses incurred in the administration of this chapter,
7 before moneys may be expended to carry out the purposes of the
8 board as provided in section 185.11. The association board
9 shall strictly segregate moneys in the soybean checkoff
10 account from all other moneys of the association board.
11 Moneys in the soybean checkoff account shall be expended by
12 the board exclusively for carrying out the purposes of the
13 board as provided in section 185.11. The account shall be
14 subject to audit by the auditor of state.

15 Sec. 19. Section 192.102, Code 2005, is amended to read as
16 follows:

17 192.102 GRADE "A" PASTEURIZED MILK ORDINANCE.

18 The department shall adopt, by rule, the "Grade 'A'
19 Pasteurized Milk Ordinance, 2003 2005 Revision", including a
20 subsequent revision of the ordinance. If the ordinance
21 specifies that compliance with a provision of the ordinance's
22 appendices is mandatory, the department shall also adopt that
23 provision. The department shall not amend the ordinance,
24 unless the department explains each amendment and reasons for
25 the amendment in the Iowa administrative bulletin when the
26 rules are required to be published pursuant to chapter 17A.
27 The department shall administer this chapter consistent with
28 the provisions of the ordinance.

29 Sec. 20. Section 202.1, subsection 4, Code 2005, is
30 amended to read as follows:

31 4. "Contract livestock facility" means an animal feeding
32 operation as defined in section 459.102, in which livestock or
33 raw milk is produced according to a production contract
34 executed pursuant to section 202.2 by a contract producer who
35 holds a legal interest in the animal feeding operation.

1 "Contract livestock facility" includes a confinement feeding
2 operation as defined in section 459.102, an open feedlot
3 operation as defined in section 459A.102, or an area which is
4 used for the raising of crops or other vegetation and upon
5 which livestock is fed for slaughter or is allowed to graze or
6 feed.

7 Sec. 21. Section 202.1, subsection 11, Code 2005, is
8 amended by striking the subsection.

9 Sec. 22. Section 229.19, Code 2005, is amended to read as
10 follows:

11 229.19 ADVOCATES -- DUTIES -- COMPENSATION -- STATE AND
12 COUNTY LIABILITY.

13 1. The district court in each county with a population of
14 under three hundred thousand inhabitants and the board of
15 supervisors in each county with a population of three hundred
16 thousand or more inhabitants shall appoint an individual who
17 has demonstrated by prior activities an informed concern for
18 the welfare and rehabilitation of persons with mental illness,
19 and who is not an officer or employee of the department of
20 human services nor of any agency or facility providing care or
21 treatment to persons with mental illness, to act as advocate
22 representing the interests of patients involuntarily
23 hospitalized by the court, in any matter relating to the
24 patients' hospitalization or treatment under section 229.14 or
25 229.15. The court or, if the advocate is appointed by the
26 county board of supervisors, the board shall assign the
27 advocate appointed from a patient's county of legal settlement
28 to represent the interests of the patient. If a patient has
29 no county of legal settlement, the court or, if the advocate
30 is appointed by the county board of supervisors, the board
31 shall assign the advocate appointed from the county where the
32 hospital or facility is located to represent the interests of
33 the patient. The advocate's responsibility with respect to
34 any patient shall begin at whatever time the attorney employed
35 or appointed to represent that patient as respondent in

1 hospitalization proceedings, conducted under sections 229.6 to
2 229.13, reports to the court that the attorney's services are
3 no longer required and requests the court's approval to
4 withdraw as counsel for that patient. However, if the patient
5 is found to be seriously mentally impaired at the
6 hospitalization hearing, the attorney representing the patient
7 shall automatically be relieved of responsibility in the case
8 and an advocate shall be assigned to the patient at the
9 conclusion of the hearing unless the attorney indicates an
10 intent to continue the attorney's services and the court so
11 directs. If the court directs the attorney to remain on the
12 case the attorney shall assume all the duties of an advocate.
13 The clerk shall furnish the advocate with a copy of the
14 court's order approving the withdrawal and shall inform the
15 patient of the name of the patient's advocate. With regard to
16 each patient whose interests the advocate is required to
17 represent pursuant to this section, the advocate's duties
18 shall include all of the following:

- 19 1- a. To review each report submitted pursuant to
20 sections 229.14 and 229.15.
- 21 2- b. If the advocate is not an attorney, to advise the
22 court at any time it appears that the services of an attorney
23 are required to properly safeguard the patient's interests.
- 24 3- c. To make the advocate readily accessible to
25 communications from the patient and to originate
26 communications with the patient within five days of the
27 patient's commitment.
- 28 4- d. To visit the patient within fifteen days of the
29 patient's commitment and periodically thereafter.
- 30 5- e. To communicate with medical personnel treating the
31 patient and to review the patient's medical records pursuant
32 to section 229.25.
- 33 6- f. To file with the court quarterly reports, and
34 additional reports as the advocate feels necessary or as
35 required by the court, in a form prescribed by the court. The

1 reports shall state what actions the advocate has taken with
2 respect to each patient and the amount of time spent.

3 2. The hospital or facility to which a patient is
4 committed shall grant all reasonable requests of the advocate
5 to visit the patient, to communicate with medical personnel
6 treating the patient and to review the patient's medical
7 records pursuant to section 229.25. An advocate shall not
8 disseminate information from a patient's medical records to
9 any other person unless done for official purposes in
10 connection with the advocate's duties pursuant to this chapter
11 or when required by law.

12 3. The court or, if the advocate is appointed by the
13 county board of supervisors, the board shall prescribe
14 reasonable compensation for the services of the advocate. The
15 compensation shall be based upon the reports filed by the
16 advocate with the court. The advocate's compensation shall be
17 paid by the county in which the court is located, either on
18 order of the court or, if the advocate is appointed by the
19 county board of supervisors, on the direction of the board.
20 If the advocate is appointed by the court, the advocate is an
21 employee of the state for purposes of chapter 669. If the
22 advocate is appointed by the county board of supervisors, the
23 advocate is an employee of the county for purposes of chapter
24 670. If the patient or the person who is legally liable for
25 the patient's support is not indigent, the board shall recover
26 the costs of compensating the advocate from that person. If
27 that person has an income level as determined pursuant to
28 section 815.9 greater than one hundred percent but not more
29 than one hundred fifty percent of the poverty guidelines, at
30 least one hundred dollars of the advocate's compensation shall
31 be recovered in the manner prescribed by the county board of
32 supervisors. If that person has an income level as determined
33 pursuant to section 815.9 greater than one hundred fifty
34 percent of the poverty guidelines, at least two hundred
35 dollars of the advocate's compensation shall be recovered in

1 substantially the same manner prescribed by the county board
2 of supervisors as provided in section ~~815-7~~ 815.9.

3 Sec. 23. Section 231B.10, subsection 1, paragraph g, Code
4 Supplement 2005, is amended to read as follows:

5 g. In the case of any officer, member of the board of
6 directors, trustee, or designated manager of the elder group
7 home or any stockholder, partner, or individual who has
8 greater than a five percent equity interest in the elder group
9 home, ~~who-has~~ having or ~~has~~ having had an ownership interest
10 in an elder group home, assisted living or adult day services
11 program, home health agency, residential care facility, or
12 licensed nursing facility in this or any state which has been
13 closed due to removal of program, agency, or facility
14 licensure or certification or involuntary termination from
15 participation in either the medical assistance or Medicare
16 programs, or ~~who-has~~ having been found to have failed to
17 provide adequate protection or services for tenants to prevent
18 abuse or neglect.

19 Sec. 24. Section 231C.10, subsection 1, paragraph g, Code
20 Supplement 2005, is amended to read as follows:

21 g. In the case of any officer, member of the board of
22 directors, trustee, or designated manager of the program or
23 any stockholder, partner, or individual who has greater than a
24 five percent equity interest in the program, ~~who-has~~ having or
25 ~~has~~ having had an ownership interest in an assisted living
26 program, adult day services program, elder group home, home
27 health agency, residential care facility, or licensed nursing
28 facility in any state which has been closed due to removal of
29 program, agency, or facility licensure or certification or
30 involuntary termination from participation in either the
31 medical assistance or Medicare programs, or ~~who-has~~ having
32 been found to have failed to provide adequate protection or
33 services for tenants to prevent abuse or neglect.

34 Sec. 25. Section 231D.5, subsection 1, paragraph h, Code
35 Supplement 2005, is amended to read as follows:

1 h. In the case of any officer, member of the board of
2 directors, trustee, or designated manager of the program or
3 any stockholder, partner, or individual who has greater than a
4 five percent equity interest in the program, ~~who-has~~ having or
5 ~~has~~ having had an ownership interest in an adult day services
6 program, assisted living program, elder group home, home
7 health agency, residential care facility, or licensed nursing
8 facility in any state which has been closed due to removal of
9 program, agency, or facility licensure or certification or
10 involuntary termination from participation in either the
11 medical assistance or Medicare programs, or ~~who-has~~ having
12 been found to have failed to provide adequate protection or
13 services for participants to prevent abuse or neglect.

14 Sec. 26. Section 235B.2, subsection 5, paragraph b,
15 subparagraph (3), Code Supplement 2005, is amended to read as
16 follows:

17 (3) The withholding or withdrawing of health care from a
18 dependent adult who is terminally ill in the opinion of a
19 licensed physician, when the withholding or withdrawing of
20 health care is done at the request of the dependent adult or
21 at the request of the dependent adult's next of kin, attorney
22 in fact, or guardian pursuant to the applicable procedures
23 under chapter 125, 144A, 144B, 222, 229, or 633.

24 Sec. 27. Section 235B.3, subsection 2, unnumbered
25 paragraph 1, Code 2005, is amended to read as follows:

26 A person who, in the course of employment, examines,
27 attends, counsels, or treats a dependent adult and reasonably
28 believes the dependent adult has suffered abuse, shall report
29 the suspected dependent adult abuse to the department
30 including. Persons required to report include all of the
31 following:

32 Sec. 28. Section 235B.6, subsection 2, paragraph d,
33 subparagraph (2), Code Supplement 2005, is amended to read as
34 follows:

35 (2) A court or **administrative** agency hearing an appeal for

1 correction of dependent adult abuse information as provided in
2 section 235B.10.

3 Sec. 29. Section 249J.14, subsection 8, Code Supplement
4 2005, is amended to read as follows:

5 8. REPORTS. The department shall report on a quarterly
6 basis to the medical assistance projections and assessment
7 council established pursuant to section 249J.20 and the
8 medical assistance advisory council created pursuant to
9 section ~~249A.4,--subsection-8~~ 249A.4B, regarding the health
10 promotion partnerships described in this section. To the
11 greatest extent feasible, and if applicable to a data set, the
12 data reported shall include demographic information concerning
13 the population served including but not limited to factors,
14 such as race and economic status, as specified by the
15 department.

16 Sec. 30. Section 249J.18, subsection 2, Code Supplement
17 2005, is amended to read as follows:

18 2. The medical director of the Iowa Medicaid enterprise
19 shall report on a quarterly basis to the medical assistance
20 projections and assessment council established pursuant to
21 section 249J.20 and the medical assistance advisory council
22 created pursuant to section ~~249A.4,--subsection-8~~ 249A.4B, any
23 recommendations made by the panel and adopted by rule of the
24 department pursuant to chapter 17A regarding clinically
25 appropriate health care utilization management and coverage
26 under the medical assistance program and the expansion
27 population.

28 Sec. 31. Section 256.40, subsection 2, unnumbered
29 paragraph 1, Code Supplement 2005, is amended to read as
30 follows:

31 The purpose of the program shall be to build a seamless
32 ~~system-of~~ career, future workforce, and economic development
33 system in Iowa to accomplish all of the following:

34 Sec. 32. Section 256B.15, subsection 9, Code 2005, is
35 amended to read as follows:

1 9. The department of education and the department of human
2 services shall adopt rules to implement this section ~~to be~~
3 ~~effective immediately upon filing with the administrative~~
4 ~~rules coordinator, or at a stated date prior to indexing and~~
5 ~~publication, or at a stated date less than thirty-five days~~
6 ~~after filing, indexing, and publication.~~

7 Sec. 33. Section 258.1, Code 2005, is amended to read as
8 follows:

9 258.1 FEDERAL ACT ACCEPTED.

10 The provisions of the Act of Congress entitled "An Act to
11 provide for the promotion of vocational education, to provide
12 for co-operation with the states in the promotion of such
13 education in agriculture and in the trades and industries, to
14 provide for co-operation with the states in the preparation of
15 teachers of vocational subjects, and to appropriate money and
16 regulate its expenditure", approved February 23, 1917, [39
17 Stat. B. 929, 20 U.S.C. 7-ch-2] known as the Carl D. Perkins
18 Vocational and Technical Education Act of 1998, codified at 20
19 U.S.C. § 2301 et seq., originally known as the Vocational
20 Education Act of 1963, and enacted December 18, 1963, as part
21 A of Pub. L. No. 88-210, 77 Stat. 403, and all amendments
22 thereto and the benefit of all funds appropriated under said
23 Act and all other Acts pertaining to vocational education, are
24 accepted.

25 Sec. 34. Section 266.27, Code 2005, is amended to read as
26 follows:

27 266.27 ACT ACCEPTED.

28 The assent of the legislature general assembly of the state
29 of Iowa is hereby given to the provisions and requirements of
30 the congressional Smith-Lever Act, 38 Stat. 372-374, approved
31 May 22 18, 1928 1914, commonly known as the Capper-Ketcham and
32 any amendments to that Act, [45 Stat. B. 711], codified at 7
33 U.S.C. § 341 et seq.] -- 349.

34 Sec. 35. Section 321.177, subsection 10, Code 2005, is
35 amended by striking the subsection.

1 Sec. 36. Section 321.218, subsection 3, unnumbered
2 paragraph 1, Code Supplement 2005, is amended to read as
3 follows:

4 The department, upon receiving the record of the conviction
5 of a person under this section upon a charge of operating a
6 motor vehicle while the license of the person is suspended or
7 revoked, shall, except for licenses suspended under section
8 252J.8, 321.210, subsection 1, paragraph "c", or section
9 321.210A~~7~~-321~~7~~-210B~~7~~ or 321.513, extend the period of
10 suspension or revocation for an additional like period, and
11 the department shall not issue a new driver's license to the
12 person during the additional period.

13 Sec. 37. Section 321I.10, subsection 5, Code Supplement
14 2005, is amended to read as follows:

15 5. The state department of transportation may issue a
16 permit to a state agency, a county, or a city to allow an all-
17 terrain vehicle trail to cross a primary highway. The trail
18 crossing shall be part of an all-terrain vehicle trail
19 designated by the state agency, county, or city. A permit
20 shall be issued only if the crossing can be accomplished in a
21 safe manner and allows for adequate sight distance for both
22 motorists and all-terrain vehicle operators. The state
23 department of transportation may adopt rules to administer
24 this subsection.

25 Sec. 38. Section 331.605, subsection 4, Code 2005, is
26 amended to read as follows:

27 4. For the issuance of snowmobile registrations and user
28 permits, the fees specified in section sections 321G.4 and
29 321G.4A.

30 Sec. 39. Section 423.1, subsection 30, Code Supplement
31 2005, is amended to read as follows:

32 30. "Nonresidential commercial operations" means
33 industrial, commercial, mining, or agricultural operations,
34 whether for profit or not, but does not include apartment
35 complexes, manufactured home communities, or mobile home

1 parks.

2 Sec. 40. Section 441.11, Code 2005, is amended to read as
3 follows:

4 441.11 INCUMBENT DEPUTY ASSESSORS.

5 ~~The director of revenue shall grant a restricted~~
6 ~~certificate to any deputy assessor holding office as of~~
7 ~~January 17, 1976.~~ A deputy assessor ~~possessing such a~~
8 ~~certificate~~ shall be considered eligible to remain in the
9 deputy's present position provided continuing education
10 requirements are met. To become eligible for another deputy
11 assessor position, a deputy assessor presently holding office
12 is required to obtain certification as provided for in
13 sections 441.5 and 441.10. The number of credit hours
14 required for certification as eligible for appointment as a
15 deputy in a jurisdiction other than where the deputy is
16 currently serving shall be prorated according to the completed
17 portion of the deputy's six-year continuing education period.

18 Sec. 41. Section 453A.22, subsection 3, Code Supplement
19 2005, is amended to read as follows:

20 3. If an employee of a retailer violates section 453A.2,
21 subsection 1, the retailer shall not be assessed a penalty
22 under subsection 2, and the violation shall be deemed not to
23 be a violation of section 453A.2, subsection 1, for the
24 purpose of determining the number of violations for which a
25 penalty may be assessed pursuant to subsection 2, if the
26 employee holds a valid certificate of completion of the
27 tobacco compliance employee training program pursuant to
28 section 453A.5 at the time of the violation. A retailer may
29 assert only once in a four-year period the bar under ~~either~~
30 ~~this subsection or subsection 4~~ against assessment of a
31 penalty pursuant to subsection 2, for a violation of section
32 453A.2, that takes place at the same place of business
33 location.

34 Sec. 42. Section 455B.306, subsection 2, unnumbered
35 paragraph 1, Code Supplement 2005, is amended to read as

1 follows:

2 A planning area that closes all of the municipal solid
3 waste sanitary landfills located in the planning area and
4 chooses to use a municipal solid waste sanitary landfill in
5 another planning area that complies with all requirements
6 under subtitle D of the federal Resource Conservation and
7 Recovery Act, with all solid waste generated within the
8 planning area being consolidated at and transported from a
9 permitted transfer station, may elect to retain autonomy as a
10 planning area and shall not be required to join the planning
11 area where the landfill being used for final disposal of solid
12 waste is located. If a planning area makes the election under
13 this subsection, the planning area receiving the solid waste
14 from the planning area making the election shall not be
15 required to include the planning area making the election in a
16 comprehensive plan provided no services are shared between the
17 two planning areas other than the acceptance of solid waste
18 for disposal at a sanitary landfill. The planning area
19 receiving the solid waste shall only be responsible for the
20 permitting, planning, and waste reduction and diversion
21 programs in the planning area receiving the solid waste. If
22 the department determines that solid waste cannot reasonably
23 be consolidated and transported from a particular transfer
24 station, the department may establish permit conditions to
25 address the transport and disposal of the solid waste. An
26 election may be made under this subsection only if the two
27 comprehensive planning areas enter into an agreement pursuant
28 to chapter 28E that includes, at a minimum, all of the
29 following:

30 Sec. 43. Section 455I.5, subsection 4, Code Supplement
31 2005, is amended to read as follows:

32 4. This chapter does not invalidate or render
33 unenforceable any interest, whether designated as an
34 environmental covenant or other interest, that was created
35 prior to ~~the enactment of this chapter~~ July 1, 2005, or that

1 is otherwise enforceable under the laws of this state.

2 Sec. 44. Section 455I.11, subsection 1, paragraph b, Code
3 Supplement 2005, is amended to read as follows:

4 b. The agency or, if ~~it~~ the agency is not the agency with
5 authority to determine or approve the environmental response
6 project, the department of natural resources.

7 Sec. 45. Section 459A.103, subsection 7, paragraph b, Code
8 Supplement 2005, is amended to read as follows:

9 b. If a drainage tile line to artificially lower the
10 seasonal high-water table is installed as ~~required-by-this~~
11 provided in section 459A.302, the level to which the seasonal
12 high-water table will be lowered will be the seasonal high-
13 water table.

14 Sec. 46. Section 459A.208, subsection 4, Code Supplement
15 2005, is amended to read as follows:

16 4. The department shall not approve an application for a
17 permit to construct a settled open feedlot effluent basin
18 unless the owner of the open feedlot operation applying for
19 approval submits a nutrient management plan together with the
20 application for the construction permit as provided in section
21 459A.205. The owner shall also submit proof that the owner
22 has published a notice for public comment as provided in this
23 section. The department shall approve or disapprove the
24 nutrient management plan as provided in section 459A.201. **A**
25 ~~nutrient-management-plan-using-an-alternative-technology~~
26 ~~system-shall-not-include-requirements-for-settled-effluent~~
27 ~~that-enters-the-alternative-technology-system.~~

28 Sec. 47. Section 459A.208, subsection 6, Code Supplement
29 2005, is amended to read as follows:

30 6. A nutrient management plan must be authenticated by the
31 owner of the ~~animal-feeding~~ open feedlot operation as required
32 by the department in accordance with section 459A.201.

33 Sec. 48. Section 465C.1, subsection 4, Code 2005, is
34 amended to read as follows:

35 4. "Dedication" means the allocation of an area as a

1 preserve by a public **administrative** agency or by a private
2 owner by written stipulation in a form approved by the state
3 advisory board for preserves.

4 Sec. 49. Section 465C.9, unnumbered paragraph 1, Code
5 2005, is amended to read as follows:

6 The public **administrative** agency or private owner shall
7 complete articles of dedication on forms approved by the
8 board. When the articles of dedication have been approved by
9 the governor the board shall record them with the county
10 recorder for the county or counties in which the area is
11 located.

12 Sec. 50. Section 465C.10, Code 2005, is amended to read as
13 follows:

14 465C.10 WHEN DEDICATED AS A PRESERVE.

15 An area shall become a preserve when it has been approved
16 by the board for dedication as a preserve, whether in public
17 or private ownership, formally dedicated as a preserve within
18 the system by a public **administrative** agency or private owner
19 and designated by the governor as a preserve.

20 Sec. 51. Section 476.6, subsection 22, paragraph g, Code
21 2005, is amended by striking the paragraph.

22 Sec. 52. Section 501A.103, Code Supplement 2005, is
23 amended to read as follows:

24 501A.103 REQUIREMENTS FOR SIGNATURES ON DOCUMENTS.

25 A document is signed when a person has ~~written~~ affixed the
26 person's name on a document. A person authorized to do so by
27 this chapter, the articles or bylaws, or by a resolution
28 approved by the directors or the members must sign the
29 document. A signature on a document may be a facsimile
30 affixed, engraved, printed, placed, stamped with indelible
31 ink, transmitted by facsimile or electronically, or in any
32 other manner reproduced on the document.

33 Sec. 53. Section 501A.503, subsection 2, paragraph c, Code
34 Supplement 2005, is amended to read as follows:

35 c. The secretary ~~shall~~ will issue an acknowledgment to the

1 cooperative.

2 Sec. 54. Section 501A.603, subsection 6, Code Supplement
3 2005, is amended to read as follows:

4 6. PENALTIES FOR CONTRACT INTERFERENCE. A person who
5 knowingly induces or attempts to induce any patron member or
6 patron of a cooperative organized under this chapter to breach
7 a marketing contract with the cooperative is guilty of a
8 simple misdemeanor.

9 Sec. 55. Section 501A.703, subsection 4, Code Supplement
10 2005, is amended to read as follows:

11 4. DISTRICT OR LOCAL UNIT ELECTION OF DIRECTORS. For a
12 cooperative with districts or other units, members may elect
13 directors on a district or unit basis if provided in the
14 bylaws. The directors may be nominated or elected at district
15 meetings if provided in the bylaws. Directors who are
16 nominated at district meetings shall be elected at the annual
17 regular members' meeting by vote of the entire membership,
18 unless the bylaws provide that directors who are nominated at
19 district meetings are to be elected by vote of the members of
20 the district, at the district meeting, or the annual regular
21 members' meeting.

22 Sec. 56. Section 501A.715, subsection 2, paragraph a,
23 subparagraph (1), subparagraph subdivision (d), Code
24 Supplement 2005, is amended to read as follows:

25 (d) The person has not committed an act for which
26 liability ~~cannot~~ can be eliminated or limited under section
27 501A.714.

28 Sec. 57. Section 501A.808, subsection 2, Code Supplement
29 2005, is amended to read as follows:

30 2. CLASS OR SERIES OF MEMBERSHIP INTERESTS. In any case
31 where a class or series of membership interests is entitled by
32 this chapter, the articles, bylaws, a member control
33 agreement, or the terms of the membership interests to vote as
34 a class or series, the matter being voted upon must also
35 receive the affirmative vote of the owners of the same

1 proportion of the membership interests present of that class
2 or series; or of the total outstanding membership interests of
3 that class or series, as the proportion required under
4 subsection 1, unless the articles, bylaws, or the member
5 control agreement requires a larger proportion. Unless
6 otherwise stated in the articles, bylaws, or a member control
7 agreement, in the case of voting as a class or series, the
8 minimum percentage of the total voting power of membership
9 interests of the class or series that must be present is equal
10 to the minimum percentage of all membership interests entitled
11 to vote required to be present under section 501A.707
12 501A.806.

13 Sec. 58. Section 501A.903, subsection 6, paragraphs a and
14 d, Code Supplement 2005, are amended to read as follows:

15 a. Subject to the right of the cooperative, to redeem any
16 of those membership interests at the price fixed for their
17 redemption by the articles or bylaws or by the board.

18 d. Convert ~~into~~ membership interests ~~of~~ into any other
19 class or any series of the same or another class.

20 Sec. 59. Section 501A.1005, subsection 2, Code Supplement
21 2005, is amended to read as follows:

22 2. DISTRIBUTION OF CASH OR OTHER ASSETS. A cooperative's
23 bylaws shall prescribe the distribution of cash or other
24 assets of the cooperative among the membership interests of
25 the cooperative. If nonpatron membership interests are
26 authorized by the patrons and the bylaws do not provide
27 otherwise, distributions ~~and allocations~~ shall be made to the
28 patron membership interests collectively and other members on
29 the basis of the value of contributions to capital made and
30 accepted by the cooperative, by the patron membership
31 interests collectively, and other membership interests. The
32 distributions to patron membership interests collectively
33 shall not be less than fifty percent of the total
34 distributions in any fiscal year, except if authorized in the
35 articles or bylaws adopted by the affirmative vote of the

1 patron members, or the articles or bylaws as amended by the
2 affirmative vote of the patron members. However, the
3 distributions to patron membership interests collectively
4 shall not be less than fifteen percent of the total
5 distributions in any fiscal year.

6 Sec. 60. Section 501A.1006, subsections 6 and 7, Code
7 Supplement 2005, are amended to read as follows:

8 6. ELIGIBLE NONMEMBER PATRONS. A cooperative may provide
9 in the bylaws that nonmember patrons are allowed to
10 participate in the distribution of net income, payable to
11 patron members on equal terms with patron members.

12 7. PATRONAGE CREDITS FOR INELIGIBLE MEMBERS. If a
13 nonmember patron with patronage credits is not qualified or
14 eligible for membership, a refund due may be credited to the
15 nonmember patron's individual account. The board may issue a
16 certificate of interest to reflect the credited amount. After
17 the nonmember patron is issued a certificate of interest, the
18 nonmember patron may participate in the distribution of net
19 income on the same basis as a patron member.

20 Sec. 61. Section 502.404, subsection 5, Code 2005, is
21 amended to read as follows:

22 5. LIMITS ON EMPLOYMENT OR ASSOCIATION. It is unlawful
23 for an individual acting as an investment adviser
24 representative, directly or indirectly, to conduct business in
25 this state on behalf of an investment adviser or a federal
26 covered investment adviser if the registration of the
27 individual as an investment adviser representative is
28 suspended or revoked or the individual is barred from
29 employment or association with an investment adviser or a
30 federal covered investment adviser by an order under this
31 chapter, the securities and exchange commission, or a self-
32 regulatory organization. Upon request from a federal covered
33 investment adviser and for good cause, the administrator, by
34 order issued, may waive, in whole or in part, the application
35 of the requirements of this subsection to the federal covered

1 investment adviser representative.

2 Sec. 62. Section 514.2, Code Supplement 2005, is amended
3 to read as follows:

4 514.2 INCORPORATION.

5 Persons desiring to form a nonprofit hospital service
6 corporation, or a nonprofit medical service corporation, or a
7 nonprofit pharmaceutical or optometric service corporation
8 shall have been incorporated under the provisions of chapter
9 504, Code 1989, or shall incorporate under the provisions of
10 current chapter 504, ~~as supplemented and amended herein and~~
11 ~~any Acts amendatory thereof.~~

12 Sec. 63. Section 516E.10, subsection 3, Code Supplement
13 2005, is amended to read as follows:

14 3. BOYCOTT, COERCION, AND INTIMIDATION. A provider,
15 service company, or third-party administrator shall not enter
16 into an agreement to commit, or by a concerted action commit,
17 an act of boycott, coercion, or intimidation resulting in or
18 tending to result in unreasonable restraint of, or monopoly
19 in, the service contract industry.

20 Sec. 64. Section 523I.201, subsection 1, Code Supplement
21 2005, is amended to read as follows:

22 1. This chapter shall be administered by the commissioner.
23 The deputy administrator appointed pursuant to section
24 ~~523A-801~~ 502.601 shall be the principal operations officer
25 responsible to the commissioner for the routine administration
26 of this chapter and management of the administrative staff.
27 In the absence of the commissioner, whether because of vacancy
28 in the office due to absence, physical disability, or other
29 cause, the deputy administrator shall, for the time being,
30 have and exercise the authority conferred upon the
31 commissioner. The commissioner may by order from time to time
32 delegate to the deputy administrator any or all of the
33 functions assigned to the commissioner in this chapter. The
34 deputy administrator shall employ officers, attorneys,
35 accountants, and other employees as needed for administering

1 this chapter.

2 Sec. 65. Section 523I.806, subsection 2, Code Supplement
3 2005, is amended to read as follows:

4 2. The care fund shall be administered under the
5 jurisdiction of the district court of the county where the
6 cemetery is located. Notwithstanding chapter 633 633A, annual
7 reports shall not be required unless specifically required by
8 the district court. Reports shall be filed with the court
9 when necessary to receive approval of appointments of
10 trustees, trust agreements and amendments, changes in fees or
11 expenses, and other matters within the court's jurisdiction.
12 A court having jurisdiction over a care fund shall have full
13 jurisdiction to approve the appointment of trustees, the
14 amount of surety bond required, if any, and investment of
15 funds.

16 Sec. 66. Section 546.10, subsection 1, Code Supplement
17 2005, is amended by adding the following new paragraph:

18 NEW PARAGRAPH. g. The interior design examining board
19 established pursuant to chapter 544C.

20 Sec. 67. Section 547.1, Code Supplement 2005, is amended
21 to read as follows:

22 547.1 USE OF TRADE NAME -- VERIFIED STATEMENT REQUIRED.

23 A person shall not engage in or conduct a business under a
24 trade name, or an assumed name of a character other than the
25 true surname of each person owning or having an interest in
26 the business, unless the person first records with the county
27 recorder of the county in which the business is to be
28 conducted a verified statement showing the name, post office
29 address, and residence address of each person owning or having
30 an interest in the business, and the address where the
31 business is to be conducted. However, this provision does not
32 apply to any person organized or incorporated in this state as
33 a domestic entity or authorized to do business in this state
34 as a foreign entity, if the person is a limited partnership
35 under chapter 488, a corporation under chapter 490; a limited

1 liability company under chapter 490A; a professional
2 corporation under chapter 496C; a cooperative or cooperative
3 association under chapter 497, 498, 499, ~~or~~ 501, or 501A; or a
4 nonprofit corporation under chapter 504.

5 Sec. 68. Section 551A.3, subsection 2, unnumbered
6 paragraph 1, Code Supplement 2005, is amended to read as
7 follows:

8 The disclosure document shall have a cover sheet which
9 shall consist of a title printed in bold and a statement. The
10 title and statement shall be in at least ten point type and
11 shall appear as follows:

12 DISCLOSURE REQUIRED BY IOWA LAW

13 ~~The registration of this~~ This business opportunity does not
14 ~~constitute~~ have the approval, recommendation, or endorsement
15 by of the state of Iowa. The information contained in this
16 disclosure document has not been verified by this state. If
17 you have any questions or concerns about this investment, seek
18 professional advice before you sign a contract or make any
19 payment. You are to be provided ten (10) business days to
20 review this document before signing a contract or making any
21 payment to the seller or the seller's representative.

22 Sec. 69. Section 554.3309, subsection 1, paragraph a,
23 subparagraph (1), Code Supplement 2005, is amended to read as
24 follows:

25 (1) was entitled to enforce the instrument when loss ~~or~~ of
26 possession occurred, or

27 Sec. 70. Section 558A.1, subsection 4, paragraph a, Code
28 Supplement 2005, is amended to read as follows:

29 a. A transfer made pursuant to a court order, including
30 but not limited to a transfer under chapter 633 or 633A, the
31 execution of a judgment, the foreclosure of a real estate
32 mortgage pursuant to chapter 654, the forfeiture of a real
33 estate contract under chapter 656, a transfer by a trustee in
34 bankruptcy, a transfer by eminent domain, or a transfer
35 resulting from a decree for specific performance.

1 Sec. 71. Section 598.21C, subsection 4, Code Supplement
2 2005, is amended to read as follows:

3 4. RETROACTIVITY OF MODIFICATION. Judgments for child
4 support or child support awards entered pursuant to this
5 chapter, chapter 234, 252A, 252C, 252F, 600B, or any other
6 chapter of the Code which are subject to a modification
7 proceeding may be retroactively modified only from three
8 months after the date the notice of the pending petition for
9 modification is served on the opposing party. The three-month
10 limitation applies to a modification action pending on or
11 after July 1, 1997. The prohibition of retroactive
12 modification does not bar the child support recovery unit from
13 obtaining orders for accrued support for previous time
14 periods. Any retroactive modification which increases the
15 amount of child support or any order for accrued support under
16 this paragraph subsection shall include a periodic payment
17 plan. A retroactive modification shall not be regarded as a
18 delinquency unless there are subsequent failures to make
19 payments in accordance with the periodic payment plan.

20 Sec. 72. Section 598.21E, subsection 2, Code Supplement
21 2005, is amended to read as follows:

22 2. If the court overcomes a prior determination of
23 paternity, the previously established father shall be relieved
24 of support obligations as specified in section 600B.41A,
25 subsection 4. In any action to overcome paternity other than
26 through a pending dissolution action, the provisions of
27 section 600B.41A apply. Overcoming paternity under this
28 subsection 1, paragraph "c", does not bar subsequent actions
29 to establish paternity. A subsequent action to establish
30 paternity against the previously established father is not
31 barred if it is subsequently determined that the written
32 statement attesting that the established father is not the
33 biological father of the child may have been submitted
34 erroneously, and that the person previously determined not to
35 be the child's father during the dissolution action may

1 actually be the child's biological father.

2 Sec. 73. Section 598.21F, subsection 6, Code Supplement
3 2005, is amended to read as follows:

4 6. APPLICATION. A support order, decree, or judgment
5 entered or pending before July 1, 1997, that provides for
6 support of a child for college, university, or community
7 college expenses may be modified in accordance with this
8 subsection section.

9 Sec. 74. Section 602.1304, subsection 2, paragraph b, Code
10 Supplement 2005, is amended to read as follows:

11 b. For each fiscal year, a judicial collection estimate
12 for that fiscal year shall be equally and proportionally
13 divided into a quarterly amount. The judicial collection
14 estimate shall be calculated by using the state revenue
15 estimating conference estimate made by December 15 pursuant to
16 section 8.22A, subsection 3, of the total amount of fines,
17 fees, civil penalties, costs, surcharges, and other revenues
18 collected by judicial officers and court employees for deposit
19 into the general fund of the state. The revenue estimating
20 conference estimate shall be reduced by the maximum amounts
21 allocated to the Iowa prison infrastructure fund pursuant to
22 section 602.8108A, the court technology and modernization fund
23 pursuant to section 602.8108, subsection 7, the judicial
24 branch pursuant to section 602.8108, subsection 8, and the
25 road use tax fund pursuant to section 602.8108, subsection 9,
26 and the remainder shall be the judicial collection estimate.
27 In each quarter of a fiscal year, after revenues collected by
28 judicial officers and court employees equal to that quarterly
29 amount are deposited into the general fund of the state, after
30 the required amount is deposited during the quarter into the
31 Iowa prison infrastructure fund pursuant to section 602.8108A,
32 and into the court technology and modernization fund pursuant
33 to section 602.8108, subsection 7, and into the road use tax
34 fund pursuant to section 602.8108, subsection 9, and after the
35 required amount is allocated to the judicial branch pursuant

1 to section 602.8108, subsection 8, the director of the
2 department of administrative services shall deposit the
3 remaining revenues for that quarter into the enhanced court
4 collections fund in lieu of the general fund. However, after
5 total deposits into the collections fund for the fiscal year
6 are equal to the maximum deposit amount established for the
7 collections fund, remaining revenues for that fiscal year
8 shall be deposited into the general fund. If the revenue
9 estimating conference agrees to a different estimate at a
10 later meeting which projects a lesser amount of revenue than
11 the initial estimate amount used to calculate the judicial
12 collection estimate, the director of the department of
13 administrative services shall recalculate the judicial
14 collection estimate accordingly. If the revenue estimating
15 conference agrees to a different estimate at a later meeting
16 which projects a greater amount of revenue than the initial
17 estimate amount used to calculate the judicial collection
18 estimate, the director of the department of administrative
19 services shall recalculate the judicial collection estimate
20 accordingly but only to the extent that the greater amount is
21 due to an increase in the fines, fees, civil penalties, costs,
22 surcharges, or other revenues allowed by law to be collected
23 by judicial officers and court employees.

24 Sec. 75. Section 602.6306, subsection 2, Code Supplement
25 2005, is amended to read as follows:

26 2. District associate judges also have jurisdiction in
27 civil actions for money judgment where the amount in
28 controversy does not exceed ten thousand dollars; jurisdiction
29 over involuntary commitment, treatment, or hospitalization
30 proceedings under chapters 125 and 229; jurisdiction of
31 indictable misdemeanors, class "D" felony violations, and
32 other felony arraignments; jurisdiction to enter a temporary
33 or emergency order of protection under chapter 236, and to
34 make court appointments and set hearings in criminal matters;
35 jurisdiction to enter orders in probate which do not require

1 notice and hearing and to set hearings in actions under
2 chapter 633 or 633A; and the jurisdiction provided in section
3 602.7101 when designated as a judge of the juvenile court.

4 While presiding in these subject matters a district associate
5 judge shall employ district judges' practice and procedure.

6 Sec. 76. Section 602.8108, subsection 10, Code Supplement
7 2005, is amended by striking the subsection.

8 Sec. 77. Section 633.264, Code Supplement 2005, is amended
9 to read as follows:

10 633.264 DISPOSAL OF PROPERTY BY WILL.

11 Subject to the rights of the surviving spouse to take an
12 elective share as provided by section 633.236, any person of
13 full age and sound mind may dispose by will of all the
14 person's property, except an amount sufficient to pay the
15 debts and charges against the person's estate.

16 Sec. 78. Section 633C.4, subsection 2, Code Supplement
17 2005, is amended to read as follows:

18 2. The trustee of a medical assistance income trust or a
19 medical assistance special needs trust is a fiduciary for
20 purposes of ~~this~~ chapter 633A and, in the exercise of the
21 trustee's fiduciary duties, the state shall be considered a
22 beneficiary of the trust. Regardless of the terms of the
23 trust, the trustee shall not take any action that is not
24 prudent in light of the state's interest in the trust.

25 Sec. 79. Section 679C.109, subsection 1, paragraph b, Code
26 Supplement 2005, is amended to read as follows:

27 b. Disclose any such known fact to the mediation parties
28 as soon as is ~~practical~~ practicable before accepting a
29 mediation.

30 Sec. 80. NEW SECTION. 691.9 CRIMINALISTICS LABORATORY
31 FUND.

32 A criminalistics laboratory fund is created as a separate
33 fund in the state treasury under the control of the department
34 of public safety. The fund shall consist of appropriations
35 made to the fund and transfers of interest, and earnings. All

1 moneys in the fund are appropriated to the department of
2 public safety for use by the department in criminalistics
3 laboratory equipment purchasing, maintenance, depreciation,
4 and training. Any balance in the fund on June 30 of any
5 fiscal year shall not revert to any other fund of the state
6 but shall remain available for the purposes described in this
7 section.

8 Sec. 81. Section 717E.2, subsection 2, Code 2005, is
9 amended to read as follows:

10 2. A prize for participating in a fair event.

11 Sec. 82. Section 815.11, Code Supplement 2005, is amended
12 to read as follows:.

13 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.

14 Costs incurred under chapter 229A, 665, 822, or 908, or
15 section 232.141, subsection 3, paragraph "c", or section
16 598.23A, 600A.6B, 814.9, 814.10, 814.11, 815.4, 815.7, or
17 815.10 on behalf of an indigent shall be paid from funds
18 appropriated by the general assembly to the office of the
19 state public defender in the department of inspections and
20 appeals for those purposes. Costs incurred representing an
21 indigent defendant in a contempt action, or representing an
22 indigent juvenile in a juvenile court proceeding under chapter
23 600, are also payable from these funds. However, costs
24 incurred in any administrative proceeding or in any other
25 proceeding under chapter 598, 600, 600A, 633, 633A, or 915 or
26 other provisions of the Code or administrative rules are not
27 payable from these funds.

28 Sec. 83. 2003 Iowa Acts, 1st Ex., chapter 2, section 93,
29 is amended to read as follows:

30 SEC. 93. The divisions of this Act designated economic
31 development appropriations, workforce-related issues, loan and
32 credit guarantee fund, university-based research utilization
33 program appropriation, endow Iowa tax credit, and
34 rehabilitation project tax credits are repealed effective June
35 30, 2010. This section does not apply to the section of the

1 division of this Act designated workforce-related issues that
2 enacts section 260C.18A.

3 Sec. 84. 2005 Iowa Acts, chapter 70, section 51, is
4 amended to read as follows:

5 SEC. 51. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

6 This section and the sections of this Act amending sections
7 513C.6 and 514E.2, and amending section 514E.7, subsection 1,
8 by enacting paragraph "e", being deemed of immediate
9 importance, take effect upon enactment. The section of the
10 Act amending section 513C.6 is retroactively applicable to
11 January 1, 2005, and is applicable on and after that date.
12 The sections of the Act amending section 514E.2 are
13 retroactively applicable to July 1, 1986, and are applicable
14 on and after that date. The portion of the section of the Act
15 amending section 514E.7, subsection 1, by enacting paragraph
16 "e" is retroactively applicable to January 1, 2005, and is
17 applicable on and after that date. The section of this Act
18 amending section 514E.8, being deemed of immediate importance,
19 takes effect upon enactment and applies retroactively to July
20 1, 2004.

21 Sec. 85. Section 501A.715, subsection 6, paragraph a,
22 subparagraphs (2) through (4), as enacted by 2005 Iowa Acts,
23 chapter 135, section 49, are amended to read as follows:

24 (2) If a quorum under subparagraph (1) cannot be obtained,
25 by a majority of a committee of the board consisting solely of
26 two or more directors not at the time parties to the
27 proceeding duly designated to act in the matter by a majority
28 of the full board, including directors who are parties.

29 (3) If a determination is not made under subparagraph (1)
30 or (2), by special legal counsel selected either by a majority
31 of the board or a committee by vote under subparagraph (1) or
32 (2), or if the requisite quorum of the full board cannot be
33 obtained and the committee cannot be established, by a
34 majority of the full board, including directors who are
35 parties.

1 (4) If a determination is not made under subparagraphs (1)
2 through (3) by the affirmative vote of the members, but the
3 membership interests held by parties to the proceeding must
4 not be counted in determining the presence of a quorum, and
5 are not considered to be present and entitled to vote on the
6 determination.

7 Sec. 86. Sections 321.210B and 490.1705, Code 2005, are
8 repealed.

9 Sec. 87. Chapter 217A, Code 2005, is repealed.

10 Sec. 88. The section of this Act amending section 152.7,
11 is repealed effective July 1, 2008.

12 Sec. 89. RETROACTIVE APPLICABILITY. The following
13 sections of this Act are retroactively applicable to January
14 1, 2005, and are applicable on and after that date:

15 1. The section of this Act amending section 455I.5,
16 subsection 4.

17 2. The section of this Act amending 2005 Iowa Acts,
18 chapter 135, section 49.

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Zavn co-chair
Schoenjahn co-chair
Ward
Hancock

SSB# 3144

Judiciary

SENATE FILE SP/ HF 2253
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 statutory corrections which may adjust
2 language to reflect current practices, insert earlier
3 omissions, delete redundancies and inaccuracies, delete
4 temporary language, resolve inconsistencies and conflicts,
5 update ongoing provisions, or remove ambiguities, and
6 including effective and retroactive applicability date
7 provisions.

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

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1 Section 1. Section 8A.222, subsection 4, Code 2005, is
2 amended by striking the subsection.

3 Sec. 2. Section 8A.324, subsection 2, unnumbered paragraph
4 2, Code Supplement 2005, is amended to read as follows:

5 A not-for-profit organization or governmental agency that
6 enters into an agreement with the director pursuant to this
7 subsection may sell or otherwise transfer the personal
8 property received from the department to any person that the
9 department would be able to sell or otherwise transfer such
10 property to under this chapter, including, but not limited to,
11 the general public. The authority granted to sell or
12 otherwise transfer personal property pursuant to this
13 paragraph supersedes any other restrictions applicable to the
14 not-for-profit organization or governmental ~~entity~~ agency, but
15 only for purposes of the personal property received from the
16 department.

17 Sec. 3. Section 12.72, subsection 4, paragraph d, Code
18 Supplement 2005, is amended to read as follows:

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

1 treasurer in the applicable bond reserve fund.

2 Sec. 4. Section 15E.351, subsection 3, paragraph c, Code
3 Supplement 2005, is amended to read as follows:

4 c. The business accelerator's professional staff with
5 demonstrated ~~disciplines~~ experience in all aspects of business
6 ~~experience~~ disciplines.

7 Sec. 5. Section 17A.18A, subsection 1, Code 2005, is
8 amended to read as follows:

9 1. Notwithstanding any other provision of this chapter and
10 to the extent consistent with the Constitution of the State of
11 Iowa and of the United States, an agency may use emergency
12 adjudicative proceedings in a situation involving an immediate
13 danger to the public health, safety, or welfare requiring
14 immediate agency action.

15 Sec. 6. Section 28.3, subsection 6, paragraph b, Code
16 Supplement 2005, is amended to read as follows:

17 b. In addition, a community empowerment office is
18 established as a division of the department of management to
19 provide a center for facilitation, communication, and
20 coordination for community empowerment activities and funding
21 and for improvement of the early care, education, health, and
22 human services systems. Staffing for the community
23 empowerment office shall be provided by a facilitator ~~or~~
24 ~~coordinator~~ appointed by the governor, subject to confirmation
25 by the senate, and who serves at the pleasure of the governor.
26 A deputy and support staff may be designated, subject to
27 appropriation made for this purpose. The facilitator ~~or~~
28 ~~coordinator~~ shall submit reports to the governor, the Iowa
29 board, and the general assembly. The facilitator ~~or~~
30 ~~coordinator~~ shall provide primary staffing to the board,
31 coordinate state technical assistance activities and
32 implementation of the technical assistance system, and other
33 communication and coordination functions to move authority and
34 decision-making responsibility from the state to communities
35 and individuals.

1 Sec. 7. Section 28.4, subsection 12, paragraph d, Code
2 Supplement 2005, is amended to read as follows:

3 d. The Iowa empowerment board shall regularly make
4 information available identifying community empowerment
5 funding and funding distributed for purposes of the early care
6 system. It is the intent of the general assembly that the
7 community empowerment area boards and the administrators of
8 the early care programs located within the community
9 empowerment areas that are supported by public funding shall
10 fully cooperate with one another in order to avoid
11 duplication, enhance efforts, combine planning, and take other
12 steps to best utilize the funding to meet the needs of the
13 families in the areas. The community empowerment area boards
14 and the program administrators shall annually submit a report
15 concerning such efforts to the community empowerment office.
16 If a community empowerment area is receiving a school ready
17 children grant, this report shall be an addendum to the annual
18 report required under section 28.8. The state community
19 empowerment facilitator ~~or-coordinator~~ shall compile and
20 summarize the reports which shall be submitted to the
21 governor, general assembly, and Iowa board.

22 Sec. 8. Section 28J.7, subsection 3, paragraphs a and b,
23 Code Supplement 2005, are amended to read as follows:

24 a. A port authority may provide for the administration and
25 enforcement of the laws of the state by employing peace
26 officers who shall have all the powers conferred by law on
27 peace officers of this state with regard to the apprehension
28 of violators upon all property under its control within and
29 without the port authority. The peace officers may seek the
30 assistance of other appropriate law enforcement officers to
31 enforce its port authority rules and maintain order.

32 b. Peace officers employed by a port authority shall meet
33 all requirements as established for police officers appointed
34 ~~under the-civil-service-law-of~~ chapter 400 and shall
35 ~~participate-in-the-retirement-system-established-by~~ be

1 considered police officers for the purposes of chapter 411.

2 Sec. 9. Section 35.10, Code Supplement 2005, is amended to
3 read as follows:

4 35.10 ELIGIBILITY AND PAYMENT OF AID.

5 Eligibility for aid shall be determined upon application to
6 the department of veterans affairs, whose decision is final.
7 The eligibility of eligible applicants shall be certified by
8 the department of veterans affairs to the director of the
9 department of administrative services, and all amounts that
10 are or become due to an individual or a training institution
11 under this chapter shall be paid to the individual or
12 institution by the director of the department of
13 administrative services upon receipt by the director of
14 certification by the president or governing board of the
15 educational or training institution as to accuracy of charges
16 made, and as to the attendance of the individual at the
17 educational or training institution. The department of
18 veterans affairs may pay over the annual sum of four six
19 hundred dollars to the educational or training institution in
20 a lump sum, or in installments as the circumstances warrant,
21 upon receiving from the institution such written undertaking
22 as the department may require to assure the use of funds for
23 the child for the authorized purposes and for no other
24 purpose. A person is not eligible for the benefits of this
25 chapter until the person has graduated from a high school or
26 educational institution offering a course of training
27 equivalent to high school training.

28 Sec. 10. Section 142C.15, subsection 4, paragraph a, Code
29 Supplement 2005, is amended to read as follows:

30 a. Not more than twenty percent of the moneys in the fund
31 annually may be expended in the form of grants to state
32 agencies or to nonprofit legal entities with an interest in
33 anatomical gift public awareness and transplantation to
34 conduct public awareness projects. Moneys remaining that were
35 not requested and awarded for public awareness projects may be

1 used for research, or to develop and support a statewide organ
2 and tissue donor registry. Grants shall be made based upon
3 the submission of a grant application by an agency or entity
4 to conduct a public awareness project or to research, or
5 develop, and support a statewide organ and tissue donor
6 registry.

7 Sec. 11. Section 152.7, unnumbered paragraph 2, Code
8 Supplement 2005, is amended to read as follows:

9 For purposes of licensure pursuant to the nurse licensure
10 compact contained in section 152E.1 ~~or pursuant to the~~
11 ~~advanced-practice-registered-nurse-compact-contained-in~~
12 ~~section 152E.3~~, the compact administrator may refuse to accept
13 a change in the qualifications for licensure as a registered
14 nurse or as a licensed practical or vocational nurse by a
15 licensing authority in another state which is a party to the
16 compact which substantially modifies that state's
17 qualifications for licensure in effect on July 1, 2000. For
18 purposes of licensure pursuant to the advanced practice
19 registered nurse compact contained in section 152E.3, the
20 compact administrator may refuse to accept a change in the
21 qualifications for licensure as an advanced practice
22 registered nurse by a licensing authority in another state
23 which is a party to the compact which substantially modifies
24 that state's qualifications for licensure in effect on July 1,
25 2005. A refusal to accept a change in a party state's
26 qualifications for licensure may result in submitting the
27 issue to an arbitration panel or in withdrawal from the
28 respective compact, at the discretion of the compact
29 administrator.

30 Sec. 12. Section 159.5, subsection 9, Code 2005, is
31 amended to read as follows:

32 9. Inspect and supervise all food meat, poultry, or dairy
33 producing or distributing establishments including the
34 furniture, fixtures, utensils, machinery, and other equipment
35 so as to prevent the production, preparation, packing,

1 storage, or transportation of feed meat, poultry, or dairy
2 products in a manner detrimental to ~~its~~ the character or
3 quality of those products.

4 Sec. 13. Section 181.13, subsection 1, Code 2005, is
5 amended to read as follows:

6 1. All state assessments imposed under this chapter shall
7 be paid to and collected by the council and deposited with the
8 treasurer of state in a separate cattle promotion fund which
9 shall be created by the treasurer of state. The department of
10 administrative services shall transfer moneys from the fund to
11 the council for deposit into an account established by the
12 council in a qualified financial institution. The department
13 shall transfer the moneys as provided in a resolution adopted
14 by the council. However, the department is only required to
15 transfer moneys once during each day and only during hours
16 when the offices of the state are open. From the moneys
17 collected, deposited, and transferred to the council, in
18 accordance with the provisions of this chapter, the council
19 shall first pay the costs of referendums held pursuant to this
20 chapter, the costs of collection of such state assessments,
21 and the expenses of its agents. ~~Except-as-otherwise-provided~~
22 ~~in-section-181-19,-at~~ At least ten percent of the remaining
23 moneys shall be remitted to the association in proportions
24 determined by the council, for use in a manner not
25 inconsistent with section 181.7. The remaining moneys, with
26 approval of a majority of the council, shall be expended as
27 the council finds necessary to carry out the provisions and
28 purposes of this chapter. However, in no event shall the
29 total expenses exceed the total amount transferred from the
30 fund for use by the council.

31 Sec. 14. Section 185.26, subsection 1, Code Supplement
32 2005, is amended to read as follows:

33 1. The state assessment collected by the board shall be
34 deposited in a special fund known as the soybean promotion
35 fund, in the office of the treasurer of state. The fund may

1 also contain any gifts, or federal or state grant received by
2 the board. Moneys collected, deposited into the fund, and
3 transferred to the board, as provided in this chapter, shall
4 be subject to audit by the auditor of state. The department
5 of administrative services shall transfer moneys from the fund
6 to the board for deposit into an account known as the soybean
7 checkoff account which shall be established by the board in a
8 qualified financial institution. The department shall
9 transfer the moneys into the account as provided in a
10 resolution adopted by the board. However, the department is
11 only required to transfer moneys once during each day and only
12 during hours when the offices of the state are open. From
13 moneys collected, deposited, and transferred to the soybean
14 checkoff account as provided in this section, the board shall
15 first pay the costs of referendums, elections, and other
16 expenses incurred in the administration of this chapter,
17 before moneys may be expended to carry out the purposes of the
18 board as provided in section 185.11. The association board
19 shall strictly segregate moneys in the soybean checkoff
20 account from all other moneys of the association board.
21 Moneys in the soybean checkoff account shall be expended by
22 the board exclusively for carrying out the purposes of the
23 board as provided in section 185.11. The account shall be
24 subject to audit by the auditor of state.

25 Sec. 15. Section 202.1, subsection 4, Code 2005, is
26 amended to read as follows:

27 4. "Contract livestock facility" means an animal feeding
28 operation as defined in section 459.102, in which livestock or
29 raw milk is produced according to a production contract
30 executed pursuant to section 202.2 by a contract producer who
31 holds a legal interest in the animal feeding operation.
32 "Contract livestock facility" includes a confinement feeding
33 operation as defined in section 459.102, an open feedlot
34 operation as defined in section 459A.102, or an area which is
35 used for the raising of crops or other vegetation and upon

1 which livestock is fed for slaughter or is allowed to graze or
2 feed.

3 Sec. 16. Section 202.1, subsection 11, Code 2005, is
4 amended by striking the subsection.

5 Sec. 17. Section 229.19, Code 2005, is amended to read as
6 follows:

7 229.19 ADVOCATES -- DUTIES -- COMPENSATION -- STATE AND
8 COUNTY LIABILITY.

9 1. The district court in each county with a population of
10 under three hundred thousand inhabitants and the board of
11 supervisors in each county with a population of three hundred
12 thousand or more inhabitants shall appoint an individual who
13 has demonstrated by prior activities an informed concern for
14 the welfare and rehabilitation of persons with mental illness,
15 and who is not an officer or employee of the department of
16 human services nor of any agency or facility providing care or
17 treatment to persons with mental illness, to act as advocate
18 representing the interests of patients involuntarily
19 hospitalized by the court, in any matter relating to the
20 patients' hospitalization or treatment under section 229.14 or
21 229.15. The court or, if the advocate is appointed by the
22 county board of supervisors, the board shall assign the
23 advocate appointed from a patient's county of legal settlement
24 to represent the interests of the patient. If a patient has
25 no county of legal settlement, the court or, if the advocate
26 is appointed by the county board of supervisors, the board
27 shall assign the advocate appointed from the county where the
28 hospital or facility is located to represent the interests of
29 the patient. The advocate's responsibility with respect to
30 any patient shall begin at whatever time the attorney employed
31 or appointed to represent that patient as respondent in
32 hospitalization proceedings, conducted under sections 229.6 to
33 229.13, reports to the court that the attorney's services are
34 no longer required and requests the court's approval to
35 withdraw as counsel for that patient. However, if the patient

1 is found to be seriously mentally impaired at the
2 hospitalization hearing, the attorney representing the patient
3 shall automatically be relieved of responsibility in the case
4 and an advocate shall be assigned to the patient at the
5 conclusion of the hearing unless the attorney indicates an
6 intent to continue the attorney's services and the court so
7 directs. If the court directs the attorney to remain on the
8 case the attorney shall assume all the duties of an advocate.
9 The clerk shall furnish the advocate with a copy of the
10 court's order approving the withdrawal and shall inform the
11 patient of the name of the patient's advocate. With regard to
12 each patient whose interests the advocate is required to
13 represent pursuant to this section, the advocate's duties
14 shall include all of the following:

15 1- a. To review each report submitted pursuant to
16 sections 229.14 and 229.15.

17 2- b. If the advocate is not an attorney, to advise the
18 court at any time it appears that the services of an attorney
19 are required to properly safeguard the patient's interests.

20 3- c. To make the advocate readily accessible to
21 communications from the patient and to originate
22 communications with the patient within five days of the
23 patient's commitment.

24 4- d. To visit the patient within fifteen days of the
25 patient's commitment and periodically thereafter.

26 5- e. To communicate with medical personnel treating the
27 patient and to review the patient's medical records pursuant
28 to section 229.25.

29 6- f. To file with the court quarterly reports, and
30 additional reports as the advocate feels necessary or as
31 required by the court, in a form prescribed by the court. The
32 reports shall state what actions the advocate has taken with
33 respect to each patient and the amount of time spent.

34 2. The hospital or facility to which a patient is
35 committed shall grant all reasonable requests of the advocate

1 to visit the patient, to communicate with medical personnel
 2 treating the patient and to review the patient's medical
 3 records pursuant to section 229.25. An advocate shall not
 4 disseminate information from a patient's medical records to
 5 any other person unless done for official purposes in
 6 connection with the advocate's duties pursuant to this chapter
 7 or when required by law.

8 3. The court or, if the advocate is appointed by the
 9 county board of supervisors, the board shall prescribe
 10 reasonable compensation for the services of the advocate. The
 11 compensation shall be based upon the reports filed by the
 12 advocate with the court. The advocate's compensation shall be
 13 paid by the county in which the court is located, either on
 14 order of the court or, if the advocate is appointed by the
 15 county board of supervisors, on the direction of the board.
 16 If the advocate is appointed by the court, the advocate is an
 17 employee of the state for purposes of chapter 669. If the
 18 advocate is appointed by the county board of supervisors, the
 19 advocate is an employee of the county for purposes of chapter
 20 670. If the patient or the person who is legally liable for
 21 the patient's support is not indigent, the board shall recover
 22 the costs of compensating the advocate from that person. If
 23 that person has an income level as determined pursuant to
 24 section 815.9 greater than one hundred percent but not more
 25 than one hundred fifty percent of the poverty guidelines, at
 26 least one hundred dollars of the advocate's compensation shall
 27 be recovered in the manner prescribed by the county board of
 28 supervisors. If that person has an income level as determined
 29 pursuant to section 815.9 greater than one hundred fifty
 30 percent of the poverty guidelines, at least two hundred
 31 dollars of the advocate's compensation shall be recovered in
 32 substantially the same manner prescribed by the county board
 33 of supervisors as provided in section ~~815.7~~ 815.9.

34 Sec. 18. Section 231B.10, subsection 1, paragraph g, Code
 35 Supplement 2005, is amended to read as follows:

1 g. In the case of any officer, member of the board of
2 directors, trustee, or designated manager of the elder group
3 home or any stockholder, partner, or individual who has
4 greater than a five percent equity interest in the elder group
5 home, ~~who-has~~ having or ~~has~~ having had an ownership interest
6 in an elder group home, assisted living or adult day services
7 program, home health agency, residential care facility, or
8 licensed nursing facility in this or any state which has been
9 closed due to removal of program, agency, or facility
10 licensure or certification or involuntary termination from
11 participation in either the medical assistance or Medicare
12 programs, or ~~who-has~~ having been found to have failed to
13 provide adequate protection or services for tenants to prevent
14 abuse or neglect.

15 Sec. 19. Section 231C.10, subsection 1, paragraph g, Code
16 Supplement 2005, is amended to read as follows:

17 g. In the case of any officer, member of the board of
18 directors, trustee, or designated manager of the program or
19 any stockholder, partner, or individual who has greater than a
20 five percent equity interest in the program, ~~who-has~~ having or
21 ~~has~~ having had an ownership interest in an assisted living
22 program, adult day services program, elder group home, home
23 health agency, residential care facility, or licensed nursing
24 facility in any state which has been closed due to removal of
25 program, agency, or facility licensure or certification or
26 involuntary termination from participation in either the
27 medical assistance or Medicare programs, or ~~who-has~~ having
28 been found to have failed to provide adequate protection or
29 services for tenants to prevent abuse or neglect.

30 Sec. 20. Section 231D.5, subsection 1, paragraph h, Code
31 Supplement 2005, is amended to read as follows:

32 h. In the case of any officer, member of the board of
33 directors, trustee, or designated manager of the program or
34 any stockholder, partner, or individual who has greater than a
35 five percent equity interest in the program, ~~who-has~~ having or

1 ~~has~~ having had an ownership interest in an adult day services
2 program, assisted living program, elder group home, home
3 health agency, residential care facility, or licensed nursing
4 facility in any state which has been closed due to removal of
5 program, agency, or facility licensure or certification or
6 involuntary termination from participation in either the
7 medical assistance or Medicare programs, or ~~who-has~~ having
8 been found to have failed to provide adequate protection or
9 services for participants to prevent abuse or neglect.

10 Sec. 21. Section 235B.2, subsection 5, paragraph b,
11 subparagraph (3), Code Supplement 2005, is amended to read as
12 follows:

13 (3) The withholding or withdrawing of health care from a
14 dependent adult who is terminally ill in the opinion of a
15 licensed physician, when the withholding or withdrawing of
16 health care is done at the request of the dependent adult or
17 at the request of the dependent adult's next of kin, attorney
18 in fact, or guardian pursuant to the applicable procedures
19 under chapter 125, 144A, 144B, 222, 229, or 633.

20 Sec. 22. Section 235B.3, subsection 2, unnumbered
21 paragraph 1, Code 2005, is amended to read as follows:

22 A person who, in the course of employment, examines,
23 attends, counsels, or treats a dependent adult and reasonably
24 believes the dependent adult has suffered abuse, shall report
25 the suspected dependent adult abuse to the department
26 including. Persons required to report include all of the
27 following:

28 Sec. 23. Section 235B.6, subsection 2, paragraph d,
29 subparagraph (2), Code Supplement 2005, is amended to read as
30 follows:

31 (2) A court or administrative agency hearing an appeal for
32 correction of dependent adult abuse information as provided in
33 section 235B.10.

34 Sec. 24. Section 249J.14, subsection 8, Code Supplement
35 2005, is amended to read as follows:

1 8. REPORTS. The department shall report on a quarterly
2 basis to the medical assistance projections and assessment
3 council established pursuant to section 249J.20 and the
4 medical assistance advisory council created pursuant to
5 ~~section 249A.47-subsection-8~~ 249A.4B, regarding the health
6 promotion partnerships described in this section. To the
7 greatest extent feasible, and if applicable to a data set, the
8 data reported shall include demographic information concerning
9 the population served including but not limited to factors,
10 such as race and economic status, as specified by the
11 department.

12 Sec. 25. Section 249J.18, subsection 2, Code Supplement
13 2005, is amended to read as follows:

14 2. The medical director of the Iowa Medicaid enterprise
15 shall report on a quarterly basis to the medical assistance
16 projections and assessment council established pursuant to
17 section 249J.20 and the medical assistance advisory council
18 created pursuant to ~~section 249A.47-subsection-8~~ 249A.4B, any
19 recommendations made by the panel and adopted by rule of the
20 department pursuant to chapter 17A regarding clinically
21 appropriate health care utilization management and coverage
22 under the medical assistance program and the expansion
23 population.

24 Sec. 26. Section 256.40, subsection 2, unnumbered
25 paragraph 1, Code Supplement 2005, is amended to read as
26 follows:

27 The purpose of the program shall be to build a seamless
28 ~~system-of~~ career, future workforce, and economic development
29 system in Iowa to accomplish all of the following:

30 Sec. 27. Section 256B.15, subsection 9, Code 2005, is
31 amended to read as follows:

32 9. The department of education and the department of human
33 services shall adopt rules to implement this section to-be
34 ~~effective-immediately-upon-filing-with-the-administrative~~
35 ~~rules-coordinator, or-at-a-stated-date-prior-to-indexing-and~~

1 publication, or at a stated date less than thirty-five days
2 after filing, indexing, and publication.

3 Sec. 28. Section 266.27, Code 2005, is amended to read as
4 follows:

5 266.27 ACT ACCEPTED.

6 The assent of the legislature general assembly of the state
7 of Iowa is hereby given to the provisions and requirements of
8 the congressional Smith-Lever Act, 38 Stat. 372-374, approved
9 May 22 ~~18~~, ~~1928~~ 1914, commonly known as the Capper-Ketcham and
10 any amendments to that Act, [45-Stat.-B.-711], codified at 7
11 U.S.C. § 341 et seq.] -- 349.

12 Sec. 29. Section 321.177, subsection 10, Code 2005, is
13 amended by striking the subsection.

14 Sec. 30. Section 321.218, subsection 3, unnumbered
15 paragraph 1, Code Supplement 2005, is amended to read as
16 follows:

17 The department, upon receiving the record of the conviction
18 of a person under this section upon a charge of operating a
19 motor vehicle while the license of the person is suspended or
20 revoked, shall, except for licenses suspended under section
21 252J.8, 321.210, subsection 1, paragraph "c", or section
22 321.210A, ~~321.210B~~, or 321.513, extend the period of
23 suspension or revocation for an additional like period, and
24 the department shall not issue a new driver's license to the
25 person during the additional period.

26 Sec. 31. Section 321I.10, subsection 5, Code Supplement
27 2005, is amended to read as follows:

28 5. The state department of transportation may issue a
29 permit to a state agency, a county, or a city to allow an all-
30 terrain vehicle trail to cross a primary highway. The trail
31 crossing shall be part of an all-terrain vehicle trail
32 designated by the state agency, county, or city. A permit
33 shall be issued only if the crossing can be accomplished in a
34 safe manner and allows for adequate sight distance for both
35 motorists and all-terrain vehicle operators. The state

1 department of transportation may adopt rules to administer
2 this subsection.

3 Sec. 32. Section 331.605, subsection 4, Code 2005, is
4 amended to read as follows:

5 4. For the issuance of snowmobile registrations and user
6 permits, the fees specified in section sections 321G.4 and
7 321G.4A.

8 Sec. 33. Section 423.1, subsection 30, Code Supplement
9 2005, is amended to read as follows:

10 30. "Nonresidential commercial operations" means
11 industrial, commercial, mining, or agricultural operations,
12 whether for profit or not, but does not include apartment
13 complexes, manufactured home communities, or mobile home
14 parks.

15 Sec. 34. Section 441.11, Code 2005, is amended to read as
16 follows:

17 441.11 INCUMBENT DEPUTY ASSESSORS.

18 ~~The director of revenue shall grant a restricted~~
19 ~~certificate to any deputy assessor holding office as of~~
20 ~~January 17, 1976.~~ A deputy assessor possessing such a
21 certificate shall be considered eligible to remain in the
22 deputy's present position provided continuing education
23 requirements are met. To become eligible for another deputy
24 assessor position, a deputy assessor presently holding office
25 is required to obtain certification as provided for in
26 sections 441.5 and 441.10. The number of credit hours
27 required for certification as eligible for appointment as a
28 deputy in a jurisdiction other than where the deputy is
29 currently serving shall be prorated according to the completed
30 portion of the deputy's six-year continuing education period.

31 Sec. 35. Section 453A.22, subsection 3, Code Supplement
32 2005, is amended to read as follows:

33 3. If an employee of a retailer violates section 453A.2,
34 subsection 1, the retailer shall not be assessed a penalty
35 under subsection 2, and the violation shall be deemed not to

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1 be a violation of section 453A.2, subsection 1, for the
2 purpose of determining the number of violations for which a
3 penalty may be assessed pursuant to subsection 2, if the
4 employee holds a valid certificate of completion of the
5 tobacco compliance employee training program pursuant to
6 section 453A.5 at the time of the violation. A retailer may
7 assert only once in a four-year period the bar under either
8 this subsection ~~or-subsection-4~~ against assessment of a
9 penalty pursuant to subsection 2, for a violation of section
10 453A.2, that takes place at the same place of business
11 location.

12 Sec. 36. Section 455B.306, subsection 2, unnumbered
13 paragraph 1, Code Supplement 2005, is amended to read as
14 follows:

15 A planning area that closes all of the municipal solid
16 waste sanitary landfills located in the planning area and
17 chooses to use a municipal solid waste sanitary landfill in
18 another planning area that complies with all requirements
19 under subtitle D of the federal Resource Conservation and
20 Recovery Act, with all solid waste generated within the
21 planning area being consolidated at and transported from a
22 permitted transfer station, may elect to retain autonomy as a
23 planning area and shall not be required to join the planning
24 area where the landfill being used for final disposal of solid
25 waste is located. If a planning area makes the election under
26 this subsection, the planning area receiving the solid waste
27 from the planning area making the election shall not be
28 required to include the planning area making the election in a
29 comprehensive plan provided no services are shared between the
30 two planning areas other than the acceptance of solid waste
31 for disposal at a sanitary landfill. The planning area
32 receiving the solid waste shall only be responsible for the
33 permitting, planning, and waste reduction and diversion
34 programs in the planning area receiving the solid waste. If
35 the department determines that solid waste cannot reasonably

1 be consolidated and transported from a particular transfer
2 station, the department may establish permit conditions to
3 address the transport and disposal of the solid waste. An
4 election may be made under this subsection only if the two
5 comprehensive planning areas enter into an agreement pursuant
6 to chapter 28E that includes, at a minimum, all of the
7 following:

8 Sec. 37. Section 455I.5, subsection 4, Code Supplement
9 2005, is amended to read as follows:

10 4. This chapter does not invalidate or render
11 unenforceable any interest, whether designated as an
12 environmental covenant or other interest, that was created
13 prior to ~~the enactment of this chapter~~ July 1, 2005, or that
14 is otherwise enforceable under the laws of this state.

15 Sec. 38. Section 455I.11, subsection 1, paragraph b, Code
16 Supplement 2005, is amended to read as follows:

17 b. The agency or, if it the agency is not the agency with
18 authority to determine or approve the environmental response
19 project, the department of natural resources.

20 Sec. 39. Section 459A.103, subsection 7, paragraph b, Code
21 Supplement 2005, is amended to read as follows:

22 b. If a drainage tile line to artificially lower the
23 seasonal high-water table is installed as ~~required by this~~
24 provided in section 459A.302, the level to which the seasonal
25 high-water table will be lowered will be the seasonal high-
26 water table.

27 Sec. 40. Section 459A.208, subsection 4, Code Supplement
28 2005, is amended to read as follows:

29 4. The department shall not approve an application for a
30 permit to construct a settled open feedlot effluent basin
31 unless the owner of the open feedlot operation applying for
32 approval submits a nutrient management plan together with the
33 application for the construction permit as provided in section
34 459A.205. The owner shall also submit proof that the owner
35 has published a notice for public comment as provided in this

1 section. The department shall approve or disapprove the
2 nutrient management plan as provided in section 459A.201. A
3 ~~nutrient-management-plan-using-an-alternative-technology~~
4 ~~system-shall-not-include-requirements-for-settled-effluent~~
5 ~~that-enters-the-alternative-technology-system.~~

6 Sec. 41. Section 459A.208, subsection 6, Code Supplement
7 2005, is amended to read as follows:

8 6. A nutrient management plan must be authenticated by the
9 owner of the ~~animal-feeding~~ open feedlot operation as required
10 by the department in accordance with section 459A.201.

11 Sec. 42. Section 465C.1, subsection 4, Code 2005, is
12 amended to read as follows:

13 4. "Dedication" means the allocation of an area as a
14 preserve by a public administrative agency or by a private
15 owner by written stipulation in a form approved by the state
16 advisory board for preserves.

17 Sec. 43. Section 465C.9, unnumbered paragraph 1, Code
18 2005, is amended to read as follows:

19 The public administrative agency or private owner shall
20 complete articles of dedication on forms approved by the
21 board. When the articles of dedication have been approved by
22 the governor the board shall record them with the county
23 recorder for the county or counties in which the area is
24 located.

25 Sec. 44. Section 465C.10, Code 2005, is amended to read as
26 follows:

27 465C.10 WHEN DEDICATED AS A PRESERVE.

28 An area shall become a preserve when it has been approved
29 by the board for dedication as a preserve, whether in public
30 or private ownership, formally dedicated as a preserve within
31 the system by a public administrative agency or private owner
32 and designated by the governor as a preserve.

33 Sec. 45. Section 476.6, subsection 22, paragraph g, Code
34 2005, is amended by striking the paragraph.

35 Sec. 46. Section 501A.103, Code Supplement 2005, is

1 amended to read as follows:

2 501A.103 REQUIREMENTS FOR SIGNATURES ON DOCUMENTS.

3 A document is signed when a person has ~~written~~ affixed the
4 person's name on a document. A person authorized to do so by
5 this chapter, the articles or bylaws, or by a resolution
6 approved by the directors or the members must sign the
7 document. A signature on a document may be a facsimile
8 affixed, engraved, printed, placed, stamped with indelible
9 ink, transmitted by facsimile or electronically, or in any
10 other manner reproduced on the document.

11 Sec. 47. Section 501A.503, subsection 2, paragraph c, Code
12 Supplement 2005, is amended to read as follows:

13 c. The secretary ~~shall~~ will issue an acknowledgment to the
14 cooperative.

15 Sec. 48. Section 501A.603, subsection 6, Code Supplement
16 2005, is amended to read as follows:

17 6. PENALTIES FOR CONTRACT INTERFERENCE. A person who
18 knowingly induces or attempts to induce any patron member or
19 patron of a cooperative organized under this chapter to breach
20 a marketing contract with the cooperative is guilty of a
21 simple misdemeanor.

22 Sec. 49. Section 501A.703, subsection 4, Code Supplement
23 2005, is amended to read as follows:

24 4. DISTRICT OR LOCAL UNIT ELECTION OF DIRECTORS. For a
25 cooperative with districts or other units, members may elect
26 directors on a district or unit basis if provided in the
27 bylaws. The directors may be nominated or elected at district
28 meetings if provided in the bylaws. Directors who are
29 nominated at district meetings shall be elected at the annual
30 regular members' meeting by vote of the entire membership,
31 unless the bylaws provide that directors who are nominated at
32 district meetings are to be elected by vote of the members of
33 the district, at the district meeting, or the annual regular
34 members' meeting.

35 Sec. 50. Section 501A.715, subsection 2, paragraph a,

1 subparagraph (1), subparagraph subdivision (d), Code
2 Supplement 2005, is amended to read as follows:

3 (d) The person has not committed an act for which
4 liability cannot can be eliminated or limited under section
5 501A.714.

6 Sec. 51. Section 501A.808, subsection 2, Code Supplement
7 2005, is amended to read as follows:

8 2. CLASS OR SERIES OF MEMBERSHIP INTERESTS. In any case
9 where a class or series of membership interests is entitled by
10 this chapter, the articles, bylaws, a member control
11 agreement, or the terms of the membership interests to vote as
12 a class or series, the matter being voted upon must also
13 receive the affirmative vote of the owners of the same
14 proportion of the membership interests present of that class
15 or series; or of the total outstanding membership interests of
16 that class or series, as the proportion required under
17 subsection 1, unless the articles, bylaws, or the member
18 control agreement requires a larger proportion. Unless
19 otherwise stated in the articles, bylaws, or a member control
20 agreement, in the case of voting as a class or series, the
21 minimum percentage of the total voting power of membership
22 interests of the class or series that must be present is equal
23 to the minimum percentage of all membership interests entitled
24 to vote required to be present under section ~~501A-707~~
25 501A.806.

26 Sec. 52. Section 501A.903, subsection 6, paragraphs a and
27 d, Code Supplement 2005, are amended to read as follows:

28 a. Subject to the right of the cooperative, ~~to~~ redeem any
29 of those membership interests at the price fixed for their
30 redemption by the articles or bylaws or by the board.

31 d. Convert ~~into~~ membership interests ~~of~~ into any other
32 class or any series of the same or another class.

33 Sec. 53. Section 501A.1005, subsection 2, Code Supplement
34 2005, is amended to read as follows:

35 2. DISTRIBUTION OF CASH OR OTHER ASSETS. A cooperative's

1 bylaws shall prescribe the distribution of cash or other
2 assets of the cooperative among the membership interests of
3 the cooperative. If nonpatron membership interests are
4 authorized by the patrons and the bylaws do not provide
5 otherwise, distributions ~~and allocations~~ shall be made to the
6 patron membership interests collectively and other members on
7 the basis of the value of contributions to capital made and
8 accepted by the cooperative, by the patron membership
9 interests collectively, and other membership interests. The
10 distributions to patron membership interests collectively
11 shall not be less than fifty percent of the total
12 distributions in any fiscal year, except if authorized in the
13 articles or bylaws adopted by the affirmative vote of the
14 patron members, or the articles or bylaws as amended by the
15 affirmative vote of the patron members. However, the
16 distributions to patron membership interests collectively
17 shall not be less than fifteen percent of the total
18 distributions in any fiscal year.

19 Sec. 54. Section 501A.1006, subsections 6 and 7, Code
20 Supplement 2005, are amended to read as follows:

21 6. ELIGIBLE NONMEMBER PATRONS. A cooperative may provide
22 in the bylaws that nonmember patrons are allowed to
23 participate in the distribution of net income, payable to
24 patron members on equal terms with patron members.

25 7. PATRONAGE CREDITS FOR INELIGIBLE MEMBERS. If a
26 nonmember patron with patronage credits is not qualified or
27 eligible for membership, a refund due may be credited to the
28 nonmember patron's individual account. The board may issue a
29 certificate of interest to reflect the credited amount. After
30 the nonmember patron is issued a certificate of interest, the
31 nonmember patron may participate in the distribution of net
32 income on the same basis as a patron member.

33 Sec. 55. Section 502.404, subsection 5, Code 2005, is
34 amended to read as follows:

35 5. LIMITS ON EMPLOYMENT OR ASSOCIATION. It is unlawful

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S.F. _____ H.F. _____

1 for an individual acting as an investment adviser
 2 representative, directly or indirectly, to conduct business in
 3 this state on behalf of an investment adviser or a federal
 4 covered investment adviser if the registration of the
 5 individual as an investment adviser representative is
 6 suspended or revoked or the individual is barred from
 7 employment or association with an investment adviser or a
 8 federal covered investment adviser by an order under this
 9 chapter, the securities and exchange commission, or a self-
 10 regulatory organization. Upon request from a federal covered
 11 investment adviser and for good cause, the administrator, by
 12 order issued, may waive, in whole or in part, the application
 13 of the requirements of this subsection to the federal covered
 14 investment adviser representative.

15 Sec. 56. Section 514.2, Code Supplement 2005, is amended
 16 to read as follows:

17 514.2 INCORPORATION.

18 Persons desiring to form a nonprofit hospital service
 19 corporation, or a nonprofit medical service corporation, or a
 20 nonprofit pharmaceutical or optometric service corporation
 21 shall have been incorporated under the provisions of chapter
 22 504, Code 1989, or shall incorporate under the provisions of
 23 current chapter 504~~-as-supplemented-and-amended-herein-and~~
 24 ~~any-Acts-amendatory-thereof~~.

25 Sec. 57. Section 516E.10, subsection 3, Code Supplement
 26 2005, is amended to read as follows:

27 3. BOYCOTT, COERCION, AND INTIMIDATION. A provider,
 28 service company, or third-party administrator shall not enter
 29 into an agreement to commit, or by a concerted action commit,
 30 an act of boycott, coercion, or intimidation resulting in or
 31 tending to result in unreasonable restraint of, or monopoly
 32 in, the service contract industry.

33 Sec. 58. Section 523I.201, subsection 1, Code Supplement
 34 2005, is amended to read as follows:

35 1. This chapter shall be administered by the commissioner.

1 The deputy administrator appointed pursuant to section
2 ~~523A-801~~ 502.601 shall be the principal operations officer
3 responsible to the commissioner for the routine administration
4 of this chapter and management of the administrative staff.
5 In the absence of the commissioner, whether because of vacancy
6 in the office due to absence, physical disability, or other
7 cause, the deputy administrator shall, for the time being,
8 have and exercise the authority conferred upon the
9 commissioner. The commissioner may by order from time to time
10 delegate to the deputy administrator any or all of the
11 functions assigned to the commissioner in this chapter. The
12 deputy administrator shall employ officers, attorneys,
13 accountants, and other employees as needed for administering
14 this chapter.

15 Sec. 59. Section 523I.806, subsection 2, Code Supplement
16 2005, is amended to read as follows:

17 2. The care fund shall be administered under the
18 jurisdiction of the district court of the county where the
19 cemetery is located. Notwithstanding chapter ~~633~~ 633A, annual
20 reports shall not be required unless specifically required by
21 the district court. Reports shall be filed with the court
22 when necessary to receive approval of appointments of
23 trustees, trust agreements and amendments, changes in fees or
24 expenses, and other matters within the court's jurisdiction.
25 A court having jurisdiction over a care fund shall have full
26 jurisdiction to approve the appointment of trustees, the
27 amount of surety bond required, if any, and investment of
28 funds.

29 Sec. 60. Section 546.10, subsection 1, Code Supplement
30 2005, is amended by adding the following new paragraph:

31 NEW PARAGRAPH. g. The interior design examining board
32 established pursuant to chapter 544C.

33 Sec. 61. Section 547.1, Code Supplement 2005, is amended
34 to read as follows:

35 547.1 USE OF TRADE NAME -- VERIFIED STATEMENT REQUIRED.

1 A person shall not engage in or conduct a business under a
 2 trade name, or an assumed name of a character other than the
 3 true surname of each person owning or having an interest in
 4 the business, unless the person first records with the county
 5 recorder of the county in which the business is to be
 6 conducted a verified statement showing the name, post office
 7 address, and residence address of each person owning or having
 8 an interest in the business, and the address where the
 9 business is to be conducted. However, this provision does not
 10 apply to any person organized or incorporated in this state as
 11 a domestic entity or authorized to do business in this state
 12 as a foreign entity, if the person is a limited partnership
 13 under chapter 488, a corporation under chapter 490; a limited
 14 liability company under chapter 490A; a professional
 15 corporation under chapter 496C; a cooperative or cooperative
 16 association under chapter 497, 498, 499, or 501, or 501A; or a
 17 nonprofit corporation under chapter 504.

18 Sec. 62. Section 551A.3, subsection 2, unnumbered
 19 paragraph 1, Code Supplement 2005, is amended to read as
 20 follows:

21 The disclosure document shall have a cover sheet which
 22 shall consist of a title printed in bold and a statement. The
 23 title and statement shall be in at least ten point type and
 24 shall appear as follows:

25 DISCLOSURE REQUIRED BY IOWA LAW

26 ~~The registration of this~~ This business opportunity does not
 27 constitute have the approval, recommendation, or endorsement
 28 by of the state of Iowa. The information contained in this
 29 disclosure document has not been verified by this state. If
 30 you have any questions or concerns about this investment, seek
 31 professional advice before you sign a contract or make any
 32 payment. You are to be provided ten (10) business days to
 33 review this document before signing a contract or making any
 34 payment to the seller or the seller's representative.

35 Sec. 63. Section 554.3309, subsection 1, paragraph a,

1 subparagraph (1), Code Supplement 2005, is amended to read as
2 follows:

3 (1) was entitled to enforce the instrument when loss ~~or~~ of
4 possession occurred, or

5 Sec. 64. Section 558A.1, subsection 4, paragraph a, Code
6 Supplement 2005, is amended to read as follows:

7 a. A transfer made pursuant to a court order, including
8 but not limited to a transfer under chapter 633 or 633A, the
9 execution of a judgment, the foreclosure of a real estate
10 mortgage pursuant to chapter 654, the forfeiture of a real
11 estate contract under chapter 656, a transfer by a trustee in
12 bankruptcy, a transfer by eminent domain, or a transfer
13 resulting from a decree for specific performance.

14 Sec. 65. Section 598.21C, subsection 4, Code Supplement
15 2005, is amended to read as follows:

16 4. RETROACTIVITY OF MODIFICATION. Judgments for child
17 support or child support awards entered pursuant to this
18 chapter, chapter 234, 252A, 252C, 252F, 600B, or any other
19 chapter of the Code which are subject to a modification
20 proceeding may be retroactively modified only from three
21 months after the date the notice of the pending petition for
22 modification is served on the opposing party. The three-month
23 limitation applies to a modification action pending on or
24 after July 1, 1997. The prohibition of retroactive
25 modification does not bar the child support recovery unit from
26 obtaining orders for accrued support for previous time
27 periods. Any retroactive modification which increases the
28 amount of child support or any order for accrued support under
29 this paragraph subsection shall include a periodic payment
30 plan. A retroactive modification shall not be regarded as a
31 delinquency unless there are subsequent failures to make
32 payments in accordance with the periodic payment plan.

33 Sec. 66. Section 598.21E, subsection 2, Code Supplement
34 2005, is amended to read as follows:

35 2. If the court overcomes a prior determination of

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1 paternity, the previously established father shall be relieved
 2 of support obligations as specified in section 600B.41A,
 3 subsection 4. In any action to overcome paternity other than
 4 through a pending dissolution action, the provisions of
 5 section 600B.41A apply. Overcoming paternity under this
 6 subsection 1, paragraph "c", does not bar subsequent actions
 7 to establish paternity. A subsequent action to establish
 8 paternity against the previously established father is not
 9 barred if it is subsequently determined that the written
 10 statement attesting that the established father is not the
 11 biological father of the child may have been submitted
 12 erroneously, and that the person previously determined not to
 13 be the child's father during the dissolution action may
 14 actually be the child's biological father.

15 Sec. 67. Section 598.21F, subsection 6, Code Supplement
 16 2005, is amended to read as follows:

17 6. APPLICATION. A support order, decree, or judgment
 18 entered or pending before July 1, 1997, that provides for
 19 support of a child for college, university, or community
 20 college expenses may be modified in accordance with this
 21 subsection section.

22 Sec. 68. Section 602.1304, subsection 2, paragraph b, Code
 23 Supplement 2005, is amended to read as follows:

24 b. For each fiscal year, a judicial collection estimate
 25 for that fiscal year shall be equally and proportionally
 26 divided into a quarterly amount. The judicial collection
 27 estimate shall be calculated by using the state revenue
 28 estimating conference estimate made by December 15 pursuant to
 29 section 8.22A, subsection 3, of the total amount of fines,
 30 fees, civil penalties, costs, surcharges, and other revenues
 31 collected by judicial officers and court employees for deposit
 32 into the general fund of the state. The revenue estimating
 33 conference estimate shall be reduced by the maximum amounts
 34 allocated to the Iowa prison infrastructure fund pursuant to
 35 section 602.8108A, the court technology and modernization fund

1 pursuant to section 602.8108, subsection 7, the judicial
2 branch pursuant to section 602.8108, subsection 8, and the
3 road use tax fund pursuant to section 602.8108, subsection 9,
4 and the remainder shall be the judicial collection estimate.
5 In each quarter of a fiscal year, after revenues collected by
6 judicial officers and court employees equal to that quarterly
7 amount are deposited into the general fund of the state, after
8 the required amount is deposited during the quarter into the
9 Iowa prison infrastructure fund pursuant to section 602.8108A,
10 and into the court technology and modernization fund pursuant
11 to section 602.8108, subsection 7, and into the road use tax
12 fund pursuant to section 602.8108, subsection 9, and after the
13 required amount is allocated to the judicial branch pursuant
14 to section 602.8108, subsection 8, the director of the
15 department of administrative services shall deposit the
16 remaining revenues for that quarter into the enhanced court
17 collections fund in lieu of the general fund. However, after
18 total deposits into the collections fund for the fiscal year
19 are equal to the maximum deposit amount established for the
20 collections fund, remaining revenues for that fiscal year
21 shall be deposited into the general fund. If the revenue
22 estimating conference agrees to a different estimate at a
23 later meeting which projects a lesser amount of revenue than
24 the initial estimate amount used to calculate the judicial
25 collection estimate, the director of the department of
26 administrative services shall recalculate the judicial
27 collection estimate accordingly. If the revenue estimating
28 conference agrees to a different estimate at a later meeting
29 which projects a greater amount of revenue than the initial
30 estimate amount used to calculate the judicial collection
31 estimate, the director of the department of administrative
32 services shall recalculate the judicial collection estimate
33 accordingly but only to the extent that the greater amount is
34 due to an increase in the fines, fees, civil penalties, costs,
35 surcharges, or other revenues allowed by law to be collected

1 by judicial officers and court employees.

2 Sec. 69. Section 602.6306, subsection 2, Code Supplement
3 2005, is amended to read as follows:

4 2. District associate judges also have jurisdiction in
5 civil actions for money judgment where the amount in
6 controversy does not exceed ten thousand dollars; jurisdiction
7 over involuntary commitment, treatment, or hospitalization
8 proceedings under chapters 125 and 229; jurisdiction of
9 indictable misdemeanors, class "D" felony violations, and
10 other felony arraignments; jurisdiction to enter a temporary
11 or emergency order of protection under chapter 236, and to
12 make court appointments and set hearings in criminal matters;
13 jurisdiction to enter orders in probate which do not require
14 notice and hearing and to set hearings in actions under
15 chapter 633 or 633A; and the jurisdiction provided in section
16 602.7101 when designated as a judge of the juvenile court.

17 While presiding in these subject matters a district associate
18 judge shall employ district judges' practice and procedure.

19 Sec. 70. Section 602.8108, subsection 10, Code Supplement
20 2005, is amended by striking the subsection.

21 Sec. 71. Section 633.264, Code Supplement 2005, is amended
22 to read as follows:

23 633.264 DISPOSAL OF PROPERTY BY WILL.

24 Subject to the rights of the surviving spouse to take an
25 elective share as provided by section 633.236, any person of
26 full age and sound mind may dispose by will of all the
27 person's property, except an amount sufficient to pay the
28 debts and charges against the person's estate.

29 Sec. 72. Section 633C.4, subsection 2, Code Supplement
30 2005, is amended to read as follows:

31 2. The trustee of a medical assistance income trust or a
32 medical assistance special needs trust is a fiduciary for
33 purposes of ~~this~~ chapter 633A and, in the exercise of the
34 trustee's fiduciary duties, the state shall be considered a
35 beneficiary of the trust. Regardless of the terms of the

1 trust, the trustee shall not take any action that is not
2 prudent in light of the state's interest in the trust.

3 Sec. 73. Section 679C.109, subsection 1, paragraph b, Code
4 Supplement 2005, is amended to read as follows:

5 b. Disclose any such known fact to the mediation parties
6 as soon as is ~~practical~~ practicable before accepting a
7 mediation.

8 Sec. 74. NEW SECTION. 691.9 CRIMINALISTICS LABORATORY
9 FUND.

10 A criminalistics laboratory fund is created as a separate
11 fund in the state treasury under the control of the department
12 of public safety. The fund shall consist of appropriations
13 made to the fund and transfers of interest, and earnings. All
14 moneys in the fund are appropriated to the department of
15 public safety for use by the department in criminalistics
16 laboratory equipment purchasing, maintenance, depreciation,
17 and training. Any balance in the fund on June 30 of any
18 fiscal year shall not revert to any other fund of the state
19 but shall remain available for the purposes described in this
20 section.

21 Sec. 75. Section 717E.2, subsection 2, Code 2005, is
22 amended to read as follows:

23 2. A prize for participating in a fair event.

24 Sec. 76. Section 815.11, Code Supplement 2005, is amended
25 to read as follows:.

26 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.

27 Costs incurred under chapter 229A, 665, 822, or 908, or
28 section 232.141, subsection 3, paragraph "c", or section
29 598.23A, 600A.6B, 814.9, 814.10, 814.11, 815.4, 815.7, or
30 815.10 on behalf of an indigent shall be paid from funds
31 appropriated by the general assembly to the office of the
32 state public defender in the department of inspections and
33 appeals for those purposes. Costs incurred representing an
34 indigent defendant in a contempt action, or representing an
35 indigent juvenile in a juvenile court proceeding under chapter

1 600, are also payable from these funds. However, costs
2 incurred in any administrative proceeding or in any other
3 proceeding under chapter 598, 600, 600A, 633, 633A, or 915 or
4 other provisions of the Code or administrative rules are not
5 payable from these funds.

6 Sec. 77. 2003 Iowa Acts, 1st Ex., chapter 2, section 93,
7 is amended to read as follows:

8 SEC. 93. The divisions of this Act designated economic
9 development appropriations, workforce-related issues, loan and
10 credit guarantee fund, university-based research utilization
11 program appropriation, endow Iowa tax credit, and
12 rehabilitation project tax credits are repealed effective June
13 30, 2010. This section does not apply to the section of the
14 division of this Act designated workforce-related issues that
15 enacts section 260C.18A.

16 Sec. 78. 2005 Iowa Acts, chapter 70, section 51, is
17 amended to read as follows:

18 SEC. 51. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
19 This section and the sections of this Act amending sections
20 513C.6 and 514E.2, and amending section 514E.7, subsection 1,
21 by enacting paragraph "e", being deemed of immediate
22 importance, take effect upon enactment. The section of the
23 Act amending section 513C.6 is retroactively applicable to
24 January 1, 2005, and is applicable on and after that date.
25 The sections of the Act amending section 514E.2 are
26 retroactively applicable to July 1, 1986, and are applicable
27 on and after that date. The portion of the section of the Act
28 amending section 514E.7, subsection 1, by enacting paragraph
29 "e" is retroactively applicable to January 1, 2005, and is
30 applicable on and after that date. The section of this Act
31 amending section 514E.8, being deemed of immediate importance,
32 takes effect upon enactment and applies retroactively to July
33 1, 2004.

34 Sec. 79. Section 501A.715, subsection 6, paragraph a,
35 subparagraphs (2) through (4), as enacted by 2005 Iowa Acts,

1 chapter 135, section 49, are amended to read as follows:

2 (2) If a quorum under subparagraph (1) cannot be obtained,
3 by a majority of a committee of the board consisting solely of
4 two or more directors not at the time parties to the
5 proceeding duly designated to act in the matter by a majority
6 of the full board, including directors who are parties.

7 (3) If a determination is not made under subparagraph (1)
8 or (2),
9 of the board or a committee by vote under subparagraph (1) or
10 (2),
11 obtained and the committee cannot be established,
12 majority of the full board, including directors who are
13 parties.

14 (4) If a determination is not made under subparagraphs (1)
15 through (3) by the affirmative vote of the members, but the
16 membership interests held by parties to the proceeding must
17 not be counted in determining the presence of a quorum,
18 are not considered to be present and entitled to vote on the
19 determination.

20 Sec. 80. Sections 321.210B and 490.1705, Code 2005, are
21 repealed.

22 Sec. 81. Chapter 217A, Code 2005, is repealed.

23 Sec. 82. The section of this Act amending section 152.7,
24 is repealed effective July 1, 2008.

25 Sec. 83. RETROACTIVE APPLICABILITY. The following
26 sections of this Act are retroactively applicable to January
27 1, 2005, and are applicable on and after that date:

28 1. The section of this Act amending section 455I.5,
29 subsection 4.

30 2. The section of this Act amending 2005 Iowa Acts,
31 chapter 135, section 49.

32 **EXPLANATION**

33 This bill contains statutory corrections that adjust
34 language to reflect current practices, insert earlier
35 omissions, delete redundancies and inaccuracies, delete

1 temporary language, resolve inconsistencies and conflicts,
2 update ongoing provisions, or remove ambiguities. The Code
3 sections amended include all of the following:

4 Code section 8A.222: Deletes a provision allowing the
5 department of administrative services to establish for the
6 fiscal years beginning July 1, 2003, and ending June 30, 2005,
7 a pilot project for fee collection. The time period for the
8 permitted pilot project has expired.

9 Code section 8A.324: Substitutes the word "agency" for the
10 word "entity" to conform to other usages of the term
11 "governmental agency" in a provision allowing the director of
12 the department of administrative services to enter into an
13 agreement with a not-for-profit organization or governmental
14 agency to dispose of certain personal property of the state.

15 Code section 12.72: Corrects an internal reference to a
16 provision relating to the accumulation in each bond reserve
17 fund created by the treasurer of state to secure vision Iowa
18 program bonds of an amount equal to the bond reserve fund
19 requirement for the fund. The same internal reference
20 correction was made in a nearly identical provision in Code
21 section 12.82 by 2005 Iowa Acts, chapter 19, section 12.

22 Code section 15E.351: Correctly orders misplaced terms in
23 a provision listing facts the department of economic
24 development may consider in determining whether a business
25 accelerator qualifies for financial assistance under the
26 business accelerator program.

27 Code section 17A.18A: Inserts the words "of the State of
28 Iowa or of the United States" after the word "Constitution" in
29 language allowing an agency to use emergency adjudicative
30 proceedings in a situation involving an immediate danger to
31 the public health, safety, or welfare to the extent not
32 inconsistent with the Constitution.

33 Code sections 28.3 and 28.4(12): Reverses a change made in
34 2005 Iowa Acts, chapters 148 and 179, which added the words
35 "or coordinator" after the word "facilitator" in multiple

1 locations in these sections. The title of the gubernatorial
2 appointee who provides staffing for the community empowerment
3 office is the "state community empowerment facilitator".

4 Code section 28J.7: Clarifies that port authority peace
5 officers shall meet the requirements established for police
6 officers for purposes of chapter 400, relating to civil
7 service, but are considered police officers under chapter 411,
8 relating to the retirement system for police officers and fire
9 fighters. The bill also makes a grammatical change by
10 substituting the words "port authority" for "its".

11 Code section 35.10: Substitutes "six" hundred dollars for
12 "four" hundred dollars in a provision relating to eligibility
13 for and the payment of war orphans educational aid moneys by
14 the department of veterans affairs to agree with a 1994 change
15 made in Code section 35.9 that increased the amount of aid
16 allowed.

17 Code section 142C.15: Corrects a drafting error made in
18 2005 Iowa Acts, chapter 89, section 11, by conforming language
19 relating to the making of grants from funds not requested or
20 awarded for anatomical gift public awareness projects, for
21 projects related to the statewide organ and tissue donor
22 registry, to other language stating the permissible use of
23 those same funds.

24 Code section 152.7: Corrects a drafting error that
25 inserted language relating to the advanced practice registered
26 nurse compact into a provision allowing the nurse licensure
27 compact administrator to refuse to accept nurse licensure
28 qualification changes by another compacting state if these
29 changes substantially modify that state's licensure
30 qualifications in effect on July 1, 2000. The bill provides a
31 separate provision allowing the advanced practice registered
32 nurse compact administrator to refuse to accept licensure
33 qualification changes that modify qualifications in effect on
34 July 1, 2005, the effective date of the advanced practice
35 registered nurse compact. The language is repealed effective

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1 July 1, 2008, to conform with the repeal date for the advanced
2 practice registered nurse compact.

3 Code section 159.5, subsection 9: Clarifies language
4 relating to certain inspections carried out by the department
5 of agriculture and land stewardship to distinguish those
6 inspections of meat, poultry, and dairy producing
7 establishments that are carried out pursuant to federal law
8 from the inspections of food establishments and food
9 processing plants that are carried out by the department of
10 inspections and appeals under Code chapter 137F.

11 Code section 181.13: Strikes language providing an
12 exception from the requirement that a portion of the moneys
13 transferred to the Iowa beef industry council from state
14 assessments be remitted to the Iowa beef cattle producers
15 association in proportions determined by the council. The
16 language requiring the exception was eliminated in 1997 Iowa
17 Acts, chapter 30, section 7.

18 Code section 185.26: Clarifies that moneys in the soybean
19 checkoff account and other moneys collected from the state
20 assessment on soybeans is to be administered by the Iowa
21 soybean association board of directors, rather than the
22 association, to agree with other language contained in the
23 Code section.

24 Code section 202.1: Strikes the definition of "open
25 feedlot" and modifies the only reference to the term in the
26 Code chapter relating to commodity production contracts in
27 order to agree with the definitions contained in Code chapter
28 459A, the animal agriculture compliance Act for open feedlot
29 operations, created in 2005.

30 Code section 229.19: Changes an incorrect citation to Code
31 section 815.7 to a citation to Code section 815.9 and
32 renumbers and reletters the section to facilitate citation to
33 provisions within this Code section.

34 Code sections 231B.10, 231C.10, and 231D.5: Makes changes
35 in provisions allowing the department of inspections and

1 appeals to deny, suspend, or revoke the certification of an
2 elder group home, assisted living program, or adult day
3 services program in certain circumstances to agree with the
4 grammatical structure used elsewhere in such provisions and to
5 clarify that the provisions apply to officers, directors,
6 trustees, designated program managers, or stockholders with a
7 certain level of equity interest.

8 Code section 235B.2: Adds references to the actions of an
9 attorney in fact acting under the auspices of Code chapters
10 144A and 144B to the exceptions to the definition of
11 "dependent adult abuse". This conforms this provision to
12 similar language contained in Code section 144A.11 and
13 language in Code section 144B.9 that immunizes attorneys in
14 fact who act in good faith under that chapter from criminal or
15 civil liability.

16 Code section 235B.3: Clarifies that the persons listed are
17 persons required to report suspected dependent adult abuse
18 rather than persons to whom such a report must be made.

19 Code section 235B.6: Strikes the word "administrative" in
20 language relating to agency access to dependent adult abuse
21 information in administrative proceedings when the agency is
22 hearing an appeal for correction of that information. Agency
23 hearings are governed by Code chapter 17A and the term
24 currently used within that chapter is "agency", not
25 "administrative agency". The term "administrative agency" was
26 synonymous with the term "agency" in Code chapter 17A up until
27 1974 Iowa Acts, chapter 1090, made substantial changes to that
28 chapter.

29 Code sections 249J.14 and 249J.18: Corrects the references
30 to the Code section creating the medical assistance advisory
31 council. The old Code section 249A.4, subsection 8, was
32 stricken and replaced by Code section 249A.4B in 2005 Iowa
33 Acts, chapter 120.

34 Code section 256.40: Restructures a sentence to clarify
35 that the purpose of the statewide work-based learning

1 intermediary network program established in the department of
2 education is to build a seamless career, future workforce, and
3 economic development system in Iowa.

4 Code section 256B.15: Deletes a provision specifying the
5 effective date of rules to be adopted by the department of
6 education and the department of human services to implement
7 the Code section relating to reimbursement for special
8 education services. The Code section was enacted in 1988 and
9 therefore the effective date for the initial rules has passed.

10 Code section 266.27: Updates the federal citation to and
11 name of the federal Act in language relating to the source of
12 federal funding for agricultural extension work at the Iowa
13 state university of science and technology. The federal Act,
14 known as the Capper-Ketcham Act, which was previously codified
15 at 7 U.S.C. 343a, was repealed by a 1953 federal amendment
16 that consolidated the provisions of the Capper-Ketcham Act
17 into the Smith-Lever Act.

18 Code sections 321.177, 321.210B, and 321.218: Strikes and
19 repeals provisions, and a reference thereto, directing the
20 state department of transportation to suspend or refuse to
21 renew the driver's license of a person who has a delinquent
22 account owed to the state. The language is applicable only to
23 those persons residing in a county which is participating in
24 the driver's license indebtedness clearance pilot project,
25 which has been completed. A replacement procedure is codified
26 at Code section 321.30, subsection 13, which does not rely on
27 these Code sections for refusal to register based on the owing
28 of delinquent amounts to the state.

29 Code section 321I.10: Specifies that the department that
30 may adopt rules to administer a provision regarding the
31 issuance of a permit to a state agency, a county, or a city to
32 allow an all-terrain vehicle trail to cross a primary highway
33 is the state department of transportation rather than the
34 department of natural resources.

35 Code section 331.605: Corrects a drafting error by

1 including fees for snowmobile user permits issued by county
2 recorders in the list of fees to be collected by county
3 recorders.

4 Code section 423.1: Includes "manufactured home
5 communities" within the definition of "nonresidential
6 commercial operations" for purposes of Code chapter 423,
7 relating to sales and use taxes. Mobile home parks, which
8 contain both manufactured and mobile homes, are already
9 included within the definition.

10 Code section 441.11: Strikes language relating to an
11 obsolete restricted certificate that was issued by the
12 director of revenue to deputy assessors who were holding
13 office as of January 1, 1976.

14 Code section 453A.22: Strikes a reference to a provision
15 deleted by 2003 Iowa Acts, chapter 26, section 6, in language
16 allowing a cigarette retailer to assert a bar against
17 assessment of a penalty for a violation of a prohibition
18 against tobacco and cigarette sales to persons under the legal
19 age.

20 Code section 455B.306: Corrects a drafting error by
21 inserting the words "disposal at a" preceding the words
22 "sanitary landfill". The provision allows for such disposal
23 without including the autonomous planning area making the
24 disposal election in the receiving planning area's
25 comprehensive plan.

26 Code section 455I.5: Replaces the words "the enactment of
27 this chapter" with "July 1, 2005" in a provision stating that
28 Code chapter 455I, the uniform environmental covenants Act,
29 does not invalidate or render unenforceable any interest,
30 whether designated as an environmental covenant or other
31 interest, that was created prior to the enactment of the
32 chapter. The change to conforms to another provision in the
33 Code section referencing the effective date of the chapter,
34 July 1, 2005. The use of language referring to the enactment
35 of a provision generally implies the date of enactment of the

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1 Act creating Code chapter 455I, which was May 20, 2005.
2 Conforming the two provisions eliminates a potential gap in
3 applicability of the Act.
4 Code section 455I.11: Replaces the word "it" with the word
5 "agency" to clarify when the department of natural resources
6 may maintain a civil action for violation of an environmental
7 covenant.
8 Code section 459A.103: Changes language stating "as
9 required by this section" to a reference to Code section
10 459A.302. The language relates to installation of a drainage
11 tile line to artificially lower the seasonal high-water table
12 in a provision defining "seasonal high-water table". The
13 requirements relating to installation of the tile are
14 contained in Code section 459A.302 and are not in Code section
15 459.103.
16 Code section 459A.208: Corrects a drafting error by
17 substituting the words "open feedlot operation" for "animal
18 feeding operation" in a provision requiring a nutrient
19 management plan to be authenticated by the owner of the open
20 feed lot operation. The bill also eliminates a provision in
21 subsection 4 relating to nutrient management plans for open
22 feedlot operations using an alternative technology system that
23 conflicts with language in subsection 8 that deals with the
24 same subject matter.
25 Code sections 465C.1, 465C.9, and 465C.10: Strikes the word
26 "administrative" from the term "public administrative agency"
27 in language relating to the allocation of an area as a state
28 preserve. The term "public administrative agency" is not
29 defined for this Code chapter and the term "public agency" is
30 consistent with terms used to describe governmental agencies
31 in general throughout the Code and is consistent with the
32 scope of this chapter.
33 Code section 476.6: Strikes language relating to a report
34 that was delivered by the utilities board to the general
35 assembly in 2003.

1 Code section 501A.103: Changes language in the Iowa
2 cooperative associations Act providing that a document is
3 "signed" by a person when the person has "written" on the
4 document to specifically require that the person has "affixed
5 the person's name" to the document. This conforms the
6 "signing" requirement to later language describing how
7 signatures may be made.

8 Code section 501A.503: Substitutes "will" for "shall" in
9 language relating to the secretary of state's issuance of an
10 acknowledgment to a cooperative association to agree with
11 language providing certain presumptions upon a cooperative
12 association's filing of articles of organization or an
13 application for a certificate of authority.

14 Code section 501A.603: Changes "member" to "patron member"
15 to agree with other usages of the term in a provision relating
16 to marketing contracts between cooperative associations and
17 their patron members or patrons.

18 Code section 501A.703: Strikes a comma to clarify that if
19 the bylaws of a cooperative association so provide, directors
20 nominated at a district meeting may be elected by the members
21 of the district at the district meeting or the annual regular
22 members' meeting instead of by the entire membership of the
23 cooperative at the annual regular members' meeting.

24 Code section 501A.715: Substitutes "can" for "cannot" to
25 eliminate an incorrect double negative in a provision
26 requiring indemnification of a person by a cooperative
27 association when the act that was committed by the person, and
28 which may subject the person to liability, was not an act for
29 which the person's liability can be limited or eliminated due
30 to the person's status as a director, officer, employee, or
31 member of the cooperative association.

32 Code section 501A.808: Strikes a reference to section
33 501A.707 and substitutes a reference to section 501A.806 in a
34 provision relating to the minimum percentage of the total
35 voting power of a cooperative association that must be present

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1 for voting. The general quorum requirements for members'
2 meetings are contained in Code section 501A.806.

3 Code section 501A.903: Conforms language in subsection 6,
4 relating to redemption or conversion of membership interests
5 in cooperative associations, to the syntax of the predicate
6 "lead-in" portion of the subsection.

7 Code section 501A.1005: Strikes "and allocations" in a
8 provision relating to distributions of cash or other assets to
9 members of a cooperative association. Allocations of profits
10 and losses to members are addressed in another provision of
11 section 501A.1005.

12 Code section 501A.1006: Corrects punctuation and changes
13 the term "income" to "net income" to conform to usage
14 throughout a provision relating to allocations and
15 distributions of net income to members of a cooperative
16 association.

17 Code section 502.404: Corrects language in the uniform
18 securities Act Code chapter that pertains to the limits placed
19 on the ability of individuals who act as investment adviser
20 "representatives" to conduct business in this state. These
21 individuals are prohibited from conducting business in this
22 state as investment adviser representatives if their
23 registrations are suspended or revoked or if they have been
24 barred from employment in that capacity under the uniform
25 securities Act Code chapter, by the securities and exchange
26 commission, or by a self-regulatory organization.

27 Code section 514.2: Eliminates redundant language relating
28 to updates to another Code chapter. Changes and updates to
29 any provision in the Code, that are intended to be currently
30 effective, are incorporated each year into the codified
31 version of those provisions and, as a consequence, references
32 to the "current" version of Code chapter 504 would include any
33 supplements, amendments, and "any Acts amendatory thereof".

34 Code section 516E.10: Inserts the verb phrase "shall not
35 enter into an", which was accidentally stricken by an

1 amendment in 2005 Iowa Acts, chapter 70, in a provision
2 relating to prohibited acts in regard to motor vehicle service
3 contracts.

4 Code section 523I.201: Substitutes in Code chapter 523I,
5 the Iowa Cemetery Act, the correct reference to the Code
6 section pursuant to which a deputy administrator for purposes
7 of Code chapter 502, the uniform securities Act, is appointed.
8 The deputy acts as the principal operations officer under Code
9 chapter 523I.

10 Code section 523I.806: Substitutes a reference to Code
11 chapter 633A, pertaining to trusts and trust administration,
12 for a reference to Code chapter 633 in language relating to
13 perpetual care funds trusts. The former subchapter of Code
14 chapter 633 that pertained to trusts and trust administration
15 was moved to new Code chapter 633A, Code Supplement 2005, in
16 2005 Iowa Acts, ch 128.

17 Code section 546.10: Adds the interior design examining
18 board established pursuant to Code chapter 544C to the list of
19 boards that the professional licensing and regulation division
20 of the department of commerce administers.

21 Code section 547.1: Adds a reference to Code chapter 501A,
22 the Iowa cooperative associations Act, to the list of
23 cooperatives and cooperative associations that are exempted
24 from a provision added in 2005 prohibiting the conducting of
25 business under a trade name unless the person first records
26 certain information with the county recorder.

27 Code section 551A.3: Deletes a reference to registration
28 of a business opportunity in a provision describing required
29 written disclosures by sellers of business opportunities.
30 There is no longer a requirement for registration of business
31 opportunities in Iowa.

32 Code section 554.3309: Changes "loss or possession" to
33 "loss of possession" in a provision of the uniform commercial
34 code to conform the phrase to language used in the model Act.

35 Code section 558A.1: Adds a reference to Code chapter 633A

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1 to the language including transfers under Code chapter 633,
2 the probate code, in the definition of "transfer" for purposes
3 of the Code chapter relating to real estate disclosures.
4 Certain provisions relating to trusts in Code chapter 633 were
5 transferred to Code chapter 633A in 2005.

6 Code section 598.21C: Substitutes "subsection" for
7 "paragraph" to agree with the relocation of language relating
8 to the retroactivity of the modification of a child, spousal,
9 or medical support order in 2005.

10 Code section 598.21E: Substitutes "subsection 1, paragraph
11 "c", for "paragraph" to agree with the relocation of language
12 in 2005 relating to overcoming a prior determination of
13 paternity in a dissolution action by filing a written
14 agreement between the established father and mother of the
15 child.

16 Code section 598.21F: Substitutes "section" for
17 "subsection" to agree with the relocation of language relating
18 to court-ordered postsecondary education subsidies.

19 Code section 602.1304: Adds language relating to the
20 deductions and deposits into the road use tax fund from
21 revenue that is collected by court employees and judicial
22 officers to a provision describing what amount is available
23 for deposit into the enhanced court collections fund. The
24 addition is consistent with the immediately preceding language
25 in the provision describing how the judicial collection
26 estimate is calculated and how the actual enhanced court
27 collections fund is determined, and with the language of Code
28 section 602.8108 that directs the actions of the clerk of
29 court with respect to deposit of revenue.

30 Code sections 602.6306: Adds references to Code chapter
31 633A to provisions relating to the jurisdiction of district
32 associate judges to set hearings in actions under Code chapter
33 633 and disallowing payment of moneys from the indigent
34 defense fund for costs incurred in a proceeding under chapter
35 633. Certain provisions relating to trusts in Code chapter

1 633 were transferred to Code chapter 633A in 2005.

2 Code sections 602.8108 and 691.9: Transfers language
3 establishing a separate fund in the state treasury for the
4 criminalistics laboratory fund and providing for
5 appropriations in and out of the fund, to a new Code section
6 in the chapter that provides for the establishment of the
7 state criminalistics laboratory. Code section 602.8108
8 relates to the distribution and remission of revenue received
9 by the clerk of the district court. The language which is
10 being moved does not provide that revenue received by the
11 clerk be deposited to the credit of the criminalistics
12 laboratory fund.

13 Code section 633.264: Adds the words "an amount" to
14 complete a grammatical construction allowing a person to
15 dispose of all the person's property by will, except "an
16 amount" sufficient to pay the debts and charges against the
17 person's estate.

18 Code section 633C.4: Substitutes a reference to "chapter
19 633A" for a reference to "this chapter" in a provision
20 relating to powers of a trustee of a medical assistance income
21 trust or a medical assistance special needs trust. Code
22 section 633C.4 was transferred from Code section 633.710 in
23 2005; however, all of the provisions relating to the duties of
24 trustees were transferred from Code chapter 633 to chapter
25 633A.

26 Code section 679C.109: Changes the word "practical" to
27 "practicable" in a provision requiring an individual who is
28 requested to serve as a mediator to disclose certain
29 information to the parties to the mediation before accepting
30 the mediation. The word "practicable" is used in another
31 provision relating to such disclosure after acceptance of a
32 mediation.

33 Code section 717E.2: Conforms the term "fair event" used
34 in language prohibiting the use of pets as prizes to the term
35 "fair" used in the definitions for the Code chapter.

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1 Code section 815.11: Adds a reference to Code chapter
2 633A, the Code chapter pertaining to trusts and trust
3 administration, to language providing that costs incurred in
4 certain proceedings are not payable from the funds
5 appropriated for indigent defense. The former subchapter of
6 Code chapter 633 that pertained to trusts and trust
7 administration and that would have been included within the
8 existing reference to Code chapter 633 was moved to Code
9 chapter 633A, Code Supplement 2005, in 2005 Iowa Acts, ch 128.
10 2003 Acts, 1st Ex., chapter 2, section 93: Adds commas in
11 an Acts provision relating to approval of indemnification of
12 directors and officers of cooperative associations to conform
13 the Act to the provision as codified. The commas were added
14 during codification to enhance readability of the provisions.
15 2005 Iowa Acts, chapter 70, section 51: Provides immediate
16 effectiveness and retroactive applicability to July 1, 2004,
17 for a 2005 amendment providing that an individual who is
18 covered by an Iowa comprehensive health insurance association
19 health insurance policy and who is eligible for Medicare
20 coverage based on age prior to January 1, 2005, may continue
21 to renew the coverage under the association policy.
22 2005 Iowa Acts, chapter 135, section 49: Makes punctuation
23 changes to correct grammatical drafting errors in provisions
24 relating to determinations of the eligibility of a person for
25 indemnification by a cooperative association.
26 Code section 490.1705: Strikes obsolete language that
27 permitted, on or before December 31, 1991, business
28 corporations whose corporate rights had been canceled and
29 forfeited prior to December 31, 1989, or which had a right to
30 renew, to apply to the secretary of state for reinstatement
31 pursuant to Code section 490.1422.
32 Code chapter 217A: Repeals a Code chapter that required
33 the department of human services to submit a report relating
34 to the establishment of a policy and service delivery system
35 to assist fathers in becoming and remaining engaged in their

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1 children's lives. The report was submitted by the department
2 to the general assembly, as required, on December 31, 2003.

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SENATE FILE 2253

AN ACT

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

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

Section 1. Section 8A.222, subsection 4, Code 2005, is amended by striking the subsection.

Sec. 2. Section 8A.324, subsection 2, unnumbered paragraph 2, Code Supplement 2005, is amended to read as follows:

A not-for-profit organization or governmental agency that enters into an agreement with the director pursuant to this subsection may sell or otherwise transfer the personal property received from the department to any person that the department would be able to sell or otherwise transfer such property to under this chapter, including, but not limited to, the general public. The authority granted to sell or otherwise transfer personal property pursuant to this paragraph supersedes any other restrictions applicable to the not-for-profit organization or governmental entity agency, but only for purposes of the personal property received from the department.

Sec. 3. Section 12.72, subsection 4, paragraph d, Code Supplement 2005, is amended to read as follows:

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

Sec. 4. Section 15E.351, subsection 3, paragraph c, Code Supplement 2005, is amended to read as follows:

c. The business accelerator's professional staff with demonstrated disciplines experience in all aspects of business experience disciplines.

Sec. 5. Section 17A.18A, subsection 1, Code 2005, is amended to read as follows:

1. Notwithstanding any other provision of this chapter and to the extent consistent with the Constitution of the State of Iowa and of the United States, an agency may use emergency adjudicative proceedings in a situation involving an immediate danger to the public health, safety, or welfare requiring immediate agency action.

Sec. 6. Section 28.3, subsection 6, paragraph b, Code Supplement 2005, is amended to read as follows:

b. In addition, a community empowerment office is established as a division of the department of management to

provide a center for facilitation, communication, and coordination for community empowerment activities and funding and for improvement of the early care, education, health, and human services systems. Staffing for the community empowerment office shall be provided by a facilitator or coordinator appointed by the governor, subject to confirmation by the senate, and who serves at the pleasure of the governor. A deputy and support staff may be designated, subject to appropriation made for this purpose. The facilitator or coordinator shall submit reports to the governor, the Iowa board, and the general assembly. The facilitator or coordinator shall provide primary staffing to the board, coordinate state technical assistance activities and implementation of the technical assistance system, and other communication and coordination functions to move authority and decision-making responsibility from the state to communities and individuals.

Sec. 7. Section 28.4, subsection 12, paragraph d, Code Supplement 2005, is amended to read as follows:

d. The Iowa empowerment board shall regularly make information available identifying community empowerment funding and funding distributed for purposes of the early care system. It is the intent of the general assembly that the community empowerment area boards and the administrators of the early care programs located within the community empowerment areas that are supported by public funding shall fully cooperate with one another in order to avoid duplication, enhance efforts, combine planning, and take other steps to best utilize the funding to meet the needs of the families in the areas. The community empowerment area boards and the program administrators shall annually submit a report concerning such efforts to the community empowerment office. If a community empowerment area is receiving a school ready children grant, this report shall be an addendum to the annual report required under section 28.8. The state community

empowerment facilitator or coordinator shall compile and summarize the reports which shall be submitted to the governor, general assembly, and Iowa board.

Sec. 8. Section 28J.7, subsection 3, paragraphs a and b, Code Supplement 2005, are amended to read as follows:

a. A port authority may provide for the administration and enforcement of the laws of the state by employing peace officers who shall have all the powers conferred by law on peace officers of this state with regard to the apprehension of violators upon all property under its control within and without the port authority. The peace officers may seek the assistance of other appropriate law enforcement officers to enforce its port authority rules and maintain order.

b. Peace officers employed by a port authority shall meet all requirements as established for police officers appointed under the civil service law of chapter 400 and shall participate in the retirement system established by be considered police officers for the purposes of chapter 411.

Sec. 9. Section 29B.100, Code 2005, is amended to read as follows:

29B.100 CAPTURED OR ABANDONED PROPERTY.

1. All persons subject to this code shall secure all public property taken from the enemy for the service of the United States, and shall give notice and turn over to the proper authority without delay all captured or abandoned property in their possession, custody or control.

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

- 1- a. Fails to carry out the duties prescribed herein.
- 2- b. Buys, sells, trades, or in any way deals in or disposes of captured or abandoned property, whereby the person receives or expects any profit, benefit or advantage to the person or another directly or indirectly connected with the person, and.

~~37 c. Engages in looting or pillaging; shall be punished as a court-martial may direct.~~

Sec. 10. Section 35.10, Code Supplement 2005, is amended to read as follows:

35.10 ELIGIBILITY AND PAYMENT OF AID.

Eligibility for aid shall be determined upon application to the department of veterans affairs, whose decision is final. The eligibility of eligible applicants shall be certified by the department of veterans affairs to the director of the department of administrative services, and all amounts that are or become due to an individual or a training institution under this chapter shall be paid to the individual or institution by the director of the department of administrative services upon receipt by the director of certification by the president or governing board of the educational or training institution as to accuracy of charges made, and as to the attendance of the individual at the educational or training institution. The department of veterans affairs may pay over the annual sum of four six hundred dollars to the educational or training institution in a lump sum, or in installments as the circumstances warrant, upon receiving from the institution such written undertaking as the department may require to assure the use of funds for the child for the authorized purposes and for no other purpose. A person is not eligible for the benefits of this chapter until the person has graduated from a high school or educational institution offering a course of training equivalent to high school training.

Sec. 11. Section 63.6, Code 2005, is amended to read as follows:

63.6 JUDGES.

All judges of courts of record shall qualify before taking office following appointment by taking and subscribing an oath to the effect that they will support the Constitution of the United States and that the Constitution of the state State of

Iowa, and that, without fear, favor, affection, or hope of reward, they will, to the best of their knowledge and ability, administer justice according to the law, equally to the rich and the poor.

Sec. 12. Section 124.401, subsection 1, paragraphs a through c, Code 2005, are amended to read as follows:

a. Violation of this subsection, with respect to the following controlled substances, counterfeit substances, or simulated controlled substances is a class "B" felony, and notwithstanding section 902.9, subsection 2, shall be punished by confinement for no more than fifty years and a fine of not more than one million dollars:

(1) More than one kilogram of a mixture or substance containing a detectable amount of heroin.

(2) More than five hundred grams of a mixture or substance containing a detectable amount of any of the following:

(a) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or and their salts have been removed.

(b) Cocaine, its salts, optical and geometric isomers, and or salts of isomers.

(c) Ecgonine, its derivatives, their salts, isomers, and or salts of isomers.

(d) Any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subparagraph subdivisions (a) through (c).

(3) More than fifty grams of a mixture or substance described in subparagraph (2) which contains cocaine base.

(4) More than one hundred grams of phencyclidine (PCP) or one kilogram or more of a mixture or substance containing a detectable amount of phencyclidine (PCP).

(5) More than ten grams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD).

(6) More than one thousand kilograms of a mixture or substance containing a detectable amount of marijuana.

(7) More than five kilograms of a mixture or substance containing a detectable amount of any of the following:

(a) Methamphetamine, its salts, isomers, or salts of isomers.

(b) Amphetamine, its salts, isomers, and salts of isomers.

(c) Any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subparagraph subdivisions (a) and (b).

b. Violation of this subsection with respect to the following controlled substances, counterfeit substances, or simulated controlled substances is a class "B" felony, and in addition to the provisions of section 902.9, subsection 2, shall be punished by a fine of not less than five thousand dollars nor more than one hundred thousand dollars:

(1) More than one hundred grams but not more than one kilogram of a mixture or substance containing a detectable amount of heroin.

(2) More than one hundred grams but not more than five hundred grams of any of the following:

(a) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed.

(b) Cocaine, its salts, optical and geometric isomers, and salts of isomers.

(c) Ecgonine, its derivatives, their salts, isomers, and salts of isomers.

(d) Any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subparagraph subdivisions (a) through (c).

(3) More than ten grams but not more than fifty grams of a mixture or substance described in subparagraph (2) which contains cocaine base.

(4) More than ten grams but not more than one hundred grams of phencyclidine (PCP) or more than one hundred grams but not more than one kilogram of a mixture or substance containing a detectable amount of phencyclidine (PCP).

(5) Not more than ten grams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD).

(6) More than one hundred kilograms but not more than one thousand kilograms of marijuana.

(7) More than five grams but not more than five kilograms of methamphetamine, its salts, isomers, or salts of isomers, or analogs of methamphetamine, or any compound, mixture, or preparation which contains any quantity or detectable amount of methamphetamine, its salts, isomers, or salts of isomers, or analogs of methamphetamine.

(8) More than five grams but not more than five kilograms of amphetamine, its salts, isomers, or salts of isomers, or any compound, mixture, or preparation which contains any quantity or detectable amount of amphetamine, its salts, isomers, and or salts of isomers.

c. Violation of this subsection with respect to the following controlled substances, counterfeit substances, or simulated controlled substances is a class "C" felony, and in addition to the provisions of section 902.9, subsection 4, shall be punished by a fine of not less than one thousand dollars nor more than fifty thousand dollars:

(1) One hundred grams or less of a mixture or substance containing a detectable amount of heroin.

(2) One hundred grams or less of any of the following:

(a) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or and their salts have been removed.

(b) Cocaine, its salts, optical and geometric isomers, and or salts of isomers.

(c) Ecgonine, its derivatives, their salts, isomers, and or salts of isomers.

(d) Any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subparagraph subdivisions (a) through (c).

(3) Ten grams or less of a mixture or substance described in subparagraph (2) which contains cocaine base.

(4) Ten grams or less of phencyclidine (PCP) or one hundred grams or less of a mixture or substance containing a detectable amount of phencyclidine (PCP).

(5) More than fifty kilograms but not more than one hundred kilograms of marijuana.

(6) Five grams or less of methamphetamine, its salts, isomers, or salts of isomers, or analogs of methamphetamine, or any compound, mixture, or preparation which contains any quantity or detectable amount of methamphetamine, its salts, isomers, or salts of isomers, or analogs of methamphetamine.

(7) Five grams or less of amphetamine, its salts, isomers, or salts of isomers, or any compound, mixture, or preparation which contains any quantity or detectable amount of amphetamine, its salts, isomers, and or salts of isomers.

(8) Any other controlled substance, counterfeit substance, or simulated controlled substance classified in schedule I, II, or III.

Sec. 13. Section 124.401C, subsection 1, Code 2005, is amended to read as follows:

1. In addition to any other penalties provided in this chapter, a person who is eighteen years of age or older and who either directly or by extraction from natural substances, or independently by means of chemical processes, or both, unlawfully manufactures methamphetamine, its salts, isomers, and or salts of its isomers in the presence of a minor shall be sentenced up to an additional term of confinement of five years. However, the additional term of confinement shall not be imposed on a person who has been convicted and sentenced

for a child endangerment offense under section 726.6, subsection 1, paragraph "g", arising from the same facts.

Sec. 14. Section 142C.15, subsection 4, paragraph a, Code Supplement 2005, is amended to read as follows:

a. Not more than twenty percent of the moneys in the fund annually may be expended in the form of grants to state agencies or to nonprofit legal entities with an interest in anatomical gift public awareness and transplantation to conduct public awareness projects. Moneys remaining that were not requested and awarded for public awareness projects may be used for research, or to develop and support a statewide organ and tissue donor registry. Grants shall be made based upon the submission of a grant application by an agency or entity to conduct a public awareness project or to research, or develop, and support a statewide organ and tissue donor registry.

Sec. 15. Section 152.7, unnumbered paragraph 2, Code Supplement 2005, is amended to read as follows:

For purposes of licensure pursuant to the nurse licensure compact contained in section 152E.1 ~~or pursuant to the advanced-practice-registered-nurse-compact-contained-in section-152E.3~~, the compact administrator may refuse to accept a change in the qualifications for licensure as a registered nurse or as a licensed practical or vocational nurse by a licensing authority in another state which is a party to the compact which substantially modifies that state's qualifications for licensure in effect on July 1, 2000. For purposes of licensure pursuant to the advanced practice registered nurse compact contained in section 152E.3, the compact administrator may refuse to accept a change in the qualifications for licensure as an advanced practice registered nurse by a licensing authority in another state which is a party to the compact which substantially modifies that state's qualifications for licensure in effect on July 1, 2005. A refusal to accept a change in a party state's

qualifications for licensure may result in submitting the issue to an arbitration panel or in withdrawal from the respective compact, at the discretion of the compact administrator.

Sec. 16. Section 159.5, subsection 9, Code 2005, is amended to read as follows:

9. Inspect and supervise all food meat, poultry, or dairy producing or distributing establishments including the furniture, fixtures, utensils, machinery, and other equipment so as to prevent the production, preparation, packing, storage, or transportation of food meat, poultry, or dairy products in a manner detrimental to its the character or quality of those products.

Sec. 17. Section 181.13, subsection 1, Code 2005, is amended to read as follows:

1. All state assessments imposed under this chapter shall be paid to and collected by the council and deposited with the treasurer of state in a separate cattle promotion fund which shall be created by the treasurer of state. The department of administrative services shall transfer moneys from the fund to the council for deposit into an account established by the council in a qualified financial institution. The department shall transfer the moneys as provided in a resolution adopted by the council. However, the department is only required to transfer moneys once during each day and only during hours when the offices of the state are open. From the moneys collected, deposited, and transferred to the council, in accordance with the provisions of this chapter, the council shall first pay the costs of referendums held pursuant to this chapter, the costs of collection of such state assessments, and the expenses of its agents. ~~Except-as-otherwise-provided in-section-181-19,-at~~ At least ten percent of the remaining moneys shall be remitted to the association in proportions determined by the council, for use in a manner not inconsistent with section 181.7. The remaining moneys, with

approval of a majority of the council, shall be expended as the council finds necessary to carry out the provisions and purposes of this chapter. However, in no event shall the total expenses exceed the total amount transferred from the fund for use by the council.

Sec. 18. Section 185.26, subsection 1, Code Supplement 2005, is amended to read as follows:

1. The state assessment collected by the board shall be deposited in a special fund known as the soybean promotion fund, in the office of the treasurer of state. The fund may also contain any gifts, or federal or state grant received by the board. Moneys collected, deposited into the fund, and transferred to the board, as provided in this chapter, shall be subject to audit by the auditor of state. The department of administrative services shall transfer moneys from the fund to the board for deposit into an account known as the soybean checkoff account which shall be established by the board in a qualified financial institution. The department shall transfer the moneys into the account as provided in a resolution adopted by the board. However, the department is only required to transfer moneys once during each day and only during hours when the offices of the state are open. From moneys collected, deposited, and transferred to the soybean checkoff account as provided in this section, the board shall first pay the costs of referendums, elections, and other expenses incurred in the administration of this chapter, before moneys may be expended to carry out the purposes of the board as provided in section 185.11. The association board shall strictly segregate moneys in the soybean checkoff account from all other moneys of the association board. Moneys in the soybean checkoff account shall be expended by the board exclusively for carrying out the purposes of the board as provided in section 185.11. The account shall be subject to audit by the auditor of state.

Sec. 19. Section 192.102, Code 2005, is amended to read as follows:

192.102 GRADE "A" PASTEURIZED MILK ORDINANCE.

The department shall adopt, by rule, the "Grade 'A' Pasteurized Milk Ordinance, 2003 2005 Revision", including a subsequent revision of the ordinance. If the ordinance specifies that compliance with a provision of the ordinance's appendices is mandatory, the department shall also adopt that provision. The department shall not amend the ordinance, unless the department explains each amendment and reasons for the amendment in the Iowa administrative bulletin when the rules are required to be published pursuant to chapter 17A. The department shall administer this chapter consistent with the provisions of the ordinance.

Sec. 20. Section 202.1, subsection 4, Code 2005, is amended to read as follows:

4. "Contract livestock facility" means an animal feeding operation as defined in section 459.102, in which livestock or raw milk is produced according to a production contract executed pursuant to section 202.2 by a contract producer who holds a legal interest in the animal feeding operation. "Contract livestock facility" includes a confinement feeding operation as defined in section 459.102, an open feedlot operation as defined in section 459A.102, or an area which is used for the raising of crops or other vegetation and upon which livestock is fed for slaughter or is allowed to graze or feed.

Sec. 21. Section 202.1, subsection 11, Code 2005, is amended by striking the subsection.

Sec. 22. Section 229.19, Code 2005, is amended to read as follows:

229.19 ADVOCATES -- DUTIES -- COMPENSATION -- STATE AND COUNTY LIABILITY.

1. The district court in each county with a population of under three hundred thousand inhabitants and the board of

supervisors in each county with a population of three hundred thousand or more inhabitants shall appoint an individual who has demonstrated by prior activities an informed concern for the welfare and rehabilitation of persons with mental illness, and who is not an officer or employee of the department of human services nor of any agency or facility providing care or treatment to persons with mental illness, to act as advocate representing the interests of patients involuntarily hospitalized by the court, in any matter relating to the patients' hospitalization or treatment under section 229.14 or 229.15. The court or, if the advocate is appointed by the county board of supervisors, the board shall assign the advocate appointed from a patient's county of legal settlement to represent the interests of the patient. If a patient has no county of legal settlement, the court or, if the advocate is appointed by the county board of supervisors, the board shall assign the advocate appointed from the county where the hospital or facility is located to represent the interests of the patient. The advocate's responsibility with respect to any patient shall begin at whatever time the attorney employed or appointed to represent that patient as respondent in hospitalization proceedings, conducted under sections 229.6 to 229.13, reports to the court that the attorney's services are no longer required and requests the court's approval to withdraw as counsel for that patient. However, if the patient is found to be seriously mentally impaired at the hospitalization hearing, the attorney representing the patient shall automatically be relieved of responsibility in the case and an advocate shall be assigned to the patient at the conclusion of the hearing unless the attorney indicates an intent to continue the attorney's services and the court so directs. If the court directs the attorney to remain on the case the attorney shall assume all the duties of an advocate. The clerk shall furnish the advocate with a copy of the court's order approving the withdrawal and shall inform the

patient of the name of the patient's advocate. With regard to each patient whose interests the advocate is required to represent pursuant to this section, the advocate's duties shall include all of the following:

1- a. To review each report submitted pursuant to sections 229.14 and 229.15.

2- b. If the advocate is not an attorney, to advise the court at any time it appears that the services of an attorney are required to properly safeguard the patient's interests.

3- c. To make the advocate readily accessible to communications from the patient and to originate communications with the patient within five days of the patient's commitment.

4- d. To visit the patient within fifteen days of the patient's commitment and periodically thereafter.

5- e. To communicate with medical personnel treating the patient and to review the patient's medical records pursuant to section 229.25.

6- f. To file with the court quarterly reports, and additional reports as the advocate feels necessary or as required by the court, in a form prescribed by the court. The reports shall state what actions the advocate has taken with respect to each patient and the amount of time spent.

2. The hospital or facility to which a patient is committed shall grant all reasonable requests of the advocate to visit the patient, to communicate with medical personnel treating the patient and to review the patient's medical records pursuant to section 229.25. An advocate shall not disseminate information from a patient's medical records to any other person unless done for official purposes in connection with the advocate's duties pursuant to this chapter or when required by law.

3. The court or, if the advocate is appointed by the county board of supervisors, the board shall prescribe reasonable compensation for the services of the advocate. The

compensation shall be based upon the reports filed by the advocate with the court. The advocate's compensation shall be paid by the county in which the court is located, either on order of the court or, if the advocate is appointed by the county board of supervisors, on the direction of the board. If the advocate is appointed by the court, the advocate is an employee of the state for purposes of chapter 669. If the advocate is appointed by the county board of supervisors, the advocate is an employee of the county for purposes of chapter 670. If the patient or the person who is legally liable for the patient's support is not indigent, the board shall recover the costs of compensating the advocate from that person. If that person has an income level as determined pursuant to section 815.9 greater than one hundred percent but not more than one hundred fifty percent of the poverty guidelines, at least one hundred dollars of the advocate's compensation shall be recovered in the manner prescribed by the county board of supervisors. If that person has an income level as determined pursuant to section 815.9 greater than one hundred fifty percent of the poverty guidelines, at least two hundred dollars of the advocate's compensation shall be recovered in substantially the same manner prescribed by the county board of supervisors as provided in section 815-7 815.9.

Sec. 23. Section 231B.10, subsection 1, paragraph g, Code Supplement 2005, is amended to read as follows:

g. In the case of any officer, member of the board of directors, trustee, or designated manager of the elder group home or any stockholder, partner, or individual who has greater than a five percent equity interest in the elder group home, ~~who has having~~ or ~~has having~~ had an ownership interest in an elder group home, assisted living or adult day services program, home health agency, residential care facility, or licensed nursing facility in this or any state which has been closed due to removal of program, agency, or facility licensure or certification or involuntary termination from

participation in either the medical assistance or Medicare programs, or who-has having been found to have failed to provide adequate protection or services for tenants to prevent abuse or neglect.

Sec. 24. Section 231C.10, subsection 1, paragraph g, Code Supplement 2005, is amended to read as follows:

g. In the case of any officer, member of the board of directors, trustee, or designated manager of the program or any stockholder, partner, or individual who has greater than a five percent equity interest in the program, who-has having or has having had an ownership interest in an assisted living program, adult day services program, elder group home, home health agency, residential care facility, or licensed nursing facility in any state which has been closed due to removal of program, agency, or facility licensure or certification or involuntary termination from participation in either the medical assistance or Medicare programs, or who-has having been found to have failed to provide adequate protection or services for tenants to prevent abuse or neglect.

Sec. 25. Section 231D.5, subsection 1, paragraph h, Code Supplement 2005, is amended to read as follows:

h. In the case of any officer, member of the board of directors, trustee, or designated manager of the program or any stockholder, partner, or individual who has greater than a five percent equity interest in the program, who-has having or has having had an ownership interest in an adult day services program, assisted living program, elder group home, home health agency, residential care facility, or licensed nursing facility in any state which has been closed due to removal of program, agency, or facility licensure or certification or involuntary termination from participation in either the medical assistance or Medicare programs, or who-has having been found to have failed to provide adequate protection or services for participants to prevent abuse or neglect.

Sec. 26. Section 235B.2, subsection 5, paragraph b, subparagraph (3), Code Supplement 2005, is amended to read as follows:

(3) The withholding or withdrawing of health care from a dependent adult who is terminally ill in the opinion of a licensed physician, when the withholding or withdrawing of health care is done at the request of the dependent adult or at the request of the dependent adult's next of kin, attorney in fact, or guardian pursuant to the applicable procedures under chapter 125, 144A, 144B, 222, 229, or 633.

Sec. 27. Section 235B.3, subsection 2, unnumbered paragraph 1, Code 2005, is amended to read as follows:

A person who, in the course of employment, examines, attends, counsels, or treats a dependent adult and reasonably believes the dependent adult has suffered abuse, shall report the suspected dependent adult abuse to the department including. Persons required to report include all of the following:

Sec. 28. Section 235B.6, subsection 2, paragraph d, subparagraph (2), Code Supplement 2005, is amended to read as follows:

(2) A court or administrative agency hearing an appeal for correction of dependent adult abuse information as provided in section 235B.10.

Sec. 29. Section 249J.14, subsection 8, Code Supplement 2005, is amended to read as follows:

8. REPORTS. The department shall report on a quarterly basis to the medical assistance projections and assessment council established pursuant to section 249J.20 and the medical assistance advisory council created pursuant to section ~~249A.47-subsection-8~~ 249A.4B, regarding the health promotion partnerships described in this section. To the greatest extent feasible, and if applicable to a data set, the data reported shall include demographic information concerning the population served including but not limited to factors,

such as race and economic status, as specified by the department.

Sec. 30. Section 249J.18, subsection 2, Code Supplement 2005, is amended to read as follows:

2. The medical director of the Iowa Medicaid enterprise shall report on a quarterly basis to the medical assistance projections and assessment council established pursuant to section 249J.20 and the medical assistance advisory council created pursuant to ~~section 249A.47-subsection-8~~ 249A.4B, any recommendations made by the panel and adopted by rule of the department pursuant to chapter 17A regarding clinically appropriate health care utilization management and coverage under the medical assistance program and the expansion population.

Sec. 31. Section 256.40, subsection 2, unnumbered paragraph 1, Code Supplement 2005, is amended to read as follows:

The purpose of the program shall be to build a seamless ~~system-of~~ career, future workforce, and economic development system in Iowa to accomplish all of the following:

Sec. 32. Section 256B.15, subsection 9, Code 2005, is amended to read as follows:

9. The department of education and the department of human services shall adopt rules to implement this section ~~to-be effective-immediately-upon-filing-with-the-administrative rules-coordinator-or-at-a-stated-date-prior-to-indexing-and publication-or-at-a-stated-date-less-than-thirty-five-days after-filing-indexing-and-publication.~~

Sec. 33. Section 258.1, Code 2005, is amended to read as follows:

258.1 FEDERAL ACT ACCEPTED.

The provisions of the Act of Congress entitled ~~"An Act to provide-for-the-promotion-of-vocational-education-to-provide for-co-operation-with-the-states-in-the-promotion-of-such education-in-agriculture-and-in-the-trades-and-industries-to~~

~~provide-for-co-operation-with-the-states-in-the-preparation-of teachers-of-vocational-subjects-and-to-appropriate-money-and regulate-its-expenditure"~~ approved-February-23-1917-39 Stat-B-929-20-U.S.C-7-ch-2 known as the Carl D. Perkins Vocational and Technical Education Act of 1998, codified at 20 U.S.C. § 2301 et seq., originally known as the Vocational Education Act of 1963, and enacted December 18, 1963, as part A of Pub. L. No. 88-210, 77 Stat. 403, and all amendments thereto and the benefit of all funds appropriated under said Act and all other Acts pertaining to vocational education, are accepted.

Sec. 34. Section 266.27, Code 2005, is amended to read as follows:

266.27 ACT ACCEPTED.

The assent of the legislature general assembly of the state of Iowa is hereby given to the provisions and requirements of the congressional Smith-Lever Act, 38 Stat. 372-374, approved May 22 18, 1928 1914, commonly-known-as-the-Capper-Ketcham and any amendments to that Act-45-Stat-B-7117, codified at 7 U.S.C. § 341 et-seq-} -- 349.

Sec. 35. Section 321.177, subsection 10, Code 2005, is amended by striking the subsection.

Sec. 36. Section 321.218, subsection 3, unnumbered paragraph 1, Code Supplement 2005, is amended to read as follows:

The department, upon receiving the record of the conviction of a person under this section upon a charge of operating a motor vehicle while the license of the person is suspended or revoked, shall, except for licenses suspended under section 252J.8, 321.210, subsection 1, paragraph "c", or section 321.210A7-321-210B7 or 321.513, extend the period of suspension or revocation for an additional like period, and the department shall not issue a new driver's license to the person during the additional period.

Sec. 37. Section 321I.10, subsection 5, Code Supplement 2005, is amended to read as follows:

5. The state department of transportation may issue a permit to a state agency, a county, or a city to allow an all-terrain vehicle trail to cross a primary highway. The trail crossing shall be part of an all-terrain vehicle trail designated by the state agency, county, or city. A permit shall be issued only if the crossing can be accomplished in a safe manner and allows for adequate sight distance for both motorists and all-terrain vehicle operators. The state department of transportation may adopt rules to administer this subsection.

Sec. 38. Section 331.605, subsection 4, Code 2005, is amended to read as follows:

4. For the issuance of snowmobile registrations and user permits, the fees specified in section sections 321G.4 and 321G.4A.

Sec. 39. Section 423.1, subsection 30, Code Supplement 2005, is amended to read as follows:

30. "Nonresidential commercial operations" means industrial, commercial, mining, or agricultural operations, whether for profit or not, but does not include apartment complexes, manufactured home communities, or mobile home parks.

Sec. 40. Section 441.11, Code 2005, is amended to read as follows:

441.11 INCUMBENT DEPUTY ASSESSORS.

~~The director of revenue shall grant a restricted certificate to any deputy assessor holding office as of January 1, 1976.~~ A deputy assessor ~~possessing such a certificate~~ shall be considered eligible to remain in the deputy's present position provided continuing education requirements are met. To become eligible for another deputy assessor position, a deputy assessor presently holding office is required to obtain certification as provided for in

sections 441.5 and 441.10. The number of credit hours required for certification as eligible for appointment as a deputy in a jurisdiction other than where the deputy is currently serving shall be prorated according to the completed portion of the deputy's six-year continuing education period.

Sec. 41. Section 453A.22, subsection 3, Code Supplement 2005, is amended to read as follows:

3. If an employee of a retailer violates section 453A.2, subsection 1, the retailer shall not be assessed a penalty under subsection 2, and the violation shall be deemed not to be a violation of section 453A.2, subsection 1, for the purpose of determining the number of violations for which a penalty may be assessed pursuant to subsection 2, if the employee holds a valid certificate of completion of the tobacco compliance employee training program pursuant to section 453A.5 at the time of the violation. A retailer may assert only once in a four-year period the bar under ~~either this subsection or subsection 4~~ against assessment of a penalty pursuant to subsection 2, for a violation of section 453A.2, that takes place at the same place of business location.

Sec. 42. Section 455B.306, subsection 2, unnumbered paragraph 1, Code Supplement 2005, is amended to read as follows:

A planning area that closes all of the municipal solid waste sanitary landfills located in the planning area and chooses to use a municipal solid waste sanitary landfill in another planning area that complies with all requirements under subtitle D of the federal Resource Conservation and Recovery Act, with all solid waste generated within the planning area being consolidated at and transported from a permitted transfer station, may elect to retain autonomy as a planning area and shall not be required to join the planning area where the landfill being used for final disposal of solid waste is located. If a planning area makes the election under

this subsection, the planning area receiving the solid waste from the planning area making the election shall not be required to include the planning area making the election in a comprehensive plan provided no services are shared between the two planning areas other than the acceptance of solid waste for disposal at a sanitary landfill. The planning area receiving the solid waste shall only be responsible for the permitting, planning, and waste reduction and diversion programs in the planning area receiving the solid waste. If the department determines that solid waste cannot reasonably be consolidated and transported from a particular transfer station, the department may establish permit conditions to address the transport and disposal of the solid waste. An election may be made under this subsection only if the two comprehensive planning areas enter into an agreement pursuant to chapter 28E that includes, at a minimum, all of the following:

Sec. 43. Section 455I.5, subsection 4, Code Supplement 2005, is amended to read as follows:

4. This chapter does not invalidate or render unenforceable any interest, whether designated as an environmental covenant or other interest, that was created prior to ~~the enactment of this chapter July 1, 2005~~, or that is otherwise enforceable under the laws of this state.

Sec. 44. Section 455I.11, subsection 1, paragraph b, Code Supplement 2005, is amended to read as follows:

b. The agency or, if it the agency is not the agency with authority to determine or approve the environmental response project, the department of natural resources.

Sec. 45. Section 459A.103, subsection 7, paragraph b, Code Supplement 2005, is amended to read as follows:

b. If a drainage tile line to artificially lower the seasonal high-water table is installed as required-by-this provided in section 459A.302, the level to which the seasonal high-water table will be lowered will be the seasonal high-water table.

Sec. 46. Section 459A.208, subsection 4, Code Supplement 2005, is amended to read as follows:

4. The department shall not approve an application for a permit to construct a settled open feedlot effluent basin unless the owner of the open feedlot operation applying for approval submits a nutrient management plan together with the application for the construction permit as provided in section 459A.205. The owner shall also submit proof that the owner has published a notice for public comment as provided in this section. The department shall approve or disapprove the nutrient management plan as provided in section 459A.201. ~~A nutrient-management-plan-using-an-alternative-technology system-shall-not-include-requirements-for-settled-effluent that-enters-the-alternative-technology-system.~~

Sec. 47. Section 459A.208, subsection 6, Code Supplement 2005, is amended to read as follows:

6. A nutrient management plan must be authenticated by the owner of the ~~animal-feeding~~ open feedlot operation as required by the department in accordance with section 459A.201.

Sec. 48. Section 465C.1, subsection 4, Code 2005, is amended to read as follows:

4. "Dedication" means the allocation of an area as a preserve by a public ~~administrative~~ agency or by a private owner by written stipulation in a form approved by the state advisory board for preserves.

Sec. 49. Section 465C.9, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The public ~~administrative~~ agency or private owner shall complete articles of dedication on forms approved by the board. When the articles of dedication have been approved by the governor the board shall record them with the county recorder for the county or counties in which the area is located.

Sec. 50. Section 465C.10, Code 2005, is amended to read as follows:

465C.10 WHEN DEDICATED AS A PRESERVE.

An area shall become a preserve when it has been approved by the board for dedication as a preserve, whether in public or private ownership, formally dedicated as a preserve within the system by a public administrative agency or private owner and designated by the governor as a preserve.

Sec. 51. Section 476.6, subsection 22, paragraph g, Code 2005, is amended by striking the paragraph.

Sec. 52. Section 501A.103, Code Supplement 2005, is amended to read as follows:

501A.103 REQUIREMENTS FOR SIGNATURES ON DOCUMENTS.

A document is signed when a person has written affixed the person's name on a document. A person authorized to do so by this chapter, the articles or bylaws, or by a resolution approved by the directors or the members must sign the document. A signature on a document may be a facsimile affixed, engraved, printed, placed, stamped with indelible ink, transmitted by facsimile or electronically, or in any other manner reproduced on the document.

Sec. 53. Section 501A.503, subsection 2, paragraph c, Code Supplement 2005, is amended to read as follows:

c. The secretary ~~shall~~ will issue an acknowledgment to the cooperative.

Sec. 54. Section 501A.603, subsection 6, Code Supplement 2005, is amended to read as follows:

6. PENALTIES FOR CONTRACT INTERFERENCE. A person who knowingly induces or attempts to induce any patron member or patron of a cooperative organized under this chapter to breach a marketing contract with the cooperative is guilty of a simple misdemeanor.

Sec. 55. Section 501A.703, subsection 4, Code Supplement 2005, is amended to read as follows:

4. DISTRICT OR LOCAL UNIT ELECTION OF DIRECTORS. For a cooperative with districts or other units, members may elect directors on a district or unit basis if provided in the

bylaws. The directors may be nominated or elected at district meetings if provided in the bylaws. Directors who are nominated at district meetings shall be elected at the annual regular members' meeting by vote of the entire membership, unless the bylaws provide that directors who are nominated at district meetings are to be elected by vote of the members of the district, at the district meeting, or the annual regular members' meeting.

Sec. 56. Section 501A.715, subsection 2, paragraph a, subparagraph (1), subparagraph subdivision (d), Code Supplement 2005, is amended to read as follows:

(d) The person has not committed an act for which liability cannot can be eliminated or limited under section 501A.714.

Sec. 57. Section 501A.808, subsection 2, Code Supplement 2005, is amended to read as follows:

2. CLASS OR SERIES OF MEMBERSHIP INTERESTS. In any case where a class or series of membership interests is entitled by this chapter, the articles, bylaws, a member control agreement, or the terms of the membership interests to vote as a class or series, the matter being voted upon must also receive the affirmative vote of the owners of the same proportion of the membership interests present of that class or series; or of the total outstanding membership interests of that class or series, as the proportion required under subsection 1, unless the articles, bylaws, or the member control agreement requires a larger proportion. Unless otherwise stated in the articles, bylaws, or a member control agreement, in the case of voting as a class or series, the minimum percentage of the total voting power of membership interests of the class or series that must be present is equal to the minimum percentage of all membership interests entitled to vote required to be present under section ~~501A-707~~ 501A.806.

Sec. 58. Section 501A.903, subsection 6, paragraphs a and d, Code Supplement 2005, are amended to read as follows:

a. Subject to the right of the cooperative, to redeem any of those membership interests at the price fixed for their redemption by the articles or bylaws or by the board.

d. Convert into membership interests of into any other class or any series of the same or another class.

Sec. 59. Section 501A.1005, subsection 2, Code Supplement 2005, is amended to read as follows:

2. DISTRIBUTION OF CASH OR OTHER ASSETS. A cooperative's bylaws shall prescribe the distribution of cash or other assets of the cooperative among the membership interests of the cooperative. If nonpatron membership interests are authorized by the patrons and the bylaws do not provide otherwise, distributions and allocations shall be made to the patron membership interests collectively and other members on the basis of the value of contributions to capital made and accepted by the cooperative, by the patron membership interests collectively, and other membership interests. The distributions to patron membership interests collectively shall not be less than fifty percent of the total distributions in any fiscal year, except if authorized in the articles or bylaws adopted by the affirmative vote of the patron members, or the articles or bylaws as amended by the affirmative vote of the patron members. However, the distributions to patron membership interests collectively shall not be less than fifteen percent of the total distributions in any fiscal year.

Sec. 60. Section 501A.1006, subsections 6 and 7, Code Supplement 2005, are amended to read as follows:

6. ELIGIBLE NONMEMBER PATRONS. A cooperative may provide in the bylaws that nonmember patrons are allowed to participate in the distribution of net income, payable to patron members on equal terms with patron members.

7. PATRONAGE CREDITS FOR INELIGIBLE MEMBERS. If a nonmember patron with patronage credits is not qualified or eligible for membership, a refund due may be credited to the nonmember patron's individual account. The board may issue a certificate of interest to reflect the credited amount. After the nonmember patron is issued a certificate of interest, the nonmember patron may participate in the distribution of net income on the same basis as a patron member.

Sec. 61. Section 502.404, subsection 5, Code 2005, is amended to read as follows:

5. LIMITS ON EMPLOYMENT OR ASSOCIATION. It is unlawful for an individual acting as an investment adviser representative, directly or indirectly, to conduct business in this state on behalf of an investment adviser or a federal covered investment adviser if the registration of the individual as an investment adviser representative is suspended or revoked or the individual is barred from employment or association with an investment adviser or a federal covered investment adviser by an order under this chapter, the securities and exchange commission, or a self-regulatory organization. Upon request from a federal covered investment adviser and for good cause, the administrator, by order issued, may waive, in whole or in part, the application of the requirements of this subsection to the federal covered investment adviser representative.

Sec. 62. Section 514.2, Code Supplement 2005, is amended to read as follows:

514.2 INCORPORATION.

Persons desiring to form a nonprofit hospital service corporation, or a nonprofit medical service corporation, or a nonprofit pharmaceutical or optometric service corporation shall have been incorporated under the provisions of chapter 504, Code 1989, or shall incorporate under the provisions of current chapter 504, as supplemented and amended herein and any Acts amendatory thereof.

Sec. 63. Section 516E.10, subsection 3, Code Supplement 2005, is amended to read as follows:

3. BOYCOTT, COERCION, AND INTIMIDATION. A provider, service company, or third-party administrator shall not enter into an agreement to commit, or by a concerted action commit, an act of boycott, coercion, or intimidation resulting in or tending to result in unreasonable restraint of, or monopoly in, the service contract industry.

Sec. 64. Section 523I.201, subsection 1, Code Supplement 2005, is amended to read as follows:

1. This chapter shall be administered by the commissioner. The deputy administrator appointed pursuant to section ~~523A-801~~ 502.601 shall be the principal operations officer responsible to the commissioner for the routine administration of this chapter and management of the administrative staff. In the absence of the commissioner, whether because of vacancy in the office due to absence, physical disability, or other cause, the deputy administrator shall, for the time being, have and exercise the authority conferred upon the commissioner. The commissioner may by order from time to time delegate to the deputy administrator any or all of the functions assigned to the commissioner in this chapter. The deputy administrator shall employ officers, attorneys, accountants, and other employees as needed for administering this chapter.

Sec. 65. Section 523I.806, subsection 2, Code Supplement 2005, is amended to read as follows:

2. The care fund shall be administered under the jurisdiction of the district court of the county where the cemetery is located. Notwithstanding chapter 633 633A, annual reports shall not be required unless specifically required by the district court. Reports shall be filed with the court when necessary to receive approval of appointments of trustees, trust agreements and amendments, changes in fees or expenses, and other matters within the court's jurisdiction.

A court having jurisdiction over a care fund shall have full jurisdiction to approve the appointment of trustees, the amount of surety bond required, if any, and investment of funds.

Sec. 66. Section 546.10, subsection 1, Code Supplement 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. The interior design examining board established pursuant to chapter 544C.

Sec. 67. Section 547.1, Code Supplement 2005, is amended to read as follows:

547.1 USE OF TRADE NAME -- VERIFIED STATEMENT REQUIRED.

A person shall not engage in or conduct a business under a trade name, or an assumed name of a character other than the true surname of each person owning or having an interest in the business, unless the person first records with the county recorder of the county in which the business is to be conducted a verified statement showing the name, post office address, and residence address of each person owning or having an interest in the business, and the address where the business is to be conducted. However, this provision does not apply to any person organized or incorporated in this state as a domestic entity or authorized to do business in this state as a foreign entity, if the person is a limited partnership under chapter 488, a corporation under chapter 490; a limited liability company under chapter 490A; a professional corporation under chapter 496C; a cooperative or cooperative association under chapter 497, 498, 499, or 501, or 501A; or a nonprofit corporation under chapter 504.

Sec. 68. Section 551A.3, subsection 2, unnumbered paragraph 1, Code Supplement 2005, is amended to read as follows:

The disclosure document shall have a cover sheet which shall consist of a title printed in bold and a statement. The title and statement shall be in at least ten point type and shall appear as follows:

DISCLOSURE REQUIRED BY IOWA LAW

~~The registration of this~~ This business opportunity does not constitute have the approval, recommendation, or endorsement by of the state of Iowa. The information contained in this disclosure document has not been verified by this state. If you have any questions or concerns about this investment, seek professional advice before you sign a contract or make any payment. You are to be provided ten (10) business days to review this document before signing a contract or making any payment to the seller or the seller's representative.

Sec. 69. Section 554.3309, subsection 1, paragraph a, subparagraph (1), Code Supplement 2005, is amended to read as follows:

(1) was entitled to enforce the instrument when loss or of possession occurred, or

Sec. 70. Section 558A.1, subsection 4, paragraph a, Code Supplement 2005, is amended to read as follows:

a. A transfer made pursuant to a court order, including but not limited to a transfer under chapter 633 or 633A, the execution of a judgment, the foreclosure of a real estate mortgage pursuant to chapter 654, the forfeiture of a real estate contract under chapter 656, a transfer by a trustee in bankruptcy, a transfer by eminent domain, or a transfer resulting from a decree for specific performance.

Sec. 71. Section 598.21C, subsection 4, Code Supplement 2005, is amended to read as follows:

4. RETROACTIVITY OF MODIFICATION. Judgments for child support or child support awards entered pursuant to this chapter, chapter 234, 252A, 252C, 252F, 600B, or any other chapter of the Code which are subject to a modification proceeding may be retroactively modified only from three months after the date the notice of the pending petition for modification is served on the opposing party. The three-month limitation applies to a modification action pending on or after July 1, 1997. The prohibition of retroactive

modification does not bar the child support recovery unit from obtaining orders for accrued support for previous time periods. Any retroactive modification which increases the amount of child support or any order for accrued support under this paragraph subsection shall include a periodic payment plan. A retroactive modification shall not be regarded as a delinquency unless there are subsequent failures to make payments in accordance with the periodic payment plan.

Sec. 72. Section 598.21E, subsection 2, Code Supplement 2005, is amended to read as follows:

2. If the court overcomes a prior determination of paternity, the previously established father shall be relieved of support obligations as specified in section 600B.41A, subsection 4. In any action to overcome paternity other than through a pending dissolution action, the provisions of section 600B.41A apply. Overcoming paternity under this subsection 1, paragraph "c", does not bar subsequent actions to establish paternity. A subsequent action to establish paternity against the previously established father is not barred if it is subsequently determined that the written statement attesting that the established father is not the biological father of the child may have been submitted erroneously, and that the person previously determined not to be the child's father during the dissolution action may actually be the child's biological father.

Sec. 73. Section 598.21F, subsection 6, Code Supplement 2005, is amended to read as follows:

6. APPLICATION. A support order, decree, or judgment entered or pending before July 1, 1997, that provides for support of a child for college, university, or community college expenses may be modified in accordance with this subsection section.

Sec. 74. Section 602.1304, subsection 2, paragraph b, Code Supplement 2005, is amended to read as follows:

b. For each fiscal year, a judicial collection estimate for that fiscal year shall be equally and proportionally divided into a quarterly amount. The judicial collection estimate shall be calculated by using the state revenue estimating conference estimate made by December 15 pursuant to section 8.22A, subsection 3, of the total amount of fines, fees, civil penalties, costs, surcharges, and other revenues collected by judicial officers and court employees for deposit into the general fund of the state. The revenue estimating conference estimate shall be reduced by the maximum amounts allocated to the Iowa prison infrastructure fund pursuant to section 602.8108A, the court technology and modernization fund pursuant to section 602.8108, subsection 7, the judicial branch pursuant to section 602.8108, subsection 8, and the road use tax fund pursuant to section 602.8108, subsection 9, and the remainder shall be the judicial collection estimate. In each quarter of a fiscal year, after revenues collected by judicial officers and court employees equal to that quarterly amount are deposited into the general fund of the state, after the required amount is deposited during the quarter into the Iowa prison infrastructure fund pursuant to section 602.8108A, and into the court technology and modernization fund pursuant to section 602.8108, subsection 7, and into the road use tax fund pursuant to section 602.8108, subsection 9, and after the required amount is allocated to the judicial branch pursuant to section 602.8108, subsection 8, the director of the department of administrative services shall deposit the remaining revenues for that quarter into the enhanced court collections fund in lieu of the general fund. However, after total deposits into the collections fund for the fiscal year are equal to the maximum deposit amount established for the collections fund, remaining revenues for that fiscal year shall be deposited into the general fund. If the revenue estimating conference agrees to a different estimate at a later meeting which projects a lesser amount of revenue than

the initial estimate amount used to calculate the judicial collection estimate, the director of the department of administrative services shall recalculate the judicial collection estimate accordingly. If the revenue estimating conference agrees to a different estimate at a later meeting which projects a greater amount of revenue than the initial estimate amount used to calculate the judicial collection estimate, the director of the department of administrative services shall recalculate the judicial collection estimate accordingly but only to the extent that the greater amount is due to an increase in the fines, fees, civil penalties, costs, surcharges, or other revenues allowed by law to be collected by judicial officers and court employees.

Sec. 75. Section 602.6306, subsection 2, Code Supplement 2005, is amended to read as follows:

2. District associate judges also have jurisdiction in civil actions for money judgment where the amount in controversy does not exceed ten thousand dollars; jurisdiction over involuntary commitment, treatment, or hospitalization proceedings under chapters 125 and 229; jurisdiction of indictable misdemeanors, class "D" felony violations, and other felony arraignments; jurisdiction to enter a temporary or emergency order of protection under chapter 236, and to make court appointments and set hearings in criminal matters; jurisdiction to enter orders in probate which do not require notice and hearing and to set hearings in actions under chapter 633 or 633A; and the jurisdiction provided in section 602.7101 when designated as a judge of the juvenile court. While presiding in these subject matters a district associate judge shall employ district judges' practice and procedure.

Sec. 76. Section 602.8108, subsection 10, Code Supplement 2005, is amended by striking the subsection.

Sec. 77. Section 633.264, Code Supplement 2005, is amended to read as follows:

633.264 DISPOSAL OF PROPERTY BY WILL.

Subject to the rights of the surviving spouse to take an elective share as provided by section 633.236, any person of full age and sound mind may dispose by will of all the person's property, except an amount sufficient to pay the debts and charges against the person's estate.

Sec. 78. Section 633C.4, subsection 2, Code Supplement 2005, is amended to read as follows:

2. The trustee of a medical assistance income trust or a medical assistance special needs trust is a fiduciary for purposes of ~~this~~ chapter 633A and, in the exercise of the trustee's fiduciary duties, the state shall be considered a beneficiary of the trust. Regardless of the terms of the trust, the trustee shall not take any action that is not prudent in light of the state's interest in the trust.

Sec. 79. Section 679C.109, subsection.1, paragraph b, Code Supplement 2005, is amended to read as follows:

b. Disclose any such known fact to the mediation parties as soon as is ~~practical~~ practicable before accepting a mediation.

Sec. 80. NEW SECTION. 691.9 CRIMINALISTICS LABORATORY FUND.

A criminalistics laboratory fund is created as a separate fund in the state treasury under the control of the department of public safety. The fund shall consist of appropriations made to the fund and transfers of interest, and earnings. All moneys in the fund are appropriated to the department of public safety for use by the department in criminalistics laboratory equipment purchasing, maintenance, depreciation, and training. Any balance in the fund on June 30 of any fiscal year shall not revert to any other fund of the state but shall remain available for the purposes described in this section.

Sec. 81. Section 717E.2, subsection 2, Code 2005, is amended to read as follows:

2. A prize for participating in a fair event.

Sec. 82. Section 815.11, Code Supplement 2005, is amended to read as follows:

815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.

Costs incurred under chapter 229A, 665, 822, or 908, or section 232.141, subsection 3, paragraph "c", or section 598.23A, 600A.6B, 814.9, 814.10, 814.11, 815.4, 815.7, or 815.10 on behalf of an indigent shall be paid from funds appropriated by the general assembly to the office of the state public defender in the department of inspections and appeals for those purposes. Costs incurred representing an indigent defendant in a contempt action, or representing an indigent juvenile in a juvenile court proceeding under chapter 600, are also payable from these funds. However, costs incurred in any administrative proceeding or in any other proceeding under chapter 598, 600, 600A, 633, 633A, or 915 or other provisions of the Code or administrative rules are not payable from these funds.

Sec. 83. 2003 Iowa Acts, 1st Ex., chapter 2, section 93, is amended to read as follows:

SEC. 93. The divisions of this Act designated economic development appropriations, workforce-related issues, loan and credit guarantee fund, university-based research utilization program appropriation, endow Iowa tax credit, and rehabilitation project tax credits are repealed effective June 30, 2010. This section does not apply to the section of the division of this Act designated workforce-related issues that enacts section 260C.18A.

Sec. 84. 2005 Iowa Acts, chapter 70, section 51, is amended to read as follows:

SEC. 51. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES. This section and the sections of this Act amending sections 513C.6 and 514E.2, and amending section 514E.7, subsection 1, by enacting paragraph "e", being deemed of immediate importance, take effect upon enactment. The section of the

Act amending section 513C.6 is retroactively applicable to January 1, 2005, and is applicable on and after that date. The sections of the Act amending section 514E.2 are retroactively applicable to July 1, 1986, and are applicable on and after that date. The portion of the section of the Act amending section 514E.7, subsection 1, by enacting paragraph "e" is retroactively applicable to January 1, 2005, and is applicable on and after that date. The section of this Act amending section 514E.8, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2004.

Sec. 85. Section 501A.715, subsection 6, paragraph a, subparagraphs (2) through (4), as enacted by 2005 Iowa Acts, chapter 135, section 49, are amended to read as follows:

(2) If a quorum under subparagraph (1) cannot be obtained, by a majority of a committee of the board consisting solely of two or more directors not at the time parties to the proceeding duly designated to act in the matter by a majority of the full board, including directors who are parties.

(3) If a determination is not made under subparagraph (1) or (2), by special legal counsel selected either by a majority of the board or a committee by vote under subparagraph (1) or (2), or if the requisite quorum of the full board cannot be obtained and the committee cannot be established, by a majority of the full board, including directors who are parties.

(4) If a determination is not made under subparagraphs (1) through (3) by the affirmative vote of the members, but the membership interests held by parties to the proceeding must not be counted in determining the presence of a quorum, and are not considered to be present and entitled to vote on the determination.

Sec. 86. Sections 321.210B and 490.1705, Code 2005, are repealed.

Sec. 87. Chapter 217A, Code 2005, is repealed.

Sec. 88. The section of this Act amending section 152.7, is repealed effective July 1, 2008.

Sec. 89. RETROACTIVE APPLICABILITY. The following sections of this Act are retroactively applicable to January 1, 2005, and are applicable on and after that date:

1. The section of this Act amending section 455I.5, subsection 4.

2. The section of this Act amending 2005 Iowa Acts, chapter 135, section 49.

JEFFREY M. LAMBERTI
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2253, Eighty-first General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2006

THOMAS J. VILSACK
Governor