

CHAPTER 108**FARM CRISIS RELIEF PROGRAM***S.F. 389*

AN ACT relating to farm crisis relief, by extending the date of repeal of certain 1986 provisions, expanding participation in farm mediation, requiring borrowers to file a list of creditors, providing for review of farm mediation service decisions, expanding the confidentiality of mediation information, providing for mediation fees, and providing limitations on liability and immunity from certain judicial actions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. 1986 Iowa Acts, chapter 1214, section 29, is amended to read as follows:

SEC. 29. Sections 1 through 7, 12, and 14 through 28 are repealed on July 1, ~~1989~~ 1990.

Sec. 2. Section 654A.4, subsection 2, Code 1989, is amended by striking the subsection and inserting in lieu thereof the following:

2. This chapter applies to a borrower who is a natural person operating a farm or any corporation, trust, or limited partnership as defined in section 172C.1.

Sec. 3. Section 654A.6, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Unless the borrower waives mediation, the borrower shall file a list containing at least the name and place of business for each creditor as defined in section 654A.1 or apply for an extension to file the list with the farm mediation service within twenty-one days of the service's receipt of a request for mediation.

Sec. 4. Section 654A.11, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The farm mediation service shall provide by rule a procedure, consistent with chapter 17A, for review of an initial decision by a mediator relating to the issuance of a mediation release. A decision may be reviewed by the administrative head of the service or a designee. Upon final action by the service and exhaustion of administrative remedies, an action for judicial review of a decision by the service may be brought in either the district court of Polk county or in the district court in which the farmer or creditor resides.

Sec. 5. Section 654A.13, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Verbal or written information relating to the mediation process and transmitted between a party to a dispute and the farm mediation service, including a mediator or the mediation staff, or any other person present during any stage of the mediation process conducted by the service, whether reflected in notes, memoranda, or other work products in the case files, are confidential communications. Mediators and staff members shall not be examined in any judicial or administrative proceeding regarding confidential communications and are not subject to judicial or administrative process requiring the disclosure of confidential communications.

If a governmental subdivision is a party to a dispute which has been scheduled for a mediation meeting, verbal or written information obtained by the governmental subdivision which was transmitted by the farm mediation service, including a mediator or the mediation staff, or by any other person present during any stage of the mediation process, is confidential for the purposes of chapter 22 and 5 U.S.C. § 552 (1970).

This subsection does not apply to information transmitted by a party to a dispute where the farm mediation service, including a mediator or staff member, has reason to believe that the party has given perjured evidence.

Sec. 6. Section 654A.14, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The coordinator shall adopt rules pursuant to chapter 17A to provide for an hourly mediation fee not to exceed twenty-five dollars per hour per

party. The hourly mediation fee may be waived for any party demonstrating financial hardship upon application to the farm mediation service.

Sec. 7. NEW SECTION. 654A.15 LIMITATION ON LIABILITY — IMMUNITY FROM SPECIAL ACTIONS.

1. A member of the farm mediation staff, including a mediator, employee, or agent of the service, or member of a board to the service, is not liable for civil damages for a statement or decision made in the process of mediation unless the member acts in bad faith, with malicious purpose, or in a manner exhibiting willful and wanton disregard of human rights, safety, or property.

2. A judicial action relating to a matter which is in the mediation process, which seeks an injunction, mandamus, or similar equitable relief shall not be brought against the farm mediation service, including a mediator, employee, or agent of the service, or member of board for the service.

Approved May 3, 1989

CHAPTER 109
CONTROLLED SUBSTANCES
S.F. 395

AN ACT adding certain controlled substances to schedule I, schedule IV, and schedule V controlled substances.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 204.204, subsection 2, Code 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH. at. Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidiny]-N-phenylpropanamide).

Sec. 2. Section 204.204, subsection 9, Code 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH. q. N,N-dimethylamphetamine (some other names: N,N, alpha-trimethylbenzene-ethanamine; N,N, alpha-trimethylphenethylamine), its salts, optical isomers and salts of optical isomers.

Sec. 3. Section 204.210, subsection 5, paragraphs a through f, Code 1989, are amended to read as follows:

- a. Cathine [(+)-norpseudoephedrine].
- a b. Diethylpropion.
- c. Fencamfamin.
- d. Fenproporex.
- b e. Mazindol.
- f. Mefenorex.
- e g. Pemoline (including organometallic complexes and chelates thereof).
- d h. Phentermine.
- e i. Pipradrol.
- f j. SPA ((-)-1-dimethylamino-1,2-diphenylethane).

Sec. 4. Section 204.212, Code 1989, is amended by adding the following new subsection:
NEW SUBSECTION. 4. STIMULANTS. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the