

Sec. 12. INITIAL APPOINTMENTS. Notwithstanding section 147.19, of the initial appointees to the board of behavioral science examiners, one member of each professional subcommittee and one member appointed to represent the general public shall be appointed for one-year terms, one member of each subcommittee and one representative of the general public shall be appointed for two-year terms, and one member of each subcommittee and one representative of the general public shall be appointed for three-year terms. The initial appointees' successors shall be appointed for terms of three years each, except that a person chosen to fill a vacancy shall be appointed only for the unexpired term of the board member replaced.

Initial professional appointees to the board of behavioral science examiners shall meet the requirements of section 154D.2, subsection 1, paragraphs "a" and "b", or section 154D.2, subsection 2, paragraphs "a" and "b", and shall not be required to pass an examination in order to be appointed to the board.

Approved June 4, 1991

CHAPTER 230

COOPERATIVE ASSOCIATIONS — STATEMENTS — SECURITIES EXEMPTIONS *S.F. 276*

AN ACT relating to financial requirements of cooperative associations, by providing for the preparation and delivery of certain statements, exempting agricultural cooperative associations from certain requirements provided under the Iowa uniform securities Act, providing for the retroactive application of the Act, and providing an effective date.

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

Section 1. **NEW SECTION. 497.35 STATEMENT TO ESTATE OF STOCKHOLDER.**

The board of directors, upon receiving actual notice of a stockholder's death, shall provide a statement to the administrator or executor of the stockholder's estate, or to the attorney representing the stockholder's estate. The statement shall describe agricultural products owned by the stockholder which are in the possession of the association.

This section shall not require an association to conduct a search of the status of its stockholders. The association shall exercise reasonable diligence in determining to whom the statement must be delivered. The statement shall be delivered to the administrator, executor, or attorney, within thirty days following a determination as to whom the statement must be delivered. A statement is not required to be prepared or delivered, if the association is not notified of the stockholder's death within one year after the date of death, or by the date that the stockholder's estate is closed, whichever is later.

Sec. 2. **NEW SECTION. 498.37 STATEMENT TO ESTATE OF STOCKHOLDER.**

The board of directors, upon receiving actual notice of a member's death, shall provide a statement to the administrator or executor of the member's estate, or to the attorney representing the member's estate. The statement shall describe agricultural products owned by the member which are in the possession of the association.

This section shall not require an association to conduct a search of the status of its members. The association shall exercise reasonable diligence in determining to whom the statement must be delivered. The statement shall be delivered to the administrator, executor, or attorney, within thirty days following a determination as to whom the statement must be delivered. A statement is not required to be prepared or delivered, if the association is not notified of the member's death within one year after the date of death, or by the date that the member's estate is closed, whichever is later.

Sec. 3. NEW SECTION. 499.72 STATEMENT TO ESTATE OF MEMBERS AND STOCKHOLDERS.

The board of directors, upon receiving actual notice of the death of a member or stockholder, shall provide a statement to the administrator or executor of the member's or stockholder's estate, or to the attorney representing such estate. The statement shall describe agricultural products owned by the member or stockholder which are in the possession of the association.

This section shall not require an association to conduct a search of the status of its members or stockholders. The association shall exercise reasonable diligence in determining to whom the statement must be delivered. The statement shall be delivered to the administrator, executor, or attorney, within thirty days following a determination as to whom the statement must be delivered. A statement is not required to be prepared or delivered, if the association is not notified of the member's or stockholder's death within one year after the date of death, or by the date that the member's or stockholder's estate is closed, whichever is later.

Sec. 4. Section 502.102, subsection 2, paragraph a, Code 1991, is amended to read as follows:

a. Effecting transactions in a security exempted by section 502.202, subsection 1, 2, 3, 4, 6, 10, 11, 12, 13, or 17, or a security issued by an industrial loan company licensed under chapter 536A;

Sec. 5. Section 502.102, Code 1991, is amended by adding the following new subsection: NEW SUBSECTION. 2A. "Agricultural cooperative association" means any one of the following:

a. An association of persons organized pursuant to chapter 497 for purposes of conducting an agricultural or dairy business on a cooperative plan, as described in section 497.1.

b. A cooperative association organized pursuant to chapter 498 for purposes of conducting an agricultural, livestock, horticultural, or dairy business on a cooperative plan and acting as a cooperative selling agency, as described in section 498.2.

c. An agricultural association as defined in section 499.2, and organized pursuant to chapter 499.

d. Any other entity which is organized on a cooperative basis under the laws of this state for the purpose of engaging in the activities of an agricultural association as defined in section 499.2.

Sec. 6. Section 502.202, subsection 12, paragraph a, Code 1991, is amended by striking the paragraph, and relettering subsequent paragraphs.

Sec. 7. Section 502.202, subsection 13, Code 1991, is amended by striking the subsection, and inserting in lieu thereof the following:

13. A security issued by an agricultural cooperative association, provided the following conditions are satisfied:

a. A commission or remuneration must not be paid or provided either directly or indirectly for the sale, except as permitted by the administrator by rule or by order issued upon written application showing good cause for allowance of a commission or other remuneration.

b. If the securities to be issued are notes or other evidences of indebtedness and are issued after July 1, 1991, the issuer must file with the administrator a written notice specifying the name of the issuer, the date of the issuer's organization, the name of a contact person, a copy of the issuer's current audited financial statement, the types of security or securities to be offered, and the class of persons to whom the offer will be made in accordance with such rules as prescribed by the administrator.

Sec. 8. APPLICABILITY OF THIS ACT.

1. a. This Act applies retroactively to January 1, 1988, to exempt securities from registration requirements in section 502.202, if the securities were issued by an agricultural cooperative association.

b. This Act applies retroactively to January 1, 1988, to exempt an agricultural cooperative association from filing a prospectus, circular, form, letter, advertisement, or other sales literature or advertising communication described in section 502.602.

2. This section does not require remedial action by the administrator for any administrative action completed under chapter 502 before enactment of this Act.

3. As used in this section, "agricultural cooperative association" means an agricultural cooperative association defined in section 502.102 as amended by this Act.

Sec. 9. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 4, 1991

CHAPTER 231

DEPENDENT ADULT ABUSE

S.F. 455

AN ACT relating to the restructuring of the codified provisions relating to dependent adult abuse, and providing penalties.

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

Section 1. Section 235B.1, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

235B.1 DEPENDENT ADULT ABUSE SERVICES.

The department shall establish and operate a dependent adult abuse services program. The program shall emphasize the reporting and evaluation of cases of abuse of a dependent adult who is unable to protect the adult's own interests or unable to perform or obtain essential services. The program shall include but is not limited to:

1. The establishment of multidisciplinary teams to provide leadership at the local and district levels in the delivery of services to victims of dependent adult abuse. The membership of a team shall include individuals who possess knowledge and skills related to the diagnosis, assessment, and disposition of dependent adult abuse cases and who are professionals practicing in the disciplines of medicine, public health, mental health, social work, law, law enforcement, or other disciplines relative to dependent adults. Members of a team shall include, but are not limited to, persons representing the area agencies on aging, county attorneys, health care providers, and other persons involved in advocating or providing services to dependent adults.

2. Provisions for information sharing and case consultation among service providers, care providers, and victims of dependent adult abuse.

3. Procedures for referral of cases among service providers, including the referral of victims of dependent adult abuse residing in licensed health care facilities.

Sec. 2. Section 235B.2, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

235B.2 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Court" means the district court.

2. "Department" means the department of human services.

3. "Dependent adult abuse" means:

a. Any of the following as a result of the willful or negligent acts or omissions of a caretaker:

(1) Physical injury to or unreasonable confinement or unreasonable punishment of a dependent adult.