

**NEW SUBSECTION.** 7. In determining the eligibility of an individual for medical assistance under this chapter, the department shall consider resources transferred to the individual's spouse on or after October 1, 1989, or to a person other than the individual's spouse on or after July 1, 1989, as provided under the federal Social Security Act, section 1917(c), as codified in 42 U.S.C. § 1396p(c), as amended.

**NEW SUBSECTION.** 8. Medicare cost sharing shall be provided to or on behalf of an individual who is a resident of the state or a resident who is temporarily absent from the state and is a qualified Medicare beneficiary as defined under Title XIX of the federal Social Security Act, section 1905(p)(1), as codified in 42 U.S.C. § 1396d(p)(1).

Sec. 5. Section 249A.4, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The director shall be responsible for the effective and impartial administration of this chapter and shall, in accordance with the standards and priorities established by this chapter, by applicable federal law, particularly Title XIX of the United States Social Security Act [Title XLII, United States Code, sections 1396 to 1396g], as amended to January 1, 1973, by the regulations and directives issued pursuant thereto to federal law, and by the state plan approved in accordance therewith with federal law, make rules, establish policies, and prescribe procedures to implement this chapter. Without limiting the generality of the foregoing delegation of authority, the director is hereby specifically empowered and directed to:

Approved May 3, 1989

## CHAPTER 105

### SEXUAL ACTIVITY PROHIBITIONS

*S.F. 201*

**AN ACT** expanding the definition of sex act and making more acts subject to penalties.

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

Section 1. Section 702.17, Code 1989, is amended to read as follows:

702.17 SEX ACT.

The term "sex act" or "sexual activity" means any sexual contact between two or more persons; by penetration of the penis into the vagina or anus; by contact between the mouth and genitalia or by contact between the genitalia of one person and the genitalia or anus of another person; contact between the finger or hand of one person and the genitalia or anus of another person, except in the course of examination or treatment by a person licensed pursuant to chapter 148, 148C, 150, 150A or 152; or by use of artificial sexual organs or substitutes therefor in contact with the genitalia or anus.

Sec. 2. **NEW SECTION.** 709.14 LASCIVIOUS CONDUCT WITH A MINOR.

It is unlawful for a person over eighteen years of age who is in a position of authority over a minor to force, persuade, or coerce a minor, with or without consent, to disrobe or partially disrobe for the purpose of arousing or satisfying the sexual desires of either of them.

Lascivious conduct with a minor is a serious misdemeanor.

Approved May 3, 1989

**CHAPTER 106**

## STATE SOIL CONSERVATION COMMITTEE

S.F. 318

AN ACT relating to the state soil conservation committee, by providing for the composition of the committee and its powers and duties.

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

Section 1. Section 159.5, subsection 14, Code 1989, is amended to read as follows:

14. Establish and maintain a division of soil conservation. The division administrator shall be appointed by the secretary from a list of names of persons recommended by the soil conservation committee, pursuant to section 467A.4, subsection 2, and shall serve at the pleasure of the secretary.

Sec. 2. Section 467A.4, subsections 1 and 2, Code 1989, are amended to read as follows:

1. The soil conservation division is established within the department to perform the functions conferred upon it in chapters 83, 83A, and 467A through 467D 467F. The division shall be administered in accordance with the policies of the state soil conservation committee, which shall advise the division and which shall approve administrative rules proposed by the division for the administration of chapters 83, 83A, and 467A through 467D 467F before the rules are adopted pursuant to chapter 17A. If a difference exists between the committee and secretary regarding the content of a proposed rule, the secretary shall notify the chairperson of the committee of the difference within thirty days from the committee's action on the rule. The secretary and the committee shall meet to resolve the difference within thirty days after the secretary provides the committee with notice of the difference. The state soil conservation committee consists of a chairperson and ten ~~eight~~ other voting members. The following shall serve as ex officio nonvoting members of the committee: The director of the Iowa cooperative extension service in agriculture and home economics, or the director's designee, and the director of the department of natural resources or the director's designee. Nine voting members shall be appointed by the governor subject to confirmation by the senate. Six of the appointive members shall be persons engaged in actual farming operations, one of whom shall be a resident of each of the six geographic regions in the state, including northwest, southwest, north central, south central, northeast, and southeast Iowa, water resource districts established by section 467D-3, and no more than one of whom shall be a resident of any one county. The boundaries of the geographic regions shall be established by rule. The seventh, eighth, and ninth appointive members shall be chosen by the governor from the state at large with one appointed to be a representative of cities, one appointed to be a representative of the mining industry, and one appointee who is a farmer actively engaged in tree farming operations. The committee may invite the secretary of agriculture of the United States to appoint one person to serve with the other members, and the president of the Iowa county engineers association may designate a member of the association to serve in the same manner, but these persons have no vote and shall serve in an advisory capacity only. The committee may perform acts, hold public hearings, and propose and approve rules pursuant to chapter 17A as necessary for the execution of its functions.

2. The committee shall recommend three persons to the secretary of agriculture who shall appoint from the persons recommended an administrative director to head the division who shall serve at the pleasure of the secretary. After reviewing the names submitted, the secretary may request the soil conservation committee to submit additional names for consideration. The committee shall recommend to the secretary each year a budget for the division. The secretary, at the earliest opportunity and prior to formulating a budget, shall meet with representatives of the committee to discuss the committee's recommendation. The committee or division may call upon the attorney general of the state for necessary legal services. The committee may delegate to its chairperson, to one or more of its members, or to one or more agents or employees, powers and duties as it deems proper. Upon request of the committee,