

Senate Amendment 5009

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1 1 Amend Senate File 2253 as follows:
1 2 #1. Page 4, by inserting after line 1, the
1 3 following:
1 4 <Sec. _____. Section 29B.100, Code 2005, is amended
1 5 to read as follows:
1 6 29B.100 CAPTURED OR ABANDONED PROPERTY.
1 7 1. All persons subject to this code shall secure
1 8 all public property taken from the enemy for the
1 9 service of the United States, and shall give notice
1 10 and turn over to the proper authority without delay
1 11 all captured or abandoned property in their
1 12 possession, custody or control.
1 13 2. Any person subject to this code ~~who shall be~~
1 14 ~~punished as a court-martial may direct if the person~~
1 15 ~~does any of the following:~~
1 16 1- a. Fails to carry out the duties prescribed
1 17 herein+.
1 18 2- b. Buys, sells, trades, or in any way deals in
1 19 or disposes of captured or abandoned property, whereby
1 20 the person receives or expects any profit, benefit or
1 21 advantage to the person or another directly or
1 22 indirectly connected with the person+and.
1 23 3- c. Engages in looting or pillaging+ ~~shall be~~
1 24 ~~punished as a court-martial may direct.>~~
1 25 #2. Page 4, by inserting after line 27, the
1 26 following:
1 27 <Sec. _____. Section 63.6, Code 2005, is amended to
1 28 read as follows:
1 29 63.6 JUDGES.
1 30 All judges of courts of record shall qualify before
1 31 taking office following appointment by taking and
1 32 subscribing an oath to the effect that they will
1 33 support the Constitution of the United States and ~~that~~
1 34 the Constitution of the ~~state~~ State of Iowa, and that,
1 35 without fear, favor, affection, or hope of reward,
1 36 they will, to the best of their knowledge and ability,
1 37 administer justice according to the law, equally to
1 38 the rich and the poor.
1 39 Sec. _____. Section 124.401, subsection 1,
1 40 paragraphs a through c, Code 2005, are amended to read
1 41 as follows:
1 42 a. Violation of this subsection, with respect to
1 43 the following controlled substances, counterfeit
1 44 substances, or simulated controlled substances is a
1 45 class "B" felony, and notwithstanding section 902.9,
1 46 subsection 2, shall be punished by confinement for no
1 47 more than fifty years and a fine of not more than one
1 48 million dollars:
1 49 (1) More than one kilogram of a mixture or
1 50 substance containing a detectable amount of heroin.
2 1 (2) More than five hundred grams of a mixture or
2 2 substance containing a detectable amount of any of the
2 3 following:
2 4 (a) Coca leaves, except coca leaves and extracts
2 5 of coca leaves from which cocaine, ecgonine, and
2 6 derivatives of ecgonine ~~or~~ and their salts have been
2 7 removed.
2 8 (b) Cocaine, its salts, optical and geometric
2 9 isomers, ~~and~~ or salts of isomers.
2 10 (c) Ecgonine, its derivatives, their salts,
2 11 isomers, ~~and~~ or salts of isomers.
2 12 (d) Any compound, mixture, or preparation which
2 13 contains any quantity of any of the substances
2 14 referred to in subparagraph subdivisions (a) through
2 15 (c).
2 16 (3) More than fifty grams of a mixture or
2 17 substance described in subparagraph (2) which contains
2 18 cocaine base.
2 19 (4) More than one hundred grams of phencyclidine
2 20 (PCP) or one kilogram or more of a mixture or
2 21 substance containing a detectable amount of
2 22 phencyclidine (PCP).
2 23 (5) More than ten grams of a mixture or substance
2 24 containing a detectable amount of lysergic acid

2 25 diethylamide (LSD).
2 26 (6) More than one thousand kilograms of a mixture
2 27 or substance containing a detectable amount of
2 28 marijuana.
2 29 (7) More than five kilograms of a mixture or
2 30 substance containing a detectable amount of any of the
2 31 following:
2 32 (a) Methamphetamine, its salts, isomers, or salts
2 33 of isomers.
2 34 (b) Amphetamine, its salts, isomers, and salts of
2 35 isomers.
2 36 (c) Any compound, mixture, or preparation which
2 37 contains any quantity of any of the substances
2 38 referred to in subparagraph subdivisions (a) and (b).
2 39 b. Violation of this subsection with respect to
2 40 the following controlled substances, counterfeit
2 41 substances, or simulated controlled substances is a
2 42 class "B" felony, and in addition to the provisions of
2 43 section 902.9, subsection 2, shall be punished by a
2 44 fine of not less than five thousand dollars nor more
2 45 than one hundred thousand dollars:
2 46 (1) More than one hundred grams but not more than
2 47 one kilogram of a mixture or substance containing a
2 48 detectable amount of heroin.
2 49 (2) More than one hundred grams but not more than
2 50 five hundred grams of any of the following:
3 1 (a) Coca leaves, except coca leaves and extracts
3 2 of coca leaves from which cocaine, ecgonine, and
3 3 derivatives of ecgonine or their salts have been
3 4 removed.
3 5 (b) Cocaine, its salts, optical and geometric
3 6 isomers, and salts of isomers.
3 7 (c) Ecgonine, its derivatives, their salts,
3 8 isomers, and salts of isomers.
3 9 (d) Any compound, mixture, or preparation which
3 10 contains any quantity of any of the substances
3 11 referred to in subparagraph subdivisions (a) through
3 12 (c).
3 13 (3) More than ten grams but not more than fifty
3 14 grams of a mixture or substance described in
3 15 subparagraph (2) which contains cocaine base.
3 16 (4) More than ten grams but not more than one
3 17 hundred grams of phencyclidine (PCP) or more than one
3 18 hundred grams but not more than one kilogram of a
3 19 mixture or substance containing a detectable amount of
3 20 phencyclidine (PCP).
3 21 (5) Not more than ten grams of a mixture or
3 22 substance containing a detectable amount of lysergic
3 23 acid diethylamide (LSD).
3 24 (6) More than one hundred kilograms but not more
3 25 than one thousand kilograms of marijuana.
3 26 (7) More than five grams but not more than five
3 27 kilograms of methamphetamine, its salts, isomers, or
3 28 salts of isomers, or analogs of methamphetamine, or
3 29 any compound, mixture, or preparation which contains
3 30 any quantity or detectable amount of methamphetamine,
3 31 its salts, isomers, or salts of isomers, or analogs of
3 32 methamphetamine.
3 33 (8) More than five grams but not more than five
3 34 kilograms of amphetamine, its salts, isomers, or salts
3 35 of isomers, or any compound, mixture, or preparation
3 36 which contains any quantity or detectable amount of
3 37 amphetamine, its salts, isomers, ~~and~~ or salts of
3 38 isomers.
3 39 c. Violation of this subsection with respect to
3 40 the following controlled substances, counterfeit
3 41 substances, or simulated controlled substances is a
3 42 class "C" felony, and in addition to the provisions of
3 43 section 902.9, subsection 4, shall be punished by a
3 44 fine of not less than one thousand dollars nor more
3 45 than fifty thousand dollars:
3 46 (1) One hundred grams or less of a mixture or
3 47 substance containing a detectable amount of heroin.
3 48 (2) One hundred grams or less of any of the
3 49 following:
3 50 (a) Coca leaves, except coca leaves and extracts
4 1 of coca leaves from which cocaine, ecgonine, and
4 2 derivatives of ecgonine ~~or~~ and their salts have been
4 3 removed.
4 4 (b) Cocaine, its salts, optical and geometric
4 5 isomers, ~~and~~ or salts of isomers.

4 6 (c) Ecgonine, its derivatives, their salts,
4 7 isomers, ~~and or~~ salts of isomers.
4 8 (d) Any compound, mixture, or preparation which
4 9 contains any quantity of any of the substances
4 10 referred to in subparagraph subdivisions (a) through
4 11 (c).
4 12 (3) Ten grams or less of a mixture or substance
4 13 described in subparagraph (2) which contains cocaine
4 14 base.
4 15 (4) Ten grams or less of phencyclidine (PCP) or
4 16 one hundred grams or less of a mixture or substance
4 17 containing a detectable amount of phencyclidine (PCP).
4 18 (5) More than fifty kilograms but not more than
4 19 one hundred kilograms of marijuana.
4 20 (6) Five grams or less of methamphetamine, its
4 21 salts, isomers, or salts of isomers, or analogs of
4 22 methamphetamine, or any compound, mixture, or
4 23 preparation which contains any quantity or detectable
4 24 amount of methamphetamine, its salts, isomers, or
4 25 salts of isomers, or analogs of methamphetamine.
4 26 (7) Five grams or less of amphetamine, its salts,
4 27 isomers, or salts of isomers, or any compound,
4 28 mixture, or preparation which contains any quantity or
4 29 detectable amount of amphetamine, its salts, isomers,
4 30 ~~and or~~ salts of isomers.
4 31 (8) Any other controlled substance, counterfeit
4 32 substance, or simulated controlled substance
4 33 classified in schedule I, II, or III.
4 34 Sec. _____. Section 124.401C, subsection 1, Code
4 35 2005, is amended to read as follows:
4 36 1. In addition to any other penalties provided in
4 37 this chapter, a person who is eighteen years of age or
4 38 older and who either directly or by extraction from
4 39 natural substances, or independently by means of
4 40 chemical processes, or both, unlawfully manufactures
4 41 methamphetamine, its salts, isomers, ~~and or~~ salts of
4 42 its isomers in the presence of a minor shall be
4 43 sentenced up to an additional term of confinement of
4 44 five years. However, the additional term of
4 45 confinement shall not be imposed on a person who has
4 46 been convicted and sentenced for a child endangerment
4 47 offense under section 726.6, subsection 1, paragraph
4 48 "g", arising from the same facts.>
4 49 #3. Page 7, by inserting after line 24, the
4 50 following:
5 1 <Sec. _____. Section 192.102, Code 2005, is amended
5 2 to read as follows:
5 3 192.102 GRADE "A" PASTEURIZED MILK ORDINANCE.
5 4 The department shall adopt, by rule, the "Grade 'A'
5 5 Pasteurized Milk Ordinance, ~~2003~~ 2005 Revision",
5 6 including a subsequent revision of the ordinance. If
5 7 the ordinance specifies that compliance with a
5 8 provision of the ordinance's appendices is mandatory,
5 9 the department shall also adopt that provision. The
5 10 department shall not amend the ordinance, unless the
5 11 department explains each amendment and reasons for the
5 12 amendment in the Iowa administrative bulletin when the
5 13 rules are required to be published pursuant to chapter
5 14 17A. The department shall administer this chapter
5 15 consistent with the provisions of the ordinance.>
5 16 #4. Page 14, by inserting after line 2, the
5 17 following:
5 18 <Sec. _____. Section 258.1, Code 2005, is amended to
5 19 read as follows:
5 20 258.1 FEDERAL ACT ACCEPTED.
5 21 The provisions of the Act of Congress ~~entitled "An~~
5 22 ~~Act to provide for the promotion of vocational~~
5 23 ~~education; to provide for co-operation with the states~~
5 24 ~~in the promotion of such education in agriculture and~~
5 25 ~~in the trades and industries; to provide for co-~~
5 26 ~~operation with the states in the preparation of~~
5 27 ~~teachers of vocational subjects; and to appropriate~~
5 28 ~~money and regulate its expenditure"~~, approved February
5 29 23, 1917, [39 Stat. L. 929; 20 U.S.C., ch 2] known as
5 30 the Carl D. Perkins Vocational and Technical
5 31 Education Act of 1998, codified at 20 U.S.C. } 2301 et
5 32 seq., originally known as the Vocational Education Act
5 33 of 1963, and enacted December 18, 1963, as part A of
5 34 Pub. L. No. 88-210, 77 Stat. 403, and all amendments
5 35 thereto and the benefit of all funds appropriated
5 36 under said Act and all other Acts pertaining to

5 37 vocational education, are accepted.>
5 38 [#5.](#) By renumbering as necessary.
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5 41
5 42 BY COMMITTEE ON JUDICIARY
5 43 KEITH A. KREIMAN, CO=CHAIRPERSON
5 44
5 45
5 46
5 47 DAVID MILLER, CO=CHAIRPERSON
5 48 SF 2253.201 81
5 49 lh/sh/3463