

Senate File 2253 - Enrolled

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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

3 4 appropriation made for this purpose. The facilitator or
3 5 ~~coordinator~~ shall submit reports to the governor, the Iowa
3 6 board, and the general assembly. The facilitator ~~or~~
3 7 ~~coordinator~~ shall provide primary staffing to the board,
3 8 coordinate state technical assistance activities and
3 9 implementation of the technical assistance system, and other
3 10 communication and coordination functions to move authority and
3 11 decision-making responsibility from the state to communities
3 12 and individuals.

3 13 Sec. 7. Section 28.4, subsection 12, paragraph d, Code
3 14 Supplement 2005, is amended to read as follows:

3 15 d. The Iowa empowerment board shall regularly make
3 16 information available identifying community empowerment
3 17 funding and funding distributed for purposes of the early care
3 18 system. It is the intent of the general assembly that the
3 19 community empowerment area boards and the administrators of
3 20 the early care programs located within the community
3 21 empowerment areas that are supported by public funding shall
3 22 fully cooperate with one another in order to avoid
3 23 duplication, enhance efforts, combine planning, and take other
3 24 steps to best utilize the funding to meet the needs of the
3 25 families in the areas. The community empowerment area boards
3 26 and the program administrators shall annually submit a report
3 27 concerning such efforts to the community empowerment office.
3 28 If a community empowerment area is receiving a school ready
3 29 children grant, this report shall be an addendum to the annual
3 30 report required under section 28.8. The state community
3 31 empowerment facilitator ~~or coordinator~~ shall compile and
3 32 summarize the reports which shall be submitted to the
3 33 governor, general assembly, and Iowa board.

3 34 Sec. 8. Section 28J.7, subsection 3, paragraphs a and b,
3 35 Code Supplement 2005, are amended to read as follows:

4 1 a. A port authority may provide for the administration and
4 2 enforcement of the laws of the state by employing peace
4 3 officers who shall have all the powers conferred by law on
4 4 peace officers of this state with regard to the apprehension
4 5 of violators upon all property under its control within and
4 6 without the port authority. The peace officers may seek the
4 7 assistance of other appropriate law enforcement officers to
4 8 enforce ~~its~~ port authority rules and maintain order.

4 9 b. Peace officers employed by a port authority shall meet
4 10 all requirements ~~as established for police officers appointed~~
4 11 ~~under the civil service law of chapter 400 and shall~~
4 12 ~~participate in the retirement system established by~~ be
4 13 ~~considered police officers for the purposes of chapter 411.~~

4 14 Sec. 9. Section 29B.100, Code 2005, is amended to read as
4 15 follows:

4 16 29B.100 CAPTURED OR ABANDONED PROPERTY.

4 17 1. All persons subject to this code shall secure all
4 18 public property taken from the enemy for the service of the
4 19 United States, and shall give notice and turn over to the
4 20 proper authority without delay all captured or abandoned
4 21 property in their possession, custody or control.

4 22 2. Any person subject to this code ~~who shall be punished~~
4 23 ~~as a court-martial may direct if the person does any of the~~

4 24 following:

- 4 25 ~~1.~~ a. Fails to carry out the duties prescribed herein~~;~~
- 4 26 ~~2.~~ b. Buys, sells, trades, or in any way deals in or
4 27 disposes of captured or abandoned property, whereby the person
4 28 receives or expects any profit, benefit or advantage to the
4 29 person or another directly or indirectly connected with the
4 30 person ~~and;~~
- 4 31 ~~3.~~ c. Engages in looting or pillaging ~~shall be punished~~
4 32 ~~as a court-martial may direct.~~

4 33 Sec. 10. Section 35.10, Code Supplement 2005, is amended
4 34 to read as follows:

4 35 35.10 ELIGIBILITY AND PAYMENT OF AID.

5 1 Eligibility for aid shall be determined upon application to
5 2 the department of veterans affairs, whose decision is final.
5 3 The eligibility of eligible applicants shall be certified by
5 4 the department of veterans affairs to the director of the
5 5 department of administrative services, and all amounts that
5 6 are or become due to an individual or a training institution
5 7 under this chapter shall be paid to the individual or
5 8 institution by the director of the department of
5 9 administrative services upon receipt by the director of
5 10 certification by the president or governing board of the
5 11 educational or training institution as to accuracy of charges
5 12 made, and as to the attendance of the individual at the
5 13 educational or training institution. The department of
5 14 veterans affairs may pay over the annual sum of ~~four~~ six

5 15 hundred dollars to the educational or training institution in
5 16 a lump sum, or in installments as the circumstances warrant,
5 17 upon receiving from the institution such written undertaking
5 18 as the department may require to assure the use of funds for
5 19 the child for the authorized purposes and for no other
5 20 purpose. A person is not eligible for the benefits of this
5 21 chapter until the person has graduated from a high school or
5 22 educational institution offering a course of training
5 23 equivalent to high school training.

5 24 Sec. 11. Section 63.6, Code 2005, is amended to read as
5 25 follows:

5 26 63.6 JUDGES.

5 27 All judges of courts of record shall qualify before taking
5 28 office following appointment by taking and subscribing an oath
5 29 to the effect that they will support the Constitution of the
5 30 United States and ~~that the Constitution of the state~~ State of
5 31 Iowa, and that, without fear, favor, affection, or hope of
5 32 reward, they will, to the best of their knowledge and ability,
5 33 administer justice according to the law, equally to the rich
5 34 and the poor.

5 35 Sec. 12. Section 124.401, subsection 1, paragraphs a
6 1 through c, Code 2005, are amended to read as follows:

6 2 a. Violation of this subsection, with respect to the
6 3 following controlled substances, counterfeit substances, or
6 4 simulated controlled substances is a class "B" felony, and
6 5 notwithstanding section 902.9, subsection 2, shall be punished
6 6 by confinement for no more than fifty years and a fine of not
6 7 more than one million dollars:

6 8 (1) More than one kilogram of a mixture or substance
6 9 containing a detectable amount of heroin.

6 10 (2) More than five hundred grams of a mixture or substance
6 11 containing a detectable amount of any of the following:

6 12 (a) Coca leaves, except coca leaves and extracts of coca
6 13 leaves from which cocaine, ecgonine, and derivatives of
6 14 ecgonine ~~or~~ and their salts have been removed.

6 15 (b) Cocaine, its salts, optical and geometric isomers, ~~and~~
6 16 or salts of isomers.

6 17 (c) Ecgonine, its derivatives, their salts, isomers, ~~and~~
6 18 or salts of isomers.

6 19 (d) Any compound, mixture, or preparation which contains
6 20 any quantity of any of the substances referred to in
6 21 subparagraph subdivisions (a) through (c).

6 22 (3) More than fifty grams of a mixture or substance
6 23 described in subparagraph (2) which contains cocaine base.

6 24 (4) More than one hundred grams of phencyclidine (PCP) or
6 25 one kilogram or more of a mixture or substance containing a
6 26 detectable amount of phencyclidine (PCP).

6 27 (5) More than ten grams of a mixture or substance
6 28 containing a detectable amount of lysergic acid diethylamide
6 29 (LSD).

6 30 (6) More than one thousand kilograms of a mixture or
6 31 substance containing a detectable amount of marijuana.

6 32 (7) More than five kilograms of a mixture or substance
6 33 containing a detectable amount of any of the following:

6 34 (a) Methamphetamine, its salts, isomers, or salts of
6 35 isomers.

7 1 (b) Amphetamine, its salts, isomers, and salts of isomers.

7 2 (c) Any compound, mixture, or preparation which contains
7 3 any quantity of any of the substances referred to in
7 4 subparagraph subdivisions (a) and (b).

7 5 b. Violation of this subsection with respect to the
7 6 following controlled substances, counterfeit substances, or
7 7 simulated controlled substances is a class "B" felony, and in
7 8 addition to the provisions of section 902.9, subsection 2,
7 9 shall be punished by a fine of not less than five thousand
7 10 dollars nor more than one hundred thousand dollars:

7 11 (1) More than one hundred grams but not more than one
7 12 kilogram of a mixture or substance containing a detectable
7 13 amount of heroin.

7 14 (2) More than one hundred grams but not more than five
7 15 hundred grams of any of the following:

7 16 (a) Coca leaves, except coca leaves and extracts of coca
7 17 leaves from which cocaine, ecgonine, and derivatives of
7 18 ecgonine or their salts have been removed.

7 19 (b) Cocaine, its salts, optical and geometric isomers, ~~and~~
7 20 salts of isomers.

7 21 (c) Ecgonine, its derivatives, their salts, isomers, ~~and~~
7 22 salts of isomers.

7 23 (d) Any compound, mixture, or preparation which contains
7 24 any quantity of any of the substances referred to in
7 25 subparagraph subdivisions (a) through (c).

7 26 (3) More than ten grams but not more than fifty grams of a
7 27 mixture or substance described in subparagraph (2) which
7 28 contains cocaine base.

7 29 (4) More than ten grams but not more than one hundred
7 30 grams of phencyclidine (PCP) or more than one hundred grams
7 31 but not more than one kilogram of a mixture or substance
7 32 containing a detectable amount of phencyclidine (PCP).

7 33 (5) Not more than ten grams of a mixture or substance
7 34 containing a detectable amount of lysergic acid diethylamide
7 35 (LSD).

8 1 (6) More than one hundred kilograms but not more than one
8 2 thousand kilograms of marijuana.

8 3 (7) More than five grams but not more than five kilograms
8 4 of methamphetamine, its salts, isomers, or salts of isomers,
8 5 or analogs of methamphetamine, or any compound, mixture, or
8 6 preparation which contains any quantity or detectable amount
8 7 of methamphetamine, its salts, isomers, or salts of isomers,
8 8 or analogs of methamphetamine.

8 9 (8) More than five grams but not more than five kilograms
8 10 of amphetamine, its salts, isomers, or salts of isomers, or
8 11 any compound, mixture, or preparation which contains any
8 12 quantity or detectable amount of amphetamine, its salts,
8 13 isomers, ~~and or~~ salts of isomers.

8 14 c. Violation of this subsection with respect to the
8 15 following controlled substances, counterfeit substances, or
8 16 simulated controlled substances is a class "C" felony, and in
8 17 addition to the provisions of section 902.9, subsection 4,
8 18 shall be punished by a fine of not less than one thousand
8 19 dollars nor more than fifty thousand dollars:

8 20 (1) One hundred grams or less of a mixture or substance
8 21 containing a detectable amount of heroin.

8 22 (2) One hundred grams or less of any of the following:

8 23 (a) Coca leaves, except coca leaves and extracts of coca
8 24 leaves from which cocaine, ecgonine, and derivatives of
8 25 ecgonine ~~or and~~ their salts have been removed.

8 26 (b) Cocaine, its salts, optical and geometric isomers, ~~and~~
8 27 ~~or~~ salts of isomers.

8 28 (c) Ecgonine, its derivatives, their salts, isomers, ~~and~~
8 29 ~~or~~ salts of isomers.

8 30 (d) Any compound, mixture, or preparation which contains
8 31 any quantity of any of the substances referred to in
8 32 subparagraph subdivisions (a) through (c).

8 33 (3) Ten grams or less of a mixture or substance described
8 34 in subparagraph (2) which contains cocaine base.

8 35 (4) Ten grams or less of phencyclidine (PCP) or one
9 1 hundred grams or less of a mixture or substance containing a
9 2 detectable amount of phencyclidine (PCP).

9 3 (5) More than fifty kilograms but not more than one
9 4 hundred kilograms of marijuana.

9 5 (6) Five grams or less of methamphetamine, its salts,
9 6 isomers, or salts of isomers, or analogs of methamphetamine,
9 7 or any compound, mixture, or preparation which contains any
9 8 quantity or detectable amount of methamphetamine, its salts,
9 9 isomers, or salts of isomers, or analogs of methamphetamine.

9 10 (7) Five grams or less of amphetamine, its salts, isomers,
9 11 or salts of isomers, or any compound, mixture, or preparation
9 12 which contains any quantity or detectable amount of
9 13 amphetamine, its salts, isomers, ~~and or~~ salts of isomers.

9 14 (8) Any other controlled substance, counterfeit substance,
9 15 or simulated controlled substance classified in schedule I,
9 16 II, or III.

9 17 Sec. 13. Section 124.401C, subsection 1, Code 2005, is
9 18 amended to read as follows:

9 19 1. In addition to any other penalties provided in this
9 20 chapter, a person who is eighteen years of age or older and
9 21 who either directly or by extraction from natural substances,
9 22 or independently by means of chemical processes, or both,
9 23 unlawfully manufactures methamphetamine, its salts, isomers,
9 24 ~~and or~~ salts of its isomers in the presence of a minor shall
9 25 be sentenced up to an additional term of confinement of five
9 26 years. However, the additional term of confinement shall not
9 27 be imposed on a person who has been convicted and sentenced
9 28 for a child endangerment offense under section 726.6,
9 29 subsection 1, paragraph "g", arising from the same facts.

9 30 Sec. 14. Section 142C.15, subsection 4, paragraph a, Code
9 31 Supplement 2005, is amended to read as follows:

9 32 a. Not more than twenty percent of the moneys in the fund
9 33 annually may be expended in the form of grants to state
9 34 agencies or to nonprofit legal entities with an interest in
9 35 anatomical gift public awareness and transplantation to
10 1 conduct public awareness projects. Moneys remaining that were

10 2 not requested and awarded for public awareness projects may be
10 3 used for research, or to develop and support a statewide organ
10 4 and tissue donor registry. Grants shall be made based upon
10 5 the submission of a grant application by an agency or entity
10 6 to conduct a public awareness project or to research, or
10 7 develop, and support a statewide organ and tissue donor
10 8 registry.

10 9 Sec. 15. Section 152.7, unnumbered paragraph 2, Code
10 10 Supplement 2005, is amended to read as follows:

10 11 For purposes of licensure pursuant to the nurse licensure
10 12 compact contained in section 152E.1 ~~or pursuant to the~~
~~10 13 advanced practice registered nurse compact contained in~~
~~10 14 section 152E.3~~, the compact administrator may refuse to accept
10 15 a change in the qualifications for licensure as a registered
10 16 nurse or as a licensed practical or vocational nurse by a
10 17 licensing authority in another state which is a party to the
10 18 compact which substantially modifies that state's
10 19 qualifications for licensure in effect on July 1, 2000. For
10 20 purposes of licensure pursuant to the advanced practice
10 21 registered nurse compact contained in section 152E.3, the
10 22 compact administrator may refuse to accept a change in the
10 23 qualifications for licensure as an advanced practice
10 24 registered nurse by a licensing authority in another state
10 25 which is a party to the compact which substantially modifies
10 26 that state's qualifications for licensure in effect on July 1,
10 27 2005. A refusal to accept a change in a party state's
10 28 qualifications for licensure may result in submitting the
10 29 issue to an arbitration panel or in withdrawal from the
10 30 respective compact, at the discretion of the compact
10 31 administrator.

10 32 Sec. 16. Section 159.5, subsection 9, Code 2005, is
10 33 amended to read as follows:

10 34 9. Inspect and supervise all food meat, poultry, or dairy
10 35 producing or distributing establishments including the
11 1 furniture, fixtures, utensils, machinery, and other equipment
11 2 so as to prevent the production, preparation, packing,
11 3 storage, or transportation of food meat, poultry, or dairy
11 4 products in a manner detrimental to ~~its~~ the character or
11 5 quality of those products.

11 6 Sec. 17. Section 181.13, subsection 1, Code 2005, is
11 7 amended to read as follows:

11 8 1. All state assessments imposed under this chapter shall
11 9 be paid to and collected by the council and deposited with the
11 10 treasurer of state in a separate cattle promotion fund which
11 11 shall be created by the treasurer of state. The department of
11 12 administrative services shall transfer moneys from the fund to
11 13 the council for deposit into an account established by the
11 14 council in a qualified financial institution. The department
11 15 shall transfer the moneys as provided in a resolution adopted
11 16 by the council. However, the department is only required to
11 17 transfer moneys once during each day and only during hours
11 18 when the offices of the state are open. From the moneys
11 19 collected, deposited, and transferred to the council, in
11 20 accordance with the provisions of this chapter, the council
11 21 shall first pay the costs of referendums held pursuant to this
11 22 chapter, the costs of collection of such state assessments,
11 23 and the expenses of its agents. ~~Except as otherwise provided~~
~~11 24 in section 181.19, at~~ At least ten percent of the remaining
11 25 moneys shall be remitted to the association in proportions
11 26 determined by the council, for use in a manner not
11 27 inconsistent with section 181.7. The remaining moneys, with
11 28 approval of a majority of the council, shall be expended as
11 29 the council finds necessary to carry out the provisions and
11 30 purposes of this chapter. However, in no event shall the
11 31 total expenses exceed the total amount transferred from the
11 32 fund for use by the council.

11 33 Sec. 18. Section 185.26, subsection 1, Code Supplement
11 34 2005, is amended to read as follows:

11 35 1. The state assessment collected by the board shall be
12 1 deposited in a special fund known as the soybean promotion
12 2 fund, in the office of the treasurer of state. The fund may
12 3 also contain any gifts, or federal or state grant received by
12 4 the board. Moneys collected, deposited into the fund, and
12 5 transferred to the board, as provided in this chapter, shall
12 6 be subject to audit by the auditor of state. The department
12 7 of administrative services shall transfer moneys from the fund
12 8 to the board for deposit into an account known as the soybean
12 9 checkoff account which shall be established by the board in a
12 10 qualified financial institution. The department shall
12 11 transfer the moneys into the account as provided in a
12 12 resolution adopted by the board. However, the department is

12 13 only required to transfer moneys once during each day and only
12 14 during hours when the offices of the state are open. From
12 15 moneys collected, deposited, and transferred to the soybean
12 16 checkoff account as provided in this section, the board shall
12 17 first pay the costs of referendums, elections, and other
12 18 expenses incurred in the administration of this chapter,
12 19 before moneys may be expended to carry out the purposes of the
12 20 board as provided in section 185.11. The association board
12 21 shall strictly segregate moneys in the soybean checkoff
12 22 account from all other moneys of the association board.
12 23 Moneys in the soybean checkoff account shall be expended by
12 24 the board exclusively for carrying out the purposes of the
12 25 board as provided in section 185.11. The account shall be
12 26 subject to audit by the auditor of state.

12 27 Sec. 19. Section 192.102, Code 2005, is amended to read as
12 28 follows:

12 29 192.102 GRADE "A" PASTEURIZED MILK ORDINANCE.

12 30 The department shall adopt, by rule, the "Grade 'A'
12 31 Pasteurized Milk Ordinance, ~~2003~~ 2005 Revision", including a
12 32 subsequent revision of the ordinance. If the ordinance
12 33 specifies that compliance with a provision of the ordinance's
12 34 appendices is mandatory, the department shall also adopt that
12 35 provision. The department shall not amend the ordinance,
13 1 unless the department explains each amendment and reasons for
13 2 the amendment in the Iowa administrative bulletin when the
13 3 rules are required to be published pursuant to chapter 17A.
13 4 The department shall administer this chapter consistent with
13 5 the provisions of the ordinance.

13 6 Sec. 20. Section 202.1, subsection 4, Code 2005, is
13 7 amended to read as follows:

13 8 4. "Contract livestock facility" means an animal feeding
13 9 operation as defined in section 459.102, in which livestock or
13 10 raw milk is produced according to a production contract
13 11 executed pursuant to section 202.2 by a contract producer who
13 12 holds a legal interest in the animal feeding operation.
13 13 "Contract livestock facility" includes a confinement feeding
13 14 operation as defined in section 459.102, an open feedlot
13 15 operation as defined in section 459A.102, or an area which is
13 16 used for the raising of crops or other vegetation and upon
13 17 which livestock is fed for slaughter or is allowed to graze or
13 18 feed.

13 19 Sec. 21. Section 202.1, subsection 11, Code 2005, is
13 20 amended by striking the subsection.

13 21 Sec. 22. Section 229.19, Code 2005, is amended to read as
13 22 follows:

13 23 229.19 ADVOCATES == DUTIES == COMPENSATION == STATE AND
13 24 COUNTY LIABILITY.

13 25 1. The district court in each county with a population of
13 26 under three hundred thousand inhabitants and the board of
13 27 supervisors in each county with a population of three hundred
13 28 thousand or more inhabitants shall appoint an individual who
13 29 has demonstrated by prior activities an informed concern for
13 30 the welfare and rehabilitation of persons with mental illness,
13 31 and who is not an officer or employee of the department of
13 32 human services nor of any agency or facility providing care or
13 33 treatment to persons with mental illness, to act as advocate
13 34 representing the interests of patients involuntarily
13 35 hospitalized by the court, in any matter relating to the
14 1 patients' hospitalization or treatment under section 229.14 or
14 2 229.15. The court or, if the advocate is appointed by the
14 3 county board of supervisors, the board shall assign the
14 4 advocate appointed from a patient's county of legal settlement
14 5 to represent the interests of the patient. If a patient has
14 6 no county of legal settlement, the court or, if the advocate
14 7 is appointed by the county board of supervisors, the board
14 8 shall assign the advocate appointed from the county where the
14 9 hospital or facility is located to represent the interests of
14 10 the patient. The advocate's responsibility with respect to
14 11 any patient shall begin at whatever time the attorney employed
14 12 or appointed to represent that patient as respondent in
14 13 hospitalization proceedings, conducted under sections 229.6 to
14 14 229.13, reports to the court that the attorney's services are
14 15 no longer required and requests the court's approval to
14 16 withdraw as counsel for that patient. However, if the patient
14 17 is found to be seriously mentally impaired at the
14 18 hospitalization hearing, the attorney representing the patient
14 19 shall automatically be relieved of responsibility in the case
14 20 and an advocate shall be assigned to the patient at the
14 21 conclusion of the hearing unless the attorney indicates an
14 22 intent to continue the attorney's services and the court so
14 23 directs. If the court directs the attorney to remain on the

14 24 case the attorney shall assume all the duties of an advocate.
14 25 The clerk shall furnish the advocate with a copy of the
14 26 court's order approving the withdrawal and shall inform the
14 27 patient of the name of the patient's advocate. With regard to
14 28 each patient whose interests the advocate is required to
14 29 represent pursuant to this section, the advocate's duties
14 30 shall include all of the following:

14 31 ~~1-~~ a. To review each report submitted pursuant to
14 32 sections 229.14 and 229.15.

14 33 ~~2-~~ b. If the advocate is not an attorney, to advise the
14 34 court at any time it appears that the services of an attorney
14 35 are required to properly safeguard the patient's interests.

15 1 ~~3-~~ c. To make the advocate readily accessible to
15 2 communications from the patient and to originate
15 3 communications with the patient within five days of the
15 4 patient's commitment.

15 5 ~~4-~~ d. To visit the patient within fifteen days of the
15 6 patient's commitment and periodically thereafter.

15 7 ~~5-~~ e. To communicate with medical personnel treating the
15 8 patient and to review the patient's medical records pursuant
15 9 to section 229.25.

15 10 ~~6-~~ f. To file with the court quarterly reports, and
15 11 additional reports as the advocate feels necessary or as
15 12 required by the court, in a form prescribed by the court. The
15 13 reports shall state what actions the advocate has taken with
15 14 respect to each patient and the amount of time spent.

15 15 2. The hospital or facility to which a patient is
15 16 committed shall grant all reasonable requests of the advocate
15 17 to visit the patient, to communicate with medical personnel
15 18 treating the patient and to review the patient's medical
15 19 records pursuant to section 229.25. An advocate shall not
15 20 disseminate information from a patient's medical records to
15 21 any other person unless done for official purposes in
15 22 connection with the advocate's duties pursuant to this chapter
15 23 or when required by law.

15 24 3. The court or, if the advocate is appointed by the
15 25 county board of supervisors, the board shall prescribe
15 26 reasonable compensation for the services of the advocate. The
15 27 compensation shall be based upon the reports filed by the
15 28 advocate with the court. The advocate's compensation shall be
15 29 paid by the county in which the court is located, either on
15 30 order of the court or, if the advocate is appointed by the
15 31 county board of supervisors, on the direction of the board.
15 32 If the advocate is appointed by the court, the advocate is an
15 33 employee of the state for purposes of chapter 669. If the
15 34 advocate is appointed by the county board of supervisors, the
15 35 advocate is an employee of the county for purposes of chapter
16 1 670. If the patient or the person who is legally liable for
16 2 the patient's support is not indigent, the board shall recover
16 3 the costs of compensating the advocate from that person. If
16 4 that person has an income level as determined pursuant to
16 5 section 815.9 greater than one hundred percent but not more
16 6 than one hundred fifty percent of the poverty guidelines, at
16 7 least one hundred dollars of the advocate's compensation shall
16 8 be recovered in the manner prescribed by the county board of
16 9 supervisors. If that person has an income level as determined
16 10 pursuant to section 815.9 greater than one hundred fifty
16 11 percent of the poverty guidelines, at least two hundred
16 12 dollars of the advocate's compensation shall be recovered in
16 13 substantially the same manner prescribed by the county board
16 14 of supervisors as provided in section ~~815.7~~ 815.9.

16 15 Sec. 23. Section 231B.10, subsection 1, paragraph g, Code
16 16 Supplement 2005, is amended to read as follows:

16 17 g. In the case of any officer, member of the board of
16 18 directors, trustee, or designated manager of the elder group
16 19 home or any stockholder, partner, or individual who has
16 20 greater than a five percent equity interest in the elder group
16 21 home, ~~who has having~~ or ~~has having~~ had an ownership interest
16 22 in an elder group home, assisted living or adult day services
16 23 program, home health agency, residential care facility, or
16 24 licensed nursing facility in this or any state which has been
16 25 closed due to removal of program, agency, or facility
16 26 licensure or certification or involuntary termination from
16 27 participation in either the medical assistance or Medicare
16 28 programs, or ~~who has having~~ been found to have failed to
16 29 provide adequate protection or services for tenants to prevent
16 30 abuse or neglect.

16 31 Sec. 24. Section 231C.10, subsection 1, paragraph g, Code
16 32 Supplement 2005, is amended to read as follows:

16 33 g. In the case of any officer, member of the board of
16 34 directors, trustee, or designated manager of the program or

16 35 any stockholder, partner, or individual who has greater than a
17 1 five percent equity interest in the program, ~~who has having~~ or
17 2 ~~has having~~ had an ownership interest in an assisted living
17 3 program, adult day services program, elder group home, home
17 4 health agency, residential care facility, or licensed nursing
17 5 facility in any state which has been closed due to removal of
17 6 program, agency, or facility licensure or certification or
17 7 involuntary termination from participation in either the
17 8 medical assistance or Medicare programs, or ~~who has having~~
17 9 been found to have failed to provide adequate protection or
17 10 services for tenants to prevent abuse or neglect.

17 11 Sec. 25. Section 231D.5, subsection 1, paragraph h, Code
17 12 Supplement 2005, is amended to read as follows:

17 13 h. In the case of any officer, member of the board of
17 14 directors, trustee, or designated manager of the program or
17 15 any stockholder, partner, or individual who has greater than a
17 16 five percent equity interest in the program, ~~who has having~~ or
17 17 ~~has having~~ had an ownership interest in an adult day services
17 18 program, assisted living program, elder group home, home
17 19 health agency, residential care facility, or licensed nursing
17 20 facility in any state which has been closed due to removal of
17 21 program, agency, or facility licensure or certification or
17 22 involuntary termination from participation in either the
17 23 medical assistance or Medicare programs, or ~~who has having~~
17 24 been found to have failed to provide adequate protection or
17 25 services for participants to prevent abuse or neglect.

17 26 Sec. 26. Section 235B.2, subsection 5, paragraph b,
17 27 subparagraph (3), Code Supplement 2005, is amended to read as
17 28 follows:

17 29 (3) The withholding or withdrawing of health care from a
17 30 dependent adult who is terminally ill in the opinion of a
17 31 licensed physician, when the withholding or withdrawing of
17 32 health care is done at the request of the dependent adult or
17 33 at the request of the dependent adult's next of kin, attorney
17 34 in fact, or guardian pursuant to the applicable procedures
17 35 under chapter 125, 144A, 144B, 222, 229, or 633.

18 1 Sec. 27. Section 235B.3, subsection 2, unnumbered
18 2 paragraph 1, Code 2005, is amended to read as follows:

18 3 A person who, in the course of employment, examines,
18 4 attends, counsels, or treats a dependent adult and reasonably
18 5 believes the dependent adult has suffered abuse, shall report
18 6 the suspected dependent adult abuse to the department
18 7 including. Persons required to report include all of the
18 8 following:

18 9 Sec. 28. Section 235B.6, subsection 2, paragraph d,
18 10 subparagraph (2), Code Supplement 2005, is amended to read as
18 11 follows:

18 12 (2) A court or ~~administrative~~ agency hearing an appeal for
18 13 correction of dependent adult abuse information as provided in
18 14 section 235B.10.

18 15 Sec. 29. Section 249J.14, subsection 8, Code Supplement
18 16 2005, is amended to read as follows:

18 17 8. REPORTS. The department shall report on a quarterly
18 18 basis to the medical assistance projections and assessment
18 19 council established pursuant to section 249J.20 and the
18 20 medical assistance advisory council created pursuant to
18 21 ~~section 249A.4, subsection 8~~ 249A.4B, regarding the health
18 22 promotion partnerships described in this section. To the
18 23 greatest extent feasible, and if applicable to a data set, the
18 24 data reported shall include demographic information concerning
18 25 the population served including but not limited to factors,
18 26 such as race and economic status, as specified by the
18 27 department.

18 28 Sec. 30. Section 249J.18, subsection 2, Code Supplement
18 29 2005, is amended to read as follows:

18 30 2. The medical director of the Iowa Medicaid enterprise
18 31 shall report on a quarterly basis to the medical assistance
18 32 projections and assessment council established pursuant to
18 33 section 249J.20 and the medical assistance advisory council
18 34 created pursuant to section ~~249A.4, subsection 8~~ 249A.4B, any
18 35 recommendations made by the panel and adopted by rule of the
19 1 department pursuant to chapter 17A regarding clinically
19 2 appropriate health care utilization management and coverage
19 3 under the medical assistance program and the expansion
19 4 population.

19 5 Sec. 31. Section 256.40, subsection 2, unnumbered
19 6 paragraph 1, Code Supplement 2005, is amended to read as
19 7 follows:

19 8 The purpose of the program shall be to build a seamless
19 9 ~~system of~~ career, future workforce, and economic development
19 10 system in Iowa to accomplish all of the following:

19 11 Sec. 32. Section 256B.15, subsection 9, Code 2005, is
19 12 amended to read as follows:

19 13 9. The department of education and the department of human
19 14 services shall adopt rules to implement this section ~~to be~~
~~19 15 effective immediately upon filing with the administrative~~
~~19 16 rules coordinator, or at a stated date prior to indexing and~~
~~19 17 publication, or at a stated date less than thirty-five days~~
~~19 18 after filing, indexing, and publication.~~

19 19 Sec. 33. Section 258.1, Code 2005, is amended to read as
19 20 follows:

19 21 258.1 FEDERAL ACT ACCEPTED.

19 22 The provisions of the Act of Congress ~~entitled "An Act to~~
~~19 23 provide for the promotion of vocational education; to provide~~
~~19 24 for co-operation with the states in the promotion of such~~
~~19 25 education in agriculture and in the trades and industries; to~~
~~19 26 provide for co-operation with the states in the preparation of~~
~~19 27 teachers of vocational subjects; and to appropriate money and~~
~~19 28 regulate its expenditure", approved February 23, 1917, [39~~
~~19 29 Stat. L. 929; 20 U.S.C., ch 2] known as the Carl D. Perkins~~
~~19 30 Vocational and Technical Education Act of 1998, codified at 20~~
~~19 31 U.S.C. } 2301 et seq., originally known as the Vocational~~
~~19 32 Education Act of 1963, and enacted December 18, 1963, as part~~
~~19 33 A of Pub. L. No. 88=210, 77 Stat. 403, and all amendments~~

19 34 thereto and the benefit of all funds appropriated under said
19 35 Act and all other Acts pertaining to vocational education, are
20 1 accepted.

20 2 Sec. 34. Section 266.27, Code 2005, is amended to read as
20 3 follows:

20 4 266.27 ACT ACCEPTED.

20 5 The assent of the ~~legislature~~ general assembly of the state
20 6 of Iowa is hereby given to the provisions and requirements of
20 7 the ~~congressional Smith=Lever Act, 38 Stat. 372=374, approved~~
~~20 8 May 22 18, 1928 1914, commonly known as the Capper-Ketcham and~~
~~20 9 any amendments to that Act. [45 Stat. L. 711], codified at 7~~
~~20 10 U.S.C. } 341 et seq.] == 349.~~

20 11 Sec. 35. Section 321.177, subsection 10, Code 2005, is
20 12 amended by striking the subsection.

20 13 Sec. 36. Section 321.218, subsection 3, unnumbered
20 14 paragraph 1, Code Supplement 2005, is amended to read as
20 15 follows:

20 16 The department, upon receiving the record of the conviction
20 17 of a person under this section upon a charge of operating a
20 18 motor vehicle while the license of the person is suspended or
20 19 revoked, shall, except for licenses suspended under section
20 20 252J.8, 321.210, subsection 1, paragraph "c", or section
20 21 321.210A, ~~321.210B~~, or 321.513, extend the period of
20 22 suspension or revocation for an additional like period, and
20 23 the department shall not issue a new driver's license to the
20 24 person during the additional period.

20 25 Sec. 37. Section 321I.10, subsection 5, Code Supplement
20 26 2005, is amended to read as follows:

20 27 5. The state department of transportation may issue a
20 28 permit to a state agency, a county, or a city to allow an all=
20 29 terrain vehicle trail to cross a primary highway. The trail
20 30 crossing shall be part of an all-terrain vehicle trail
20 31 designated by the state agency, county, or city. A permit
20 32 shall be issued only if the crossing can be accomplished in a
20 33 safe manner and allows for adequate sight distance for both
20 34 motorists and all-terrain vehicle operators. The state
20 35 department of transportation may adopt rules to administer
21 1 this subsection.

21 2 Sec. 38. Section 331.605, subsection 4, Code 2005, is
21 3 amended to read as follows:

21 4 4. For the issuance of snowmobile registrations and user
~~21 5 permits~~, the fees specified in section sections 321G.4 and
~~21 6 321G.4A.~~

21 7 Sec. 39. Section 423.1, subsection 30, Code Supplement
21 8 2005, is amended to read as follows:

21 9 30. "Nonresidential commercial operations" means
21 10 industrial, commercial, mining, or agricultural operations,
21 11 whether for profit or not, but does not include apartment
21 12 complexes, manufactured home communities, or mobile home
21 13 parks.

21 14 Sec. 40. Section 441.11, Code 2005, is amended to read as
21 15 follows:

21 16 441.11 INCUMBENT DEPUTY ASSESSORS.

21 17 ~~The director of revenue shall grant a restricted~~
~~21 18 certificate to any deputy assessor holding office as of~~
~~21 19 January 1, 1976. A deputy assessor possessing such a~~
~~21 20 certificate shall be considered eligible to remain in the~~
21 21 deputy's present position provided continuing education

21 22 requirements are met. To become eligible for another deputy
21 23 assessor position, a deputy assessor presently holding office
21 24 is required to obtain certification as provided for in
21 25 sections 441.5 and 441.10. The number of credit hours
21 26 required for certification as eligible for appointment as a
21 27 deputy in a jurisdiction other than where the deputy is
21 28 currently serving shall be prorated according to the completed
21 29 portion of the deputy's six-year continuing education period.

21 30 Sec. 41. Section 453A.22, subsection 3, Code Supplement
21 31 2005, is amended to read as follows:

21 32 3. If an employee of a retailer violates section 453A.2,
21 33 subsection 1, the retailer shall not be assessed a penalty
21 34 under subsection 2, and the violation shall be deemed not to
21 35 be a violation of section 453A.2, subsection 1, for the
22 1 purpose of determining the number of violations for which a
22 2 penalty may be assessed pursuant to subsection 2, if the
22 3 employee holds a valid certificate of completion of the
22 4 tobacco compliance employee training program pursuant to
22 5 section 453A.5 at the time of the violation. A retailer may
22 6 assert only once in a four-year period the bar under ~~either~~
22 7 this subsection ~~or subsection 4~~ against assessment of a
22 8 penalty pursuant to subsection 2, for a violation of section
22 9 453A.2, that takes place at the same place of business
22 10 location.

22 11 Sec. 42. Section 455B.306, subsection 2, unnumbered
22 12 paragraph 1, Code Supplement 2005, is amended to read as
22 13 follows:

22 14 A planning area that closes all of the municipal solid
22 15 waste sanitary landfills located in the planning area and
22 16 chooses to use a municipal solid waste sanitary landfill in
22 17 another planning area that complies with all requirements
22 18 under subtitle D of the federal Resource Conservation and
22 19 Recovery Act, with all solid waste generated within the
22 20 planning area being consolidated at and transported from a
22 21 permitted transfer station, may elect to retain autonomy as a
22 22 planning area and shall not be required to join the planning
22 23 area where the landfill being used for final disposal of solid
22 24 waste is located. If a planning area makes the election under
22 25 this subsection, the planning area receiving the solid waste
22 26 from the planning area making the election shall not be
22 27 required to include the planning area making the election in a
22 28 comprehensive plan provided no services are shared between the
22 29 two planning areas other than the acceptance of solid waste
22 30 for disposal at a sanitary landfill. The planning area
22 31 receiving the solid waste shall only be responsible for the
22 32 permitting, planning, and waste reduction and diversion
22 33 programs in the planning area receiving the solid waste. If
22 34 the department determines that solid waste cannot reasonably
22 35 be consolidated and transported from a particular transfer
23 1 station, the department may establish permit conditions to
23 2 address the transport and disposal of the solid waste. An
23 3 election may be made under this subsection only if the two
23 4 comprehensive planning areas enter into an agreement pursuant
23 5 to chapter 28E that includes, at a minimum, all of the
23 6 following:

23 7 Sec. 43. Section 455I.5, subsection 4, Code Supplement
23 8 2005, is amended to read as follows:

23 9 4. This chapter does not invalidate or render
23 10 unenforceable any interest, whether designated as an
23 11 environmental covenant or other interest, that was created
23 12 prior to ~~the enactment of this chapter July 1, 2005~~, or that
23 13 is otherwise enforceable under the laws of this state.

23 14 Sec. 44. Section 455I.11, subsection 1, paragraph b, Code
23 15 Supplement 2005, is amended to read as follows:

23 16 b. The agency or, if ~~it~~ the agency is not the agency with
23 17 authority to determine or approve the environmental response
23 18 project, the department of natural resources.

23 19 Sec. 45. Section 459A.103, subsection 7, paragraph b, Code
23 20 Supplement 2005, is amended to read as follows:

23 21 b. If a drainage tile line to artificially lower the
23 22 seasonal high-water table is installed as ~~required by this~~
23 23 provided in section 459A.302, the level to which the seasonal
23 24 high-water table will be lowered will be the seasonal high=
23 25 water table.

23 26 Sec. 46. Section 459A.208, subsection 4, Code Supplement
23 27 2005, is amended to read as follows:

23 28 4. The department shall not approve an application for a
23 29 permit to construct a settled open feedlot effluent basin
23 30 unless the owner of the open feedlot operation applying for
23 31 approval submits a nutrient management plan together with the
23 32 application for the construction permit as provided in section

23 33 459A.205. The owner shall also submit proof that the owner
23 34 has published a notice for public comment as provided in this
23 35 section. The department shall approve or disapprove the
24 1 nutrient management plan as provided in section 459A.201. A
~~24 2 nutrient management plan using an alternative technology~~
~~24 3 system shall not include requirements for settled effluent~~
~~24 4 that enters the alternative technology system.~~

24 5 Sec. 47. Section 459A.208, subsection 6, Code Supplement
24 6 2005, is amended to read as follows:

24 7 6. A nutrient management plan must be authenticated by the
24 8 owner of the ~~animal feeding~~ open feedlot operation as required
24 9 by the department in accordance with section 459A.201.

24 10 Sec. 48. Section 465C.1, subsection 4, Code 2005, is
24 11 amended to read as follows:

24 12 4. "Dedication" means the allocation of an area as a
24 13 preserve by a public ~~administrative~~ agency or by a private
24 14 owner by written stipulation in a form approved by the state
24 15 advisory board for preserves.

24 16 Sec. 49. Section 465C.9, unnumbered paragraph 1, Code
24 17 2005, is amended to read as follows:

24 18 The public ~~administrative~~ agency or private owner shall
24 19 complete articles of dedication on forms approved by the
24 20 board. When the articles of dedication have been approved by
24 21 the governor the board shall record them with the county
24 22 recorder for the county or counties in which the area is
24 23 located.

24 24 Sec. 50. Section 465C.10, Code 2005, is amended to read as
24 25 follows:

24 26 465C.10 WHEN DEDICATED AS A PRESERVE.

24 27 An area shall become a preserve when it has been approved
24 28 by the board for dedication as a preserve, whether in public
24 29 or private ownership, formally dedicated as a preserve within
24 30 the system by a public ~~administrative~~ agency or private owner
24 31 and designated by the governor as a preserve.

24 32 Sec. 51. Section 476.6, subsection 22, paragraph g, Code
24 33 2005, is amended by striking the paragraph.

24 34 Sec. 52. Section 501A.103, Code Supplement 2005, is
24 35 amended to read as follows:

25 1 501A.103 REQUIREMENTS FOR SIGNATURES ON DOCUMENTS.

25 2 A document is signed when a person has ~~written~~ affixed the
25 3 person's name on a document. A person authorized to do so by
25 4 this chapter, the articles or bylaws, or by a resolution
25 5 approved by the directors or the members must sign the
25 6 document. A signature on a document may be a facsimile
25 7 affixed, engraved, printed, placed, stamped with indelible
25 8 ink, transmitted by facsimile or electronically, or in any
25 9 other manner reproduced on the document.

25 10 Sec. 53. Section 501A.503, subsection 2, paragraph c, Code
25 11 Supplement 2005, is amended to read as follows:

25 12 c. The secretary ~~shall~~ will issue an acknowledgment to the
25 13 cooperative.

25 14 Sec. 54. Section 501A.603, subsection 6, Code Supplement
25 15 2005, is amended to read as follows:

25 16 6. PENALTIES FOR CONTRACT INTERFERENCE. A person who
25 17 knowingly induces or attempts to induce any patron member or
25 18 patron of a cooperative organized under this chapter to breach
25 19 a marketing contract with the cooperative is guilty of a
25 20 simple misdemeanor.

25 21 Sec. 55. Section 501A.703, subsection 4, Code Supplement
25 22 2005, is amended to read as follows:

25 23 4. DISTRICT OR LOCAL UNIT ELECTION OF DIRECTORS. For a
25 24 cooperative with districts or other units, members may elect
25 25 directors on a district or unit basis if provided in the
25 26 bylaws. The directors may be nominated or elected at district
25 27 meetings if provided in the bylaws. Directors who are
25 28 nominated at district meetings shall be elected at the annual
25 29 regular members' meeting by vote of the entire membership,
25 30 unless the bylaws provide that directors who are nominated at
25 31 district meetings are to be elected by vote of the members of
25 32 the district, at the district meeting, or the annual regular
25 33 members' meeting.

25 34 Sec. 56. Section 501A.715, subsection 2, paragraph a,
25 35 subparagraph (1), subparagraph subdivision (d), Code
26 1 Supplement 2005, is amended to read as follows:

26 2 (d) The person has not committed an act for which
26 3 liability ~~cannot~~ can be eliminated or limited under section
26 4 501A.714.

26 5 Sec. 57. Section 501A.808, subsection 2, Code Supplement
26 6 2005, is amended to read as follows:

26 7 2. CLASS OR SERIES OF MEMBERSHIP INTERESTS. In any case
26 8 where a class or series of membership interests is entitled by

26 9 this chapter, the articles, bylaws, a member control
26 10 agreement, or the terms of the membership interests to vote as
26 11 a class or series, the matter being voted upon must also
26 12 receive the affirmative vote of the owners of the same
26 13 proportion of the membership interests present of that class
26 14 or series; or of the total outstanding membership interests of
26 15 that class or series, as the proportion required under
26 16 subsection 1, unless the articles, bylaws, or the member
26 17 control agreement requires a larger proportion. Unless
26 18 otherwise stated in the articles, bylaws, or a member control
26 19 agreement, in the case of voting as a class or series, the
26 20 minimum percentage of the total voting power of membership
26 21 interests of the class or series that must be present is equal
26 22 to the minimum percentage of all membership interests entitled
26 23 to vote required to be present under section ~~501A.707~~
26 24 501A.806.

26 25 Sec. 58. Section 501A.903, subsection 6, paragraphs a and
26 26 d, Code Supplement 2005, are amended to read as follows:

26 27 a. Subject to the right of the cooperative, ~~to~~ redeem any
26 28 of those membership interests at the price fixed for their
26 29 redemption by the articles or bylaws or by the board.

26 30 d. Convert ~~into~~ membership interests ~~of~~ into any other
26 31 class or any series of the same or another class.

26 32 Sec. 59. Section 501A.1005, subsection 2, Code Supplement
26 33 2005, is amended to read as follows:

26 34 2. DISTRIBUTION OF CASH OR OTHER ASSETS. A cooperative's
26 35 bylaws shall prescribe the distribution of cash or other
27 1 assets of the cooperative among the membership interests of
27 2 the cooperative. If nonpatron membership interests are
27 3 authorized by the patrons and the bylaws do not provide
27 4 otherwise, distributions ~~and allocations~~ shall be made to the
27 5 patron membership interests collectively and other members on
27 6 the basis of the value of contributions to capital made and
27 7 accepted by the cooperative, by the patron membership
27 8 interests collectively, and other membership interests. The
27 9 distributions to patron membership interests collectively
27 10 shall not be less than fifty percent of the total
27 11 distributions in any fiscal year, except if authorized in the
27 12 articles or bylaws adopted by the affirmative vote of the
27 13 patron members, or the articles or bylaws as amended by the
27 14 affirmative vote of the patron members. However, the
27 15 distributions to patron membership interests collectively
27 16 shall not be less than fifteen percent of the total
27 17 distributions in any fiscal year.

27 18 Sec. 60. Section 501A.1006, subsections 6 and 7, Code
27 19 Supplement 2005, are amended to read as follows:

27 20 6. ELIGIBLE NONMEMBER PATRONS. A cooperative may provide
27 21 in the bylaws that nonmember patrons are allowed to
27 22 participate in the distribution of net income, payable to
27 23 patron members on equal terms with patron members.

27 24 7. PATRONAGE CREDITS FOR INELIGIBLE MEMBERS. If a
27 25 nonmember patron with patronage credits is not qualified or
27 26 eligible for membership, a refund due may be credited to the
27 27 nonmember patron's individual account. The board may issue a
27 28 certificate of interest to reflect the credited amount. After
27 29 the nonmember patron is issued a certificate of interest, the
27 30 nonmember patron may participate in the distribution of net
27 31 income on the same basis as a patron member.

27 32 Sec. 61. Section 502.404, subsection 5, Code 2005, is
27 33 amended to read as follows:

27 34 5. LIMITS ON EMPLOYMENT OR ASSOCIATION. It is unlawful
27 35 for an individual acting as an investment adviser
28 1 representative, directly or indirectly, to conduct business in
28 2 this state on behalf of an investment adviser or a federal
28 3 covered investment adviser if the registration of the
28 4 individual as an investment adviser representative is
28 5 suspended or revoked or the individual is barred from
28 6 employment or association with an investment adviser or a
28 7 federal covered investment adviser by an order under this
28 8 chapter, the securities and exchange commission, or a self=
28 9 regulatory organization. Upon request from a federal covered
28 10 investment adviser and for good cause, the administrator, by
28 11 order issued, may waive, in whole or in part, the application
28 12 of the requirements of this subsection to the federal covered
28 13 investment adviser representative.

28 14 Sec. 62. Section 514.2, Code Supplement 2005, is amended
28 15 to read as follows:

28 16 514.2 INCORPORATION.

28 17 Persons desiring to form a nonprofit hospital service
28 18 corporation, or a nonprofit medical service corporation, or a
28 19 nonprofit pharmaceutical or optometric service corporation

28 20 shall have been incorporated under the provisions of chapter
28 21 504, Code 1989, or shall incorporate under the provisions of
28 22 current chapter 504, ~~as supplemented and amended herein and~~
~~28 23 any Acts amendatory thereof.~~

28 24 Sec. 63. Section 516E.10, subsection 3, Code Supplement
28 25 2005, is amended to read as follows:

28 26 3. BOYCOTT, COERCION, AND INTIMIDATION. A provider,
28 27 service company, or third-party administrator shall not enter
~~28 28 into an~~ agreement to commit, or by a concerted action commit,
28 29 an act of boycott, coercion, or intimidation resulting in or
28 30 tending to result in unreasonable restraint of, or monopoly
28 31 in, the service contract industry.

28 32 Sec. 64. Section 523I.201, subsection 1, Code Supplement
28 33 2005, is amended to read as follows:

28 34 1. This chapter shall be administered by the commissioner.
28 35 The deputy administrator appointed pursuant to section
29 1 ~~523A.801~~ 502.601 shall be the principal operations officer
29 2 responsible to the commissioner for the routine administration
29 3 of this chapter and management of the administrative staff.
29 4 In the absence of the commissioner, whether because of vacancy
29 5 in the office due to absence, physical disability, or other
29 6 cause, the deputy administrator shall, for the time being,
29 7 have and exercise the authority conferred upon the
29 8 commissioner. The commissioner may by order from time to time
29 9 delegate to the deputy administrator any or all of the
29 10 functions assigned to the commissioner in this chapter. The
29 11 deputy administrator shall employ officers, attorneys,
29 12 accountants, and other employees as needed for administering
29 13 this chapter.

29 14 Sec. 65. Section 523I.806, subsection 2, Code Supplement
29 15 2005, is amended to read as follows:

29 16 2. The care fund shall be administered under the
29 17 jurisdiction of the district court of the county where the
29 18 cemetery is located. Notwithstanding chapter ~~633~~ 633A, annual
29 19 reports shall not be required unless specifically required by
29 20 the district court. Reports shall be filed with the court
29 21 when necessary to receive approval of appointments of
29 22 trustees, trust agreements and amendments, changes in fees or
29 23 expenses, and other matters within the court's jurisdiction.
29 24 A court having jurisdiction over a care fund shall have full
29 25 jurisdiction to approve the appointment of trustees, the
29 26 amount of surety bond required, if any, and investment of
29 27 funds.

29 28 Sec. 66. Section 546.10, subsection 1, Code Supplement
29 29 2005, is amended by adding the following new paragraph:

29 30 NEW PARAGRAPH. g. The interior design examining board
29 31 established pursuant to chapter 544C.

29 32 Sec. 67. Section 547.1, Code Supplement 2005, is amended
29 33 to read as follows:

29 34 547.1 USE OF TRADE NAME == VERIFIED STATEMENT REQUIRED.

29 35 A person shall not engage in or conduct a business under a
30 1 trade name, or an assumed name of a character other than the
30 2 true surname of each person owning or having an interest in
30 3 the business, unless the person first records with the county
30 4 recorder of the county in which the business is to be
30 5 conducted a verified statement showing the name, post office
30 6 address, and residence address of each person owning or having
30 7 an interest in the business, and the address where the
30 8 business is to be conducted. However, this provision does not
30 9 apply to any person organized or incorporated in this state as
30 10 a domestic entity or authorized to do business in this state
30 11 as a foreign entity, if the person is a limited partnership
30 12 under chapter 488, a corporation under chapter 490; a limited
30 13 liability company under chapter 490A; a professional
30 14 corporation under chapter 496C; a cooperative or cooperative
30 15 association under chapter 497, 498, 499, ~~or~~ 501, or 501A; or a
30 16 nonprofit corporation under chapter 504.

30 17 Sec. 68. Section 551A.3, subsection 2, unnumbered
30 18 paragraph 1, Code Supplement 2005, is amended to read as
30 19 follows:

30 20 The disclosure document shall have a cover sheet which
30 21 shall consist of a title printed in bold and a statement. The
30 22 title and statement shall be in at least ten point type and
30 23 shall appear as follows:

30 24 DISCLOSURE REQUIRED BY IOWA LAW

30 25 ~~The registration of this~~ This business opportunity does not
30 26 ~~constitute~~ have the approval, recommendation, or endorsement
30 27 ~~by~~ of the state of Iowa. The information contained in this
30 28 disclosure document has not been verified by this state. If
30 29 you have any questions or concerns about this investment, seek
30 30 professional advice before you sign a contract or make any

30 31 payment. You are to be provided ten (10) business days to
30 32 review this document before signing a contract or making any
30 33 payment to the seller or the seller's representative.

30 34 Sec. 69. Section 554.3309, subsection 1, paragraph a,
30 35 subparagraph (1), Code Supplement 2005, is amended to read as
31 1 follows:

31 2 (1) was entitled to enforce the instrument when loss ~~or~~ of
31 3 possession occurred, or

31 4 Sec. 70. Section 558A.1, subsection 4, paragraph a, Code
31 5 Supplement 2005, is amended to read as follows:

31 6 a. A transfer made pursuant to a court order, including
31 7 but not limited to a transfer under chapter 633 or 633A, the
31 8 execution of a judgment, the foreclosure of a real estate
31 9 mortgage pursuant to chapter 654, the forfeiture of a real
31 10 estate contract under chapter 656, a transfer by a trustee in
31 11 bankruptcy, a transfer by eminent domain, or a transfer
31 12 resulting from a decree for specific performance.

31 13 Sec. 71. Section 598.21C, subsection 4, Code Supplement
31 14 2005, is amended to read as follows:

31 15 4. RETROACTIVITY OF MODIFICATION. Judgments for child
31 16 support or child support awards entered pursuant to this
31 17 chapter, chapter 234, 252A, 252C, 252F, 600B, or any other
31 18 chapter of the Code which are subject to a modification
31 19 proceeding may be retroactively modified only from three
31 20 months after the date the notice of the pending petition for
31 21 modification is served on the opposing party. The three-month
31 22 limitation applies to a modification action pending on or
31 23 after July 1, 1997. The prohibition of retroactive
31 24 modification does not bar the child support recovery unit from
31 25 obtaining orders for accrued support for previous time
31 26 periods. Any retroactive modification which increases the
31 27 amount of child support or any order for accrued support under
31 28 this ~~paragraph~~ subsection shall include a periodic payment
31 29 plan. A retroactive modification shall not be regarded as a
31 30 delinquency unless there are subsequent failures to make
31 31 payments in accordance with the periodic payment plan.

31 32 Sec. 72. Section 598.21E, subsection 2, Code Supplement
31 33 2005, is amended to read as follows:

31 34 2. If the court overcomes a prior determination of
31 35 paternity, the previously established father shall be relieved
32 1 of support obligations as specified in section 600B.41A,
32 2 subsection 4. In any action to overcome paternity other than
32 3 through a pending dissolution action, the provisions of
32 4 section 600B.41A apply. Overcoming paternity under ~~this~~
32 5 subsection 1, paragraph "c", does not bar subsequent actions
32 6 to establish paternity. A subsequent action to establish
32 7 paternity against the previously established father is not
32 8 barred if it is subsequently determined that the written
32 9 statement attesting that the established father is not the
32 10 biological father of the child may have been submitted
32 11 erroneously, and that the person previously determined not to
32 12 be the child's father during the dissolution action may
32 13 actually be the child's biological father.

32 14 Sec. 73. Section 598.21F, subsection 6, Code Supplement
32 15 2005, is amended to read as follows:

32 16 6. APPLICATION. A support order, decree, or judgment
32 17 entered or pending before July 1, 1997, that provides for
32 18 support of a child for college, university, or community
32 19 college expenses may be modified in accordance with this
32 20 subsection section.

32 21 Sec. 74. Section 602.1304, subsection 2, paragraph b, Code
32 22 Supplement 2005, is amended to read as follows:

32 23 b. For each fiscal year, a judicial collection estimate
32 24 for that fiscal year shall be equally and proportionally
32 25 divided into a quarterly amount. The judicial collection
32 26 estimate shall be calculated by using the state revenue
32 27 estimating conference estimate made by December 15 pursuant to
32 28 section 8.22A, subsection 3, of the total amount of fines,
32 29 fees, civil penalties, costs, surcharges, and other revenues
32 30 collected by judicial officers and court employees for deposit
32 31 into the general fund of the state. The revenue estimating
32 32 conference estimate shall be reduced by the maximum amounts
32 33 allocated to the Iowa prison infrastructure fund pursuant to
32 34 section 602.8108A, the court technology and modernization fund
32 35 pursuant to section 602.8108, subsection 7, the judicial
33 1 branch pursuant to section 602.8108, subsection 8, and the
33 2 road use tax fund pursuant to section 602.8108, subsection 9,
33 3 and the remainder shall be the judicial collection estimate.
33 4 In each quarter of a fiscal year, after revenues collected by
33 5 judicial officers and court employees equal to that quarterly
33 6 amount are deposited into the general fund of the state, after

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

34 1 Sec. 75. Section 602.6306, subsection 2, Code Supplement
34 2 2005, is amended to read as follows:

34 3 2. District associate judges also have jurisdiction in
34 4 civil actions for money judgment where the amount in
34 5 controversy does not exceed ten thousand dollars; jurisdiction
34 6 over involuntary commitment, treatment, or hospitalization
34 7 proceedings under chapters 125 and 229; jurisdiction of
34 8 indictable misdemeanors, class "D" felony violations, and
34 9 other felony arraignments; jurisdiction to enter a temporary
34 10 or emergency order of protection under chapter 236, and to
34 11 make court appointments and set hearings in criminal matters;
34 12 jurisdiction to enter orders in probate which do not require
34 13 notice and hearing and to set hearings in actions under
34 14 chapter 633 ~~or 633A~~; and the jurisdiction provided in section
34 15 602.7101 when designated as a judge of the juvenile court.

34 16 While presiding in these subject matters a district associate
34 17 judge shall employ district judges' practice and procedure.

34 18 Sec. 76. Section 602.8108, subsection 10, Code Supplement
34 19 2005, is amended by striking the subsection.

34 20 Sec. 77. Section 633.264, Code Supplement 2005, is amended
34 21 to read as follows:

34 22 633.264 DISPOSAL OF PROPERTY BY WILL.

34 23 Subject to the rights of the surviving spouse to take an
34 24 elective share as provided by section 633.236, any person of
34 25 full age and sound mind may dispose by will of all the
34 26 person's property, except an amount sufficient to pay the
34 27 debts and charges against the person's estate.

34 28 Sec. 78. Section 633C.4, subsection 2, Code Supplement
34 29 2005, is amended to read as follows:

34 30 2. The trustee of a medical assistance income trust or a
34 31 medical assistance special needs trust is a fiduciary for
34 32 purposes of ~~this~~ chapter 633A and, in the exercise of the
34 33 trustee's fiduciary duties, the state shall be considered a
34 34 beneficiary of the trust. Regardless of the terms of the
34 35 trust, the trustee shall not take any action that is not
35 1 prudent in light of the state's interest in the trust.

35 2 Sec. 79. Section 679C.109, subsection 1, paragraph b, Code
35 3 Supplement 2005, is amended to read as follows:

35 4 b. Disclose any such known fact to the mediation parties
35 5 as soon as is ~~practical~~ practicable before accepting a
35 6 mediation.

35 7 Sec. 80. NEW SECTION. 691.9 CRIMINALISTICS LABORATORY
35 8 FUND.

35 9 A criminalistics laboratory fund is created as a separate
35 10 fund in the state treasury under the control of the department
35 11 of public safety. The fund shall consist of appropriations
35 12 made to the fund and transfers of interest, and earnings. All
35 13 moneys in the fund are appropriated to the department of
35 14 public safety for use by the department in criminalistics
35 15 laboratory equipment purchasing, maintenance, depreciation,
35 16 and training. Any balance in the fund on June 30 of any
35 17 fiscal year shall not revert to any other fund of the state

35 18 but shall remain available for the purposes described in this
35 19 section.

35 20 Sec. 81. Section 717E.2, subsection 2, Code 2005, is
35 21 amended to read as follows:

35 22 2. A prize for participating in a fair ~~event~~.

35 23 Sec. 82. Section 815.11, Code Supplement 2005, is amended
35 24 to read as follows:

35 25 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.

35 26 Costs incurred under chapter 229A, 665, 822, or 908, or
35 27 section 232.141, subsection 3, paragraph "c", or section
35 28 598.23A, 600A.6B, 814.9, 814.10, 814.11, 815.4, 815.7, or
35 29 815.10 on behalf of an indigent shall be paid from funds
35 30 appropriated by the general assembly to the office of the
35 31 state public defender in the department of inspections and
35 32 appeals for those purposes. Costs incurred representing an
35 33 indigent defendant in a contempt action, or representing an
35 34 indigent juvenile in a juvenile court proceeding under chapter
35 35 600, are also payable from these funds. However, costs
36 1 incurred in any administrative proceeding or in any other
36 2 proceeding under chapter 598, 600, 600A, 633, 633A, or 915 or
36 3 other provisions of the Code or administrative rules are not
36 4 payable from these funds.

36 5 Sec. 83. 2003 Iowa Acts, 1st Ex., chapter 2, section 93,
36 6 is amended to read as follows:

36 7 SEC. 93. The divisions of this Act designated economic
36 8 development appropriations, workforce-related issues, loan and
36 9 credit guarantee fund, university-based research utilization
36 10 program appropriation, endow Iowa tax credit, and
36 11 rehabilitation project tax credits are repealed effective June
36 12 30, 2010. This section does not apply to the section of the
36 13 division of this Act designated workforce-related issues that
36 14 enacts section 260C.18A.

36 15 Sec. 84. 2005 Iowa Acts, chapter 70, section 51, is
36 16 amended to read as follows:

36 17 SEC. 51. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

36 18 This section and the sections of this Act amending sections
36 19 513C.6 and 514E.2, and amending section 514E.7, subsection 1,
36 20 by enacting paragraph "e", being deemed of immediate
36 21 importance, take effect upon enactment. The section of the
36 22 Act amending section 513C.6 is retroactively applicable to
36 23 January 1, 2005, and is applicable on and after that date.
36 24 The sections of the Act amending section 514E.2 are
36 25 retroactively applicable to July 1, 1986, and are applicable
36 26 on and after that date. The portion of the section of the Act
36 27 amending section 514E.7, subsection 1, by enacting paragraph
36 28 "e" is retroactively applicable to January 1, 2005, and is
36 29 applicable on and after that date. The section of this Act
36 30 amending section 514E.8, being deemed of immediate importance,
36 31 takes effect upon enactment and applies retroactively to July
36 32 1, 2004.

36 33 Sec. 85. Section 501A.715, subsection 6, paragraph a,
36 34 subparagraphs (2) through (4), as enacted by 2005 Iowa Acts,
36 35 chapter 135, section 49, are amended to read as follows:

37 1 (2) If a quorum under subparagraph (1) cannot be obtained,
37 2 by a majority of a committee of the board consisting solely of
37 3 two or more directors not at the time parties to the
37 4 proceeding duly designated to act in the matter by a majority
37 5 of the full board, including directors who are parties.

37 6 (3) If a determination is not made under subparagraph (1)
37 7 or (2), by special legal counsel selected either by a majority
37 8 of the board or a committee by vote under subparagraph (1) or
37 9 (2), or if the requisite quorum of the full board cannot be
37 10 obtained and the committee cannot be established, by a
37 11 majority of the full board, including directors who are
37 12 parties.

37 13 (4) If a determination is not made under subparagraphs (1)
37 14 through (3) by the affirmative vote of the members, but the
37 15 membership interests held by parties to the proceeding must
37 16 not be counted in determining the presence of a quorum, and
37 17 are not considered to be present and entitled to vote on the
37 18 determination.

37 19 Sec. 86. Sections 321.210B and 490.1705, Code 2005, are
37 20 repealed.

37 21 Sec. 87. Chapter 217A, Code 2005, is repealed.

37 22 Sec. 88. The section of this Act amending section 152.7,
37 23 is repealed effective July 1, 2008.

37 24 Sec. 89. RETROACTIVE APPLICABILITY. The following
37 25 sections of this Act are retroactively applicable to January
37 26 1, 2005, and are applicable on and after that date:

37 27 1. The section of this Act amending section 455I.5,
37 28 subsection 4.

37 29 2. The section of this Act amending 2005 Iowa Acts,
37 30 chapter 135, section 49.

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JEFFREY M. LAMBERTI
President of the Senate

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CHRISTOPHER C. RANTS
Speaker of the House

38 7 I hereby certify that this bill originated in the Senate and
38 8 is known as Senate File 2253, Eighty-first General Assembly.

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MICHAEL E. MARSHALL
Secretary of the Senate

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38 14 Approved _____, 2006

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THOMAS J. VILSACK
Governor