

Senate Study Bill 3144

SENATE FILE _____
BY (PROPOSED COMMITTEE ON JUDICIARY
BILL BY CO=CHAIRPERSONS
KREIMAN and MILLER)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to statutory corrections which may adjust
2 language to reflect current practices, insert earlier
3 omissions, delete redundancies and inaccuracies, delete
4 temporary language, resolve inconsistencies and conflicts,
5 update ongoing provisions, or remove ambiguities, and
6 including effective and retroactive applicability date
7 provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
9 TLSB 5472SC 81
10 nh/gg/14

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1 1 Section 1. Section 8A.222, subsection 4, Code 2005, is
1 2 amended by striking the subsection.
1 3 Sec. 2. Section 8A.324, subsection 2, unnumbered paragraph
1 4 2, Code Supplement 2005, is amended to read as follows:
1 5 A not-for-profit organization or governmental agency that
1 6 enters into an agreement with the director pursuant to this
1 7 subsection may sell or otherwise transfer the personal
1 8 property received from the department to any person that the
1 9 department would be able to sell or otherwise transfer such
1 10 property to under this chapter, including, but not limited to,
1 11 the general public. The authority granted to sell or
1 12 otherwise transfer personal property pursuant to this
1 13 paragraph supersedes any other restrictions applicable to the
1 14 not-for-profit organization or governmental ~~entity~~ agency, but
1 15 only for purposes of the personal property received from the
1 16 department.
1 17 Sec. 3. Section 12.72, subsection 4, paragraph d, Code
1 18 Supplement 2005, is amended to read as follows:
1 19 d. To assure the continued solvency of any bonds secured
1 20 by the bond reserve fund, provision is made in paragraph "~~a~~"
1 21 "c" for the accumulation in each bond reserve fund of an
1 22 amount equal to the bond reserve fund requirement for the
1 23 fund. In order further to assure maintenance of the bond
1 24 reserve funds, the treasurer shall, on or before January 1 of
1 25 each calendar year, make and deliver to the governor the
1 26 treasurer's certificate stating the sum, if any, required to
1 27 restore each bond reserve fund to the bond reserve fund
1 28 requirement for that fund. Within thirty days after the
1 29 beginning of the session of the general assembly next
1 30 following the delivery of the certificate, the governor shall
1 31 submit to both houses printed copies of a budget including the
1 32 sum, if any, required to restore each bond reserve fund to the
1 33 bond reserve fund requirement for that fund. Any sums
1 34 appropriated by the general assembly and paid to the treasurer
1 35 pursuant to this subsection shall be deposited by the
2 1 treasurer in the applicable bond reserve fund.
2 2 Sec. 4. Section 15E.351, subsection 3, paragraph c, Code
2 3 Supplement 2005, is amended to read as follows:
2 4 c. The business accelerator's professional staff with
2 5 demonstrated ~~disciplines~~ experience in all aspects of business
2 6 ~~experience~~ disciplines.
2 7 Sec. 5. Section 17A.18A, subsection 1, Code 2005, is
2 8 amended to read as follows:
2 9 1. Notwithstanding any other provision of this chapter and
2 10 to the extent consistent with the Constitution of the State of
2 11 Iowa and of the United States, an agency may use emergency

2 12 adjudicative proceedings in a situation involving an immediate
2 13 danger to the public health, safety, or welfare requiring
2 14 immediate agency action.

2 15 Sec. 6. Section 28.3, subsection 6, paragraph b, Code
2 16 Supplement 2005, is amended to read as follows:

2 17 b. In addition, a community empowerment office is
2 18 established as a division of the department of management to
2 19 provide a center for facilitation, communication, and
2 20 coordination for community empowerment activities and funding
2 21 and for improvement of the early care, education, health, and
2 22 human services systems. Staffing for the community
2 23 empowerment office shall be provided by a facilitator ~~or~~
2 24 ~~coordinator~~ appointed by the governor, subject to confirmation
2 25 by the senate, and who serves at the pleasure of the governor.
2 26 A deputy and support staff may be designated, subject to
2 27 appropriation made for this purpose. The facilitator ~~or~~
2 28 ~~coordinator~~ shall submit reports to the governor, the Iowa
2 29 board, and the general assembly. The facilitator ~~or~~
2 30 ~~coordinator~~ shall provide primary staffing to the board,
2 31 coordinate state technical assistance activities and
2 32 implementation of the technical assistance system, and other
2 33 communication and coordination functions to move authority and
2 34 decision-making responsibility from the state to communities
2 35 and individuals.

3 1 Sec. 7. Section 28.4, subsection 12, paragraph d, Code
3 2 Supplement 2005, is amended to read as follows:

3 3 d. The Iowa empowerment board shall regularly make
3 4 information available identifying community empowerment
3 5 funding and funding distributed for purposes of the early care
3 6 system. It is the intent of the general assembly that the
3 7 community empowerment area boards and the administrators of
3 8 the early care programs located within the community
3 9 empowerment areas that are supported by public funding shall
3 10 fully cooperate with one another in order to avoid
3 11 duplication, enhance efforts, combine planning, and take other
3 12 steps to best utilize the funding to meet the needs of the
3 13 families in the areas. The community empowerment area boards
3 14 and the program administrators shall annually submit a report
3 15 concerning such efforts to the community empowerment office.
3 16 If a community empowerment area is receiving a school ready
3 17 children grant, this report shall be an addendum to the annual
3 18 report required under section 28.8. The state community
3 19 empowerment facilitator ~~or coordinator~~ shall compile and
3 20 summarize the reports which shall be submitted to the
3 21 governor, general assembly, and Iowa board.

3 22 Sec. 8. Section 28J.7, subsection 3, paragraphs a and b,
3 23 Code Supplement 2005, are amended to read as follows:

3 24 a. A port authority may provide for the administration and
3 25 enforcement of the laws of the state by employing peace
3 26 officers who shall have all the powers conferred by law on
3 27 peace officers of this state with regard to the apprehension
3 28 of violators upon all property under its control within and
3 29 without the port authority. The peace officers may seek the
3 30 assistance of other appropriate law enforcement officers to
3 31 enforce ~~its port authority~~ rules and maintain order.

3 32 b. Peace officers employed by a port authority shall meet
3 33 all requirements ~~as established for police officers appointed~~
3 34 ~~under the civil service law of chapter 400 and shall~~
3 35 ~~participate in the retirement system established by~~ be
4 1 considered police officers for the purposes of chapter 411.

4 2 Sec. 9. Section 35.10, Code Supplement 2005, is amended to
4 3 read as follows:

4 4 35.10 ELIGIBILITY AND PAYMENT OF AID.

4 5 Eligibility for aid shall be determined upon application to
4 6 the department of veterans affairs, whose decision is final.
4 7 The eligibility of eligible applicants shall be certified by
4 8 the department of veterans affairs to the director of the
4 9 department of administrative services, and all amounts that
4 10 are or become due to an individual or a training institution
4 11 under this chapter shall be paid to the individual or
4 12 institution by the director of the department of
4 13 administrative services upon receipt by the director of
4 14 certification by the president or governing board of the
4 15 educational or training institution as to accuracy of charges
4 16 made, and as to the attendance of the individual at the
4 17 educational or training institution. The department of
4 18 veterans affairs may pay over the annual sum of ~~four six~~
4 19 hundred dollars to the educational or training institution in
4 20 a lump sum, or in installments as the circumstances warrant,
4 21 upon receiving from the institution such written undertaking
4 22 as the department may require to assure the use of funds for

4 23 the child for the authorized purposes and for no other
4 24 purpose. A person is not eligible for the benefits of this
4 25 chapter until the person has graduated from a high school or
4 26 educational institution offering a course of training
4 27 equivalent to high school training.

4 28 Sec. 10. Section 142C.15, subsection 4, paragraph a, Code
4 29 Supplement 2005, is amended to read as follows:

4 30 a. Not more than twenty percent of the moneys in the fund
4 31 annually may be expended in the form of grants to state
4 32 agencies or to nonprofit legal entities with an interest in
4 33 anatomical gift public awareness and transplantation to
4 34 conduct public awareness projects. Moneys remaining that were
4 35 not requested and awarded for public awareness projects may be
5 1 used for research, or to develop and support a statewide organ
5 2 and tissue donor registry. Grants shall be made based upon
5 3 the submission of a grant application by an agency or entity
5 4 to conduct a public awareness project or to research, or
5 5 develop, and support a statewide organ and tissue donor
5 6 registry.

5 7 Sec. 11. Section 152.7, unnumbered paragraph 2, Code
5 8 Supplement 2005, is amended to read as follows:

5 9 For purposes of licensure pursuant to the nurse licensure
5 10 compact contained in section 152E.1 ~~or pursuant to the~~
~~5 11 advanced practice registered nurse compact contained in~~
~~5 12 section 152E.3~~, the compact administrator may refuse to accept
5 13 a change in the qualifications for licensure as a registered
5 14 nurse or as a licensed practical or vocational nurse by a
5 15 licensing authority in another state which is a party to the
5 16 compact which substantially modifies that state's
5 17 qualifications for licensure in effect on July 1, 2000. For
5 18 purposes of licensure pursuant to the advanced practice
5 19 registered nurse compact contained in section 152E.3, the
5 20 compact administrator may refuse to accept a change in the
5 21 qualifications for licensure as an advanced practice
5 22 registered nurse by a licensing authority in another state
5 23 which is a party to the compact which substantially modifies
5 24 that state's qualifications for licensure in effect on July 1,
5 25 2005. A refusal to accept a change in a party state's
5 26 qualifications for licensure may result in submitting the
5 27 issue to an arbitration panel or in withdrawal from the
5 28 respective compact, at the discretion of the compact
5 29 administrator.

5 30 Sec. 12. Section 159.5, subsection 9, Code 2005, is
5 31 amended to read as follows:

5 32 9. Inspect and supervise all food meat, poultry, or dairy
5 33 producing or distributing establishments including the
5 34 furniture, fixtures, utensils, machinery, and other equipment
5 35 so as to prevent the production, preparation, packing,
6 1 storage, or transportation of food meat, poultry, or dairy
6 2 products in a manner detrimental to ~~its~~ the character or
6 3 quality of those products.

6 4 Sec. 13. Section 181.13, subsection 1, Code 2005, is
6 5 amended to read as follows:

6 6 1. All state assessments imposed under this chapter shall
6 7 be paid to and collected by the council and deposited with the
6 8 treasurer of state in a separate cattle promotion fund which
6 9 shall be created by the treasurer of state. The department of
6 10 administrative services shall transfer moneys from the fund to
6 11 the council for deposit into an account established by the
6 12 council in a qualified financial institution. The department
6 13 shall transfer the moneys as provided in a resolution adopted
6 14 by the council. However, the department is only required to
6 15 transfer moneys once during each day and only during hours
6 16 when the offices of the state are open. From the moneys
6 17 collected, deposited, and transferred to the council, in
6 18 accordance with the provisions of this chapter, the council
6 19 shall first pay the costs of referendums held pursuant to this
6 20 chapter, the costs of collection of such state assessments,
6 21 and the expenses of its agents. ~~Except as otherwise provided~~
~~6 22 in section 181.19, at~~ At least ten percent of the remaining
6 23 moneys shall be remitted to the association in proportions
6 24 determined by the council, for use in a manner not
6 25 inconsistent with section 181.7. The remaining moneys, with
6 26 approval of a majority of the council, shall be expended as
6 27 the council finds necessary to carry out the provisions and
6 28 purposes of this chapter. However, in no event shall the
6 29 total expenses exceed the total amount transferred from the
6 30 fund for use by the council.

6 31 Sec. 14. Section 185.26, subsection 1, Code Supplement
6 32 2005, is amended to read as follows:

6 33 1. The state assessment collected by the board shall be

6 34 deposited in a special fund known as the soybean promotion
6 35 fund, in the office of the treasurer of state. The fund may
7 1 also contain any gifts, or federal or state grant received by
7 2 the board. Moneys collected, deposited into the fund, and
7 3 transferred to the board, as provided in this chapter, shall
7 4 be subject to audit by the auditor of state. The department
7 5 of administrative services shall transfer moneys from the fund
7 6 to the board for deposit into an account known as the soybean
7 7 checkoff account which shall be established by the board in a
7 8 qualified financial institution. The department shall
7 9 transfer the moneys into the account as provided in a
7 10 resolution adopted by the board. However, the department is
7 11 only required to transfer moneys once during each day and only
7 12 during hours when the offices of the state are open. From
7 13 moneys collected, deposited, and transferred to the soybean
7 14 checkoff account as provided in this section, the board shall
7 15 first pay the costs of referendums, elections, and other
7 16 expenses incurred in the administration of this chapter,
7 17 before moneys may be expended to carry out the purposes of the
7 18 board as provided in section 185.11. The ~~association board~~
7 19 shall strictly segregate moneys in the soybean checkoff
7 20 account from all other moneys of the ~~association board~~.
7 21 Moneys in the soybean checkoff account shall be expended by
7 22 the board exclusively for carrying out the purposes of the
7 23 board as provided in section 185.11. The account shall be
7 24 subject to audit by the auditor of state.

7 25 Sec. 15. Section 202.1, subsection 4, Code 2005, is
7 26 amended to read as follows:

7 27 4. "Contract livestock facility" means an animal feeding
7 28 operation as defined in section 459.102, in which livestock or
7 29 raw milk is produced according to a production contract
7 30 executed pursuant to section 202.2 by a contract producer who
7 31 holds a legal interest in the animal feeding operation.
7 32 "Contract livestock facility" includes a confinement feeding
7 33 operation as defined in section 459.102, an open feedlot
7 34 operation as defined in section 459A.102, or an area which is
7 35 used for the raising of crops or other vegetation and upon
8 1 which livestock is fed for slaughter or is allowed to graze or
8 2 feed.

8 3 Sec. 16. Section 202.1, subsection 11, Code 2005, is
8 4 amended by striking the subsection.

8 5 Sec. 17. Section 229.19, Code 2005, is amended to read as
8 6 follows:

8 7 229.19 ADVOCATES == DUTIES == COMPENSATION == STATE AND
8 8 COUNTY LIABILITY.

8 9 1. The district court in each county with a population of
8 10 under three hundred thousand inhabitants and the board of
8 11 supervisors in each county with a population of three hundred
8 12 thousand or more inhabitants shall appoint an individual who
8 13 has demonstrated by prior activities an informed concern for
8 14 the welfare and rehabilitation of persons with mental illness,
8 15 and who is not an officer or employee of the department of
8 16 human services nor of any agency or facility providing care or
8 17 treatment to persons with mental illness, to act as advocate
8 18 representing the interests of patients involuntarily
8 19 hospitalized by the court, in any matter relating to the
8 20 patients' hospitalization or treatment under section 229.14 or
8 21 229.15. The court or, if the advocate is appointed by the
8 22 county board of supervisors, the board shall assign the
8 23 advocate appointed from a patient's county of legal settlement
8 24 to represent the interests of the patient. If a patient has
8 25 no county of legal settlement, the court or, if the advocate
8 26 is appointed by the county board of supervisors, the board
8 27 shall assign the advocate appointed from the county where the
8 28 hospital or facility is located to represent the interests of
8 29 the patient. The advocate's responsibility with respect to
8 30 any patient shall begin at whatever time the attorney employed
8 31 or appointed to represent that patient as respondent in
8 32 hospitalization proceedings, conducted under sections 229.6 to
8 33 229.13, reports to the court that the attorney's services are
8 34 no longer required and requests the court's approval to
8 35 withdraw as counsel for that patient. However, if the patient
9 1 is found to be seriously mentally impaired at the
9 2 hospitalization hearing, the attorney representing the patient
9 3 shall automatically be relieved of responsibility in the case
9 4 and an advocate shall be assigned to the patient at the
9 5 conclusion of the hearing unless the attorney indicates an
9 6 intent to continue the attorney's services and the court so
9 7 directs. If the court directs the attorney to remain on the
9 8 case the attorney shall assume all the duties of an advocate.
9 9 The clerk shall furnish the advocate with a copy of the

9 10 court's order approving the withdrawal and shall inform the
9 11 patient of the name of the patient's advocate. With regard to
9 12 each patient whose interests the advocate is required to
9 13 represent pursuant to this section, the advocate's duties
9 14 shall include all of the following:

9 15 ~~1-~~ a. To review each report submitted pursuant to
9 16 sections 229.14 and 229.15.

9 17 ~~2-~~ b. If the advocate is not an attorney, to advise the
9 18 court at any time it appears that the services of an attorney
9 19 are required to properly safeguard the patient's interests.

9 20 ~~3-~~ c. To make the advocate readily accessible to
9 21 communications from the patient and to originate
9 22 communications with the patient within five days of the
9 23 patient's commitment.

9 24 ~~4-~~ d. To visit the patient within fifteen days of the
9 25 patient's commitment and periodically thereafter.

9 26 ~~5-~~ e. To communicate with medical personnel treating the
9 27 patient and to review the patient's medical records pursuant
9 28 to section 229.25.

9 29 ~~6-~~ f. To file with the court quarterly reports, and
9 30 additional reports as the advocate feels necessary or as
9 31 required by the court, in a form prescribed by the court. The
9 32 reports shall state what actions the advocate has taken with
9 33 respect to each patient and the amount of time spent.

9 34 2. The hospital or facility to which a patient is
9 35 committed shall grant all reasonable requests of the advocate
10 1 to visit the patient, to communicate with medical personnel
10 2 treating the patient and to review the patient's medical
10 3 records pursuant to section 229.25. An advocate shall not
10 4 disseminate information from a patient's medical records to
10 5 any other person unless done for official purposes in
10 6 connection with the advocate's duties pursuant to this chapter
10 7 or when required by law.

10 8 3. The court or, if the advocate is appointed by the
10 9 county board of supervisors, the board shall prescribe
10 10 reasonable compensation for the services of the advocate. The
10 11 compensation shall be based upon the reports filed by the
10 12 advocate with the court. The advocate's compensation shall be
10 13 paid by the county in which the court is located, either on
10 14 order of the court or, if the advocate is appointed by the
10 15 county board of supervisors, on the direction of the board.
10 16 If the advocate is appointed by the court, the advocate is an
10 17 employee of the state for purposes of chapter 669. If the
10 18 advocate is appointed by the county board of supervisors, the
10 19 advocate is an employee of the county for purposes of chapter
10 20 670. If the patient or the person who is legally liable for
10 21 the patient's support is not indigent, the board shall recover
10 22 the costs of compensating the advocate from that person. If
10 23 that person has an income level as determined pursuant to
10 24 section 815.9 greater than one hundred percent but not more
10 25 than one hundred fifty percent of the poverty guidelines, at
10 26 least one hundred dollars of the advocate's compensation shall
10 27 be recovered in the manner prescribed by the county board of
10 28 supervisors. If that person has an income level as determined
10 29 pursuant to section 815.9 greater than one hundred fifty
10 30 percent of the poverty guidelines, at least two hundred
10 31 dollars of the advocate's compensation shall be recovered in
10 32 substantially the same manner prescribed by the county board
10 33 of supervisors as provided in section ~~815.7~~ 815.9.

10 34 Sec. 18. Section 231B.10, subsection 1, paragraph g, Code
10 35 Supplement 2005, is amended to read as follows:

11 1 g. In the case of any officer, member of the board of
11 2 directors, trustee, or designated manager of the elder group
11 3 home or any stockholder, partner, or individual who has
11 4 greater than a five percent equity interest in the elder group
11 5 home, ~~who has~~ having or ~~has~~ having had an ownership interest
11 6 in an elder group home, assisted living or adult day services
11 7 program, home health agency, residential care facility, or
11 8 licensed nursing facility in this or any state which has been
11 9 closed due to removal of program, agency, or facility
11 10 licensure or certification or involuntary termination from
11 11 participation in either the medical assistance or Medicare
11 12 programs, or ~~who has~~ having been found to have failed to
11 13 provide adequate protection or services for tenants to prevent
11 14 abuse or neglect.

11 15 Sec. 19. Section 231C.10, subsection 1, paragraph g, Code
11 16 Supplement 2005, is amended to read as follows:

11 17 g. In the case of any officer, member of the board of
11 18 directors, trustee, or designated manager of the program or
11 19 any stockholder, partner, or individual who has greater than a
11 20 five percent equity interest in the program, ~~who has~~ having or

11 21 ~~has having~~ had an ownership interest in an assisted living
11 22 program, adult day services program, elder group home, home
11 23 health agency, residential care facility, or licensed nursing
11 24 facility in any state which has been closed due to removal of
11 25 program, agency, or facility licensure or certification or
11 26 involuntary termination from participation in either the
11 27 medical assistance or Medicare programs, or ~~who has having~~
11 28 been found to have failed to provide adequate protection or
11 29 services for tenants to prevent abuse or neglect.

11 30 Sec. 20. Section 231D.5, subsection 1, paragraph h, Code
11 31 Supplement 2005, is amended to read as follows:

11 32 h. In the case of any officer, member of the board of
11 33 directors, trustee, or designated manager of the program or
11 34 any stockholder, partner, or individual who has greater than a
11 35 five percent equity interest in the program, ~~who has having~~ or
12 1 ~~has having~~ had an ownership interest in an adult day services
12 2 program, assisted living program, elder group home, home
12 3 health agency, residential care facility, or licensed nursing
12 4 facility in any state which has been closed due to removal of
12 5 program, agency, or facility licensure or certification or
12 6 involuntary termination from participation in either the
12 7 medical assistance or Medicare programs, or ~~who has having~~
12 8 been found to have failed to provide adequate protection or
12 9 services for participants to prevent abuse or neglect.

12 10 Sec. 21. Section 235B.2, subsection 5, paragraph b,
12 11 subparagraph (3), Code Supplement 2005, is amended to read as
12 12 follows:

12 13 (3) The withholding or withdrawing of health care from a
12 14 dependent adult who is terminally ill in the opinion of a
12 15 licensed physician, when the withholding or withdrawing of
12 16 health care is done at the request of the dependent adult or
12 17 at the request of the dependent adult's next of kin, attorney
12 18 in fact, or guardian pursuant to the applicable procedures
12 19 under chapter 125, 144A, 144B, 222, 229, or 633.

12 20 Sec. 22. Section 235B.3, subsection 2, unnumbered
12 21 paragraph 1, Code 2005, is amended to read as follows:

12 22 A person who, in the course of employment, examines,
12 23 attends, counsels, or treats a dependent adult and reasonably
12 24 believes the dependent adult has suffered abuse, shall report
12 25 the suspected dependent adult abuse to the department
12 26 ~~including~~. Persons required to report include all of the
12 27 following:

12 28 Sec. 23. Section 235B.6, subsection 2, paragraph d,
12 29 subparagraph (2), Code Supplement 2005, is amended to read as
12 30 follows:

12 31 (2) A court or ~~administrative~~ agency hearing an appeal for
12 32 correction of dependent adult abuse information as provided in
12 33 section 235B.10.

12 34 Sec. 24. Section 249J.14, subsection 8, Code Supplement
12 35 2005, is amended to read as follows:

13 1 8. REPORTS. The department shall report on a quarterly
13 2 basis to the medical assistance projections and assessment
13 3 council established pursuant to section 249J.20 and the
13 4 medical assistance advisory council created pursuant to
13 5 section ~~249A.4, subsection 8~~ 249A.4B, regarding the health
13 6 promotion partnerships described in this section. To the
13 7 greatest extent feasible, and if applicable to a data set, the
13 8 data reported shall include demographic information concerning
13 9 the population served including but not limited to factors,
13 10 such as race and economic status, as specified by the
13 11 department.

13 12 Sec. 25. Section 249J.18, subsection 2, Code Supplement
13 13 2005, is amended to read as follows:

13 14 2. The medical director of the Iowa Medicaid enterprise
13 15 shall report on a quarterly basis to the medical assistance
13 16 projections and assessment council established pursuant to
13 17 section 249J.20 and the medical assistance advisory council
13 18 created pursuant to section ~~249A.4, subsection 8~~ 249A.4B, any
13 19 recommendations made by the panel and adopted by rule of the
13 20 department pursuant to chapter 17A regarding clinically
13 21 appropriate health care utilization management and coverage
13 22 under the medical assistance program and the expansion
13 23 population.

13 24 Sec. 26. Section 256.40, subsection 2, unnumbered
13 25 paragraph 1, Code Supplement 2005, is amended to read as
13 26 follows:

13 27 The purpose of the program shall be to build a seamless
13 28 ~~system of~~ career, future workforce, and economic development
13 29 system in Iowa to accomplish all of the following:

13 30 Sec. 27. Section 256B.15, subsection 9, Code 2005, is
13 31 amended to read as follows:

13 32 9. The department of education and the department of human
13 33 services shall adopt rules to implement this section to be
~~13 34 effective immediately upon filing with the administrative~~
~~13 35 rules coordinator, or at a stated date prior to indexing and~~
~~14 1 publication, or at a stated date less than thirty-five days~~
~~14 2 after filing, indexing, and publication.~~

14 3 Sec. 28. Section 266.27, Code 2005, is amended to read as
14 4 follows:

14 5 266.27 ACT ACCEPTED.

14 6 The assent of the legislature general assembly of the state
14 7 of Iowa is hereby given to the provisions and requirements of
14 8 the congressional Smith=Lever Act, 38 Stat. 372=374, approved
14 9 May 22 18, 1928 1914, commonly known as the Capper-Ketcham and
14 10 any amendments to that Act. [45 Stat. L. 711], codified at 7

14 11 U.S.C. } 341 ~~et seq.~~ == 349.

14 12 Sec. 29. Section 321.177, subsection 10, Code 2005, is
14 13 amended by striking the subsection.

14 14 Sec. 30. Section 321.218, subsection 3, unnumbered
14 15 paragraph 1, Code Supplement 2005, is amended to read as
14 16 follows:

14 17 The department, upon receiving the record of the conviction
14 18 of a person under this section upon a charge of operating a
14 19 motor vehicle while the license of the person is suspended or
14 20 revoked, shall, except for licenses suspended under section
14 21 252J.8, 321.210, subsection 1, paragraph "c", or section
14 22 321.210A, ~~321.210B~~, or 321.513, extend the period of
14 23 suspension or revocation for an additional like period, and
14 24 the department shall not issue a new driver's license to the
14 25 person during the additional period.

14 26 Sec. 31. Section 321I.10, subsection 5, Code Supplement
14 27 2005, is amended to read as follows:

14 28 5. The state department of transportation may issue a
14 29 permit to a state agency, a county, or a city to allow an all=
14 30 terrain vehicle trail to cross a primary highway. The trail
14 31 crossing shall be part of an all-terrain vehicle trail
14 32 designated by the state agency, county, or city. A permit
14 33 shall be issued only if the crossing can be accomplished in a
14 34 safe manner and allows for adequate sight distance for both
14 35 motorists and all-terrain vehicle operators. The state
15 1 department of transportation may adopt rules to administer
15 2 this subsection.

15 3 Sec. 32. Section 331.605, subsection 4, Code 2005, is
15 4 amended to read as follows:

15 5 4. For the issuance of snowmobile registrations and user
15 6 permits, the fees specified in section sections 321G.4 and
15 7 321G.4A.

15 8 Sec. 33. Section 423.1, subsection 30, Code Supplement
15 9 2005, is amended to read as follows:

15 10 30. "Nonresidential commercial operations" means
15 11 industrial, commercial, mining, or agricultural operations,
15 12 whether for profit or not, but does not include apartment
15 13 complexes, manufactured home communities, or mobile home
15 14 parks.

15 15 Sec. 34. Section 441.11, Code 2005, is amended to read as
15 16 follows:

15 17 441.11 INCUMBENT DEPUTY ASSESSORS.

~~15 18 The director of revenue shall grant a restricted~~
~~15 19 certificate to any deputy assessor holding office as of~~
~~15 20 January 1, 1976. A deputy assessor possessing such a~~
15 21 certificate shall be considered eligible to remain in the
15 22 deputy's present position provided continuing education
15 23 requirements are met. To become eligible for another deputy
15 24 assessor position, a deputy assessor presently holding office
15 25 is required to obtain certification as provided for in
15 26 sections 441.5 and 441.10. The number of credit hours
15 27 required for certification as eligible for appointment as a
15 28 deputy in a jurisdiction other than where the deputy is
15 29 currently serving shall be prorated according to the completed
15 30 portion of the deputy's six-year continuing education period.

15 31 Sec. 35. Section 453A.22, subsection 3, Code Supplement
15 32 2005, is amended to read as follows:

15 33 3. If an employee of a retailer violates section 453A.2,
15 34 subsection 1, the retailer shall not be assessed a penalty
15 35 under subsection 2, and the violation shall be deemed not to
16 1 be a violation of section 453A.2, subsection 1, for the
16 2 purpose of determining the number of violations for which a
16 3 penalty may be assessed pursuant to subsection 2, if the
16 4 employee holds a valid certificate of completion of the
16 5 tobacco compliance employee training program pursuant to
16 6 section 453A.5 at the time of the violation. A retailer may
16 7 assert only once in a four-year period the bar under either

16 8 this subsection ~~or subsection 4~~ against assessment of a
16 9 penalty pursuant to subsection 2, for a violation of section
16 10 453A.2, that takes place at the same place of business
16 11 location.

16 12 Sec. 36. Section 455B.306, subsection 2, unnumbered
16 13 paragraph 1, Code Supplement 2005, is amended to read as
16 14 follows:

16 15 A planning area that closes all of the municipal solid
16 16 waste sanitary landfills located in the planning area and
16 17 chooses to use a municipal solid waste sanitary landfill in
16 18 another planning area that complies with all requirements
16 19 under subtitle D of the federal Resource Conservation and
16 20 Recovery Act, with all solid waste generated within the
16 21 planning area being consolidated at and transported from a
16 22 permitted transfer station, may elect to retain autonomy as a
16 23 planning area and shall not be required to join the planning
16 24 area where the landfill being used for final disposal of solid
16 25 waste is located. If a planning area makes the election under
16 26 this subsection, the planning area receiving the solid waste
16 27 from the planning area making the election shall not be
16 28 required to include the planning area making the election in a
16 29 comprehensive plan provided no services are shared between the
16 30 two planning areas other than the acceptance of solid waste
16 31 for disposal at a sanitary landfill. The planning area
16 32 receiving the solid waste shall only be responsible for the
16 33 permitting, planning, and waste reduction and diversion
16 34 programs in the planning area receiving the solid waste. If
16 35 the department determines that solid waste cannot reasonably
17 1 be consolidated and transported from a particular transfer
17 2 station, the department may establish permit conditions to
17 3 address the transport and disposal of the solid waste. An
17 4 election may be made under this subsection only if the two
17 5 comprehensive planning areas enter into an agreement pursuant
17 6 to chapter 28E that includes, at a minimum, all of the
17 7 following:

17 8 Sec. 37. Section 455I.5, subsection 4, Code Supplement
17 9 2005, is amended to read as follows:

17 10 4. This chapter does not invalidate or render
17 11 unenforceable any interest, whether designated as an
17 12 environmental covenant or other interest, that was created
17 13 prior to ~~the enactment of this chapter July 1, 2005~~, or that
17 14 is otherwise enforceable under the laws of this state.

17 15 Sec. 38. Section 455I.11, subsection 1, paragraph b, Code
17 16 Supplement 2005, is amended to read as follows:

17 17 b. The agency or, if ~~it~~ the agency is not the agency with
17 18 authority to determine or approve the environmental response
17 19 project, the department of natural resources.

17 20 Sec. 39. Section 459A.103, subsection 7, paragraph b, Code
17 21 Supplement 2005, is amended to read as follows:

17 22 b. If a drainage tile line to artificially lower the
17 23 seasonal high-water table is installed as ~~required by this~~
17 24 provided in section 459A.302, the level to which the seasonal
17 25 high-water table will be lowered will be the seasonal high=
17 26 water table.

17 27 Sec. 40. Section 459A.208, subsection 4, Code Supplement
17 28 2005, is amended to read as follows:

17 29 4. The department shall not approve an application for a
17 30 permit to construct a settled open feedlot effluent basin
17 31 unless the owner of the open feedlot operation applying for
17 32 approval submits a nutrient management plan together with the
17 33 application for the construction permit as provided in section
17 34 459A.205. The owner shall also submit proof that the owner
17 35 has published a notice for public comment as provided in this
18 1 section. The department shall approve or disapprove the
18 2 nutrient management plan as provided in section 459A.201. ~~A~~
~~18 3 nutrient management plan using an alternative technology~~
~~18 4 system shall not include requirements for settled effluent~~
~~18 5 that enters the alternative technology system.~~

18 6 Sec. 41. Section 459A.208, subsection 6, Code Supplement
18 7 2005, is amended to read as follows:

18 8 6. A nutrient management plan must be authenticated by the
18 9 owner of the ~~animal feeding~~ open feedlot operation as required
18 10 by the department in accordance with section 459A.201.

18 11 Sec. 42. Section 465C.1, subsection 4, Code 2005, is
18 12 amended to read as follows:

18 13 4. "Dedication" means the allocation of an area as a
18 14 preserve by a public ~~administrative~~ agency or by a private
18 15 owner by written stipulation in a form approved by the state
18 16 advisory board for preserves.

18 17 Sec. 43. Section 465C.9, unnumbered paragraph 1, Code
18 18 2005, is amended to read as follows:

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

18 25 Sec. 44. Section 465C.10, Code 2005, is amended to read as
18 26 follows:

18 27 465C.10 WHEN DEDICATED AS A PRESERVE.

18 28 An area shall become a preserve when it has been approved
18 29 by the board for dedication as a preserve, whether in public
18 30 or private ownership, formally dedicated as a preserve within
18 31 the system by a public ~~administrative~~ agency or private owner
18 32 and designated by the governor as a preserve.

18 33 Sec. 45. Section 476.6, subsection 22, paragraph g, Code
18 34 2005, is amended by striking the paragraph.

18 35 Sec. 46. Section 501A.103, Code Supplement 2005, is
19 1 amended to read as follows:

19 2 501A.103 REQUIREMENTS FOR SIGNATURES ON DOCUMENTS.

19 3 A document is signed when a person has ~~written~~ affixed the
19 4 person's name on a document. A person authorized to do so by
19 5 this chapter, the articles or bylaws, or by a resolution
19 6 approved by the directors or the members must sign the
19 7 document. A signature on a document may be a facsimile
19 8 affixed, engraved, printed, placed, stamped with indelible
19 9 ink, transmitted by facsimile or electronically, or in any
19 10 other manner reproduced on the document.

19 11 Sec. 47. Section 501A.503, subsection 2, paragraph c, Code
19 12 Supplement 2005, is amended to read as follows:

19 13 c. The secretary ~~shall~~ will issue an acknowledgment to the
19 14 cooperative.

19 15 Sec. 48. Section 501A.603, subsection 6, Code Supplement
19 16 2005, is amended to read as follows:

19 17 6. PENALTIES FOR CONTRACT INTERFERENCE. A person who
19 18 knowingly induces or attempts to induce any patron member or
19 19 patron of a cooperative organized under this chapter to breach
19 20 a marketing contract with the cooperative is guilty of a
19 21 simple misdemeanor.

19 22 Sec. 49. Section 501A.703, subsection 4, Code Supplement
19 23 2005, is amended to read as follows:

19 24 4. DISTRICT OR LOCAL UNIT ELECTION OF DIRECTORS. For a
19 25 cooperative with districts or other units, members may elect
19 26 directors on a district or unit basis if provided in the
19 27 bylaws. The directors may be nominated or elected at district
19 28 meetings if provided in the bylaws. Directors who are
19 29 nominated at district meetings shall be elected at the annual
19 30 regular members' meeting by vote of the entire membership,
19 31 unless the bylaws provide that directors who are nominated at
19 32 district meetings are to be elected by vote of the members of
19 33 the district, at the district meeting, or the annual regular
19 34 members' meeting.

19 35 Sec. 50. Section 501A.715, subsection 2, paragraph a,
20 1 subparagraph (1), subparagraph subdivision (d), Code
20 2 Supplement 2005, is amended to read as follows:

20 3 (d) The person has not committed an act for which
20 4 liability ~~cannot~~ can be eliminated or limited under section
20 5 501A.714.

20 6 Sec. 51. Section 501A.808, subsection 2, Code Supplement
20 7 2005, is amended to read as follows:

20 8 2. CLASS OR SERIES OF MEMBERSHIP INTERESTS. In any case
20 9 where a class or series of membership interests is entitled by
20 10 this chapter, the articles, bylaws, a member control
20 11 agreement, or the terms of the membership interests to vote as
20 12 a class or series, the matter being voted upon must also
20 13 receive the affirmative vote of the owners of the same
20 14 proportion of the membership interests present of that class
20 15 or series; or of the total outstanding membership interests of
20 16 that class or series, as the proportion required under
20 17 subsection 1, unless the articles, bylaws, or the member
20 18 control agreement requires a larger proportion. Unless
20 19 otherwise stated in the articles, bylaws, or a member control
20 20 agreement, in the case of voting as a class or series, the
20 21 minimum percentage of the total voting power of membership
20 22 interests of the class or series that must be present is equal
20 23 to the minimum percentage of all membership interests entitled
20 24 to vote required to be present under section ~~501A.707~~
20 25 501A.806.

20 26 Sec. 52. Section 501A.903, subsection 6, paragraphs a and
20 27 d, Code Supplement 2005, are amended to read as follows:

20 28 a. Subject to the right of the cooperative, ~~to~~ redeem any
20 29 of those membership interests at the price fixed for their

20 30 redemption by the articles or bylaws or by the board.
20 31 d. Convert ~~into~~ membership interests ~~of~~ into any other
20 32 class or any series of the same or another class.
20 33 Sec. 53. Section 501A.1005, subsection 2, Code Supplement
20 34 2005, is amended to read as follows:
20 35 2. DISTRIBUTION OF CASH OR OTHER ASSETS. A cooperative's
21 1 bylaws shall prescribe the distribution of cash or other
21 2 assets of the cooperative among the membership interests of
21 3 the cooperative. If nonpatron membership interests are
21 4 authorized by the patrons and the bylaws do not provide
21 5 otherwise, distributions ~~and allocations~~ shall be made to the
21 6 patron membership interests collectively and other members on
21 7 the basis of the value of contributions to capital made and
21 8 accepted by the cooperative, by the patron membership
21 9 interests collectively, and other membership interests. The
21 10 distributions to patron membership interests collectively
21 11 shall not be less than fifty percent of the total
21 12 distributions in any fiscal year, except if authorized in the
21 13 articles or bylaws adopted by the affirmative vote of the
21 14 patron members, or the articles or bylaws as amended by the
21 15 affirmative vote of the patron members. However, the
21 16 distributions to patron membership interests collectively
21 17 shall not be less than fifteen percent of the total
21 18 distributions in any fiscal year.
21 19 Sec. 54. Section 501A.1006, subsections 6 and 7, Code
21 20 Supplement 2005, are amended to read as follows:
21 21 6. ELIGIBLE NONMEMBER PATRONS. A cooperative may provide
21 22 in the bylaws that nonmember patrons are allowed to
21 23 participate in the distribution of net income, payable to
21 24 patron members on equal terms with patron members.
21 25 7. PATRONAGE CREDITS FOR INELIGIBLE MEMBERS. If a
21 26 nonmember patron with patronage credits is not qualified or
21 27 eligible for membership, a refund due may be credited to the
21 28 nonmember patron's individual account. The board may issue a
21 29 certificate of interest to reflect the credited amount. After
21 30 the nonmember patron is issued a certificate of interest, the
21 31 nonmember patron may participate in the distribution of net
21 32 income on the same basis as a patron member.
21 33 Sec. 55. Section 502.404, subsection 5, Code 2005, is
21 34 amended to read as follows:
21 35 5. LIMITS ON EMPLOYMENT OR ASSOCIATION. It is unlawful
22 1 for an individual acting as an investment adviser
22 2 representative, directly or indirectly, to conduct business in
22 3 this state on behalf of an investment adviser or a federal
22 4 covered investment adviser if the registration of the
22 5 individual as an investment adviser representative is
22 6 suspended or revoked or the individual is barred from
22 7 employment or association with an investment adviser or a
22 8 federal covered investment adviser by an order under this
22 9 chapter, the securities and exchange commission, or a self=
22 10 regulatory organization. Upon request from a federal covered
22 11 investment adviser and for good cause, the administrator, by
22 12 order issued, may waive, in whole or in part, the application
22 13 of the requirements of this subsection to the federal covered
22 14 investment adviser representative.
22 15 Sec. 56. Section 514.2, Code Supplement 2005, is amended
22 16 to read as follows:
22 17 514.2 INCORPORATION.
22 18 Persons desiring to form a nonprofit hospital service
22 19 corporation, or a nonprofit medical service corporation, or a
22 20 nonprofit pharmaceutical or optometric service corporation
22 21 shall have been incorporated under the provisions of chapter
22 22 504, Code 1989, or shall incorporate under the provisions of
22 23 current chapter 504, ~~as supplemented and amended herein and~~
~~22 24 any Acts amendatory thereof.~~
22 25 Sec. 57. Section 516E.10, subsection 3, Code Supplement
22 26 2005, is amended to read as follows:
22 27 3. BOYCOTT, COERCION, AND INTIMIDATION. A provider,
22 28 service company, or third-party administrator shall not enter
~~22 29 into an~~ agreement to commit, or by a concerted action commit,
22 30 an act of boycott, coercion, or intimidation resulting in or
22 31 tending to result in unreasonable restraint of, or monopoly
22 32 in, the service contract industry.
22 33 Sec. 58. Section 523I.201, subsection 1, Code Supplement
22 34 2005, is amended to read as follows:
22 35 1. This chapter shall be administered by the commissioner.
23 1 The deputy administrator appointed pursuant to section
23 2 ~~523A.801~~ 502.601 shall be the principal operations officer
23 3 responsible to the commissioner for the routine administration
23 4 of this chapter and management of the administrative staff.
23 5 In the absence of the commissioner, whether because of vacancy

23 6 in the office due to absence, physical disability, or other
23 7 cause, the deputy administrator shall, for the time being,
23 8 have and exercise the authority conferred upon the
23 9 commissioner. The commissioner may by order from time to time
23 10 delegate to the deputy administrator any or all of the
23 11 functions assigned to the commissioner in this chapter. The
23 12 deputy administrator shall employ officers, attorneys,
23 13 accountants, and other employees as needed for administering
23 14 this chapter.

23 15 Sec. 59. Section 523I.806, subsection 2, Code Supplement
23 16 2005, is amended to read as follows:

23 17 2. The care fund shall be administered under the
23 18 jurisdiction of the district court of the county where the
23 19 cemetery is located. Notwithstanding chapter ~~633~~ 633A, annual
23 20 reports shall not be required unless specifically required by
23 21 the district court. Reports shall be filed with the court
23 22 when necessary to receive approval of appointments of
23 23 trustees, trust agreements and amendments, changes in fees or
23 24 expenses, and other matters within the court's jurisdiction.
23 25 A court having jurisdiction over a care fund shall have full
23 26 jurisdiction to approve the appointment of trustees, the
23 27 amount of surety bond required, if any, and investment of
23 28 funds.

23 29 Sec. 60. Section 546.10, subsection 1, Code Supplement
23 30 2005, is amended by adding the following new paragraph:

23 31 NEW PARAGRAPH. g. The interior design examining board
23 32 established pursuant to chapter 544C.

23 33 Sec. 61. Section 547.1, Code Supplement 2005, is amended
23 34 to read as follows:

23 35 547.1 USE OF TRADE NAME == VERIFIED STATEMENT REQUIRED.

24 1 A person shall not engage in or conduct a business under a
24 2 trade name, or an assumed name of a character other than the
24 3 true surname of each person owning or having an interest in
24 4 the business, unless the person first records with the county
24 5 recorder of the county in which the business is to be
24 6 conducted a verified statement showing the name, post office
24 7 address, and residence address of each person owning or having
24 8 an interest in the business, and the address where the
24 9 business is to be conducted. However, this provision does not
24 10 apply to any person organized or incorporated in this state as
24 11 a domestic entity or authorized to do business in this state
24 12 as a foreign entity, if the person is a limited partnership
24 13 under chapter 488, a corporation under chapter 490; a limited
24 14 liability company under chapter 490A; a professional
24 15 corporation under chapter 496C; a cooperative or cooperative
24 16 association under chapter 497, 498, 499, ~~or~~ 501, or 501A; or a
24 17 nonprofit corporation under chapter 504.

24 18 Sec. 62. Section 551A.3, subsection 2, unnumbered
24 19 paragraph 1, Code Supplement 2005, is amended to read as
24 20 follows:

24 21 The disclosure document shall have a cover sheet which
24 22 shall consist of a title printed in bold and a statement. The
24 23 title and statement shall be in at least ten point type and
24 24 shall appear as follows:

24 25 DISCLOSURE REQUIRED BY IOWA LAW

24 26 ~~The registration of this~~ This business opportunity does not
24 27 ~~constitute~~ have the approval, recommendation, or endorsement
24 28 ~~by~~ of the state of Iowa. The information contained in this
24 29 disclosure document has not been verified by this state. If
24 30 you have any questions or concerns about this investment, seek
24 31 professional advice before you sign a contract or make any
24 32 payment. You are to be provided ten (10) business days to
24 33 review this document before signing a contract or making any
24 34 payment to the seller or the seller's representative.

24 35 Sec. 63. Section 554.3309, subsection 1, paragraph a,
25 1 subparagraph (1), Code Supplement 2005, is amended to read as
25 2 follows:

25 3 (1) was entitled to enforce the instrument when loss ~~or~~ of
25 4 possession occurred, or

25 5 Sec. 64. Section 558A.1, subsection 4, paragraph a, Code
25 6 Supplement 2005, is amended to read as follows:

25 7 a. A transfer made pursuant to a court order, including
25 8 but not limited to a transfer under chapter 633 or 633A, the
25 9 execution of a judgment, the foreclosure of a real estate
25 10 mortgage pursuant to chapter 654, the forfeiture of a real
25 11 estate contract under chapter 656, a transfer by a trustee in
25 12 bankruptcy, a transfer by eminent domain, or a transfer
25 13 resulting from a decree for specific performance.

25 14 Sec. 65. Section 598.21C, subsection 4, Code Supplement
25 15 2005, is amended to read as follows:

25 16 4. RETROACTIVITY OF MODIFICATION. Judgments for child

25 17 support or child support awards entered pursuant to this
25 18 chapter, chapter 234, 252A, 252C, 252F, 600B, or any other
25 19 chapter of the Code which are subject to a modification
25 20 proceeding may be retroactively modified only from three
25 21 months after the date the notice of the pending petition for
25 22 modification is served on the opposing party. The three-month
25 23 limitation applies to a modification action pending on or
25 24 after July 1, 1997. The prohibition of retroactive
25 25 modification does not bar the child support recovery unit from
25 26 obtaining orders for accrued support for previous time
25 27 periods. Any retroactive modification which increases the
25 28 amount of child support or any order for accrued support under
25 29 this ~~paragraph~~ subsection shall include a periodic payment
25 30 plan. A retroactive modification shall not be regarded as a
25 31 delinquency unless there are subsequent failures to make
25 32 payments in accordance with the periodic payment plan.

25 33 Sec. 66. Section 598.21E, subsection 2, Code Supplement
25 34 2005, is amended to read as follows:

25 35 2. If the court overcomes a prior determination of
26 1 paternity, the previously established father shall be relieved
26 2 of support obligations as specified in section 600B.41A,
26 3 subsection 4. In any action to overcome paternity other than
26 4 through a pending dissolution action, the provisions of
26 5 section 600B.41A apply. Overcoming paternity under ~~this~~
26 6 subsection 1, paragraph "c", does not bar subsequent actions
26 7 to establish paternity. A subsequent action to establish
26 8 paternity against the previously established father is not
26 9 barred if it is subsequently determined that the written
26 10 statement attesting that the established father is not the
26 11 biological father of the child may have been submitted
26 12 erroneously, and that the person previously determined not to
26 13 be the child's father during the dissolution action may
26 14 actually be the child's biological father.

26 15 Sec. 67. Section 598.21F, subsection 6, Code Supplement
26 16 2005, is amended to read as follows:

26 17 6. APPLICATION. A support order, decree, or judgment
26 18 entered or pending before July 1, 1997, that provides for
26 19 support of a child for college, university, or community
26 20 college expenses may be modified in accordance with this
26 21 subsection section.

26 22 Sec. 68. Section 602.1304, subsection 2, paragraph b, Code
26 23 Supplement 2005, is amended to read as follows:

26 24 b. For each fiscal year, a judicial collection estimate
26 25 for that fiscal year shall be equally and proportionally
26 26 divided into a quarterly amount. The judicial collection
26 27 estimate shall be calculated by using the state revenue
26 28 estimating conference estimate made by December 15 pursuant to
26 29 section 8.22A, subsection 3, of the total amount of fines,
26 30 fees, civil penalties, costs, surcharges, and other revenues
26 31 collected by judicial officers and court employees for deposit
26 32 into the general fund of the state. The revenue estimating
26 33 conference estimate shall be reduced by the maximum amounts
26 34 allocated to the Iowa prison infrastructure fund pursuant to
26 35 section 602.8108A, the court technology and modernization fund
27 1 pursuant to section 602.8108, subsection 7, the judicial
27 2 branch pursuant to section 602.8108, subsection 8, and the
27 3 road use tax fund pursuant to section 602.8108, subsection 9,
27 4 and the remainder shall be the judicial collection estimate.
27 5 In each quarter of a fiscal year, after revenues collected by
27 6 judicial officers and court employees equal to that quarterly
27 7 amount are deposited into the general fund of the state, after
27 8 the required amount is deposited during the quarter into the
27 9 Iowa prison infrastructure fund pursuant to section 602.8108A,
27 10 ~~and~~ into the court technology and modernization fund pursuant
27 11 to section 602.8108, subsection 7, and into the road use tax
27 12 fund pursuant to section 602.8108, subsection 9, and after the

27 13 required amount is allocated to the judicial branch pursuant
27 14 to section 602.8108, subsection 8, the director of the
27 15 department of administrative services shall deposit the
27 16 remaining revenues for that quarter into the enhanced court
27 17 collections fund in lieu of the general fund. However, after
27 18 total deposits into the collections fund for the fiscal year
27 19 are equal to the maximum deposit amount established for the
27 20 collections fund, remaining revenues for that fiscal year
27 21 shall be deposited into the general fund. If the revenue
27 22 estimating conference agrees to a different estimate at a
27 23 later meeting which projects a lesser amount of revenue than
27 24 the initial estimate amount used to calculate the judicial
27 25 collection estimate, the director of the department of
27 26 administrative services shall recalculate the judicial
27 27 collection estimate accordingly. If the revenue estimating

27 28 conference agrees to a different estimate at a later meeting
27 29 which projects a greater amount of revenue than the initial
27 30 estimate amount used to calculate the judicial collection
27 31 estimate, the director of the department of administrative
27 32 services shall recalculate the judicial collection estimate
27 33 accordingly but only to the extent that the greater amount is
27 34 due to an increase in the fines, fees, civil penalties, costs,
27 35 surcharges, or other revenues allowed by law to be collected
28 1 by judicial officers and court employees.

28 2 Sec. 69. Section 602.6306, subsection 2, Code Supplement
28 3 2005, is amended to read as follows:

28 4 2. District associate judges also have jurisdiction in
28 5 civil actions for money judgment where the amount in
28 6 controversy does not exceed ten thousand dollars; jurisdiction
28 7 over involuntary commitment, treatment, or hospitalization
28 8 proceedings under chapters 125 and 229; jurisdiction of
28 9 indictable misdemeanors, class "D" felony violations, and
28 10 other felony arraignments; jurisdiction to enter a temporary
28 11 or emergency order of protection under chapter 236, and to
28 12 make court appointments and set hearings in criminal matters;
28 13 jurisdiction to enter orders in probate which do not require
28 14 notice and hearing and to set hearings in actions under
28 15 chapter 633 or 633A; and the jurisdiction provided in section
28 16 602.7101 when designated as a judge of the juvenile court.

28 17 While presiding in these subject matters a district associate
28 18 judge shall employ district judges' practice and procedure.

28 19 Sec. 70. Section 602.8108, subsection 10, Code Supplement
28 20 2005, is amended by striking the subsection.

28 21 Sec. 71. Section 633.264, Code Supplement 2005, is amended
28 22 to read as follows:

28 23 633.264 DISPOSAL OF PROPERTY BY WILL.

28 24 Subject to the rights of the surviving spouse to take an
28 25 elective share as provided by section 633.236, any person of
28 26 full age and sound mind may dispose by will of all the
28 27 person's property, except an amount sufficient to pay the
28 28 debts and charges against the person's estate.

28 29 Sec. 72. Section 633C.4, subsection 2, Code Supplement
28 30 2005, is amended to read as follows:

28 31 2. The trustee of a medical assistance income trust or a
28 32 medical assistance special needs trust is a fiduciary for
28 33 purposes of ~~this~~ chapter 633A and, in the exercise of the
28 34 trustee's fiduciary duties, the state shall be considered a
28 35 beneficiary of the trust. Regardless of the terms of the
29 1 trust, the trustee shall not take any action that is not
29 2 prudent in light of the state's interest in the trust.

29 3 Sec. 73. Section 679C.109, subsection 1, paragraph b, Code
29 4 Supplement 2005, is amended to read as follows:

29 5 b. Disclose any such known fact to the mediation parties
29 6 as soon as is ~~practical~~ practicable before accepting a
29 7 mediation.

29 8 Sec. 74. NEW SECTION. 691.9 CRIMINALISTICS LABORATORY
29 9 FUND.

29 10 A criminalistics laboratory fund is created as a separate
29 11 fund in the state treasury under the control of the department
29 12 of public safety. The fund shall consist of appropriations
29 13 made to the fund and transfers of interest, and earnings. All
29 14 moneys in the fund are appropriated to the department of
29 15 public safety for use by the department in criminalistics
29 16 laboratory equipment purchasing, maintenance, depreciation,
29 17 and training. Any balance in the fund on June 30 of any
29 18 fiscal year shall not revert to any other fund of the state
29 19 but shall remain available for the purposes described in this
29 20 section.

29 21 Sec. 75. Section 717E.2, subsection 2, Code 2005, is
29 22 amended to read as follows:

29 23 2. A prize for participating in a fair ~~event~~.

29 24 Sec. 76. Section 815.11, Code Supplement 2005, is amended
29 25 to read as follows:

29 26 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.

29 27 Costs incurred under chapter 229A, 665, 822, or 908, or
29 28 section 232.141, subsection 3, paragraph "c", or section
29 29 598.23A, 600A.6B, 814.9, 814.10, 814.11, 815.4, 815.7, or
29 30 815.10 on behalf of an indigent shall be paid from funds
29 31 appropriated by the general assembly to the office of the
29 32 state public defender in the department of inspections and
29 33 appeals for those purposes. Costs incurred representing an
29 34 indigent defendant in a contempt action, or representing an
29 35 indigent juvenile in a juvenile court proceeding under chapter
30 1 600, are also payable from these funds. However, costs
30 2 incurred in any administrative proceeding or in any other
30 3 proceeding under chapter 598, 600, 600A, 633, 633A, or 915 or

30 4 other provisions of the Code or administrative rules are not
30 5 payable from these funds.
30 6 Sec. 77. 2003 Iowa Acts, 1st Ex., chapter 2, section 93,
30 7 is amended to read as follows:
30 8 SEC. 93. The divisions of this Act designated economic
30 9 development appropriations, workforce-related issues, loan and
30 10 credit guarantee fund, university-based research utilization
30 11 program appropriation, endow Iowa tax credit, and
30 12 rehabilitation project tax credits are repealed effective June
30 13 30, 2010. This section does not apply to the section of the
30 14 division of this Act designated workforce-related issues that
30 15 enacts section 260C.18A.

30 16 Sec. 78. 2005 Iowa Acts, chapter 70, section 51, is
30 17 amended to read as follows:

30 18 SEC. 51. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
30 19 This section and the sections of this Act amending sections
30 20 513C.6 and 514E.2, and amending section 514E.7, subsection 1,
30 21 by enacting paragraph "e", being deemed of immediate
30 22 importance, take effect upon enactment. The section of the
30 23 Act amending section 513C.6 is retroactively applicable to
30 24 January 1, 2005, and is applicable on and after that date.
30 25 The sections of the Act amending section 514E.2 are
30 26 retroactively applicable to July 1, 1986, and are applicable
30 27 on and after that date. The portion of the section of the Act
30 28 amending section 514E.7, subsection 1, by enacting paragraph
30 29 "e" is retroactively applicable to January 1, 2005, and is
30 30 applicable on and after that date. The section of this Act
30 31 amending section 514E.8, being deemed of immediate importance,
30 32 takes effect upon enactment and applies retroactively to July
30 33 1, 2004.

30 34 Sec. 79. Section 501A.715, subsection 6, paragraph a,
30 35 subparagraphs (2) through (4), as enacted by 2005 Iowa Acts,
31 1 chapter 135, section 49, are amended to read as follows:

31 2 (2) If a quorum under subparagraph (1) cannot be obtained,
31 3 by a majority of a committee of the board consisting solely of
31 4 two or more directors not at the time parties to the
31 5 proceeding duly designated to act in the matter by a majority
31 6 of the full board, including directors who are parties.

31 7 (3) If a determination is not made under subparagraph (1)
31 8 or (2), by special legal counsel selected either by a majority
31 9 of the board or a committee by vote under subparagraph (1) or
31 10 (2), or if the requisite quorum of the full board cannot be
31 11 obtained and the committee cannot be established, by a
31 12 majority of the full board, including directors who are
31 13 parties.

31 14 (4) If a determination is not made under subparagraphs (1)
31 15 through (3) by the affirmative vote of the members, but the
31 16 membership interests held by parties to the proceeding must
31 17 not be counted in determining the presence of a quorum, and
31 18 are not considered to be present and entitled to vote on the
31 19 determination.

31 20 Sec. 80. Sections 321.210B and 490.1705, Code 2005, are
31 21 repealed.

31 22 Sec. 81. Chapter 217A, Code 2005, is repealed.

31 23 Sec. 82. The section of this Act amending section 152.7,
31 24 is repealed effective July 1, 2008.

31 25 Sec. 83. RETROACTIVE APPLICABILITY. The following
31 26 sections of this Act are retroactively applicable to January
31 27 1, 2005, and are applicable on and after that date:

31 28 1. The section of this Act amending section 455I.5,
31 29 subsection 4.

31 30 2. The section of this Act amending 2005 Iowa Acts,
31 31 chapter 135, section 49.

31 32 EXPLANATION

31 33 This bill contains statutory corrections that adjust
31 34 language to reflect current practices, insert earlier
31 35 omissions, delete redundancies and inaccuracies, delete
32 1 temporary language, resolve inconsistencies and conflicts,
32 2 update ongoing provisions, or remove ambiguities. The Code
32 3 sections amended include all of the following:

32 4 Code section 8A.222: Deletes a provision allowing the
32 5 department of administrative services to establish for the
32 6 fiscal years beginning July 1, 2003, and ending June 30, 2005,
32 7 a pilot project for fee collection. The time period for the
32 8 permitted pilot project has expired.

32 9 Code section 8A.324: Substitutes the word "agency" for the
32 10 word "entity" to conform to other usages of the term
32 11 "governmental agency" in a provision allowing the director of
32 12 the department of administrative services to enter into an
32 13 agreement with a not-for-profit organization or governmental
32 14 agency to dispose of certain personal property of the state.

32 15 Code section 12.72: Corrects an internal reference to a
32 16 provision relating to the accumulation in each bond reserve
32 17 fund created by the treasurer of state to secure vision Iowa
32 18 program bonds of an amount equal to the bond reserve fund
32 19 requirement for the fund. The same internal reference
32 20 correction was made in a nearly identical provision in Code
32 21 section 12.82 by 2005 Iowa Acts, chapter 19, section 12.
32 22 Code section 15E.351: Correctly orders misplaced terms in
32 23 a provision listing facts the department of economic
32 24 development may consider in determining whether a business
32 25 accelerator qualifies for financial assistance under the
32 26 business accelerator program.
32 27 Code section 17A.18A: Inserts the words "of the State of
32 28 Iowa or of the United States" after the word "Constitution" in
32 29 language allowing an agency to use emergency adjudicative
32 30 proceedings in a situation involving an immediate danger to
32 31 the public health, safety, or welfare to the extent not
32 32 inconsistent with the Constitution.
32 33 Code sections 28.3 and 28.4(12): Reverses a change made in
32 34 2005 Iowa Acts, chapters 148 and 179, which added the words
32 35 "or coordinator" after the word "facilitator" in multiple
33 1 locations in these sections. The title of the gubernatorial
33 2 appointee who provides staffing for the community empowerment
33 3 office is the "state community empowerment facilitator".
33 4 Code section 28J.7: Clarifies that port authority peace
33 5 officers shall meet the requirements established for police
33 6 officers for purposes of chapter 400, relating to civil
33 7 service, but are considered police officers under chapter 411,
33 8 relating to the retirement system for police officers and fire
33 9 fighters. The bill also makes a grammatical change by
33 10 substituting the words "port authority" for "its".
33 11 Code section 35.10: Substitutes "six" hundred dollars for
33 12 "four" hundred dollars in a provision relating to eligibility
33 13 for and the payment of war orphans educational aid moneys by
33 14 the department of veterans affairs to agree with a 1994 change
33 15 made in Code section 35.9 that increased the amount of aid
33 16 allowed.
33 17 Code section 142C.15: Corrects a drafting error made in
33 18 2005 Iowa Acts, chapter 89, section 11, by conforming language
33 19 relating to the making of grants from funds not requested or
33 20 awarded for anatomical gift public awareness projects, for
33 21 projects related to the statewide organ and tissue donor
33 22 registry, to other language stating the permissible use of
33 23 those same funds.
33 24 Code section 152.7: Corrects a drafting error that
33 25 inserted language relating to the advanced practice registered
33 26 nurse compact into a provision allowing the nurse licensure
33 27 compact administrator to refuse to accept nurse licensure
33 28 qualification changes by another compacting state if these
33 29 changes substantially modify that state's licensure
33 30 qualifications in effect on July 1, 2000. The bill provides a
33 31 separate provision allowing the advanced practice registered
33 32 nurse compact administrator to refuse to accept licensure
33 33 qualification changes that modify qualifications in effect on
33 34 July 1, 2005, the effective date of the advanced practice
33 35 registered nurse compact. The language is repealed effective
34 1 July 1, 2008, to conform with the repeal date for the advanced
34 2 practice registered nurse compact.
34 3 Code section 159.5, subsection 9: Clarifies language
34 4 relating to certain inspections carried out by the department
34 5 of agriculture and land stewardship to distinguish those
34 6 inspections of meat, poultry, and dairy producing
34 7 establishments that are carried out pursuant to federal law
34 8 from the inspections of food establishments and food
34 9 processing plants that are carried out by the department of
34 10 inspections and appeals under Code chapter 137F.
34 11 Code section 181.13: Strikes language providing an
34 12 exception from the requirement that a portion of the moneys
34 13 transferred to the Iowa beef industry council from state
34 14 assessments be remitted to the Iowa beef cattle producers
34 15 association in proportions determined by the council. The
34 16 language requiring the exception was eliminated in 1997 Iowa
34 17 Acts, chapter 30, section 7.
34 18 Code section 185.26: Clarifies that moneys in the soybean
34 19 checkoff account and other moneys collected from the state
34 20 assessment on soybeans is to be administered by the Iowa
34 21 soybean association board of directors, rather than the
34 22 association, to agree with other language contained in the
34 23 Code section.
34 24 Code section 202.1: Strikes the definition of "open
34 25 feedlot" and modifies the only reference to the term in the

34 26 Code chapter relating to commodity production contracts in
34 27 order to agree with the definitions contained in Code chapter
34 28 459A, the animal agriculture compliance Act for open feedlot
34 29 operations, created in 2005.

34 30 Code section 229.19: Changes an incorrect citation to Code
34 31 section 815.7 to a citation to Code section 815.9 and
34 32 renumbers and reletters the section to facilitate citation to
34 33 provisions within this Code section.

34 34 Code sections 231B.10, 231C.10, and 231D.5: Makes changes
34 35 in provisions allowing the department of inspections and
35 1 appeals to deny, suspend, or revoke the certification of an
35 2 elder group home, assisted living program, or adult day
35 3 services program in certain circumstances to agree with the
35 4 grammatical structure used elsewhere in such provisions and to
35 5 clarify that the provisions apply to officers, directors,
35 6 trustees, designated program managers, or stockholders with a
35 7 certain level of equity interest.

35 8 Code section 235B.2: Adds references to the actions of an
35 9 attorney in fact acting under the auspices of Code chapters
35 10 144A and 144B to the exceptions to the definition of
35 11 "dependent adult abuse". This conforms this provision to
35 12 similar language contained in Code section 144A.11 and
35 13 language in Code section 144B.9 that immunizes attorneys in
35 14 fact who act in good faith under that chapter from criminal or
35 15 civil liability.

35 16 Code section 235B.3: Clarifies that the persons listed are
35 17 persons required to report suspected dependent adult abuse
35 18 rather than persons to whom such a report must be made.

35 19 Code section 235B.6: Strikes the word "administrative" in
35 20 language relating to agency access to dependent adult abuse
35 21 information in administrative proceedings when the agency is
35 22 hearing an appeal for correction of that information. Agency
35 23 hearings are governed by Code chapter 17A and the term
35 24 currently used within that chapter is "agency", not
35 25 "administrative agency". The term "administrative agency" was
35 26 synonymous with the term "agency" in Code chapter 17A up until
35 27 1974 Iowa Acts, chapter 1090, made substantial changes to that
35 28 chapter.

35 29 Code sections 249J.14 and 249J.18: Corrects the references
35 30 to the Code section creating the medical assistance advisory
35 31 council. The old Code section 249A.4, subsection 8, was
35 32 stricken and replaced by Code section 249A.4B in 2005 Iowa
35 33 Acts, chapter 120.

35 34 Code section 256.40: Restructures a sentence to clarify
35 35 that the purpose of the statewide work-based learning
36 1 intermediary network program established in the department of
36 2 education is to build a seamless career, future workforce, and
36 3 economic development system in Iowa.

36 4 Code section 256B.15: Deletes a provision specifying the
36 5 effective date of rules to be adopted by the department of
36 6 education and the department of human services to implement
36 7 the Code section relating to reimbursement for special
36 8 education services. The Code section was enacted in 1988 and
36 9 therefore the effective date for the initial rules has passed.

36 10 Code section 266.27: Updates the federal citation to and
36 11 name of the federal Act in language relating to the source of
36 12 federal funding for agricultural extension work at the Iowa
36 13 state university of science and technology. The federal Act,
36 14 known as the Capper-Ketcham Act, which was previously codified
36 15 at 7 U.S.C. 343a, was repealed by a 1953 federal amendment
36 16 that consolidated the provisions of the Capper-Ketcham Act
36 17 into the Smith-Lever Act.

36 18 Code sections 321.177, 321.210B, and 321.218: Strikes and
36 19 repeals provisions, and a reference thereto, directing the
36 20 state department of transportation to suspend or refuse to
36 21 renew the driver's license of a person who has a delinquent
36 22 account owed to the state. The language is applicable only to
36 23 those persons residing in a county which is participating in
36 24 the driver's license indebtedness clearance pilot project,
36 25 which has been completed. A replacement procedure is codified
36 26 at Code section 321.30, subsection 13, which does not rely on
36 27 these Code sections for refusal to register based on the owing
36 28 of delinquent amounts to the state.

36 29 Code section 321I.10: Specifies that the department that
36 30 may adopt rules to administer a provision regarding the
36 31 issuance of a permit to a state agency, a county, or a city to
36 32 allow an all-terrain vehicle trail to cross a primary highway
36 33 is the state department of transportation rather than the
36 34 department of natural resources.

36 35 Code section 331.605: Corrects a drafting error by
37 1 including fees for snowmobile user permits issued by county

37 2 recorders in the list of fees to be collected by county
37 3 recorders.

37 4 Code section 423.1: Includes "manufactured home
37 5 communities" within the definition of "nonresidential
37 6 commercial operations" for purposes of Code chapter 423,
37 7 relating to sales and use taxes. Mobile home parks, which
37 8 contain both manufactured and mobile homes, are already
37 9 included within the definition.

37 10 Code section 441.11: Strikes language relating to an
37 11 obsolete restricted certificate that was issued by the
37 12 director of revenue to deputy assessors who were holding
37 13 office as of January 1, 1976.

37 14 Code section 453A.22: Strikes a reference to a provision
37 15 deleted by 2003 Iowa Acts, chapter 26, section 6, in language
37 16 allowing a cigarette retailer to assert a bar against
37 17 assessment of a penalty for a violation of a prohibition
37 18 against tobacco and cigarette sales to persons under the legal
37 19 age.

37 20 Code section 455B.306: Corrects a drafting error by
37 21 inserting the words "disposal at a" preceding the words
37 22 "sanitary landfill". The provision allows for such disposal
37 23 without including the autonomous planning area making the
37 24 disposal election in the receiving planning area's
37 25 comprehensive plan.

37 26 Code section 455I.5: Replaces the words "the enactment of
37 27 this chapter" with "July 1, 2005" in a provision stating that
37 28 Code chapter 455I, the uniform environmental covenants Act,
37 29 does not invalidate or render unenforceable any interest,
37 30 whether designated as an environmental covenant or other
37 31 interest, that was created prior to the enactment of the
37 32 chapter. The change to conforms to another provision in the
37 33 Code section referencing the effective date of the chapter,
37 34 July 1, 2005. The use of language referring to the enactment
37 35 of a provision generally implies the date of enactment of the
38 1 Act creating Code chapter 455I, which was May 20, 2005.

38 2 Conforming the two provisions eliminates a potential gap in
38 3 applicability of the Act.

38 4 Code section 455I.11: Replaces the word "it" with the word
38 5 "agency" to clarify when the department of natural resources
38 6 may maintain a civil action for violation of an environmental
38 7 covenant.

38 8 Code section 459A.103: Changes language stating "as
38 9 required by this section" to a reference to Code section
38 10 459A.302. The language relates to installation of a drainage
38 11 tile line to artificially lower the seasonal high-water table
38 12 in a provision defining "seasonal high-water table". The
38 13 requirements relating to installation of the tile are
38 14 contained in Code section 459A.302 and are not in Code section
38 15 459.103.

38 16 Code section 459A.208: Corrects a drafting error by
38 17 substituting the words "open feedlot operation" for "animal
38 18 feeding operation" in a provision requiring a nutrient
38 19 management plan to be authenticated by the owner of the open
38 20 feed lot operation. The bill also eliminates a provision in
38 21 subsection 4 relating to nutrient management plans for open
38 22 feedlot operations using an alternative technology system that
38 23 conflicts with language in subsection 8 that deals with the
38 24 same subject matter.

38 25 Code sections 465C.1, 465C.9, and 465C.10: Strikes the word
38 26 "administrative" from the term "public administrative agency"
38 27 in language relating to the allocation of an area as a state
38 28 preserve. The term "public administrative agency" is not
38 29 defined for this Code chapter and the term "public agency" is
38 30 consistent with terms used to describe governmental agencies
38 31 in general throughout the Code and is consistent with the
38 32 scope of this chapter.

38 33 Code section 476.6: Strikes language relating to a report
38 34 that was delivered by the utilities board to the general
38 35 assembly in 2003.

39 1 Code section 501A.103: Changes language in the Iowa
39 2 cooperative associations Act providing that a document is
39 3 "signed" by a person when the person has "written" on the
39 4 document to specifically require that the person has "affixed
39 5 the person's name" to the document. This conforms the
39 6 "signing" requirement to later language describing how
39 7 signatures may be made.

39 8 Code section 501A.503: Substitutes "will" for "shall" in
39 9 language relating to the secretary of state's issuance of an
39 10 acknowledgment to a cooperative association to agree with
39 11 language providing certain presumptions upon a cooperative
39 12 association's filing of articles of organization or an

39 13 application for a certificate of authority.
39 14 Code section 501A.603: Changes "member" to "patron member"
39 15 to agree with other usages of the term in a provision relating
39 16 to marketing contracts between cooperative associations and
39 17 their patron members or patrons.
39 18 Code section 501A.703: Strikes a comma to clarify that if
39 19 the bylaws of a cooperative association so provide, directors
39 20 nominated at a district meeting may be elected by the members
39 21 of the district at the district meeting or the annual regular
39 22 members' meeting instead of by the entire membership of the
39 23 cooperative at the annual regular members' meeting.
39 24 Code section 501A.715: Substitutes "can" for "cannot" to
39 25 eliminate an incorrect double negative in a provision
39 26 requiring indemnification of a person by a cooperative
39 27 association when the act that was committed by the person, and
39 28 which may subject the person to liability, was not an act for
39 29 which the person's liability can be limited or eliminated due
39 30 to the person's status as a director, officer, employee, or
39 31 member of the cooperative association.
39 32 Code section 501A.808: Strikes a reference to section
39 33 501A.707 and substitutes a reference to section 501A.806 in a
39 34 provision relating to the minimum percentage of the total
39 35 voting power of a cooperative association that must be present
40 1 for voting. The general quorum requirements for members'
40 2 meetings are contained in Code section 501A.806.
40 3 Code section 501A.903: Conforms language in subsection 6,
40 4 relating to redemption or conversion of membership interests
40 5 in cooperative associations, to the syntax of the predicate
40 6 "lead-in" portion of the subsection.
40 7 Code section 501A.1005: Strikes "and allocations" in a
40 8 provision relating to distributions of cash or other assets to
40 9 members of a cooperative association. Allocations of profits
40 10 and losses to members are addressed in another provision of
40 11 section 501A.1005.
40 12 Code section 501A.1006: Corrects punctuation and changes
40 13 the term "income" to "net income" to conform to usage
40 14 throughout a provision relating to allocations and
40 15 distributions of net income to members of a cooperative
40 16 association.
40 17 Code section 502.404: Corrects language in the uniform
40 18 securities Act Code chapter that pertains to the limits placed
40 19 on the ability of individuals who act as investment adviser
40 20 "representatives" to conduct business in this state. These
40 21 individuals are prohibited from conducting business in this
40 22 state as investment adviser representatives if their
40 23 registrations are suspended or revoked or if they have been
40 24 barred from employment in that capacity under the uniform
40 25 securities Act Code chapter, by the securities and exchange
40 26 commission, or by a self-regulatory organization.
40 27 Code section 514.2: Eliminates redundant language relating
40 28 to updates to another Code chapter. Changes and updates to
40 29 any provision in the Code, that are intended to be currently
40 30 effective, are incorporated each year into the codified
40 31 version of those provisions and, as a consequence, references
40 32 to the "current" version of Code chapter 504 would include any
40 33 supplements, amendments, and "any Acts amendatory thereof".
40 34 Code section 516E.10: Inserts the verb phrase "shall not
40 35 enter into an", which was accidentally stricken by an
41 1 amendment in 2005 Iowa Acts, chapter 70, in a provision
41 2 relating to prohibited acts in regard to motor vehicle service
41 3 contracts.
41 4 Code section 523I.201: Substitutes in Code chapter 523I,
41 5 the Iowa Cemetery Act, the correct reference to the Code
41 6 section pursuant to which a deputy administrator for purposes
41 7 of Code chapter 502, the uniform securities Act, is appointed.
41 8 The deputy acts as the principal operations officer under Code
41 9 chapter 523I.
41 10 Code section 523I.806: Substitutes a reference to Code
41 11 chapter 633A, pertaining to trusts and trust administration,
41 12 for a reference to Code chapter 633 in language relating to
41 13 perpetual care funds trusts. The former subchapter of Code
41 14 chapter 633 that pertained to trusts and trust administration
41 15 was moved to new Code chapter 633A, Code Supplement 2005, in
41 16 2005 Iowa Acts, ch 128.
41 17 Code section 546.10: Adds the interior design examining
41 18 board established pursuant to Code chapter 544C to the list of
41 19 boards that the professional licensing and regulation division
41 20 of the department of commerce administers.
41 21 Code section 547.1: Adds a reference to Code chapter 501A,
41 22 the Iowa cooperative associations Act, to the list of
41 23 cooperatives and cooperative associations that are exempted

41 24 from a provision added in 2005 prohibiting the conducting of
41 25 business under a trade name unless the person first records
41 26 certain information with the county recorder.
41 27 Code section 551A.3: Deletes a reference to registration
41 28 of a business opportunity in a provision describing required
41 29 written disclosures by sellers of business opportunities.
41 30 There is no longer a requirement for registration of business
41 31 opportunities in Iowa.
41 32 Code section 554.3309: Changes "loss or possession" to
41 33 "loss of possession" in a provision of the uniform commercial
41 34 code to conform the phrase to language used in the model Act.
41 35 Code section 558A.1: Adds a reference to Code chapter 633A
42 1 to the language including transfers under Code chapter 633,
42 2 the probate code, in the definition of "transfer" for purposes
42 3 of the Code chapter relating to real estate disclosures.
42 4 Certain provisions relating to trusts in Code chapter 633 were
42 5 transferred to Code chapter 633A in 2005.
42 6 Code section 598.21C: Substitutes "subsection" for
42 7 "paragraph" to agree with the relocation of language relating
42 8 to the retroactivity of the modification of a child, spousal,
42 9 or medical support order in 2005.
42 10 Code section 598.21E: Substitutes "subsection 1, paragraph
42 11 "c", for "paragraph" to agree with the relocation of language
42 12 in 2005 relating to overcoming a prior determination of
42 13 paternity in a dissolution action by filing a written
42 14 agreement between the established father and mother of the
42 15 child.
42 16 Code section 598.21F: Substitutes "section" for
42 17 "subsection" to agree with the relocation of language relating
42 18 to court-ordered postsecondary education subsidies.
42 19 Code section 602.1304: Adds language relating to the
42 20 deductions and deposits into the road use tax fund from
42 21 revenue that is collected by court employees and judicial
42 22 officers to a provision describing what amount is available
42 23 for deposit into the enhanced court collections fund. The
42 24 addition is consistent with the immediately preceding language
42 25 in the provision describing how the judicial collection
42 26 estimate is calculated and how the actual enhanced court
42 27 collections fund is determined, and with the language of Code
42 28 section 602.8108 that directs the actions of the clerk of
42 29 court with respect to deposit of revenue.
42 30 Code sections 602.6306: Adds references to Code chapter
42 31 633A to provisions relating to the jurisdiction of district
42 32 associate judges to set hearings in actions under Code chapter
42 33 633 and disallowing payment of moneys from the indigent
42 34 defense fund for costs incurred in a proceeding under chapter
42 35 633. Certain provisions relating to trusts in Code chapter
43 1 633 were transferred to Code chapter 633A in 2005.
43 2 Code sections 602.8108 and 691.9: Transfers language
43 3 establishing a separate fund in the state treasury for the
43 4 criminalistics laboratory fund and providing for
43 5 appropriations in and out of the fund, to a new Code section
43 6 in the chapter that provides for the establishment of the
43 7 state criminalistics laboratory. Code section 602.8108
43 8 relates to the distribution and remission of revenue received
43 9 by the clerk of the district court. The language which is
43 10 being moved does not provide that revenue received by the
43 11 clerk be deposited to the credit of the criminalistics
43 12 laboratory fund.
43 13 Code section 633.264: Adds the words "an amount" to
43 14 complete a grammatical construction allowing a person to
43 15 dispose of all the person's property by will, except "an
43 16 amount" sufficient to pay the debts and charges against the
43 17 person's estate.
43 18 Code section 633C.4: Substitutes a reference to "chapter
43 19 633A" for a reference to "this chapter" in a provision
43 20 relating to powers of a trustee of a medical assistance income
43 21 trust or a medical assistance special needs trust. Code
43 22 section 633C.4 was transferred from Code section 633.710 in
43 23 2005; however, all of the provisions relating to the duties of
43 24 trustees were transferred from Code chapter 633 to chapter
43 25 633A.
43 26 Code section 679C.109: Changes the word "practical" to
43 27 "practicable" in a provision requiring an individual who is
43 28 requested to serve as a mediator to disclose certain
43 29 information to the parties to the mediation before accepting
43 30 the mediation. The word "practicable" is used in another
43 31 provision relating to such disclosure after acceptance of a
43 32 mediation.
43 33 Code section 717E.2: Conforms the term "fair event" used
43 34 in language prohibiting the use of pets as prizes to the term

43 35 "fair" used in the definitions for the Code chapter.
44 1 Code section 815.11: Adds a reference to Code chapter
44 2 633A, the Code chapter pertaining to trusts and trust
44 3 administration, to language providing that costs incurred in
44 4 certain proceedings are not payable from the funds
44 5 appropriated for indigent defense. The former subchapter of
44 6 Code chapter 633 that pertained to trusts and trust
44 7 administration and that would have been included within the
44 8 existing reference to Code chapter 633 was moved to Code
44 9 chapter 633A, Code Supplement 2005, in 2005 Iowa Acts, ch 128.
44 10 2003 Acts, 1st Ex., chapter 2, section 93: Adds commas in
44 11 an Acts provision relating to approval of indemnification of
44 12 directors and officers of cooperative associations to conform
44 13 the Act to the provision as codified. The commas were added
44 14 during codification to enhance readability of the provisions.
44 15 2005 Iowa Acts, chapter 70, section 51: Provides immediate
44 16 effectiveness and retroactive applicability to July 1, 2004,
44 17 for a 2005 amendment providing that an individual who is
44 18 covered by an Iowa comprehensive health insurance association
44 19 health insurance policy and who is eligible for Medicare
44 20 coverage based on age prior to January 1, 2005, may continue
44 21 to renew the coverage under the association policy.
44 22 2005 Iowa Acts, chapter 135, section 49: Makes punctuation
44 23 changes to correct grammatical drafting errors in provisions
44 24 relating to determinations of the eligibility of a person for
44 25 indemnification by a cooperative association.
44 26 Code section 490.1705: Strikes obsolete language that
44 27 permitted, on or before December 31, 1991, business
44 28 corporations whose corporate rights had been canceled and
44 29 forfeited prior to December 31, 1989, or which had a right to
44 30 renew, to apply to the secretary of state for reinstatement
44 31 pursuant to Code section 490.1422.
44 32 Code chapter 217A: Repeals a Code chapter that required
44 33 the department of human services to submit a report relating
44 34 to the establishment of a policy and service delivery system
44 35 to assist fathers in becoming and remaining engaged in their
45 1 children's lives. The report was submitted by the department
45 2 to the general assembly, as required, on December 31, 2003.
45 3 LSB 5472SC 81
45 4 nh:lh/gg/14.1