

CHAPTER 1122**FARM MEDIATION***H.F. 2473*

AN ACT providing for mediation in disputes involving agricultural producers.

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

Section 1. Section 654A.11, subsection 3, paragraph b, Code 1997, is amended to read as follows:

b. The mediator shall issue a mediation release unless the creditor fails to personally attend and participate in at least one all mediation meeting meetings. The mediator shall issue a mediation release if the borrower waives or fails to personally attend and participate in at least one all mediation meeting meetings, regardless of participation by the creditor. The creditor or borrower may be represented by another person, if the person participates in mediation and has authority to discuss the debt on behalf of the creditor or borrower. However, if a creditor or borrower is not a natural person, the creditor or borrower must be represented by a natural person who is an officer, director, employee, or partner of the creditor or borrower. If a person acts in a fiduciary capacity for the creditor or borrower, the fiduciary may represent the creditor or borrower. If the creditor or borrower or eligible representative is not able to attend and participate as required in this paragraph, due to physical infirmity, mental infirmity, or other exigent circumstances determined reasonable by the farm mediation service, the creditor or borrower must be represented by another natural person. Any representative of the creditor or borrower must be authorized to sign instruments provided by this chapter, including a mediation agreement or a statement prepared by the mediator that mediation was waived. This section does not require the creditor or borrower to reach an agreement, including restructuring a debt, in order to receive a mediation release.

Sec. 2. Section 654B.4, subsection 3, Code 1997, is amended to read as follows:

3. At the meeting, a party ~~to the dispute~~ participating in mediation may be ~~represented accompanied~~ by counsel or ~~appear with~~ a consultant to assist the party in mediation.

Sec. 3. Section 654B.8, subsection 2, paragraph a, Code 1997, is amended to read as follows:

a. The mediator shall issue a mediation release unless the other party desiring to initiate a civil proceeding to resolve the dispute fails to personally attend and participate in at least one all mediation meeting meetings. The mediator shall issue a mediation release if the farm resident waives or fails to personally attend and participate in at least one all mediation meeting meetings, regardless of participation by the other party. ~~A party to a dispute may be represented by another person, if the person participates in mediation and has authority to discuss the dispute on behalf of the party being represented. However, if the other party or the farm resident is not a natural person, the other party or farm resident must be represented by a natural person who is an officer, director, employee, or partner of the other party or farm resident. If a person acts in a fiduciary capacity for the other party or farm resident, the fiduciary may represent the other party or farm resident. If the other party or farm resident or eligible representative is not able to attend and participate as required in this paragraph, due to physical infirmity, mental infirmity, or other exigent circumstances determined reasonable by the farm mediation service, the other party or farm resident must be represented by another natural person. Any representative of the other party or the farm resident must be authorized to sign instruments provided by this chapter, including a mediation agreement or a statement prepared by the mediator that mediation was waived.~~ This section does not require a party to reach an agreement. This section does not require a person to change a position, alter an activity which is a subject of the dispute, or restructure a contract in order to receive a mediation release.

Sec. 4. Section 654C.5, subsection 2, Code 1997, is amended to read as follows:

2. The parties agreeing to mediation shall personally attend and participate in at least one all mediation meeting meetings. ~~A party to a dispute may be represented by another person, if the person participates in mediation and has authority to discuss the dispute on behalf of the party being represented.~~ However, if a party is not a natural person, the party must be represented by a natural person who is an officer, director, employee, or partner of the party. If a person acts in a fiduciary capacity for a party, the fiduciary may represent the party. If the party or an eligible representative is not able to attend and participate as required in this subsection, due to physical infirmity, mental infirmity, or other exigent circumstances determined reasonable by the farm mediation service, the party must be represented by another natural person. Any representative of a party must be authorized to sign instruments provided by this chapter, including a mediation agreement or a statement prepared by the mediator that mediation was waived. This section does not require a party to reach an agreement. This section does not require a person to change a position, alter an activity which is a subject of the dispute, alter an application for a permit for construction of an animal feeding operation, or restructure a contract.

Approved April 17, 1998

CHAPTER 1123

ELECTIONS

H.F. 2495

AN ACT relating to the conduct of elections in the state.

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

Section 1. Section 39.2, subsection 1, unnumbered paragraph 1, Code 1997, is amended to read as follows:

All special elections which are authorized or required by law, unless the applicable law otherwise requires, shall be held on Tuesday. A special election shall not be held on the first, ~~and second,~~ and third Tuesdays preceding and following the primary and the general elections.

Sec. 2. Section 44.4, subsection 3, Code Supplement 1997, is amended to read as follows:

3. Those filed with the city clerk, at least forty-two days before the ~~municipal~~ regularly scheduled or special city election. ~~However, for those cities that may be required to hold a primary election, at least sixty-three days before the regularly scheduled or special city election.~~

Sec. 3. Section 44.9, subsection 6, Code 1997, is amended to read as follows:

6. In the office of the proper city clerk, at least forty-two days before the regularly scheduled or special city election. However, for those cities that may be required to hold a primary election, at least sixty-three days before a regularly scheduled or special city election.

Sec. 4. Section 49.12, Code 1997, is amended to read as follows:

49.12 ELECTION BOARDS.

There shall be appointed in each election precinct an election board which shall ordinarily consist of three or five precinct election officials. ~~However, in precincts using only one voting machine at any one time, and in precincts voting by paper ballot where no more~~