

CHAPTER 85**RURAL WATER AND WASTEWATER SERVICES***H.F. 746*

AN ACT providing procedures for a rural water district to transfer its right to provide water or wastewater service and for dissolution of the district.

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

Section 1. Section 357A.11, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 13. In addition to all other powers granted to the board, the board may sell, convey, merge, or otherwise dispose of all or any portion of the real property or personal property of the district and all or any portion of the district's right to provide water or wastewater service to an area in order that another service provider permitted by the department of natural resources pursuant to chapter 455B may assume any or all of the district's duties and obligations or that the district may be dissolved. If the district is to be dissolved, the board shall file a notice of dissolution with the auditor of the county or counties in which the district is located.

Prior to such sale, conveyance, merger, or disposition by the board that includes the relinquishment of the district's right to provide service to an area, the board shall publish notice of a public hearing not less than four nor more than twenty days before the date fixed for the hearing in a newspaper of general circulation in the area for which the board seeks to relinquish service. The board shall mail notice of a public hearing to the district's members in the area for which the board seeks to relinquish service not less than fourteen days prior to such public hearing. A public hearing is not required when the board relinquishes the district's right to service an area within the corporate limits of a city if the city will provide service in compliance with the city's annexation plan.

After hearing or if none is required, the board may adopt a resolution approving the sale, conveyance, merger, or disposition; however, the board shall provide for the continuation of water or wastewater service to the area by another service provider immediately following such sale, conveyance, merger, or disposition.

Approved April 29, 2005

CHAPTER 86**HOMESTEAD EXEMPTION —
WAIVER AFFECTING AGRICULTURAL PROPERTY***H.F. 754*

AN ACT relating to a homestead exemption waiver notice contained in a written contract affecting agricultural land.

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

Section 1. Section 561.22, Code 2005, is amended to read as follows:

561.22 **NOTICE OF HOMESTEAD EXEMPTION WAIVER REQUIREMENT.**

1. a. **If Except as otherwise provided in subsection 2, if a homestead exemption waiver is**

contained in a written contract affecting agricultural land as defined in section 9H.1, or dwellings, buildings, or other appurtenances located on the land, the contract must contain a statement in substantially the following form, in boldface type of a minimum size of ten points, and be signed and dated by the person waiving the exemption at the time of the execution of the contract: "I understand that homestead property is in many cases protected from the claims of creditors and exempt from judicial sale; and that by signing this contract, I voluntarily give up my right to this protection for this property with respect to claims based upon this contract."

b. A principal or deputy state, county, or city officer shall not be required to waive the officer's homestead exemption in order to be bonded as required pursuant to chapter 64.

2. This section shall not apply to a written contract affecting agricultural land of less than forty acres.

Sec. 2. HOMESTEAD EXEMPTION WAIVER — APPLICABILITY. If a holder of legal or equitable title to real estate affecting agricultural land, or dwellings, buildings, or other appurtenances located on the land, conveyed less than forty acres of such real estate by written contract prior to July 1, 2005, and such written contract was not executed in compliance with the requirements of section 561.22, Code 2005, the holder is deemed to have waived the right to have the holder's homestead exempt from judicial sale unless suit is brought within one year from July 1, 2005, by the holder or the holder's representative to determine the effect of the written contract upon the real estate or any interest in the real estate.

Approved April 29, 2005

CHAPTER 87

CONTAGIOUS OR INFECTIOUS DISEASES — PERSONS CONFINED TO JAIL OR IN PEACE OFFICER CUSTODY

H.F. 777

AN ACT relating to testing a person for contagious or infectious disease if the person assaults a person by exchanging or attempting to exchange bodily fluids, and providing a penalty.

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

Section 1. Section 356.48, Code 2005, is amended to read as follows:
356.48 REQUIRED TEST.

1. A person confined to a jail or in the custody of a peace officer, who bites another person, who causes an exchange of bodily fluids with another person, or who causes any bodily secretion to be cast upon another person, shall submit to the withdrawal of a bodily specimen for testing to determine if the person is infected with a contagious or infectious disease as defined in section 141A.2. The bodily specimen to be taken shall be determined by the attending physician of ~~that the~~ jail or the county medical examiner. The specimen taken shall be sent to the state hygienic laboratory at the state university at Iowa City or some other laboratory approved by the Iowa department of public health. If a person to be tested pursuant to this section refuses to submit to the withdrawal of a bodily specimen, ~~application may be made by the sheriff,~~ or person in charge of the jail to, or any potentially infected person may file an application with the district court for an order compelling the person that may have caused an infection to submit to the withdrawal and, if infected, to receive available treatment. An order authorizing the withdrawal of a specimen for testing may be issued only by a district judge or district associate