

CHAPTER 1030

SUBSTANTIVE CODE CORRECTIONS

S.F. 2253

ANACT relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

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

Section 1. Section 8A.222, subsection 4, Code 2005, is amended by striking the subsection.

Sec. 2. Section 8A.324, subsection 2, unnumbered paragraph 2, Code Supplement 2005, is amended to read as follows:

A not-for-profit organization or governmental agency that enters into an agreement with the director pursuant to this subsection may sell or otherwise transfer the personal property received from the department to any person that the department would be able to sell or otherwise transfer such property to under this chapter, including, but not limited to, the general public. The authority granted to sell or otherwise transfer personal property pursuant to this paragraph supersedes any other restrictions applicable to the not-for-profit organization or governmental ~~entity~~ agency, but only for purposes of the personal property received from the department.

Sec. 3. Section 12.72, subsection 4, paragraph d, Code Supplement 2005, is amended to read as follows:

d. To assure the continued solvency of any bonds secured by the bond reserve fund, provision is made in paragraph “a” “c” for the accumulation in each bond reserve fund of an amount equal to the bond reserve fund requirement for the fund. In order further to assure maintenance of the bond reserve funds, the treasurer shall, on or before January 1 of each calendar year, make and deliver to the governor the treasurer’s certificate stating the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Within thirty days after the beginning of the session of the general assembly next following the delivery of the certificate, the governor shall submit to both houses printed copies of a budget including the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Any sums appropriated by the general assembly and paid to the treasurer pursuant to this subsection shall be deposited by the treasurer in the applicable bond reserve fund.

Sec. 4. Section 15E.351, subsection 3, paragraph c, Code Supplement 2005, is amended to read as follows:

c. The business accelerator’s professional staff with demonstrated ~~disciplines~~ experience in all aspects of business ~~experience~~ disciplines.

Sec. 5. Section 17A.18A, subsection 1, Code 2005, is amended to read as follows:

1. Notwithstanding any other provision of this chapter and to the extent consistent with the Constitution of the State of Iowa and of the United States, an agency may use emergency adjudicative proceedings in a situation involving an immediate danger to the public health, safety, or welfare requiring immediate agency action.

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

b. In addition, a community empowerment office is established as a division of the department of management to provide a center for facilitation, communication, and coordination for

community empowerment activities and funding and for improvement of the early care, education, health, and human services systems. Staffing for the community empowerment office shall be provided by a facilitator ~~or coordinator~~ appointed by the governor, subject to confirmation by the senate, and who serves at the pleasure of the governor. A deputy and support staff may be designated, subject to appropriation made for this purpose. The facilitator ~~or coordinator~~ shall submit reports to the governor, the Iowa board, and the general assembly. The facilitator ~~or coordinator~~ shall provide primary staffing to the board, coordinate state technical assistance activities and implementation of the technical assistance system, and other communication and coordination functions to move authority and decision-making responsibility from the state to communities and individuals.

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

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

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

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

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

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

29B.100 CAPTURED OR ABANDONED PROPERTY.

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

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

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

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

35.10 ELIGIBILITY AND PAYMENT OF AID.

Eligibility for aid shall be determined upon application to the department of veterans affairs,

whose decision is final. The eligibility of eligible applicants shall be certified by the department of veterans affairs to the director of the department of administrative services, and all amounts that are or become due to an individual or a training institution under this chapter shall be paid to the individual or institution by the director of the department of administrative services upon receipt by the director of certification by the president or governing board of the educational or training institution as to accuracy of charges made, and as to the attendance of the individual at the educational or training institution. The department of veterans affairs may pay over the annual sum of ~~four~~ six hundred dollars to the educational or training institution in a lump sum, or in installments as the circumstances warrant, upon receiving from the institution such written undertaking as the department may require to assure the use of funds for the child for the authorized purposes and for no other purpose. A person is not eligible for the benefits of this chapter until the person has graduated from a high school or educational institution offering a course of training equivalent to high school training.

Sec. 11. Section 63.6, Code 2005, is amended to read as follows:
63.6 JUDGES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Methamphetamine, its salts, isomers, or salts of isomers.

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

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

b. Violation of this subsection with respect to the following controlled substances, counterfeit substances, or simulated controlled substances is a class "B" felony, and in addition to the

provisions of section 902.9, subsection 2, shall be punished by a fine of not less than five thousand dollars nor more than one hundred thousand dollars:

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

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

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

(b) Cocaine, its salts, optical and geometric isomers, and salts of isomers.

(c) Ecgonine, its derivatives, their salts, isomers, and salts of isomers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Ten grams or less of phencyclidine (PCP) or one hundred grams or less of a mixture or substance containing a detectable amount of phencyclidine (PCP).

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

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

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

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

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

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

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

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

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

For purposes of licensure pursuant to the nurse licensure compact contained in section 152E.1 ~~or pursuant to the advanced practice registered nurse compact contained in section 152E.3~~, the compact administrator may refuse to accept a change in the qualifications for licensure as a registered nurse or as a licensed practical or vocational nurse by a licensing authority in another state which is a party to the compact which substantially modifies that state's qualifications for licensure in effect on July 1, 2000. For purposes of licensure pursuant to the advanced practice registered nurse compact contained in section 152E.3, the compact administrator may refuse to accept a change in the qualifications for licensure as an advanced practice registered nurse by a licensing authority in another state which is a party to the compact which substantially modifies that state's qualifications for licensure in effect on July 1, 2005. A refusal to accept a change in a party state's qualifications for licensure may result in submitting the issue to an arbitration panel or in withdrawal from the respective compact, at the discretion of the compact administrator.

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

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

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

1. All state assessments imposed under this chapter shall be paid to and collected by the council and deposited with the treasurer of state in a separate cattle promotion fund which shall be created by the treasurer of state. The department of administrative services shall transfer moneys from the fund to the council for deposit into an account established by the council in a qualified financial institution. The department shall transfer the moneys as provided in a resolution adopted by the council. However, the department is only required to transfer moneys once during each day and only during hours when the offices of the state are open. From the moneys collected, deposited, and transferred to the council, in accordance with the provisions of this chapter, the council shall first pay the costs of referendums held pursuant to this chapter, the costs of collection of such state assessments, and the expenses of its

agents. ~~Except as otherwise provided in section 181.19, at~~ At least ten percent of the remaining moneys shall be remitted to the association in proportions determined by the council, for use in a manner not inconsistent with section 181.7. The remaining moneys, with approval of a majority of the council, shall be expended as the council finds necessary to carry out the provisions and purposes of this chapter. However, in no event shall the total expenses exceed the total amount transferred from the fund for use by the council.

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

1. The state assessment collected by the board shall be deposited in a special fund known as the soybean promotion fund, in the office of the treasurer of state. The fund may also contain any gifts, or federal or state grant received by the board. Moneys collected, deposited into the fund, and transferred to the board, as provided in this chapter, shall be subject to audit by the auditor of state. The department of administrative services shall transfer moneys from the fund to the board for deposit into an account known as the soybean checkoff account which shall be established by the board in a qualified financial institution. The department shall transfer the moneys into the account as provided in a resolution adopted by the board. However, the department is only required to transfer moneys once during each day and only during hours when the offices of the state are open. From moneys collected, deposited, and transferred to the soybean checkoff account as provided in this section, the board shall first pay the costs of referendums, elections, and other expenses incurred in the administration of this chapter, before moneys may be expended to carry out the purposes of the board as provided in section 185.11. ~~The association board~~ shall strictly segregate moneys in the soybean checkoff account from all other moneys of the ~~association board~~. Moneys in the soybean checkoff account shall be expended ~~by the board~~ exclusively for carrying out the purposes of the board as provided in section 185.11. The account shall be subject to audit by the auditor of state.

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

192.102 GRADE "A" PASTEURIZED MILK ORDINANCE.

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

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

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

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

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

229.19 ADVOCATES — DUTIES — COMPENSATION — STATE AND COUNTY LIABILITY.

1. The district court in each county with a population of under three hundred thousand inhabitants and the board of supervisors in each county with a population of three hundred thousand or more inhabitants shall appoint an individual who has demonstrated by prior activities

an informed concern for the welfare and rehabilitation of persons with mental illness, and who is not an officer or employee of the department of human services nor of any agency or facility providing care or treatment to persons with mental illness, to act as advocate representing the interests of patients involuntarily hospitalized by the court, in any matter relating to the patients' hospitalization or treatment under section 229.14 or 229.15. The court or, if the advocate is appointed by the county board of supervisors, the board shall assign the advocate appointed from a patient's county of legal settlement to represent the interests of the patient. If a patient has no county of legal settlement, the court or, if the advocate is appointed by the county board of supervisors, the board shall assign the advocate appointed from the county where the hospital or facility is located to represent the interests of the patient. The advocate's responsibility with respect to any patient shall begin at whatever time the attorney employed or appointed to represent that patient as respondent in hospitalization proceedings, conducted under sections 229.6 to 229.13, reports to the court that the attorney's services are no longer required and requests the court's approval to withdraw as counsel for that patient. However, if the patient is found to be seriously mentally impaired at the hospitalization hearing, the attorney representing the patient shall automatically be relieved of responsibility in the case and an advocate shall be assigned to the patient at the conclusion of the hearing unless the attorney indicates an intent to continue the attorney's services and the court so directs. If the court directs the attorney to remain on the case the attorney shall assume all the duties of an advocate. The clerk shall furnish the advocate with a copy of the court's order approving the withdrawal and shall inform the patient of the name of the patient's advocate. With regard to each patient whose interests the advocate is required to represent pursuant to this section, the advocate's duties shall include all of the following:

- ~~1.~~ a. To review each report submitted pursuant to sections 229.14 and 229.15.
 - ~~2.~~ b. If the advocate is not an attorney, to advise the court at any time it appears that the services of an attorney are required to properly safeguard the patient's interests.
 - ~~3.~~ c. To make the advocate readily accessible to communications from the patient and to originate communications with the patient within five days of the patient's commitment.
 - ~~4.~~ d. To visit the patient within fifteen days of the patient's commitment and periodically thereafter.
 - ~~5.~~ e. To communicate with medical personnel treating the patient and to review the patient's medical records pursuant to section 229.25.
 - ~~6.~~ f. To file with the court quarterly reports, and additional reports as the advocate feels necessary or as required by the court, in a form prescribed by the court. The reports shall state what actions the advocate has taken with respect to each patient and the amount of time spent.
2. The hospital or facility to which a patient is committed shall grant all reasonable requests of the advocate to visit the patient, to communicate with medical personnel treating the patient and to review the patient's medical records pursuant to section 229.25. An advocate shall not disseminate information from a patient's medical records to any other person unless done for official purposes in connection with the advocate's duties pursuant to this chapter or when required by law.
 3. The court or, if the advocate is appointed by the county board of supervisors, the board shall prescribe reasonable compensation for the services of the advocate. The compensation shall be based upon the reports filed by the advocate with the court. The advocate's compensation shall be paid by the county in which the court is located, either on order of the court or, if the advocate is appointed by the county board of supervisors, on the direction of the board. If the advocate is appointed by the court, the advocate is an employee of the state for purposes of chapter 669. If the advocate is appointed by the county board of supervisors, the advocate is an employee of the county for purposes of chapter 670. If the patient or the person who is legally liable for the patient's support is not indigent, the board shall recover the costs of compensating the advocate from that person. If that person has an income level as determined pursuant to section 815.9 greater than one hundred percent but not more than one hundred fifty percent of the poverty guidelines, at least one hundred dollars of the advocate's compensation shall be recovered in the manner prescribed by the county board of supervisors. If that

person has an income level as determined pursuant to section 815.9 greater than one hundred fifty percent of the poverty guidelines, at least two hundred dollars of the advocate's compensation shall be recovered in substantially the same manner prescribed by the county board of supervisors as provided in section ~~815.7~~ 815.9.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

258.1 FEDERAL ACT ACCEPTED.

The provisions of the Act of Congress entitled "~~An Act to provide for the promotion of vocational education; to provide for co-operation with the states in the promotion of such education in agriculture and in the trades and industries; to provide for co-operation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure~~", approved February 23, 1917, [39 Stat. L. 929; 20 U.S.C., ch 2] known as the Carl D. Perkins Vocational and Technical Education Act of 1998, codified at 20 U.S.C. § 2301 et seq., originally known as the Vocational Education Act of 1963, and enacted December 18, 1963, as part A of Pub. L. No. 88-210, 77 Stat. 403, and all amendments thereto and the benefit of all funds appropriated under said Act and all other Acts pertaining to vocational education, are accepted.

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

266.27 ACT ACCEPTED.

The assent of the legislature general assembly of the state of Iowa is hereby given to the provisions and requirements of the congressional Smith-Lever Act, 38 Stat. 372 – 374, approved May 22 18,¹ 1928 1914, commonly known as the Capper-Ketcham and any amendments to that Act. [45 Stat. L. 711; codified at 7 U.S.C. § 341 et seq.] – 349.

¹ See chapter 1185, §120 herein

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

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

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

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

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

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

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

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

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

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

441.11 INCUMBENT DEPUTY ASSESSORS.

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

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

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

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

A planning area that closes all of the municipal solid waste sanitary landfills located in the

planning area and chooses to use a municipal solid waste sanitary landfill in another planning area that complies with all requirements under subtitle D of the federal Resource Conservation and Recovery Act, with all solid waste generated within the planning area being consolidated at and transported from a permitted transfer station, may elect to retain autonomy as a planning area and shall not be required to join the planning area where the landfill being used for final disposal of solid waste is located. If a planning area makes the election under this subsection, the planning area receiving the solid waste from the planning area making the election shall not be required to include the planning area making the election in a comprehensive plan provided no services are shared between the two planning areas other than the acceptance of solid waste for disposal at a sanitary landfill. The planning area receiving the solid waste shall only be responsible for the permitting, planning, and waste reduction and diversion programs in the planning area receiving the solid waste. If the department determines that solid waste cannot reasonably be consolidated and transported from a particular transfer station, the department may establish permit conditions to address the transport and disposal of the solid waste. An election may be made under this subsection only if the two comprehensive planning areas enter into an agreement pursuant to chapter 28E that includes, at a minimum, all of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

465C.10 WHEN DEDICATED AS A PRESERVE.

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

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

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

501A.103 REQUIREMENTS FOR SIGNATURES ON DOCUMENTS.

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

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

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

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

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

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

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

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

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

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

2. CLASS OR SERIES OF MEMBERSHIP INTERESTS. In any case where a class or series of membership interests is entitled by this chapter, the articles, bylaws, a member control

agreement, or the terms of the membership interests to vote as a class or series, the matter being voted upon must also receive the affirmative vote of the owners of the same proportion of the membership interests present of that class or series; or of the total outstanding membership interests of that class or series, as the proportion required under subsection 1, unless the articles, bylaws, or the member control agreement requires a larger proportion. Unless otherwise stated in the articles, bylaws, or a member control agreement, in the case of voting as a class or series, the minimum percentage of the total voting power of membership interests of the class or series that must be present is equal to the minimum percentage of all membership interests entitled to vote required to be present under section ~~501A.707~~ 501A.806.

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

- a. Subject to the right of the cooperative, to redeem any of those membership interests at the price fixed for their redemption by the articles or bylaws or by the board.
- d. Convert ~~into~~ membership interests ~~of~~ into any other class or any series of the same or another class.

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

2. DISTRIBUTION OF CASH OR OTHER ASSETS. A cooperative's bylaws shall prescribe the distribution of cash or other assets of the cooperative among the membership interests of the cooperative. If nonpatron membership interests are authorized by the patrons and the bylaws do not provide otherwise, distributions ~~and allocations~~ shall be made to the patron membership interests collectively and other members on the basis of the value of contributions to capital made and accepted by the cooperative, by the patron membership interests collectively, and other membership interests. The distributions to patron membership interests collectively shall not be less than fifty percent of the total distributions in any fiscal year, except if authorized in the articles or bylaws adopted by the affirmative vote of the patron members, or the articles or bylaws as amended by the affirmative vote of the patron members. However, the distributions to patron membership interests collectively shall not be less than fifteen percent of the total distributions in any fiscal year.

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

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

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

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

5. LIMITS ON EMPLOYMENT OR ASSOCIATION. It is unlawful for an individual acting as an investment adviser representative, directly or indirectly, to conduct business in this state on behalf of an investment adviser or a federal covered investment adviser if the registration of the individual as an investment adviser representative is suspended or revoked or the individual is barred from employment or association with an investment adviser or a federal covered investment adviser by an order under this chapter, the securities and exchange commission, or a self-regulatory organization. Upon request from a federal covered investment adviser and for good cause, the administrator, by order issued, may waive, in whole or in part,

the application of the requirements of this subsection to the federal covered investment adviser representative.

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

Persons desiring to form a nonprofit hospital service corporation, or a nonprofit medical service corporation, or a nonprofit pharmaceutical or optometric service corporation shall have been incorporated under the provisions of chapter 504, Code 1989, or shall incorporate under the provisions of current chapter 504, ~~as supplemented and amended herein and any Acts amendatory thereof.~~

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

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

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

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

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

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

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

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

Sec. 67. Section 547.1, Code Supplement 2005, is amended to read as follows:
547.1 USE OF TRADE NAME — VERIFIED STATEMENT REQUIRED.

A person shall not engage in or conduct a business under a trade name, or an assumed name of a character other than the true surname of each person owning or having an interest in the business, unless the person first records with the county recorder of the county in which the business is to be conducted a verified statement showing the name, post office address, and residence address of each person owning or having an interest in the business, and the address

where the business is to be conducted. However, this provision does not apply to any person organized or incorporated in this state as a domestic entity or authorized to do business in this state as a foreign entity, if the person is a limited partnership under chapter 488, a corporation under chapter 490; a limited liability company under chapter 490A; a professional corporation under chapter 496C; a cooperative or cooperative association under chapter 497, 498, 499, or 501, or 501A; or a nonprofit corporation under chapter 504.

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

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

DISCLOSURE REQUIRED BY IOWA LAW

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

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

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

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

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

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

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

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

2. If the court overcomes a prior determination of paternity, the previously established father shall be relieved of support obligations as specified in section 600B.41A, subsection 4. In any action to overcome paternity other than through a pending dissolution action, the provisions of section 600B.41A apply. Overcoming paternity under ~~this subsection 1~~, paragraph "c", does not bar subsequent actions to establish paternity. A subsequent action to establish paternity against the previously established father is not barred if it is subsequently determined that

the written statement attesting that the established father is not the biological father of the child may have been submitted erroneously, and that the person previously determined not to be the child's father during the dissolution action may actually be the child's biological father.

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

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

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

b. For each fiscal year, a judicial collection estimate for that fiscal year shall be equally and proportionally divided into a quarterly amount. The judicial collection estimate shall be calculated by using the state revenue estimating conference estimate made by December 15 pursuant to section 8.22A, subsection 3, of the total amount of fines, fees, civil penalties, costs, surcharges, and other revenues collected by judicial officers and court employees for deposit into the general fund of the state. The revenue estimating conference estimate shall be reduced by the maximum amounts allocated to the Iowa prison infrastructure fund pursuant to section 602.8108A, the court technology and modernization fund pursuant to section 602.8108, subsection 7, the judicial branch pursuant to section 602.8108, subsection 8, and the road use tax fund pursuant to section 602.8108, subsection 9, and the remainder shall be the judicial collection estimate. In each quarter of a fiscal year, after revenues collected by judicial officers and court employees equal to that quarterly amount are deposited into the general fund of the state, after the required amount is deposited during the quarter into the Iowa prison infrastructure fund pursuant to section 602.8108A, ~~and~~ into the court technology and modernization fund pursuant to section 602.8108, subsection 7, and into the road use tax fund pursuant to section 602.8108, subsection 9, and after the required amount is allocated to the judicial branch pursuant to section 602.8108, subsection 8, the director of the department of administrative services shall deposit the remaining revenues for that quarter into the enhanced court collections fund in lieu of the general fund. However, after total deposits into the collections fund for the fiscal year are equal to the maximum deposit amount established for the collections fund, remaining revenues for that fiscal year shall be deposited into the general fund. If the revenue estimating conference agrees to a different estimate at a later meeting which projects a lesser amount of revenue than the initial estimate amount used to calculate the judicial collection estimate, the director of the department of administrative services shall recalculate the judicial collection estimate accordingly. If the revenue estimating conference agrees to a different estimate at a later meeting which projects a greater amount of revenue than the initial estimate amount used to calculate the judicial collection estimate, the director of the department of administrative services shall recalculate the judicial collection estimate accordingly but only to the extent that the greater amount is due to an increase in the fines, fees, civil penalties, costs, surcharges, or other revenues allowed by law to be collected by judicial officers and court employees.

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

2. District associate judges also have jurisdiction in civil actions for money judgment where the amount in controversy does not exceed ten thousand dollars; jurisdiction over involuntary commitment, treatment, or hospitalization proceedings under chapters 125 and 229; jurisdiction of indictable misdemeanors, class "D" felony violations, and other felony arraignments; jurisdiction to enter a temporary or emergency order of protection under chapter 236, and to make court appointments and set hearings in criminal matters; jurisdiction to enter orders in probate which do not require notice and hearing and to set hearings in actions under chapter

633 or 633A; and the jurisdiction provided in section 602.7101 when designated as a judge of the juvenile court. While presiding in these subject matters a district associate judge shall employ district judges' practice and procedure.

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

Sec. 77. Section 633.264, Code Supplement 2005, is amended to read as follows:
633.264 DISPOSAL OF PROPERTY BY WILL.

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

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

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

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

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

Sec. 80. NEW SECTION. 691.9 CRIMINALISTICS LABORATORY FUND.

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

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

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

Sec. 82. Section 815.11, Code Supplement 2005, is amended to read as follows:
815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.

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

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

SEC. 93. The divisions of this Act designated economic development appropriations, work-force-related issues, loan and credit guarantee fund, university-based research utilization program appropriation, endow Iowa tax credit, and rehabilitation project tax credits are repealed

effective June 30, 2010. This section does not apply to the section of the division of this Act designated workforce-related issues that enacts section 260C.18A.

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

SEC. 51. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES. This section and the sections of this Act amending sections 513C.6 and 514E.2, and amending section 514E.7, subsection 1, by enacting paragraph "e", being deemed of immediate importance, take effect upon enactment. The section of the Act amending section 513C.6 is retroactively applicable to January 1, 2005, and is applicable on and after that date. The sections of the Act amending section 514E.2 are retroactively applicable to July 1, 1986, and are applicable on and after that date. The portion of the section of the Act amending section 514E.7, subsection 1, by enacting paragraph "e" is retroactively applicable to January 1, 2005, and is applicable on and after that date. The section of this Act amending section 514E.8, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2004.

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

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

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

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

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

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

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

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

1. The section of this Act amending section 455I.5, subsection 4.
2. The section of this Act amending 2005 Iowa Acts, chapter 135, section 49.

Approved April 7, 2006