

MAR 6 2006  
Place On Calendar

HOUSE FILE 2660  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 667)  
(COMPANION TO SF 2253)

Passed House, Date \_\_\_\_\_ Passed Senate, 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:

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HF 2660

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

3 Sec. 2. Section 8A.324, subsection 2, unnumbered paragraph  
4 2, Code Supplement 2005, is amended to read as follows:

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

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

19 d. To assure the continued solvency of any bonds secured  
20 by the bond reserve fund, provision is made in paragraph "a"  
21 "c" for the accumulation in each bond reserve fund of an  
22 amount equal to the bond reserve fund requirement for the  
23 fund. In order further to assure maintenance of the bond  
24 reserve funds, the treasurer shall, on or before January 1 of  
25 each calendar year, make and deliver to the governor the  
26 treasurer's certificate stating the sum, if any, required to  
27 restore each bond reserve fund to the bond reserve fund  
28 requirement for that fund. Within thirty days after the  
29 beginning of the session of the general assembly next  
30 following the delivery of the certificate, the governor shall  
31 submit to both houses printed copies of a budget including the  
32 sum, if any, required to restore each bond reserve fund to the  
33 bond reserve fund requirement for that fund. Any sums  
34 appropriated by the general assembly and paid to the treasurer  
35 pursuant to this subsection shall be deposited by the

1 treasurer in the applicable bond reserve fund.

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

4 c. The business accelerator's professional staff with  
5 demonstrated ~~disciplines~~ experience in all aspects of business  
6 experience ~~disciplines~~.

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

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

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

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

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

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

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

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

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

1 considered police officers for the purposes of chapter 411.

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

4 35.10 ELIGIBILITY AND PAYMENT OF AID.

5 Eligibility for aid shall be determined upon application to  
6 the department of veterans affairs, whose decision is final.  
7 The eligibility of eligible applicants shall be certified by  
8 the department of veterans affairs to the director of the  
9 department of administrative services, and all amounts that  
10 are or become due to an individual or a training institution  
11 under this chapter shall be paid to the individual or  
12 institution by the director of the department of  
13 administrative services upon receipt by the director of  
14 certification by the president or governing board of the  
15 educational or training institution as to accuracy of charges  
16 made, and as to the attendance of the individual at the  
17 educational or training institution. The department of  
18 veterans affairs may pay over the annual sum of ~~four~~ six  
19 hundred dollars to the educational or training institution in  
20 a lump sum, or in installments as the circumstances warrant,  
21 upon receiving from the institution such written undertaking  
22 as the department may require to assure the use of funds for  
23 the child for the authorized purposes and for no other  
24 purpose. A person is not eligible for the benefits of this  
25 chapter until the person has graduated from a high school or  
26 educational institution offering a course of training  
27 equivalent to high school training.

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

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

1 used for research, or to develop and support a statewide organ  
2 and tissue donor registry. Grants shall be made based upon  
3 the submission of a grant application by an agency or entity  
4 to conduct a public awareness project or to research, or  
5 develop, and support a statewide organ and tissue donor  
6 registry.

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

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

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

32 9. Inspect and supervise all food meat, poultry, or dairy  
33 producing or distributing establishments including the  
34 furniture, fixtures, utensils, machinery, and other equipment  
35 so as to prevent the production, preparation, packing,

1 storage, or transportation of feed meat, poultry, or dairy  
2 products in a manner detrimental to its the character or  
3 quality of those products.

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

6 1. All state assessments imposed under this chapter shall  
7 be paid to and collected by the council and deposited with the  
8 treasurer of state in a separate cattle promotion fund which  
9 shall be created by the treasurer of state. The department of  
10 administrative services shall transfer moneys from the fund to  
11 the council for deposit into an account established by the  
12 council in a qualified financial institution. The department  
13 shall transfer the moneys as provided in a resolution adopted  
14 by the council. However, the department is only required to  
15 transfer moneys once during each day and only during hours  
16 when the offices of the state are open. From the moneys  
17 collected, deposited, and transferred to the council, in  
18 accordance with the provisions of this chapter, the council  
19 shall first pay the costs of referendums held pursuant to this  
20 chapter, the costs of collection of such state assessments,  
21 and the expenses of its agents. ~~Except-as-otherwise-provided~~  
22 ~~in-section-181-197-at~~ At least ten percent of the remaining  
23 moneys shall be remitted to the association in proportions  
24 determined by the council, for use in a manner not  
25 inconsistent with section 181.7. The remaining moneys, with  
26 approval of a majority of the council, shall be expended as  
27 the council finds necessary to carry out the provisions and  
28 purposes of this chapter. However, in no event shall the  
29 total expenses exceed the total amount transferred from the  
30 fund for use by the council.

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

33 1. The state assessment collected by the board shall be  
34 deposited in a special fund known as the soybean promotion  
35 fund, in the office of the treasurer of state. The fund may

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

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

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

1 which livestock is fed for slaughter or is allowed to graze or  
2 feed.

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

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

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

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

1 is found to be seriously mentally impaired at the  
2 hospitalization hearing, the attorney representing the patient  
3 shall automatically be relieved of responsibility in the case  
4 and an advocate shall be assigned to the patient at the  
5 conclusion of the hearing unless the attorney indicates an  
6 intent to continue the attorney's services and the court so  
7 directs. If the court directs the attorney to remain on the  
8 case the attorney shall assume all the duties of an advocate.  
9 The clerk shall furnish the advocate with a copy of the  
10 court's order approving the withdrawal and shall inform the  
11 patient of the name of the patient's advocate. With regard to  
12 each patient whose interests the advocate is required to  
13 represent pursuant to this section, the advocate's duties  
14 shall include all of the following:

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

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

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

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

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

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

34 2. The hospital or facility to which a patient is  
35 committed shall grant all reasonable requests of the advocate

1 to visit the patient, to communicate with medical personnel  
2 treating the patient and to review the patient's medical  
3 records pursuant to section 229.25. An advocate shall not  
4 disseminate information from a patient's medical records to  
5 any other person unless done for official purposes in  
6 connection with the advocate's duties pursuant to this chapter  
7 or when required by law.

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

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

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

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

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

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

32 h. In the case of any officer, member of the board of  
33 directors, trustee, or designated manager of the program or  
34 any stockholder, partner, or individual who has greater than a  
35 five percent equity interest in the program, ~~who-has~~ having or

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

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

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

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

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

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

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

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

1 8. REPORTS. The department shall report on a quarterly  
2 basis to the medical assistance projections and assessment  
3 council established pursuant to section 249J.20 and the  
4 medical assistance advisory council created pursuant to  
5 section ~~249A.47-subsection-8~~ 249A.4B, regarding the health  
6 promotion partnerships described in this section. To the  
7 greatest extent feasible, and if applicable to a data set, the  
8 data reported shall include demographic information concerning  
9 the population served including but not limited to factors,  
10 such as race and economic status, as specified by the  
11 department.

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

14 2. The medical director of the Iowa Medicaid enterprise  
15 shall report on a quarterly basis to the medical assistance  
16 projections and assessment council established pursuant to  
17 section 249J.20 and the medical assistance advisory council  
18 created pursuant to section ~~249A.47-subsection-8~~ 249A.4B, any  
19 recommendations made by the panel and adopted by rule of the  
20 department pursuant to chapter 17A regarding clinically  
21 appropriate health care utilization management and coverage  
22 under the medical assistance program and the expansion  
23 population.

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

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

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

32 9. The department of education and the department of human  
33 services shall adopt rules to implement this section ~~to-be~~  
34 ~~effective-immediately-upon-filing-with-the-administrative~~  
35 ~~rules-coordinator, or-at-a-stated-date-prior-to-indexing-and~~

1 publication, or at a stated date less than thirty-five days  
2 after filing, indexing, and publication.

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

5 266.27 ACT ACCEPTED.

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

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

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

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

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

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

1 department of transportation may adopt rules to administer  
2 this subsection.

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

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

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

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

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

17 441.11 INCUMBENT DEPUTY ASSESSORS.

18 ~~The director of revenue shall grant a restricted~~  
19 ~~certificate to any deputy assessor holding office as of~~  
20 ~~January 17, 1976.~~ A deputy assessor ~~possessing such a~~  
21 ~~certificate~~ shall be considered eligible to remain in the  
22 deputy's present position provided continuing education  
23 requirements are met. To become eligible for another deputy  
24 assessor position, a deputy assessor presently holding office  
25 is required to obtain certification as provided for in  
26 sections 441.5 and 441.10. The number of credit hours  
27 required for certification as eligible for appointment as a  
28 deputy in a jurisdiction other than where the deputy is  
29 currently serving shall be prorated according to the completed  
30 portion of the deputy's six-year continuing education period.

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

33 3. If an employee of a retailer violates section 453A.2,  
34 subsection 1, the retailer shall not be assessed a penalty  
35 under subsection 2, and the violation shall be deemed not to

1 be a violation of section 453A.2, subsection 1, for the  
2 purpose of determining the number of violations for which a  
3 penalty may be assessed pursuant to subsection 2, if the  
4 employee holds a valid certificate of completion of the  
5 tobacco compliance employee training program pursuant to  
6 section 453A.5 at the time of the violation. A retailer may  
7 assert only once in a four-year period the bar under either  
8 this subsection ~~or-subsection-4~~ against assessment of a  
9 penalty pursuant to subsection 2, for a violation of section  
10 453A.2, that takes place at the same place of business  
11 location.

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

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

1 be consolidated and transported from a particular transfer  
2 station, the department may establish permit conditions to  
3 address the transport and disposal of the solid waste. An  
4 election may be made under this subsection only if the two  
5 comprehensive planning areas enter into an agreement pursuant  
6 to chapter 28E that includes, at a minimum, all of the  
7 following:

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

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

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

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

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

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

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

29 4. The department shall not approve an application for a  
30 permit to construct a settled open feedlot effluent basin  
31 unless the owner of the open feedlot operation applying for  
32 approval submits a nutrient management plan together with the  
33 application for the construction permit as provided in section  
34 459A.205. The owner shall also submit proof that the owner  
35 has published a notice for public comment as provided in this

1 section. The department shall approve or disapprove the  
2 nutrient management plan as provided in section 459A.201. A  
3 ~~nutrient-management-plan-using-an-alternative-technology~~  
4 ~~system-shall-not-include-requirements-for-settled-effluent~~  
5 ~~that-enters-the-alternative-technology-system.~~

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

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

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

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

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

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

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

27 465C.10 WHEN DEDICATED AS A PRESERVE.

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

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

35 Sec. 46. Section 501A.103, Code Supplement 2005, is

1 amended to read as follows:

2 501A.103 REQUIREMENTS FOR SIGNATURES ON DOCUMENTS.

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

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

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

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

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

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

24 4. DISTRICT OR LOCAL UNIT ELECTION OF DIRECTORS. For a  
25 cooperative with districts or other units, members may elect  
26 directors on a district or unit basis if provided in the  
27 bylaws. The directors may be nominated or elected at district  
28 meetings if provided in the bylaws. Directors who are  
29 nominated at district meetings shall be elected at the annual  
30 regular members' meeting by vote of the entire membership,  
31 unless the bylaws provide that directors who are nominated at  
32 district meetings are to be elected by vote of the members of  
33 the district, at the district meeting<sup>7</sup> or the annual regular  
34 members' meeting.

35 Sec. 50. Section 501A.715, subsection 2, paragraph a,

1 subparagraph (1), subparagraph subdivision (d), Code

2 Supplement 2005, is amended to read as follows:

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

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

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

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

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

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

33 Sec. 53. Section 501A.1005, subsection 2, Code Supplement  
34 2005, is amended to read as follows:

35 2. DISTRIBUTION OF CASH OR OTHER ASSETS. A cooperative's

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

19 Sec. 54. Section 501A.1006, subsections 6 and 7, Code  
20 Supplement 2005, are amended to read as follows:

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

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

33 Sec. 55. Section 502.404, subsection 5, Code 2005, is  
34 amended to read as follows:

35 5. LIMITS ON EMPLOYMENT OR ASSOCIATION. It is unlawful

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

15 Sec. 56. Section 514.2, Code Supplement 2005, is amended  
16 to read as follows:

17 514.2 INCORPORATION.

18 Persons desiring to form a nonprofit hospital service  
19 corporation, or a nonprofit medical service corporation, or a  
20 nonprofit pharmaceutical or optometric service corporation  
21 shall have been incorporated under the provisions of chapter  
22 504, Code 1989, or shall incorporate under the provisions of  
23 current chapter 504, ~~as supplemented and amended herein and~~  
24 ~~any Acts amendatory thereof~~.

25 Sec. 57. Section 516E.10, subsection 3, Code Supplement  
26 2005, is amended to read as follows:

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

33 Sec. 58. Section 523I.201, subsection 1, Code Supplement  
34 2005, is amended to read as follows:

35 1. This chapter shall be administered by the commissioner.

1 The deputy administrator appointed pursuant to section  
2 523A-80~~1~~ 502.601 shall be the principal operations officer  
3 responsible to the commissioner for the routine administration  
4 of this chapter and management of the administrative staff.  
5 In the absence of the commissioner, whether because of vacancy  
6 in the office due to absence, physical disability, or other  
7 cause, the deputy administrator shall, for the time being,  
8 have and exercise the authority conferred upon the  
9 commissioner. The commissioner may by order from time to time  
10 delegate to the deputy administrator any or all of the  
11 functions assigned to the commissioner in this chapter. The  
12 deputy administrator shall employ officers, attorneys,  
13 accountants, and other employees as needed for administering  
14 this chapter.

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

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

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

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

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

35 547.1 USE OF TRADE NAME -- VERIFIED STATEMENT REQUIRED.

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

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

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

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

35 Sec. 63. Section 554.3309, subsection 1, paragraph a,

1 subparagraph (1), Code Supplement 2005, is amended to read as  
2 follows:

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

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

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

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

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

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

35 2. If the court overcomes a prior determination of

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

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

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

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

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

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

1 by judicial officers and court employees.

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

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

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

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

23 633.264 DISPOSAL OF PROPERTY BY WILL.

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

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

31 2. The trustee of a medical assistance income trust or a  
32 medical assistance special needs trust is a fiduciary for  
33 purposes of ~~this~~ chapter 633A and, in the exercise of the  
34 trustee's fiduciary duties, the state shall be considered a  
35 beneficiary of the trust. Regardless of the terms of the

1 trust, the trustee shall not take any action that is not  
2 prudent in light of the state's interest in the trust.

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

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

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

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

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

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

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

26 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.

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

1 600, are also payable from these funds. However, costs  
2 incurred in any administrative proceeding or in any other  
3 proceeding under chapter 598, 600, 600A, 633, 633A, or 915 or  
4 other provisions of the Code or administrative rules are not  
5 payable from these funds.

6 Sec. 77. 2003 Iowa Acts, 1st Ex., chapter 2, section 93,  
7 is amended to read as follows:

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

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

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

34 Sec. 79. Section 501A.715, subsection 6, paragraph a,  
35 subparagraphs (2) through (4), as enacted by 2005 Iowa Acts,

1 chapter 135, section 49, are amended to read as follows:

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

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

14 (4) If a determination is not made under subparagraphs (1)  
15 through (3) by the affirmative vote of the members, but the  
16 membership interests held by parties to the proceeding must  
17 not be counted in determining the presence of a quorum,7 and  
18 are not considered to be present and entitled to vote on the  
19 determination.

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

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

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

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

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

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

32

#### EXPLANATION

33 This bill contains statutory corrections that adjust  
34 language to reflect current practices, insert earlier  
35 omissions, delete redundancies and inaccuracies, delete

1 temporary language, resolve inconsistencies and conflicts,  
2 update ongoing provisions, or remove ambiguities. The Code  
3 sections amended include all of the following:

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

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

15 Code section 12.72: Corrects an internal reference to a  
16 provision relating to the accumulation in each bond reserve  
17 fund created by the treasurer of state to secure vision Iowa  
18 program bonds of an amount equal to the bond reserve fund  
19 requirement for the fund. The same internal reference  
20 correction was made in a nearly identical provision in Code  
21 section 12.82 by 2005 Iowa Acts, chapter 19, section 12.

22 Code section 15E.351: Correctly orders misplaced terms in  
23 a provision listing facts the department of economic  
24 development may consider in determining whether a business  
25 accelerator qualifies for financial assistance under the  
26 business accelerator program.

27 Code section 17A.18A: Inserts the words "of the State of  
28 Iowa or of the United States" after the word "Constitution" in  
29 language allowing an agency to use emergency adjudicative  
30 proceedings in a situation involving an immediate danger to  
31 the public health, safety, or welfare to the extent not  
32 inconsistent with the Constitution.

33 Code sections 28.3 and 28.4(12): Reverses a change made in  
34 2005 Iowa Acts, chapters 148 and 179, which added the words  
35 "or coordinator" after the word "facilitator" in multiple

1 locations in these sections. The title of the gubernatorial  
2 appointee who provides staffing for the community empowerment  
3 office is the "state community empowerment facilitator".

4 Code section 28J.7: Clarifies that port authority peace  
5 officers shall meet the requirements established for police  
6 officers for purposes of chapter 400, relating to civil  
7 service, but are considered police officers under chapter 411,  
8 relating to the retirement system for police officers and fire  
9 fighters. The bill also makes a grammatical change by  
10 substituting the words "port authority" for "its".

11 Code section 35.10: Substitutes "six" hundred dollars for  
12 "four" hundred dollars in a provision relating to eligibility  
13 for and the payment of war orphans educational aid moneys by  
14 the department of veterans affairs to agree with a 1994 change  
15 made in Code section 35.9 that increased the amount of aid  
16 allowed.

17 Code section 142C.15: Corrects a drafting error made in  
18 2005 Iowa Acts, chapter 89, section 11, by conforming language  
19 relating to the making of grants from funds not requested or  
20 awarded for anatomical gift public awareness projects, for  
21 projects related to the statewide organ and tissue donor  
22 registry, to other language stating the permissible use of  
23 those same funds.

24 Code section 152.7: Corrects a drafting error that  
25 inserted language relating to the advanced practice registered  
26 nurse compact into a provision allowing the nurse licensure  
27 compact administrator to refuse to accept nurse licensure  
28 qualification changes by another compacting state if these  
29 changes substantially modify that state's licensure  
30 qualifications in effect on July 1, 2000. The bill provides a  
31 separate provision allowing the advanced practice registered  
32 nurse compact administrator to refuse to accept licensure  
33 qualification changes that modify qualifications in effect on  
34 July 1, 2005, the effective date of the advanced practice  
35 registered nurse compact. The language is repealed effective

1 July 1, 2008, to conform with the repeal date for the advanced  
2 practice registered nurse compact.

3 Code section 159.5, subsection 9: Clarifies language  
4 relating to certain inspections carried out by the department  
5 of agriculture and land stewardship to distinguish those  
6 inspections of meat, poultry, and dairy producing  
7 establishments that are carried out pursuant to federal law  
8 from the inspections of food establishments and food  
9 processing plants that are carried out by the department of  
10 inspections and appeals under Code chapter 137F.

11 Code section 181.13: Strikes language providing an  
12 exception from the requirement that a portion of the moneys  
13 transferred to the Iowa beef industry council from state  
14 assessments be remitted to the Iowa beef cattle producers  
15 association in proportions determined by the council. The  
16 language requiring the exception was eliminated from Code  
17 section 181.19 in 1997 Iowa Acts, chapter 30, section 7.

18 Code section 185.26: Clarifies that moneys in the soybean  
19 checkoff account and other moneys collected from the state  
20 assessment on soybeans is to be administered by the Iowa  
21 soybean association board of directors, rather than the  
22 association, to agree with other language contained in the  
23 Code section.

24 Code section 202.1: Strikes the definition of "open  
25 feedlot" and modifies the only reference to the term in the  
26 Code chapter relating to commodity production contracts in  
27 order to agree with the definitions contained in Code chapter  
28 459A, the animal agriculture compliance Act for open feedlot  
29 operations, created in 2005.

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

34 Code sections 231B.10, 231C.10, and 231D.5: Makes changes  
35 in provisions allowing the department of inspections and

1 appeals to deny, suspend, or revoke the certification of an  
2 elder group home, assisted living program, or adult day  
3 services program in certain circumstances to agree with the  
4 grammatical structure used elsewhere in such provisions and to  
5 clarify that the provisions apply to officers, directors,  
6 trustees, designated program managers, or stockholders with a  
7 certain level of equity interest.

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

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

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

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

34 Code section 256.40: Restructures a sentence to clarify  
35 that the purpose of the statewide work-based learning

1 intermediary network program established in the department of  
2 education is to build a seamless career, future workforce, and  
3 economic development system in Iowa.

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

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

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

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

35 Code section 331.605: Corrects a drafting error by

1 including fees for snowmobile user permits issued by county  
2 recorders in the list of fees to be collected by county  
3 recorders.

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

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

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

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

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

1 creating Code chapter 455I, which was May 20, 2005.

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

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

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

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

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

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

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

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

14 Code section 501A.603: Changes "member" to "patron member"  
15 to agree with other usages of the term in a provision relating  
16 to marketing contracts between cooperative associations and  
17 their patron members or patrons.

18 Code section 501A.703: Strikes a comma to clarify that if  
19 the bylaws of a cooperative association so provide, directors  
20 nominated at a district meeting may be elected by the members  
21 of the district at the district meeting or the annual regular  
22 members' meeting instead of by the entire membership of the  
23 cooperative at the annual regular members' meeting.

24 Code section 501A.715: Substitutes "can" for "cannot" to  
25 eliminate a double negative in a provision requiring  
26 indemnification of a person by a cooperative association when  
27 the act that was committed by the person, and which may  
28 subject the person to liability, was not an act for which the  
29 person's liability can be limited or eliminated due to the  
30 person's status as a director, officer, employee, or member of  
31 the cooperative association.

32 Code section 501A.808: Strikes a reference to section  
33 501A.707 and substitutes a reference to section 501A.806 in a  
34 provision relating to the minimum percentage of the total  
35 voting power of a cooperative association that must be present

1 for voting. The general quorum requirements for members'  
2 meetings are contained in Code section 501A.806.

3 Code section 501A.903: Conforms language in subsection 6,  
4 relating to redemption or conversion of membership interests  
5 in cooperative associations, to the syntax of the predicate  
6 "lead-in" portion of the subsection.

7 Code section 501A.1005: Strikes "and allocations" in a  
8 provision relating to distributions of cash or other assets to  
9 members of a cooperative association. Allocations of profits  
10 and losses to members are addressed in another provision of  
11 section 501A.1005.

12 Code section 501A.1006: Corrects punctuation and changes  
13 the term "income" to "net income" to conform to usage  
14 throughout a provision relating to allocations and  
15 distributions of net income to members of a cooperative  
16 association.

17 Code section 502.404: Corrects language in the uniform  
18 securities Act Code chapter that pertains to the limits placed  
19 on the ability of individuals who act as investment adviser  
20 "representatives" to conduct business in this state. These  
21 individuals are prohibited from conducting business in this  
22 state as investment adviser representatives if their  
23 registrations are suspended or revoked or if they have been  
24 barred from employment in that capacity under the uniform  
25 securities Act Code chapter, by the securities and exchange  
26 commission, or by a self-regulatory organization.

27 Code section 514.2: Eliminates redundant language relating  
28 to updates to another Code chapter. Changes and updates to  
29 any provision in the Code, that are intended to be currently  
30 effective, are incorporated each year into the codified  
31 version of those provisions and, as a consequence, references  
32 to the "current" version of Code chapter 504 would include any  
33 supplements, amendments, and "any Acts amendatory thereof".

34 Code section 516E.10: Inserts the verb phrase "shall not  
35 enter into an", which was accidentally stricken by an

1 amendment in 2005 Iowa Acts, chapter 70, in a provision  
2 relating to prohibited acts in regard to motor vehicle service  
3 contracts.

4 Code section 523I.201: Substitutes in Code chapter 523I,  
5 the Iowa Cemetery Act, the correct reference to the Code  
6 section pursuant to which a deputy administrator for purposes  
7 of Code chapter 502, the uniform securities Act, is appointed.  
8 The deputy acts as the principal operations officer under Code  
9 chapter 523I.

10 Code section 523I.806: Substitutes a reference to Code  
11 chapter 633A, pertaining to trusts and trust administration,  
12 for a reference to Code chapter 633 in language relating to  
13 perpetual care funds trusts. The former subchapter of Code  
14 chapter 633 that pertained to trusts and trust administration  
15 was moved to new Code chapter 633A, Code Supplement 2005, in  
16 2005 Iowa Acts, ch 128.

17 Code section 546.10: Adds the interior design examining  
18 board established pursuant to Code chapter 544C to the list of  
19 boards that the professional licensing and regulation division  
20 of the department of commerce administers.

21 Code section 547.1: Adds a reference to Code chapter 501A,  
22 the Iowa cooperative associations Act, to the list of  
23 cooperatives and cooperative associations that are exempted  
24 from a provision added in 2005 prohibiting the conducting of  
25 business under a trade name unless the person first records  
26 certain information with the county recorder.

27 Code section 551A.3: Deletes a reference to registration  
28 of a business opportunity in a provision describing required  
29 written disclosures by sellers of business opportunities.  
30 There is no longer a requirement for registration of business  
31 opportunities in Iowa.

32 Code section 554.3309: Changes "loss or possession" to  
33 "loss of possession" in a provision of the uniform commercial  
34 code to conform the phrase to language used in the model Act.

35 Code section 558A.1: Adds a reference to Code chapter 633A

1 to the language including transfers under Code chapter 633,  
2 the probate code, in the definition of "transfer" for purposes  
3 of the Code chapter relating to real estate disclosures.  
4 Certain provisions relating to trusts in Code chapter 633 were  
5 transferred to Code chapter 633A in 2005.

6 Code section 598.21C: Substitutes "subsection" for  
7 "paragraph" to agree with the relocation of language relating  
8 to the retroactivity of the modification of a child, spousal,  
9 or medical support order in 2005.

10 Code section 598.21E: Substitutes "subsection 1, paragraph  
11 "c", for "paragraph" to agree with the relocation of language  
12 in 2005 relating to overcoming a prior determination of  
13 paternity in a dissolution action by filing a written  
14 agreement between the established father and mother of the  
15 child.

16 Code section 598.21F: Substitutes "section" for  
17 "subsection" to agree with the relocation of language relating  
18 to court-ordered postsecondary education subsidies.

19 Code section 602.1304: Adds language relating to the  
20 deductions and deposits into the road use tax fund from  
21 revenue that is collected by court employees and judicial  
22 officers to a provision describing what amount is available  
23 for deposit into the enhanced court collections fund. The  
24 addition is consistent with the immediately preceding language  
25 in the provision describing how the judicial collection  
26 estimate is calculated and how the actual enhanced court  
27 collections fund is determined, and with the language of Code  
28 section 602.8108 that directs the actions of the clerk of  
29 court with respect to deposit of revenue.

30 Code sections 602.6306: Adds references to Code chapter  
31 633A to provisions relating to the jurisdiction of district  
32 associate judges to set hearings in actions under Code chapter  
33 633 and disallowing payment of moneys from the indigent  
34 defense fund for costs incurred in a proceeding under chapter  
35 633. Certain provisions relating to trusts in Code chapter

1 633 were transferred to Code chapter 633A in 2005.

2 Code sections 602.8108 and 691.9: Transfers language  
3 establishing a separate fund in the state treasury for the  
4 criminalistics laboratory fund and providing for  
5 appropriations in and out of the fund, to a new Code section  
6 in the chapter that provides for the establishment of the  
7 state criminalistics laboratory. Code section 602.8108  
8 relates to the distribution and remission of revenue received  
9 by the clerk of the district court. The language which is  
10 being moved does not provide that revenue received by the  
11 clerk be deposited to the credit of the criminalistics  
12 laboratory fund.

13 Code section 633.264: Adds the words "an amount" to  
14 complete a grammatical construction allowing a person to  
15 dispose of all the person's property by will, except "an  
16 amount" sufficient to pay the debts and charges against the  
17 person's estate.

18 Code section 633C.4: Substitutes a reference to "chapter  
19 633A" for a reference to "this chapter" in a provision  
20 relating to powers of a trustee of a medical assistance income  
21 trust or a medical assistance special needs trust. Code  
22 section 633C.4 was transferred from Code section 633.710 in  
23 2005; however, all of the provisions relating to the duties of  
24 trustees were transferred from Code chapter 633 to chapter  
25 633A.

26 Code section 679C.109: Changes the word "practical" to  
27 "practicable" in a provision requiring an individual who is  
28 requested to serve as a mediator to disclose certain  
29 information to the parties to the mediation before accepting  
30 the mediation. The word "practicable" is used in another  
31 provision relating to such disclosure after acceptance of a  
32 mediation.

33 Code section 717E.2: Conforms the term "fair event" used  
34 in language prohibiting the use of pets as prizes to the term  
35 "fair" used in the definitions for the Code chapter.

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

1 children's lives. The report was submitted by the department  
2 to the general assembly, as required, on December 31, 2003.

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HOUSE FILE 2660

H-8104

1 Amend House File 2660 as follows:

2 1. Page 4, by inserting after line 1, the  
3 following:

4 "Sec. \_\_\_\_\_. Section 29B.100, Code 2005, is amended  
5 to read as follows:

6 29B.100 CAPTURED OR ABANDONED PROPERTY.

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

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

16 ~~1- a.~~ Fails to carry out the duties prescribed  
17 herein~~+~~.

18 ~~2- b.~~ Buys, sells, trades, or in any way deals in  
19 or disposes of captured or abandoned property, whereby  
20 the person receives or expects any profit, benefit or  
21 advantage to the person or another directly or  
22 indirectly connected with the person; ~~and.~~

23 ~~3- c.~~ Engages in looting or pillaging; ~~shall be~~  
24 ~~punished as a court-martial may direct."~~

25 2. Page 4, by inserting after line 27, the  
26 following:

27 "Sec. \_\_\_\_\_. Section 63.6, Code 2005, is amended to  
28 read as follows:

29 63.6 JUDGES.

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

39 Sec. \_\_\_\_\_. Section 124.401, subsection 1,  
40 paragraphs a through c, Code 2005, are amended to read  
41 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 b. Violation of this subsection with respect to  
40 the following controlled substances, counterfeit  
41 substances, or simulated controlled substances is a  
42 class "B" felony, and in addition to the provisions of  
43 section 902.9, subsection 2, shall be punished by a  
44 fine of not less than five thousand dollars nor more  
45 than one hundred thousand dollars:

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

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

- 1 (a) Coca leaves, except coca leaves and extracts  
2 of coca leaves from which cocaine, ecgonine, and  
3 derivatives of ecgonine or their salts have been  
4 removed.
- 5 (b) Cocaine, its salts, optical and geometric  
6 isomers, and salts of isomers.
- 7 (c) Ecgonine, its derivatives, their salts,  
8 isomers, and salts of isomers.
- 9 (d) Any compound, mixture, or preparation which  
10 contains any quantity of any of the substances  
11 referred to in subparagraph subdivisions (a) through  
12 (c).
- 13 (3) More than ten grams but not more than fifty  
14 grams of a mixture or substance described in  
15 subparagraph (2) which contains cocaine base.
- 16 (4) More than ten grams but not more than one  
17 hundred grams of phencyclidine (PCP) or more than one  
18 hundred grams but not more than one kilogram of a  
19 mixture or substance containing a detectable amount of  
20 phencyclidine (PCP).
- 21 (5) Not more than ten grams of a mixture or  
22 substance containing a detectable amount of lysergic  
23 acid diethylamide (LSD).
- 24 (6) More than one hundred kilograms but not more  
25 than one thousand kilograms of marijuana.
- 26 (7) More than five grams but not more than five  
27 kilograms of methamphetamine, its salts, isomers, or  
28 salts of isomers, or analogs of methamphetamine, or  
29 any compound, mixture, or preparation which contains  
30 any quantity or detectable amount of methamphetamine,  
31 its salts, isomers, or salts of isomers, or analogs of  
32 methamphetamine.
- 33 (8) More than five grams but not more than five  
34 kilograms of amphetamine, its salts, isomers, or salts  
35 of isomers, or any compound, mixture, or preparation  
36 which contains any quantity or detectable amount of  
37 amphetamine, its salts, isomers, ~~and~~ or salts of  
38 isomers.
- 39 c. Violation of this subsection with respect to  
40 the following controlled substances, counterfeit  
41 substances, or simulated controlled substances is a  
42 class "C" felony, and in addition to the provisions of  
43 section 902.9, subsection 4, shall be punished by a  
44 fine of not less than one thousand dollars nor more  
45 than fifty thousand dollars:
- 46 (1) One hundred grams or less of a mixture or  
47 substance containing a detectable amount of heroin.
- 48 (2) One hundred grams or less of any of the  
49 following:
- 50 (a) Coca leaves, except coca leaves and extracts

1 of coca leaves from which cocaine, ecgonine, and  
2 derivatives of ecgonine ~~or~~ and their salts have been  
3 removed.

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

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

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

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

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

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

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

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

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

34 Sec. \_\_\_\_ . Section 124.401C, subsection 1, Code  
35 2005, is amended to read as follows:

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

49 3. Page 7, by inserting after line 24, the  
50 following:

1 "Sec. \_\_\_\_ . Section 192.102, Code 2005, is amended  
2 to read as follows:

3 192.102 GRADE "A" PASTEURIZED MILK ORDINANCE.  
4 The department shall adopt, by rule, the "Grade 'A'  
5 Pasteurized Milk Ordinance, ~~2003~~ 2005 Revision",  
6 including a subsequent revision of the ordinance. If  
7 the ordinance specifies that compliance with a  
8 provision of the ordinance's appendices is mandatory,  
9 the department shall also adopt that provision. The  
10 department shall not amend the ordinance, unless the  
11 department explains each amendment and reasons for the  
12 amendment in the Iowa administrative bulletin when the  
13 rules are required to be published pursuant to chapter  
14 17A. The department shall administer this chapter  
15 consistent with the provisions of the ordinance."

16 4. Page 14, by inserting after line 2, the  
17 following:

18 "Sec. \_\_\_\_ . Section 258.1, Code 2005, is amended to  
19 read as follows:

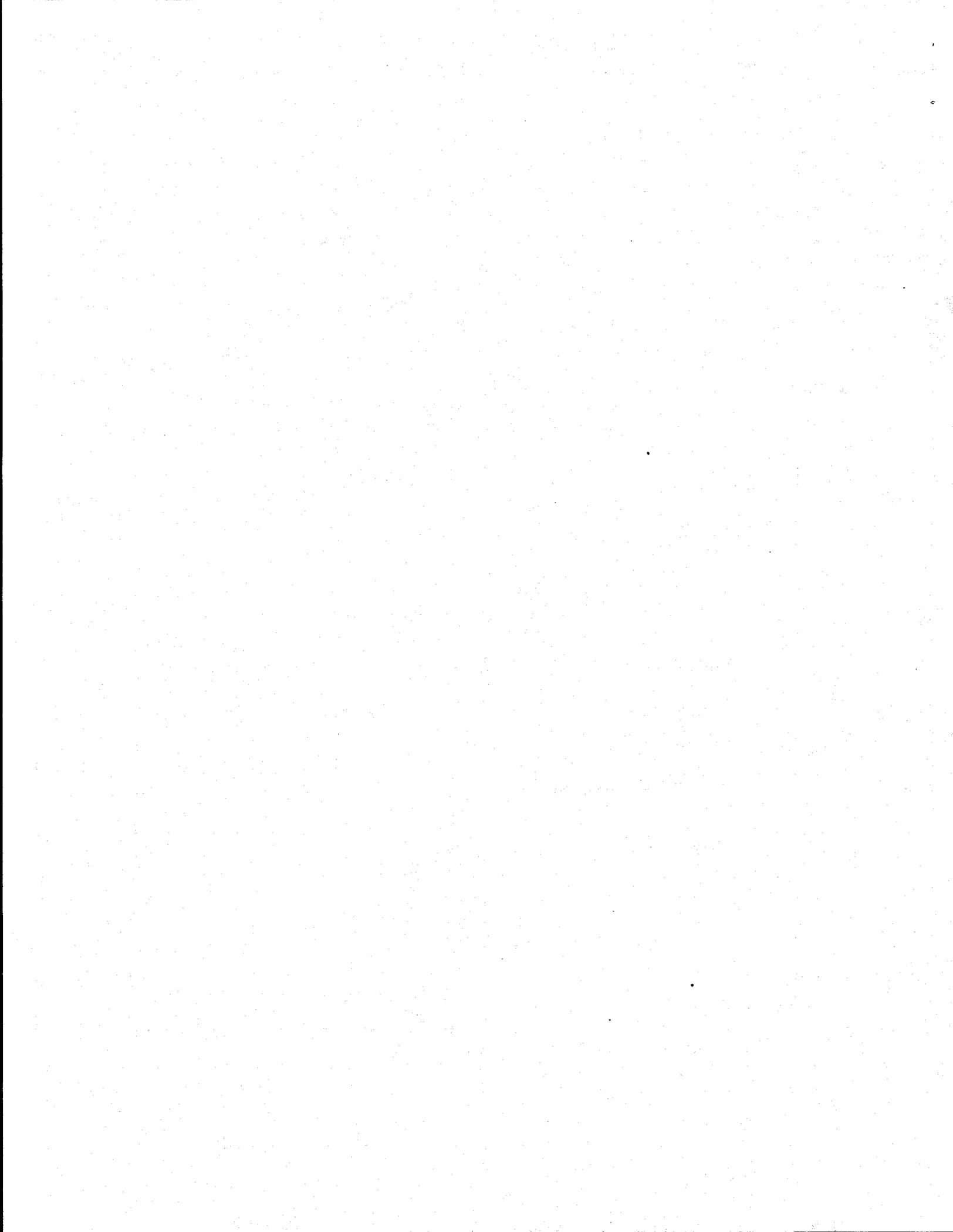
20 258.1 FEDERAL ACT ACCEPTED.

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

38 5. By renumbering as necessary.

COMMITTEE ON JUDICIARY

PAULSEN of Linn, Chairperson



Eichhorn - ch  
Hutter  
WESSEL - KROE SHILL

HSB 667

JUDICIARY

HOUSE FILE SF 0 <sup>dB</sup> Hold  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON PAULSEN)

Passed House, Date \_\_\_\_\_ Passed Senate, 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:

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

3 Sec. 2. Section 8A.324, subsection 2, unnumbered paragraph  
4 2, Code Supplement 2005, is amended to read as follows:

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

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

19 d. To assure the continued solvency of any bonds secured  
20 by the bond reserve fund, provision is made in paragraph "a"  
21 "c" for the accumulation in each bond reserve fund of an  
22 amount equal to the bond reserve fund requirement for the  
23 fund. In order further to assure maintenance of the bond  
24 reserve funds, the treasurer shall, on or before January 1 of  
25 each calendar year, make and deliver to the governor the  
26 treasurer's certificate stating the sum, if any, required to  
27 restore each bond reserve fund to the bond reserve fund  
28 requirement for that fund. Within thirty days after the  
29 beginning of the session of the general assembly next  
30 following the delivery of the certificate, the governor shall  
31 submit to both houses printed copies of a budget including the  
32 sum, if any, required to restore each bond reserve fund to the  
33 bond reserve fund requirement for that fund. Any sums  
34 appropriated by the general assembly and paid to the treasurer  
35 pursuant to this subsection shall be deposited by the

1 treasurer in the applicable bond reserve fund.

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

4 c. The business accelerator's professional staff with  
5 demonstrated ~~disciplines~~ experience in all aspects of business  
6 experience disciplines.

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

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

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

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

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

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

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

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

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

1 considered police officers for the purposes of chapter 411.

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

4 35.10 ELIGIBILITY AND PAYMENT OF AID.

5 Eligibility for aid shall be determined upon application to  
6 the department of veterans affairs, whose decision is final.  
7 The eligibility of eligible applicants shall be certified by  
8 the department of veterans affairs to the director of the  
9 department of administrative services, and all amounts that  
10 are or become due to an individual or a training institution  
11 under this chapter shall be paid to the individual or  
12 institution by the director of the department of  
13 administrative services upon receipt by the director of  
14 certification by the president or governing board of the  
15 educational or training institution as to accuracy of charges  
16 made, and as to the attendance of the individual at the  
17 educational or training institution. The department of  
18 veterans affairs may pay over the annual sum of ~~four~~ six  
19 hundred dollars to the educational or training institution in  
20 a lump sum, or in installments as the circumstances warrant,  
21 upon receiving from the institution such written undertaking  
22 as the department may require to assure the use of funds for  
23 the child for the authorized purposes and for no other  
24 purpose. A person is not eligible for the benefits of this  
25 chapter until the person has graduated from a high school or  
26 educational institution offering a course of training  
27 equivalent to high school training.

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

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

1 used for research, or to develop and support a statewide organ  
2 and tissue donor registry. Grants shall be made based upon  
3 the submission of a grant application by an agency or entity  
4 to conduct a public awareness project or to research, or  
5 develop, and support a statewide organ and tissue donor  
6 registry.

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

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

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

32 9. Inspect and supervise all food meat, poultry, or dairy  
33 producing or distributing establishments including the  
34 furniture, fixtures, utensils, machinery, and other equipment  
35 so as to prevent the production, preparation, packing,

1 storage, or transportation of food meat, poultry, or dairy  
2 products in a manner detrimental to its the character or  
3 quality of those products.

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

6 1. All state assessments imposed under this chapter shall  
7 be paid to and collected by the council and deposited with the  
8 treasurer of state in a separate cattle promotion fund which  
9 shall be created by the treasurer of state. The department of  
10 administrative services shall transfer moneys from the fund to  
11 the council for deposit into an account established by the  
12 council in a qualified financial institution. The department  
13 shall transfer the moneys as provided in a resolution adopted  
14 by the council. However, the department is only required to  
15 transfer moneys once during each day and only during hours  
16 when the offices of the state are open. From the moneys  
17 collected, deposited, and transferred to the council, in  
18 accordance with the provisions of this chapter, the council  
19 shall first pay the costs of referendums held pursuant to this  
20 chapter, the costs of collection of such state assessments,  
21 and the expenses of its agents. ~~Except-as-otherwise-provided~~  
22 ~~in-section-181-197-at~~ At least ten percent of the remaining  
23 moneys shall be remitted to the association in proportions  
24 determined by the council, for use in a manner not  
25 inconsistent with section 181.7. The remaining moneys, with  
26 approval of a majority of the council, shall be expended as  
27 the council finds necessary to carry out the provisions and  
28 purposes of this chapter. However, in no event shall the  
29 total expenses exceed the total amount transferred from the  
30 fund for use by the council.

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

33 1. The state assessment collected by the board shall be  
34 deposited in a special fund known as the soybean promotion  
35 fund, in the office of the treasurer of state. The fund may

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

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

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

1 which livestock is fed for slaughter or is allowed to graze or  
2 feed.

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

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

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

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

1 is found to be seriously mentally impaired at the  
2 hospitalization hearing, the attorney representing the patient  
3 shall automatically be relieved of responsibility in the case  
4 and an advocate shall be assigned to the patient at the  
5 conclusion of the hearing unless the attorney indicates an  
6 intent to continue the attorney's services and the court so  
7 directs. If the court directs the attorney to remain on the  
8 case the attorney shall assume all the duties of an advocate.  
9 The clerk shall furnish the advocate with a copy of the  
10 court's order approving the withdrawal and shall inform the  
11 patient of the name of the patient's advocate. With regard to  
12 each patient whose interests the advocate is required to  
13 represent pursuant to this section, the advocate's duties  
14 shall include all of the following:

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

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

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

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

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

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

34 2. The hospital or facility to which a patient is  
35 committed shall grant all reasonable requests of the advocate

1 to visit the patient, to communicate with medical personnel  
2 treating the patient and to review the patient's medical  
3 records pursuant to section 229.25. An advocate shall not  
4 disseminate information from a patient's medical records to  
5 any other person unless done for official purposes in  
6 connection with the advocate's duties pursuant to this chapter  
7 or when required by law.

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

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

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

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

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

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

32 h. In the case of any officer, member of the board of  
33 directors, trustee, or designated manager of the program or  
34 any stockholder, partner, or individual who has greater than a  
35 five percent equity interest in the program, ~~who-has~~ having or

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

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

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

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

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

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

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

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

1 8. REPORTS. The department shall report on a quarterly  
2 basis to the medical assistance projections and assessment  
3 council established pursuant to section 249J.20 and the  
4 medical assistance advisory council created pursuant to  
5 section ~~249A.47-subsection-8~~ 249A.4B, regarding the health  
6 promotion partnerships described in this section. To the  
7 greatest extent feasible, and if applicable to a data set, the  
8 data reported shall include demographic information concerning  
9 the population served including but not limited to factors,  
10 such as race and economic status, as specified by the  
11 department.

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

14 2. The medical director of the Iowa Medicaid enterprise  
15 shall report on a quarterly basis to the medical assistance  
16 projections and assessment council established pursuant to  
17 section 249J.20 and the medical assistance advisory council  
18 created pursuant to section ~~249A.47-subsection-8~~ 249A.4B, any  
19 recommendations made by the panel and adopted by rule of the  
20 department pursuant to chapter 17A regarding clinically  
21 appropriate health care utilization management and coverage  
22 under the medical assistance program and the expansion  
23 population.

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

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

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

32 9. The department of education and the department of human  
33 services shall adopt rules to implement this section ~~to-be~~  
34 ~~effective-immediately-upon-filing-with-the-administrative~~  
35 ~~rules-coordinator7-or-at-a-stated-date-prior-to-indexing-and~~

1 publication, ~~or at a stated date less than thirty-five days~~  
2 ~~after filing, indexing, and publication.~~

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

5 266.27 ACT ACCEPTED.

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

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

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

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

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

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

1 department of transportation may adopt rules to administer  
2 this subsection.

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

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

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

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

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

17 441.11 INCUMBENT DEPUTY ASSESSORS.

18 ~~The director of revenue shall grant a restricted~~  
19 ~~certificate to any deputy assessor holding office as of~~  
20 ~~January 17, 1976.~~ A deputy assessor ~~possessing such a~~  
21 ~~certificate~~ shall be considered eligible to remain in the  
22 deputy's present position provided continuing education  
23 requirements are met. To become eligible for another deputy  
24 assessor position, a deputy assessor presently holding office  
25 is required to obtain certification as provided for in  
26 sections 441.5 and 441.10. The number of credit hours  
27 required for certification as eligible for appointment as a  
28 deputy in a jurisdiction other than where the deputy is  
29 currently serving shall be prorated according to the completed  
30 portion of the deputy's six-year continuing education period.

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

33 3. If an employee of a retailer violates section 453A.2,  
34 subsection 1, the retailer shall not be assessed a penalty  
35 under subsection 2, and the violation shall be deemed not to

1 be a violation of section 453A.2, subsection 1, for the  
2 purpose of determining the number of violations for which a  
3 penalty may be assessed pursuant to subsection 2, if the  
4 employee holds a valid certificate of completion of the  
5 tobacco compliance employee training program pursuant to  
6 section 453A.5 at the time of the violation. A retailer may  
7 assert only once in a four-year period the bar under either  
8 this subsection ~~or-subsection-4~~ against assessment of a  
9 penalty pursuant to subsection 2, for a violation of section  
10 453A.2, that takes place at the same place of business  
11 location.

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

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

1 be consolidated and transported from a particular transfer  
2 station, the department may establish permit conditions to  
3 address the transport and disposal of the solid waste. An  
4 election may be made under this subsection only if the two  
5 comprehensive planning areas enter into an agreement pursuant  
6 to chapter 28E that includes, at a minimum, all of the  
7 following:

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

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

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

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

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

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

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

29 4. The department shall not approve an application for a  
30 permit to construct a settled open feedlot effluent basin  
31 unless the owner of the open feedlot operation applying for  
32 approval submits a nutrient management plan together with the  
33 application for the construction permit as provided in section  
34 459A.205. The owner shall also submit proof that the owner  
35 has published a notice for public comment as provided in this

1 section. The department shall approve or disapprove the  
2 nutrient management plan as provided in section 459A.201. A  
3 ~~nutrient-management-plan-using-an-alternative-technology~~  
4 ~~system-shall-not-include-requirements-for-settled-effluent~~  
5 ~~that-enters-the-alternative-technology-system.~~

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

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

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

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

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

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

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

27 465C.10 WHEN DEDICATED AS A PRESERVE.

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

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

35 Sec. 46. Section 501A.103, Code Supplement 2005, is

1 amended to read as follows:

2 501A.103 REQUIREMENTS FOR SIGNATURES ON DOCUMENTS.

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

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

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

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

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

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

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

35 Sec. 50. Section 501A.715, subsection 2, paragraph a,

1 subparagraph (1), subparagraph subdivision (d), Code  
2 Supplement 2005, is amended to read as follows:

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

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

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

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

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

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

33 Sec. 53. Section 501A.1005, subsection 2, Code Supplement  
34 2005, is amended to read as follows:

35 2. DISTRIBUTION OF CASH OR OTHER ASSETS. A cooperative's

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

19 Sec. 54. Section 501A.1006, subsections 6 and 7, Code  
20 Supplement 2005, are amended to read as follows:

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

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

33 Sec. 55. Section 502.404, subsection 5, Code 2005, is  
34 amended to read as follows:

35 5. LIMITS ON EMPLOYMENT OR ASSOCIATION. It is unlawful

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

15 Sec. 56. Section 514.2, Code Supplement 2005, is amended  
16 to read as follows:

17 514.2 INCORPORATION.

18 Persons desiring to form a nonprofit hospital service  
19 corporation, or a nonprofit medical service corporation, or a  
20 nonprofit pharmaceutical or optometric service corporation  
21 shall have been incorporated under the provisions of chapter  
22 504, Code 1989, or shall incorporate under the provisions of  
23 current chapter 504,~~as supplemented and amended herein and~~  
24 ~~any Acts amendatory thereof~~.

25 Sec. 57. Section 516E.10, subsection 3, Code Supplement  
26 2005, is amended to read as follows:

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

33 Sec. 58. Section 523I.201, subsection 1, Code Supplement  
34 2005, is amended to read as follows:

35 1. This chapter shall be administered by the commissioner.

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

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

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

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

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

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

35 547.1 USE OF TRADE NAME -- VERIFIED STATEMENT REQUIRED.

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

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

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

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

35 Sec. 63. Section 554.3309, subsection 1, paragraph a,

1 subparagraph (1), Code Supplement 2005, is amended to read as  
2 follows:

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

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

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

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

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

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

35 2. If the court overcomes a prior determination of

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

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

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

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

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

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

1 by judicial officers and court employees.

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

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

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

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

23 633.264 DISPOSAL OF PROPERTY BY WILL.

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

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

31 2. The trustee of a medical assistance income trust or a  
32 medical assistance special needs trust is a fiduciary for  
33 purposes of ~~this~~ chapter 633A and, in the exercise of the  
34 trustee's fiduciary duties, the state shall be considered a  
35 beneficiary of the trust. Regardless of the terms of the

1 trust, the trustee shall not take any action that is not  
2 prudent in light of the state's interest in the trust.

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

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

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

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

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

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

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

26 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.

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

1 600, are also payable from these funds. However, costs  
2 incurred in any administrative proceeding or in any other  
3 proceeding under chapter 598, 600, 600A, 633, 633A, or 915 or  
4 other provisions of the Code or administrative rules are not  
5 payable from these funds.

6 Sec. 77. 2003 Iowa Acts, 1st Ex., chapter 2, section 93,  
7 is amended to read as follows:

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

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

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

34 Sec. 79. Section 501A.715, subsection 6, paragraph a,  
35 subparagraphs (2) through (4), as enacted by 2005 Iowa Acts,

1 chapter 135, section 49, are amended to read as follows:

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

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

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

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

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

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

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

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

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

32 **EXPLANATION**

33 This bill contains statutory corrections that adjust  
34 language to reflect current practices, insert earlier  
35 omissions, delete redundancies and inaccuracies, delete

1 temporary language, resolve inconsistencies and conflicts,  
2 update ongoing provisions, or remove ambiguities. The Code  
3 sections amended include all of the following:

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

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

15 Code section 12.72: Corrects an internal reference to a  
16 provision relating to the accumulation in each bond reserve  
17 fund created by the treasurer of state to secure vision Iowa  
18 program bonds of an amount equal to the bond reserve fund  
19 requirement for the fund. The same internal reference  
20 correction was made in a nearly identical provision in Code  
21 section 12.82 by 2005 Iowa Acts, chapter 19, section 12.

22 Code section 15E.351: Correctly orders misplaced terms in  
23 a provision listing facts the department of economic  
24 development may consider in determining whether a business  
25 accelerator qualifies for financial assistance under the  
26 business accelerator program.

27 Code section 17A.18A: Inserts the words "of the State of  
28 Iowa or of the United States" after the word "Constitution" in  
29 language allowing an agency to use emergency adjudicative  
30 proceedings in a situation involving an immediate danger to  
31 the public health, safety, or welfare to the extent not  
32 inconsistent with the Constitution.

33 Code sections 28.3 and 28.4(12): Reverses a change made in  
34 2005 Iowa Acts, chapters 148 and 179, which added the words  
35 "or coordinator" after the word "facilitator" in multiple

1 locations in these sections. The title of the gubernatorial  
2 appointee who provides staffing for the community empowerment  
3 office is the "state community empowerment facilitator".

4 Code section 28J.7: Clarifies that port authority peace  
5 officers shall meet the requirements established for police  
6 officers for purposes of chapter 400, relating to civil  
7 service, but are considered police officers under chapter 411,  
8 relating to the retirement system for police officers and fire  
9 fighters. The bill also makes a grammatical change by  
10 substituting the words "port authority" for "its".

11 Code section 35.10: Substitutes "six" hundred dollars for  
12 "four" hundred dollars in a provision relating to eligibility  
13 for and the payment of war orphans educational aid moneys by  
14 the department of veterans affairs to agree with a 1994 change  
15 made in Code section 35.9 that increased the amount of aid  
16 allowed.

17 Code section 142C.15: Corrects a drafting error made in  
18 2005 Iowa Acts, chapter 89, section 11, by conforming language  
19 relating to the making of grants from funds not requested or  
20 awarded for anatomical gift public awareness projects, for  
21 projects related to the statewide organ and tissue donor  
22 registry, to other language stating the permissible use of  
23 those same funds.

24 Code section 152.7: Corrects a drafting error that  
25 inserted language relating to the advanced practice registered  
26 nurse compact into a provision allowing the nurse licensure  
27 compact administrator to refuse to accept nurse licensure  
28 qualification changes by another compacting state if these  
29 changes substantially modify that state's licensure  
30 qualifications in effect on July 1, 2000. The bill provides a  
31 separate provision allowing the advanced practice registered  
32 nurse compact administrator to refuse to accept licensure  
33 qualification changes that modify qualifications in effect on  
34 July 1, 2005, the effective date of the advanced practice  
35 registered nurse compact. The language is repealed effective

1 July 1, 2008, to conform with the repeal date for the advanced  
2 practice registered nurse compact.

3 Code section 159.5, subsection 9: Clarifies language  
4 relating to certain inspections carried out by the department  
5 of agriculture and land stewardship to distinguish those  
6 inspections of meat, poultry, and dairy producing  
7 establishments that are carried out pursuant to federal law  
8 from the inspections of food establishments and food  
9 processing plants that are carried out by the department of  
10 inspections and appeals under Code chapter 137F.

11 Code section 181.13: Strikes language providing an  
12 exception from the requirement that a portion of the moneys  
13 transferred to the Iowa beef industry council from state  
14 assessments be remitted to the Iowa beef cattle producers  
15 association in proportions determined by the council. The  
16 language requiring the exception was eliminated in 1997 Iowa  
17 Acts, chapter 30, section 7.

18 Code section 185.26: Clarifies that moneys in the soybean  
19 checkoff account and other moneys collected from the state  
20 assessment on soybeans is to be administered by the Iowa  
21 soybean association board of directors, rather than the  
22 association, to agree with other language contained in the  
23 Code section.

24 Code section 202.1: Strikes the definition of "open  
25 feedlot" and modifies the only reference to the term in the  
26 Code chapter relating to commodity production contracts in  
27 order to agree with the definitions contained in Code chapter  
28 459A, the animal agriculture compliance Act for open feedlot  
29 operations, created in 2005.

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

34 Code sections 231B.10, 231C.10, and 231D.5: Makes changes  
35 in provisions allowing the department of inspections and

1 appeals to deny, suspend, or revoke the certification of an  
2 elder group home, assisted living program, or adult day  
3 services program in certain circumstances to agree with the  
4 grammatical structure used elsewhere in such provisions and to  
5 clarify that the provisions apply to officers, directors,  
6 trustees, designated program managers, or stockholders with a  
7 certain level of equity interest.

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

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

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

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

34 Code section 256.40: Restructures a sentence to clarify  
35 that the purpose of the statewide work-based learning

1 intermediary network program established in the department of  
2 education is to build a seamless career, future workforce, and  
3 economic development system in Iowa.

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

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

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

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

35 Code section 331.605: Corrects a drafting error by

1 including fees for snowmobile user permits issued by county  
2 recorders in the list of fees to be collected by county  
3 recorders.

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

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

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

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

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

1 Act creating Code chapter 455I, which was May 20, 2005.

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

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

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

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

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

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

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

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

14 Code section 501A.603: Changes "member" to "patron member"  
15 to agree with other usages of the term in a provision relating  
16 to marketing contracts between cooperative associations and  
17 their patron members or patrons.

18 Code section 501A.703: Strikes a comma to clarify that if  
19 the bylaws of a cooperative association so provide, directors  
20 nominated at a district meeting may be elected by the members  
21 of the district at the district meeting or the annual regular  
22 members' meeting instead of by the entire membership of the  
23 cooperative at the annual regular members' meeting.

24 Code section 501A.715: Substitutes "can" for "cannot" to  
25 eliminate an incorrect double negative in a provision  
26 requiring indemnification of a person by a cooperative  
27 association when the act that was committed by the person, and  
28 which may subject the person to liability, was not an act for  
29 which the person's liability can be limited or eliminated due  
30 to the person's status as a director, officer, employee, or  
31 member of the cooperative association.

32 Code section 501A.808: Strikes a reference to section  
33 501A.707 and substitutes a reference to section 501A.806 in a  
34 provision relating to the minimum percentage of the total  
35 voting power of a cooperative association that must be present

1 for voting. The general quorum requirements for members'  
2 meetings are contained in Code section 501A.806.

3 Code section 501A.903: Conforms language in subsection 6,  
4 relating to redemption or conversion of membership interests  
5 in cooperative associations, to the syntax of the predicate  
6 "lead-in" portion of the subsection.

7 Code section 501A.1005: Strikes "and allocations" in a  
8 provision relating to distributions of cash or other assets to  
9 members of a cooperative association. Allocations of profits  
10 and losses to members are addressed in another provision of  
11 section 501A.1005.

12 Code section 501A.1006: Corrects punctuation and changes  
13 the term "income" to "net income" to conform to usage  
14 throughout a provision relating to allocations and  
15 distributions of net income to members of a cooperative  
16 association.

17 Code section 502.404: Corrects language in the uniform  
18 securities Act Code chapter that pertains to the limits placed  
19 on the ability of individuals who act as investment adviser  
20 "representatives" to conduct business in this state. These  
21 individuals are prohibited from conducting business in this  
22 state as investment adviser representatives if their  
23 registrations are suspended or revoked or if they have been  
24 barred from employment in that capacity under the uniform  
25 securities Act Code chapter, by the securities and exchange  
26 commission, or by a self-regulatory organization.

27 Code section 514.2: Eliminates redundant language relating  
28 to updates to another Code chapter. Changes and updates to  
29 any provision in the Code, that are intended to be currently  
30 effective, are incorporated each year into the codified  
31 version of those provisions and, as a consequence, references  
32 to the "current" version of Code chapter 504 would include any  
33 supplements, amendments, and "any Acts amendatory thereof".

34 Code section 516E.10: Inserts the verb phrase "shall not  
35 enter into an", which was accidentally stricken by an

1 amendment in 2005 Iowa Acts, chapter 70, in a provision  
2 relating to prohibited acts in regard to motor vehicle service  
3 contracts.

4 Code section 523I.201: Substitutes in Code chapter 523I,  
5 the Iowa Cemetery Act, the correct reference to the Code  
6 section pursuant to which a deputy administrator for purposes  
7 of Code chapter 502, the uniform securities Act, is appointed.  
8 The deputy acts as the principal operations officer under Code  
9 chapter 523I.

10 Code section 523I.806: Substitutes a reference to Code  
11 chapter 633A, pertaining to trusts and trust administration,  
12 for a reference to Code chapter 633 in language relating to  
13 perpetual care funds trusts. The former subchapter of Code  
14 chapter 633 that pertained to trusts and trust administration  
15 was moved to new Code chapter 633A, Code Supplement 2005, in  
16 2005 Iowa Acts, ch 128.

17 Code section 546.10: Adds the interior design examining  
18 board established pursuant to Code chapter 544C to the list of  
19 boards that the professional licensing and regulation division  
20 of the department of commerce administers.

21 Code section 547.1: Adds a reference to Code chapter 501A,  
22 the Iowa cooperative associations Act, to the list of  
23 cooperatives and cooperative associations that are exempted  
24 from a provision added in 2005 prohibiting the conducting of  
25 business under a trade name unless the person first records  
26 certain information with the county recorder.

27 Code section 551A.3: Deletes a reference to registration  
28 of a business opportunity in a provision describing required  
29 written disclosures by sellers of business opportunities.  
30 There is no longer a requirement for registration of business  
31 opportunities in Iowa.

32 Code section 554.3309: Changes "loss or possession" to  
33 "loss of possession" in a provision of the uniform commercial  
34 code to conform the phrase to language used in the model Act.

35 Code section 558A.1: Adds a reference to Code chapter 633A

1 to the language including transfers under Code chapter 633,  
2 the probate code, in the definition of "transfer" for purposes  
3 of the Code chapter relating to real estate disclosures.

4 Certain provisions relating to trusts in Code chapter 633 were  
5 transferred to Code chapter 633A in 2005.

6 Code section 598.21C: Substitutes "subsection" for  
7 "paragraph" to agree with the relocation of language relating  
8 to the retroactivity of the modification of a child, spousal,  
9 or medical support order in 2005.

10 Code section 598.21E: Substitutes "subsection 1, paragraph  
11 "c", for "paragraph" to agree with the relocation of language  
12 in 2005 relating to overcoming a prior determination of  
13 paternity in a dissolution action by filing a written  
14 agreement between the established father and mother of the  
15 child.

16 Code section 598.21F: Substitutes "section" for  
17 "subsection" to agree with the relocation of language relating  
18 to court-ordered postsecondary education subsidies.

19 Code section 602.1304: Adds language relating to the  
20 deductions and deposits into the road use tax fund from  
21 revenue that is collected by court employees and judicial  
22 officers to a provision describing what amount is available  
23 for deposit into the enhanced court collections fund. The  
24 addition is consistent with the immediately preceding language  
25 in the provision describing how the judicial collection  
26 estimate is calculated and how the actual enhanced court  
27 collections fund is determined, and with the language of Code  
28 section 602.8108 that directs the actions of the clerk of  
29 court with respect to deposit of revenue.

30 Code sections 602.6306: Adds references to Code chapter  
31 633A to provisions relating to the jurisdiction of district  
32 associate judges to set hearings in actions under Code chapter  
33 633 and disallowing payment of moneys from the indigent  
34 defense fund for costs incurred in a proceeding under chapter  
35 633. Certain provisions relating to trusts in Code chapter

1 633 were transferred to Code chapter 633A in 2005.

2 Code sections 602.8108 and 691.9: Transfers language  
3 establishing a separate fund in the state treasury for the  
4 criminalistics laboratory fund and providing for  
5 appropriations in and out of the fund, to a new Code section  
6 in the chapter that provides for the establishment of the  
7 state criminalistics laboratory. Code section 602.8108  
8 relates to the distribution and remission of revenue received  
9 by the clerk of the district court. The language which is  
10 being moved does not provide that revenue received by the  
11 clerk be deposited to the credit of the criminalistics  
12 laboratory fund.

13 Code section 633.264: Adds the words "an amount" to  
14 complete a grammatical construction allowing a person to  
15 dispose of all the person's property by will, except "an  
16 amount" sufficient to pay the debts and charges against the  
17 person's estate.

18 Code section 633C.4: Substitutes a reference to "chapter  
19 633A" for a reference to "this chapter" in a provision  
20 relating to powers of a trustee of a medical assistance income  
21 trust or a medical assistance special needs trust. Code  
22 section 633C.4 was transferred from Code section 633.710 in  
23 2005; however, all of the provisions relating to the duties of  
24 trustees were transferred from Code chapter 633 to chapter  
25 633A.

26 Code section 679C.109: Changes the word "practical" to  
27 "practicable" in a provision requiring an individual who is  
28 requested to serve as a mediator to disclose certain  
29 information to the parties to the mediation before accepting  
30 the mediation. The word "practicable" is used in another  
31 provision relating to such disclosure after acceptance of a  
32 mediation.

33 Code section 717E.2: Conforms the term "fair event" used  
34 in language prohibiting the use of pets as prizes to the term  
35 "fair" used in the definitions for the Code chapter.

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

1 children's lives. The report was submitted by the department  
2 to the general assembly, as required, on December 31, 2003.

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