

circumstances in which a reasonable person should have inquired into the intended use of the property and that the owner failed to do so the owner knew or should have known that the property was being used for a criminal purpose, there is a rebuttable presumption that the owner knew that the property was intended to be used in the commission of a crime.

Approved May 5, 1987

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**CHAPTER 115**  
**CODE CORRECTIONS**  
*S.F. 374*

**AN ACT** relating to statutory corrections of a noncontroversial and nonsubstantive nature.

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

Section 1. Section 2.36, Code 1987, is amended to read as follows:

**2.36 DUTIES OF COMMITTEE.**

The committee shall review the present and proposed uses of communications by state agencies and the development of a statewide communications plan; ~~including a review of the work of the state communications advisory council established in section 18.136.~~ It shall meet as often as deemed necessary and annually shall make recommendations to the legislative council and the general assembly, accompanied by bill drafts to implement its recommendations.

Sec. 2. Section 2.42, subsection 15, Code 1987, is amended by striking the subsection.

Sec. 3. Section 4.1, subsection 22, Code 1987, is amended to read as follows:

**22. COMPUTING TIME — LEGAL HOLIDAYS.** In computing time, the first day shall be excluded and the last included, unless the last falls on Sunday, in which case the time prescribed shall be extended so as to include the whole of the following Monday; ~~provided that, whenever.~~ However, when by the provisions of any a statute or rule prescribed under authority of a statute, the last day for the commencement of any an action or proceedings, the filing of any a pleading or motion in a pending action or proceedings, or the perfecting or filing of any an appeal from the decision or award of any a court, board, commission, or official falls on a Saturday, a Sunday, the first day of January, the third Monday in January, the twelfth day of February, the third Monday in February, the last Monday in May, the fourth day of July, the first Monday in September, the eleventh day of November, the fourth Thursday in November, the twenty-fifth day of December, and the following Monday ~~whenever~~ when any of the foregoing named legal holidays ~~may~~ fall on a Sunday, and any day appointed or recommended by the governor of Iowa or the president of the United States as a day of fasting or thanksgiving, the time ~~therefor~~ shall be extended to include the next day which is not a Saturday, Sunday, or ~~such day hereinbefore enumerated~~ legal holiday named in this subsection.

Sec. 4. Section 8.31, unnumbered paragraph 6, Code 1987, is amended to read as follows:

The procedure to be employed in controlling the expenditures and receipts of the state fair board and the institutions under the state board of regents, whose collections are not deposited in the state treasury, ~~will be~~ is that outlined in section 421.31, subsection 4 6.

Sec. 5. Section 8.39, subsection 2, Code 1987, is amended to read as follows:

2. If the appropriation of any a department, institution, or agency is insufficient to properly meet the legitimate expenses of such the department, institution, or agency of the state, the director, with the approval of the governor, is ~~authorized to~~ may make an interdepartmental transfer from any other department, institution, or agency of the state having an appropriation in excess of its ~~necessity~~ needs, of sufficient funds to meet that deficiency.

Sec. 6. Section 18.101, Code 1987, is amended to read as follows:

18.101 LEGISLATIVE JOURNALS AND BILLS.

The daily journals of the general assembly and the printed bills shall be sent by the superintendent of printing by mail to subscribers therefor. The journals and bills for both houses for any one session may be purchased for such the sum as is fixed by the state printing board superintendent. The said superintendent shall cause to be printed a sufficient number of copies to fill orders received and reported to the superintendent.

Sec. 7. Section 19A.3, subsection 10, Code 1987, is amended to read as follows:

10. Residents, patients, or inmates employed working in state institutions, or persons on parole employed working in work experience programs for a period no longer than one year.

Sec. 8. Section 29A.43, Code 1987, is amended to read as follows:

29A.43 DISCRIMINATION PROHIBITED — LEAVE OF ABSENCE.

No A person, firm, or corporation, shall not discriminate against any officer or enlisted person of the national guard or organized reserves of the armed forces of the United States because of that membership therein. No An employer, or agent of any an employer, shall not discharge any a person from employment because of being an officer or enlisted person of the military forces of the state, or hinder or prevent the officer or elected enlisted person from performing any military service such the person may be is called upon to perform by proper authority. Any A member of the national guard or organized reserves of the armed forces of the United States ordered to temporary active duty for the purpose of military training or ordered on active state service, shall be is entitled to a leave of absence during the period of such the duty or service, from the member's private employment, other than employment of a temporary nature, and upon completion of such the duty or service the employer shall restore such the person to the position held prior to such the leave of absence, or employ such the person in a similar position; provided, however, that such. However, the person shall give evidence to the employer of satisfactory completion of such the training or duty, and further provided that such the person is still qualified to perform the duties of such the position. Such The period of absence shall be construed as an absence with leave, and shall in no way affect the employee's rights to vacation, sick leave, bonus, or other employment benefits relating to the employee's particular employment. Any A person violating any of the provisions a provision of this section shall be is guilty of a simple misdemeanor.

Sec. 9. Section 50.29, Code 1987, is amended to read as follows:

50.29 CERTIFICATE OF ELECTION.

When any person is thus declared elected, there shall be delivered to that person a certificate of election, under the official seal of the county, in substance as follows:

STATE OF IOWA

County.

At an election ~~held~~ held in said county on the day of , A.D. A B was elected to the office of for the term of years from the day of , A.D. (or if elected to fill a vacancy, say for the residue of the term ending on the day of , A.D. ), and until a successor is elected and qualified.

C D ,  
 President of Board of Canvassers.  
 Witness, E F ,  
 County Commissioner of Elections  
 (clerk).

Such certificate shall be is presumptive evidence of the person's election and qualification.

Sec. 10. Section 50.41, Code 1987, is amended to read as follows:

50.41 CERTIFICATE OF ELECTION.

Each person declared elected by the state board of canvassers shall receive a certificate



**99D.6 CHAIRPERSON — ADMINISTRATOR — EMPLOYEES — DUTIES — BOND.**

The commission shall elect in July of each year one of its members chairperson for the succeeding year. The commission shall appoint an administrator of the racing and gaming division of the department of commerce subject to confirmation by the senate. The administrator shall serve a four-year term. The term shall begin and end in the same manner as set forth in section 69.19. A vacancy shall be filled for the unexpired portion of the term in the same manner as a full-term appointment is made. The administrator may hire other assistants and employees as necessary to carry out the division's duties. Some or all of the information required of applicants in section 99D.8A, subsections 1 and 2, may also be required of employees of the division if the commission deems it necessary. The administrator shall keep a record of the proceedings of the commission, and preserve the books, records, and documents entrusted to the administrator's care. The commission shall require the administrator to post a bond in a sum it may fix, conditioned upon the faithful performance of the administrator's duties. Subject to the approval of the governor, the commission shall fix the compensation of the administrator within salary range five as set by the general assembly. The division shall have its headquarters in the city of Des Moines, and shall meet in July of each year and at other times and places as it finds necessary for the discharge of its duties.

Sec. 18. Section 99E.31, subsection 4, paragraph a, Code 1987, is amended to read as follows:

a. To the Iowa development commission and the Iowa department of economic development the sum of ten million dollars to be allocated by the Iowa development commission or the Iowa department of economic development for economic development and research and development purposes at an institution of higher education under the control of the state board of regents or at an independent college or university of the state. The Iowa development commission ~~and~~ or the Iowa department of economic development shall allocate for the fiscal year beginning July 1, 1985 the first five hundred thousand dollars, for the fiscal year beginning July 1, 1986, the first three million seven hundred fifty thousand dollars, and for the fiscal year beginning July 1, 1987 and for each succeeding fiscal year the first four million two hundred fifty thousand dollars to the Iowa state university of science and technology for agricultural biotechnology research and development. From the money allocated to the Iowa state university of science and technology for agricultural biotechnology research and development the amount of fifty thousand dollars for each of the fiscal years beginning July 1, 1986 and July 1, 1987 shall be used to develop a program in bioethics for research at the university. This program should address socio-economic and environmental implications of biotechnology research.

**PARAGRAPH DIVIDED.** The institutions under control of the state board of regents may present proposals to the state board of regents for the use of the funds. The proposals may include, but are not limited to, endowing faculty chairs, conducting studies and research, establishing centers, purchasing equipment, and constructing facilities in the areas of entrepreneurial studies, foreign language translation and interpretation, management development, genetics, molecular biology, laser science and engineering, biotechnology, third crop development, and value-added projects. The proposals shall include certification from the institution, college or university that it will receive from other sources an amount equal to the amount requested in the proposal. The state board of regents shall, for institutions under its control, determine the specific proposals for which it requests funding and submit them to the Iowa development commission or the Iowa department of economic development. An independent college or university shall submit requests directly to the Iowa development commission or the Iowa department of economic development.

**PARAGRAPH DIVIDED.** The Iowa development commission ~~and~~ or the Iowa department of economic development shall disburse to the regents' institutions or an independent college or university the moneys for the various proposals requested unless the commission or department disapproves of a specific proposal as inconsistent with the plan for economic development for this state. The applicants may submit additional proposals for those not approved

by the Iowa development commission or the Iowa department of economic development. Those funds allocated by the Iowa development commission or the Iowa department of economic development under this paragraph that are not expended by the institution of higher education shall not revert to the commission or department. The Iowa development commission and the Iowa department of economic development shall consult with the Iowa high technology council in making grants under this paragraph.

Sec. 19. Section 109B.1, subsection 3, Code 1987, is amended to read as follows:

3. Authorize the director to enter into written contracts for the removal of underused, undesirable, or injurious organisms from the waters of the state. The contracts shall specify all terms and conditions desired. Sections ~~109.115~~, 109B.4, 109B.6, and 109B.14 do not apply to these contracts.

Sec. 20. Section 123.20, subsection 7, Code 1987, is amended to read as follows:

7. To accept intoxicating liquors ordered delivered to the alcoholic beverages division pursuant to ~~section 127.8, subsection 1~~ chapter 809, and offer for sale and deliver ~~such~~ the intoxicating liquors to class "E" liquor control licensees, unless the administrator determines that ~~such~~ the intoxicating liquors may be adulterated or contaminated. If the administrator determines that ~~such~~ the intoxicating liquors may be adulterated or contaminated, the administrator shall order their destruction.

Sec. 21. Section 123.151, Code 1987, is amended to read as follows:

#### 123.151 POSTING NOTICE ON DRUNK DRIVING LAWS REQUIRED.

~~State liquor stores and holders~~ Holders of liquor control licenses, wine permits, or beer permits shall post in a prominent place in the ~~state liquor stores or~~ licensed premises notice explaining the operation of and penalties of the laws which prohibit the operation of a motor vehicle by a person who is intoxicated. The size, print size, location, and content of the notice shall be established by rule of the division.

Sec. 22. Section 135.11, subsection 17, Code 1987, is amended to read as follows:

17. Administer chapters 125, 135A, 135B, 135C, ~~135D~~, 136A, 136C, 139, 140, 142, 144, and 147A.

Sec. 23. Section 135A.4, subsection 1, Code 1987, is amended to read as follows:

1. To require ~~such~~ reports, make ~~such~~ inspections and investigations, and, ~~with the advice of the hospital advisory council~~, prescribe ~~such regulations~~ rules as the director deems necessary. No reports shall be required, inspections and investigations made, or ~~regulations~~ rules adopted which would have the effect of discriminating against a hospital or other institution or facilities contemplated ~~hereunder~~ under this chapter, solely by reason of the school or system of practice employed or permitted to be employed by physicians therein; ~~provided that such there, if the school or system of practice is recognized by the laws of this state.~~

Sec. 24. Section 135A.6, Code 1987, is amended to read as follows:

#### 135A.6 SURVEY AND PLANNING ACTIVITIES.

The director ~~is authorized and directed to~~ shall make an inventory of existing hospitals and other health facilities, including public, nonprofit and proprietary hospitals and other health facilities, to survey the need for construction of hospitals and other health facilities, and, on the basis of ~~such~~ the inventory and survey, ~~to~~ shall develop a program for the construction of ~~such~~ public and other nonprofit hospitals and other health facilities; ~~as which will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate hospital and other health facility services, and similar services to all the people of the state. In making the inventory and survey and developing a construction program with respect to diagnostic or treatment centers the director shall, in the first instance, advise and consult with a subcommittee of the council, which subcommittee shall consist of the five individual doctors and the individual dentist then serving as members of the council.~~

Sec. 25. Section 135A.9, Code 1987, is amended to read as follows:

## 135A.9 STATE PLAN.

The director shall, with the advice of the council, prepare and submit to the surgeon general a state plan which shall include the hospital and other health facilities construction program developed under this chapter and which shall provide for the establishment, administration and operation of hospital and other health facilities construction activities in accordance with the requirements of the federal Act and regulations ~~thereunder~~ under it. The director shall, prior to the submission of ~~such~~ the plan to the surgeon general, give adequate publicity to a general description ~~to~~ of all the provisions proposed to be included ~~therein~~, and hold a public hearing at which all persons or organizations with a legitimate interest in ~~such~~ the plan may be given an opportunity to express their views. After approval of the plan by the surgeon general, the director shall make the plan or a copy ~~thereof~~ of it available upon request to all interested persons or organizations. The director shall from time to time review the hospital and other health facilities construction program and submit to the surgeon general any modifications ~~thereof~~ of it which the director may find ~~finds~~ necessary and may submit to the surgeon general ~~such~~ modifications of the state plan, not inconsistent with the requirements of the federal Act, as the director may deem ~~deems~~ advisable.

Sec. 26. Section 159.5, subsection 16, paragraph d, Code 1987, is amended to read as follows:

d. Establish, modify, or repeal rules relating to the frequency ~~for~~ with which facilities where water is placed in sealed containers, including, but not limited to, ice making and bottling facilities, are inspected and tested. The frequency standard shall not be less stringent than the frequency standard for testing of public water supplies under chapter 455B.

Sec. 27. Section 163.26, Code 1987, is amended to read as follows:

## 163.26 DEFINITIONS.

For the purposes of this division, the following words shall have the meaning ascribed to them in this section: "Garbage" "garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of foods, including animal carcasses or parts thereof, and shall include ~~includes~~ all waste material, by-products of a kitchen, restaurant, hotel, or slaughterhouse, every refuse accumulation of animal, fruit, or vegetable matter, liquids or otherwise, except grain not consumed, that is collected from hog sales pen floors in public stockyards and fed under the control of the department of agriculture and land stewardship. Animals or parts of animals, which are processed by slaughterhouses or rendering establishments, and which as part of ~~such~~ the processing are heated to not less than 212 degrees F. for thirty minutes, ~~shall~~ are not be deemed garbage for purposes of this chapter.

Sec. 28. Section 163.30, subsection 3, unnumbered paragraph 3, Code 1987, is amended to read as follows:

~~No~~ A permittee shall not represent more than one dealer. Failure of ~~any~~ ~~such~~ a licensee or permittee to comply with ~~the~~ provisions of this chapter or ~~any~~ a rule made pursuant to this chapter is cause for revocation by the secretary of the permit or license after notice to the alleged offender and the holding of a hearing ~~thereon~~ by the secretary. ~~Such rules and regulations~~ Rules shall be made in accordance with chapter 17A. ~~Any~~ A rule, the violation of which is made the basis for revocation, except temporary emergency rules, shall first have been approved after public hearing as provided in section ~~17A.16~~ 17A.4 after giving twenty days' notice of ~~such~~ the hearing as follows:

Sec. 29. Section 173.2, subsections 4, 8, and 10, Code 1987, are amended to read as follows:

4. The president, or an accredited representative, of the Iowa state horticultural society.

8. The president, or an accredited representative, of the Iowa swine pork producers association council.

10. The president, or an accredited representative, of the Iowa sheep association and wool promotion board.

Sec. 30. Section 177.3, subsection 3, Code 1987, is amended to read as follows:

3. The secretary of agriculture or the secretary's designee.

Sec. 31. Section 178.3, subsection 4, Code 1987, is amended to read as follows:

4. The secretary of agriculture or the secretary's designee.

Sec. 32. Section 186.1, Code 1987, is amended to read as follows:

186.1 MEETINGS AND ORGANIZATION OF SOCIETY.

The state horticultural society shall hold meetings each year, at ~~such~~ times as it may fix, for the transaction of business. The officers and board of directors of the society shall be chosen as provided for in the constitution of the society, for the period and in the manner prescribed therein, but the secretary of agriculture or the secretary's designee shall be a member of the board of directors and of the executive committee. Any vacancy in the offices filled by the society may be filled by the executive committee for the unexpired portion of the term.

Sec. 33. Section 220.104, subsection 2, Code 1987, is amended to read as follows:

2. The authority may issue its bonds and notes for the projects set forth in section ~~220.94~~ 220.102 and may enter into one or more lending agreements or purchase agreements with one or more bondholders or noteholders containing the terms and conditions of the repayment of and the security for the bonds or notes. The authority and the bondholders or noteholders or a trustee or agent designated by the authority may enter into agreements to provide for any of the following:

Sec. 34. Section 237A.1, subsection 7, paragraph a, Code 1987, is amended to read as follows:

a. An instructional program administered by a public or nonpublic school system approved or accredited by the department of education or the state board of regents.

Sec. 35. Section 248A.3, subsection 1, Code 1987, is amended to read as follows:

1. The board of parole shall periodically review all applications by persons convicted of criminal offenses and shall recommend to the governor the reprieve, pardon, commutation of sentence, remission of fines or forfeitures, or restoration of the rights of citizenship ~~[for persons]~~ who have by their conduct given satisfactory evidence that they will become or continue to be law-abiding citizens.

Sec. 36. Section 256.9, subsection 4, Code 1987, is amended to read as follows:

4. Employ personnel and assign duties and responsibilities of the department. The director shall appoint a deputy director and division administrators deemed necessary. They shall be appointed on the basis of their professional qualifications, ~~experience in~~ administration, and background. Members of the professional staff are not subject to chapter 19A and shall be employed pursuant to section 256.10.

Sec. 37. Section 259.4, subsection 2, Code 1987, is amended to read as follows:

2. Administer legislation pursuant to the ~~Act of Congress enacted by this state~~ federal acts cited in section 259.1, and direct the disbursement and administer the use of funds provided by the federal government and this state for the vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment.

Sec. 38. Section 261.19, Code 1987, is amended to read as follows:

261.19 PAYMENT OF SUBVENTION.

The registrar of the ~~college~~ university of osteopathic medicine and ~~surgery~~ health sciences shall file, not later than August 1 of each year, a certificate of enrollment which shall include the number, names, and addresses of all students enrolled, by class, and shall indicate which students are resident students. If the number of resident students does not equal thirty percent of the total enrollment of a class, the commission shall deduct an amount which equals the actual state contribution per student for each class member under the required percentage. The commission shall compute the amount of the subvention and shall transmit the funds

to the college university of osteopathic medicine and surgery health sciences by August 15 of each year for which funds are appropriated by the general assembly.

Sec. 39. Section 273.2, unnumbered paragraph 3, and subsections 2 and 4, Code 1987, are amended to read as follows:

The area education agency board shall furnish educational services and programs as provided in sections 273.1 to 273.9 and chapter 281 to the pupils enrolled in public or nonpublic schools located within its boundaries which are on the list of ~~approved~~ approved accredited schools pursuant to section ~~257.25~~ 256.11. The programs and services provided shall be at least commensurate with programs and services existing on July 1, 1974. The programs and services provided to pupils enrolled in nonpublic schools shall be comparable to programs and services provided to pupils enrolled in public schools within constitutional guidelines.

2. Educational data processing pursuant to section ~~257.10~~, subsection 14. 256.9, subsection 11.

4. Auxiliary services for nonpublic school pupils as provided in section ~~257.26~~ 256.12. However, if auxiliary services are provided their funding shall be based on the type of service provided.

Sec. 40. Section 273.3, subsection 20, Code 1987, is amended to read as follows:

20. Pursuant to rules adopted by the state board of education, be authorized to charge user fees for certain materials and services that are not required by law or by rules of the state board of education and are specifically requested by a school district or ~~approved~~ approved accredited nonpublic school.

Sec. 41. Section 280A.25, Code 1987, is amended by adding the following new unnumbered paragraph as unnumbered paragraph 1 preceding subsection 1:

NEW UNNUMBERED PARAGRAPH. The director shall:

Sec. 42. Section 285.1, subsection 12, Code 1987, is amended to read as follows:

12. The pro rata cost of transportation shall be based upon the actual cost for all the children transported in all school buses. It shall include one-seventh of the original net cost of the bus and ~~such~~ other items as ~~shall be~~ determined and approved by the director of the department of education but no part of the capital outlay cost for school buses and transportation equipment for which the school district is reimbursed from state funds or that portion of the cost of the operation of ~~any a~~ school bus used in transporting pupils to and from extra-curricular activities shall be included in determining ~~said the~~ pro rata cost. In ~~any a~~ district where, because of unusual conditions, the cost of transportation is in excess of the actual operating cost of the bus route used to furnish transportation to nonresident pupils, the board of the local district may charge a cost equal to the cost of other schools supplying such service to that area, upon receiving approval of the state director of ~~school transportation~~ the department of education.

Sec. 43. Section 285.16, Code 1987, is amended to read as follows:

285.16 "NONPUBLIC SCHOOL" DEFINED.

As used in this chapter, the term "nonpublic school" means those nonpublic schools ~~approved~~ approved accredited by the department of education as provided in section ~~257.25~~ 256.11 and nonpublic institutions which comply with state board of education standards for providing special education programs.

Sec. 44. Section 291.15, Code 1987, is amended to read as follows:

291.15 ANNUAL REPORT.

The treasurer shall make an annual report to the board at its ~~regular July meeting a~~ regular or special meeting held not later than August 15, which shall show the amount of the general fund and the schoolhouse fund held over, received, paid out, and on hand, the several funds to be separately stated, and the treasurer shall immediately file a copy of this report with the director of the department of education and a copy with the county treasurer.

Sec. 45. Section 301.29, Code 1987, is amended to read as follows:

**301.29 "NONPUBLIC SCHOOL" DEFINED.**

As used in this chapter, the term "nonpublic school" means those nonpublic schools ~~approved~~ accredited by the department of education as provided in section ~~257.25~~. 256.11.

Sec. 46. Section 302.1, subsection 5, unnumbered paragraph 2, Code 1987, is amended by striking the unnumbered paragraph.

Sec. 47. Section 312.2, subsection 10, Code 1987, is amended to read as follows:

10. The treasurer of state shall establish a great river road fund and at the request of the state department of transportation, shall credit monthly before making the allotments provided for in this section, sufficient funds to cover the anticipated costs, as identified by the state department of transportation, for the acquisition and construction of eligible highway-associated project components. ~~Reimbursement to this fund shall be made as necessary from the funds appropriated in section 308.4. In no case shall the unreimbursed allotment to the great river road fund exceed one million dollars less the cumulative sum as annually appropriated in section 308.4. Reimbursed funds shall be reallocated in accordance with the provisions of this section.~~

Sec. 48. Section 317.8, Code 1987, is amended to read as follows:

**317.8 DUTY OF SECRETARY OF AGRICULTURE OR SECRETARY'S DESIGNEE.**

The secretary of agriculture ~~shall be~~ or the secretary's designee is vested with the following duties, powers and responsibilities:

1. The secretary or the secretary's designee shall serve as state weed commissioner, and shall co-operate with all boards of supervisors and weed commissioners, and shall furnish blank forms for reports made by the supervisors and commissioners.

2. The secretary or the secretary's designee may, upon recommendation of the state botanist, temporarily declare noxious any new weed appearing in the state which possesses the characteristics of a serious pest.

3. The secretary or the secretary's designee shall aid the supervisors in the interpretation of the weed law, and make suggestions to promote extermination of noxious weeds.

4. The secretary or the secretary's designee shall aid the supervisors in enforcement of the weed law as it applies to all state lands, state parks and primary roads, and may impose a maximum penalty of a ten dollar fine for each day, up to ten days, that the state agency in control of land fails to comply with an order for destruction of weeds made pursuant to this chapter.

Sec. 49. Section 327A.17, Code 1987, is amended to read as follows:

**327A.17 RULES.**

~~The Pursuant to chapter 17A, the department may by general order or otherwise prescribe rules applicable to liquid transport carriers. The state department may prescribe and enforce safety rules in the operation of liquid transport carriers and require a periodic inspection of the equipment of every liquid transport carrier from the standpoint of enforcement of safety rules, and the equipment shall be at all times subject to inspection by properly authorized representatives of the department.~~

Sec. 50. Section 327H.20, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The department may enter into agreements with railroad corporations, the United States government, ~~persons, cities, and counties, and other persons~~ for carrying out the purposes of this chapter. Agreements entered into between the department and railroad corporations under this section may require a railroad corporation to reimburse all or part of the costs paid from the railroad assistance fund from revenue derived from all railroad cars and traffic using the main line, branch line, switching yard or sidings defined in the agreement. An agreement which does not require the repayment of railroad assistance funds used for rehabilitation

projects shall require the railroad corporation to establish and maintain a separate corporation account to which an amount equal to all or part of the costs paid from the railroad assistance fund shall be credited from revenue derived from all railroad cars and traffic using the main line, branch line, switching yard or siding defined in the agreement. However, one-half of the funds credited to the railroad assistance fund shall be expended as nonreimbursable grants for rehabilitation programs. Credits to the corporation account by the railroad corporation may be used for the ~~improvement, restoration, or conservation, improvement, and construction~~ of the railroad corporation's main line, branch lines, switching yards and sidings within the state. The agreement shall stipulate the terms and conditions governing the use of credits to the corporation account as well as a penalty for the use of the account in a manner other than as provided in the agreement.

Sec. 51. Section 331.301, subsection 10, Code 1987, is amended to read as follows:

10. A county may enter into leases or lease-purchase contracts for real and personal property in accordance with the terms and procedures set forth in section 364.4, subsection 4, provided that the references there to cities shall be applicable to counties, ~~the reference to section 384.26 shall be to section 331.442,~~ the reference to section 384.25 shall be to section 331.443, the reference to section 384.95, subsection 1, shall be to section 331.341, subsection 1, the reference to division VI of chapter 384 shall be to division III, part 3 of chapter 331, and reference to the council shall be to the board.

Sec. 52. Section 331.323, subsection 2, paragraph b, Code 1987, is amended by striking the paragraph.

Sec. 53. Section 331.502, subsection 10, Code 1987, is amended by striking the subsection.

Sec. 54. Section 331.653, subsection 16, Code 1987, is amended by striking the subsection.

Sec. 55. Section 422.16, subsection 11, paragraph a, Code 1987, is amended to read as follows:

a. Every person or married couple filing a return shall make estimated tax payments if the person's or couple's Iowa income tax attributable to income other than wages subject to withholding can reasonably be expected to amount to fifty dollars or more for the taxable year, except that, in the cases of farmers and fishers, the exceptions provided in the Internal Revenue Code of 1954 with respect to making estimated payments shall apply. The estimated tax shall be paid in quarterly installments. The first installment shall be paid on or before the last day of the fourth month of the taxpayer's tax year for which the estimated payments apply. The other installments shall be paid on or before June 30, September 30, and January 31. However, at the election of the person or married couple, any installment of the estimated tax may be paid prior to the date prescribed for its payment. If a person or married couple filing a return has reason to believe that the person's or couple's Iowa income tax may increase or decrease, either for purposes of meeting the requirement to make estimated tax payments or for the purpose of increasing or decreasing estimated tax payments, the person or married couple shall increase or decrease any subsequent estimated tax payments accordingly.

Sec. 56. Section 422.21, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Returns shall be in the form the director may, ~~from time to time, prescribe~~ prescribes, and shall be filed with the department on or before the last day of the fourth month after the expiration of the tax year except that co-operative associations as defined in section 6072(d) of the Internal Revenue Code of 1954 shall file their returns on or before the fifteenth day of the ninth month following the close of the taxable year. If, under the Internal Revenue Code of 1954, a corporation is required to file a return covering a tax period of less than twelve months, the state return shall be for the same period and ~~shall be~~ is due forty-five days after the due date of the federal tax return, excluding any extension of time to file. In case of sickness, absence, or other disability, or if good cause exists, the director may allow further time for filing returns. The director shall cause to be prepared blank forms for the returns and shall

cause them to be distributed throughout the state and to be furnished upon application, but failure to receive or secure the form does not relieve the taxpayer from the obligation of making a return that is required. The department may as far as consistent with the Code draft income tax forms to conform to the income tax forms of the internal revenue department of the United States government. Each return by a taxpayer upon whom a tax is imposed by section 422.5, ~~subsection 1, paragraph "g"~~ shall show the county of the residence of the taxpayer.

Sec. 57. Section 422.45, subsection 32, Code 1987, is amended to read as follows:

32. Gross ~~sale receipts~~ from the sale of raffle tickets for a raffle licensed pursuant to section 99B.5.

Sec. 58. Section 442.13, subsection 14, paragraph b, unnumbered paragraph 4, Code 1987, is amended to read as follows:

If the amount appropriated under this lettered paragraph is insufficient to make the supplemental aid payments, the director of the department of management shall prorate the payments on the basis of the amount appropriated.

Sec. 59. Section 455A.6, subsection 6, paragraph b, Code 1987, is amended to read as follows:

b. Hear appeals in contested cases pursuant to chapter 17A on matters relating to actions taken by the director under chapter ~~83, 83A, 84, 93, 455B, 455C,~~ or 469.

Sec. 60. Section 455C.11, Code 1987, is amended to read as follows:

455C.11 ANNUAL APPROPRIATION.

For the fiscal year commencing July 1, 1979, and each fiscal year thereafter, there is appropriated from the beer and liquor control fund to the Iowa department of public health the sum of one hundred thousand dollars, or so much thereof as may be available, which appropriation shall be made only from the difference between the funds collected from the deposit required on beverage containers containing alcoholic liquor and the funds ~~dispersed~~ disbursed in the payment of the refund value on such beverage containers. The Iowa department of public health shall use the appropriated funds only for the care, maintenance and treatment of alcoholics under chapter 125.

Sec. 61. Section 467A.16, Code 1987, is amended to read as follows:

467A.16 PUBLICATION OF NOTICE.

The notice of hearing on the formation of a subdistrict shall be by publication once each week for two consecutive weeks in some newspaper of general circulation published in the county (or district), the last of which shall be not less than ten days prior to the day set for the hearing on the petition. Proof of such service shall be made by affidavit of the publisher, and be on file with ~~[the]~~ the secretary of the district at the time the hearing begins.

Sec. 62. Section 509B.3, subsection 6, paragraph b, Code 1987, is amended to read as follows:

b. At the end of the period for which contributions were made if the employee or member fails to make timely payment of a required contribution and if proper notice is given as provided in section 509B.5, subsection 2.

Sec. 63. Section 514F.1, Code 1987, is amended to read as follows:

514F.1 UTILIZATION AND COST CONTROL REVIEW COMMITTEES.

The boards of examiners under chapters 148, 150, 150A, 151, and 153 shall establish utilization and cost control review committees of licensees under the respective chapters, selected from licensees who have practiced in Iowa for at least the previous five years, or shall accredit and designate other utilization and cost control organizations as utilization and cost control committees under this section, for the purposes of utilization review of the appropriateness of levels of treatment and of giving opinions as to the reasonableness of charges for diagnostic or treatment services of licensees. Persons governed by the various chapters of Title XX of the Code and self-insurers for health care benefits to employees may utilize the services of

the utilization and cost control review committees upon the payment of a reasonable fee for the services, to be determined by the respective boards of examiners. The respective boards of examiners under chapters 148, 150, 150A, 151, and 153 shall adopt rules necessary and proper for the implementation of this section pursuant to chapter 17A. It is the intent of this general assembly that conduct of the utilization and cost control review committees authorized under this section shall be exempt from challenge under federal or state antitrust laws or other similar laws in regulation of trade or commerce.

Sec. 64. Section 515.20, Code 1987, is amended to read as follows:  
515.20 GUARANTY CAPITAL.

A mutual company organized under this chapter may establish and maintain guaranty capital of at least fifty thousand dollars made up of multiples of ten thousand dollars, divided into shares of not less than fifty dollars each, to be invested as provided for the investment of insurance capital and funds by section 515.35. Guaranty shareholders shall be members of the corporation, and provision may be made for representation of the shareholders of the guaranty capital on the board of directors of the corporation. The representation shall not exceed one-third of the membership of the board. Guaranty shareholders in a mutual ~~companies~~ company are subject to the same regulations of law relative to their right to vote as apply to its policyholders. The guaranty capital shall be applied to the payment of the legal obligations of the corporation only when the corporation has exhausted its assets in excess of the unearned premium reserve and other liabilities. If the guaranty capital is thus impaired, the directors may restore the whole, or any part of the capital, by assessment on ~~its~~ the corporation's policyholders as provided for in section 515.18. By a legal vote of the policyholders of the corporation at any regular or special meeting of the policyholders of the corporation, the guaranty capital may be fully retired or may be reduced to an amount of not less than fifty thousand dollars, if the net surplus of the corporation together with the remaining guaranty capital is equal to or exceeds the amount of minimum assets required by this chapter for such companies, and if the commissioner of insurance consents to the action. Due notice of the proposed action on the part of the corporation shall be included in the notice given to policyholders and shareholders of any annual or special meeting and notice of the meeting shall also be given in accordance with the corporation's articles of incorporation. A company with the guaranty capital, which has ceased to do business, shall not distribute among its shareholders or policyholders any part of its assets, or guaranty capital, until it has fully performed, or legally canceled, all of its policy obligations. Shareholders of the guaranty capital are entitled to interest on the par value of their shares at a rate to be fixed by the board of directors and approved by the commissioner, cumulative, payable semiannually, and payable only out of the surplus earnings of the company. However, the surplus account of the company shall not be reduced by the payment of the interest below the figure maintained at the time the guaranty capital was established. In addition, the interest payment shall not be made unless the surplus assets remaining after the payment of the interest at least equal the amount required by the statutes of Iowa to permit the corporation to continue in business. In the event of the dissolution and liquidation of a corporation having guaranty capital under this section, the shareholders of the capital are entitled, after the payment of all valid obligations of the company, to receive the par value of their respective shares, together with any unpaid interest on their shares, before there may be any distribution of the assets of the corporation among its policyholders. These provisions are in addition to and independent of the provisions contained in section 515.19.

Sec. 65. Section 521A.2, subsection 3, paragraph c, Code 1987, is amended to read as follows:

c. With the approval of the commissioner, invest any greater amount in common stock, preferred stock, debt obligations, or other securities of one or more subsidiaries ~~than permitted pursuant to paragraphs "a" and "b".~~ However, if after the investment the insurer's

surplus as regards policyholders shall be is reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

Sec. 66. Section 521A.4, subsection 1, Code 1987, is amended to read as follows:

1. **REGISTRATION.** An insurer which is authorized to do business in this state and which is a member of an insurance holding company system shall register with the commissioner, except a foreign insurer subject to registration requirements and standards which are substantially similar to those contained in this section and section 521A.5, subsection 1, paragraph "a", and are adopted by statute or regulation in the jurisdiction of its domicile. The insurer shall also file a copy of the summary of its registration statement as required by subsection 4 in each state in which that insurer is authorized to do business if requested to do so by the commissioner of that state. An insurer which is subject to registration under this section shall register within fifteen days after it becomes subject to registration and annually thereafter by March 31 of each year for the previous calendar year unless the commissioner for good cause shown extends the time for registration, and then within the extended time. The commissioner may require any authorized insurer which is a member of a holding company system which is not subject to registration under this section to furnish a copy of the registration statement or other information filed by the insurance company with the insurance regulatory authority of the company's domiciliary jurisdiction.

Sec. 67. Section 521A.11A, subsection 5, Code 1987, is amended to read as follows:

5. To the extent that a person liable under subsection 3 is insolvent or otherwise fails to pay claims due from the person pursuant to this section, the person's parent corporation, holding company, affiliate, or other person who otherwise controlled it at the time the distribution was paid, is separately liable for the its share of any resulting deficiency in the amount recovered from the parent corporation, holding company, affiliate, or other person who otherwise controlled it.

Sec. 68. Section 546.6, Code 1987, is amended to read as follows:

#### 546.6 RACING AND GAMING DIVISION.

The racing and gaming division shall combine and coordinate the supervision of pari-mutuel betting and the conducting of games of skill, games of chance, or raffles in the state. The division shall enforce and implement chapters 99B and 99D. The division is headed by the administrator of racing and gaming who shall be appointed pursuant to section 99D.6. The state racing commission shall perform duties within the division as prescribed in chapter 99D.

Sec. 69. Section 595.10, subsection 1, Code 1987, is amended to read as follows:

1. A judge of the supreme court, court of appeals, or district court, including a district associate judge, or a judicial magistrate, and including a senior judge as defined in section 602.9202, subsection 1.

Sec. 70. Section 601K.1, subsection 3, Code 1987, is amended to read as follows:

3. Division of on the status of women.

Sec. 71. Section 601K.12, Code 1987, is amended to read as follows:

#### 601K.12 COMMISSION CREATED OF SPANISH-SPEAKING PEOPLE — TERMS — COMPENSATION.

A The commission of Spanish-speaking people ~~which shall consist~~ consists of nine members, appointed by the governor from a list of nominees submitted by the governor's Spanish-speaking peoples task force. The members of the commission shall be appointed during the month of June and shall serve for terms of two years commencing July 1 of each odd-numbered year. Members appointed shall continue to serve until their respective successors are appointed. Vacancies in the membership of the commission shall be filled by the original appointing authority and in the manner of the original appointments. Members shall receive actual

expenses incurred while serving in their official capacity. Members may also be eligible to receive compensation as provided in section 7E.6.

Sec. 72. Section 601K.51, subsections 2 and 3, Code 1987, are amended to read as follows:

2. "Division" means the division ~~of~~ on the status of women of the department of human rights.
3. "Administrator" means the administrator of the division ~~of~~ on the status of women of the department of human rights.

Sec. 73. Section 601K.94, subsection 2, Code 1987, is amended to read as follows:

2. Notwithstanding subsection 1, a public agency shall establish an advisory board or may contract with a delegate agency to assist the governing board. The advisory board or delegate agency board shall be composed of the same type of membership as a board of directors for community action agencies under ~~section 601K.95~~ subsection 1. However, the public agency acting as the community action agency shall determine annual program budget requests.

Sec. 74. Section 601K.112, unnumbered paragraph 1, Code 1987, is amended to read as follows:

A commission on the deaf is established, consisting of seven members appointed by the governor, subject to confirmation by the senate. Lists of nominees for appointment to membership on the commission shall be submitted by the Iowa association ~~for~~ of the deaf, the Iowa school for the deaf, and the commission of persons with disabilities. At least four members shall be persons who cannot hear human speech with or without use of amplification. All members shall reside in Iowa. The members of the commission shall appoint the chairperson of the commission. A majority of the members of the commission shall ~~constitute~~ constitutes a quorum.

Sec. 75. Section 601K.114, subsections 1 through 3, Code 1987, are amended to read as follows:

1. Interpret to communities and to interested persons the needs of the deaf and how their needs may be met through the use of ~~resource workers~~ service providers.

2. Obtain without additional cost to the state available office space in public and private agencies which ~~resource workers~~ service providers may utilize in carrying out service projects for deaf persons.

3. Establish service projects for deaf persons throughout the state. Projects shall not be undertaken by ~~resource workers~~ service providers for compensation which would duplicate existing services when those services are available to deaf people through paid interpreters or other persons able to communicate with deaf people.

As used in this section, "service projects" includes interpretation services for persons who are deaf, referral and counseling services for deaf people in the areas of adult education, legal aid, employment, medical, finance, housing, recreation, and other personal assistance and social programs.

"~~Resource workers~~ Service providers" are persons who, ~~on a volunteer basis or~~ for compensation ~~or on a volunteer basis~~, carry out service projects.

Sec. 76. Section 602.6404, subsection 1, Code 1987, is amended to read as follows:

1. A magistrate shall be ~~an elector~~ a resident of the county of appointment during the magistrate's term of office. A magistrate shall serve within the judicial district in which appointed, as directed by the chief judge, provided that the chief judge may assign a magistrate to hold court outside of the county of the magistrate's residence only if it is necessary for the orderly administration of justice. A magistrate is subject to reassignment under section 602.6108.

Sec. 77. Section 602.8102, subsection 31, Code 1987, is amended by striking the subsection.

Sec. 78. Section 602.8102, subsection 46, Code 1987, is amended to read as follows:

46. Carry out duties relating to repleves, pardons, commutations, remission of fines and forfeitures, and restoration of citizenship as provided in sections 248A.5 and 248A.6.

Sec. 79. Section 610.1, Code 1987, is amended to read as follows:

610.1 AFFIDAVIT – CONTENTS – TOLLING OF LIMITATIONS.

A court of the district court, court of appeals, or supreme court shall authorize the commencement, prosecution, or defense of a suit, action, proceeding, or appeal, whether civil or criminal, without the prepayment of fees, costs, or security upon a showing that the person is unable to pay such costs or give security. The person shall submit an affidavit stating the nature of the suit, action, proceeding, or appeal and the affiant's belief that there is an entitlement to redress. Such affidavit shall also include a brief financial statement showing the person's inability to pay costs, fees, or give security. Any authorization to proceed without prepayment of fees, costs, or security under this chapter may be made by the court without hearing. The filing of an affidavit to proceed without the prepayment of fees, costs, or security tolls the applicable statute of limitations. Upon the denial of an application and affidavit to proceed without the prepayment of fees, costs, or security, the person shall have the remainder of the limitations period in which to pay fees, costs, or give security. This section does not allow the deferral of the cost of a transcript.

Sec. 80. Section 654.15, subsection 2, paragraph c, subparagraph (4), Code 1987, is amended to read as follows:

(4) The remaining balance shall be paid to the owner of the written instrument upon which the foreclosure was based, to be credited against the ~~deferred interest and then against the~~ principal due on the written instrument.

Sec. 81. Section 679A.10, Code 1987, is amended to read as follows:

679A.10 FEES AND EXPENSES OF ARBITRATION.

Unless otherwise provided in the agreement to arbitrate, and except for ~~council~~ counsel fees, the arbitrators' expenses and fees and any other expenses incurred in the conduct of the arbitration shall be paid as provided in the award.

Sec. 82. Section 725.3, Code 1987, is amended to read as follows:

725.3 PANDERING.

1. A person who persuades, arranges, coerces, or otherwise causes another, not a minor, to become a prostitute, or to return to the practice of prostitution after having abandoned it, or keeps or maintains any premises for the purposes of prostitution or takes a share in the income from such premises knowing the character and content of such income, commits a class "D" felony.

2. A person who persuades, arranges, coerces, or otherwise causes a minor to become a prostitute, or to return to the practice of prostitution after having abandoned it, or keeps or maintains any premises for the purpose of prostitution involving minors or knowingly shares in the income from such premises knowing the character and content of such income, commits a class "C" felony.

Sec. 83. Sections 11.29 and 311.31, Code 1987, are repealed.

Approved May 5, 1987