

CHAPTER 1168
NONSUBSTANTIVE CORRECTIONS
H.F. 2312

AN ACT relating to nonsubstantive Code and Act corrections.

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

Section 1. Section 2.47A, subsection 2, paragraph a, Code Supplement 1989, is amended to read as follows:

a. Gather information relative to capital projects, as defined in section 8.3A, for the purpose of aiding the general assembly to properly appropriate moneys for capital projects.

Sec. 2. Section 3.1, subsection 1, Code 1989, is amended to read as follows:

1. Shall refer to the numbers of the sections or chapters of the Code or Code Supplement to be amended or repealed, but it shall ~~is~~ not be necessary to refer to such ~~the~~ sections or chapters in the title.

Sec. 3. Section 8.6, subsection 13, Code Supplement 1989, is amended to read as follows:

13. CAPITAL PROJECT BUDGETING REQUESTS. To compile annually, no later than October 1, all capital project budgeting requests of all state agencies, as ~~capital project and state agency~~ are defined in section 8.3A, and to consolidate the requests, with individual state agency priorities noted, into a report for submission to the legislative capital projects committee not later than October 1, with any additional information regarding ~~such~~ the capital project budgeting requests or priorities to be compiled and submitted in the same manner no later than November 1.

Sec. 4. Section 8.6, subsection 14, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

To prepare annually, in cooperation with the department of general services, a five-year capital project priority plan for all state agencies, as ~~capital project and state agency~~ are defined in section 8.3A, to be submitted no later than July 1, beginning in the year 1990, to the legislative capital projects committee. The plan shall include but ~~is~~ not be limited to the following:

Sec. 5. Section 8.22, subsection 1, unnumbered paragraph 2, Code Supplement 1989, is amended to read as follows:

The governor's program shall include a single budget request for all capital projects, as defined in ~~section 8.3A~~, proposed by the governor. The request shall include but ~~is~~ not be limited to the following:

Sec. 6. Section 12.39, Code 1989, is amended to read as follows:

12.39 LIABILITY.

The state and the treasurer of state are not liable to an eligible lending institution in any manner for payment of the principal or interest on the loan to an eligible borrower. Any delay in payments or default on the part of an eligible borrower does not in any manner affect the ~~deposit~~ investment agreement between the eligible lending institution and the treasurer of state.

Sec. 7. Section 15.287, Code Supplement 1989, is amended to read as follows:

15.287 REVOLVING FUND.

The Iowa finance authority shall establish a revolving fund for the program and shall transfer to the department moneys to be administered by the department. The moneys in the revolving fund are appropriated for purposes of the program. Notwithstanding section 8.33, moneys in the fund at the end of a fiscal year shall not revert to any other fund but shall remain in the revolving fund. The fund shall consist of all appropriations, grants, or gifts received by the authority or the department specifically for use under this part; ~~revenues designated in~~

section 98.35 to be deposited in the fund; and all repayments of loans or grants made under this part.

Sec. 8. Section 18.12, subsection 15, Code Supplement 1989, is amended to read as follows:

15. Prepare quarterly status reports for all ongoing capital projects of all state agencies, as capital project and state agency are defined in section 8.3A, and submit the status reports to the legislative capital projects committee.

Sec. 9. Section 18B.6, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

The board established pursuant to section 18.5 ~~18B.5~~ shall have all the general powers needed to carry out its mission and duties, including but not limited to the following powers:

Sec. 10. Section 28.154, Code Supplement 1989, is amended to read as follow:

28.154 BOARD OF DIRECTORS.

1. The board of directors is established consisting of the following standing members, and governor-appointed members, and ex officio, nonvoting members:

a. The following standing members:

(1) One ~~board~~ member to represent each state university's consortium appointed by the president of each state university.

(2) A president of a merged area school, or the president's designee, appointed by the Iowa association of community college presidents.

(3) A president of an Iowa independent college or university, or the president's designee, appointed by the Iowa association of independent colleges and universities.

(4) The director of the department of economic development or the director's designee.

(5) The chairperson of the Iowa product development corporation.

(6) A shareholder member of the business development finance corporation elected by the business development finance corporation board.

(7) The secretary of agriculture or the secretary's designee.

(8) The governor's science advisor.

(9) b. Five persons appointed by the governor, subject to senate confirmation, three of whom shall be persons involved directly in research and development of technology-based industries or persons with experience in technology, and two of whom shall be directly involved in agriculture-related enterprises.

b. c. The following ex officio, nonvoting members:

Four ~~board~~ members, with one ~~board~~ member appointed by each of the following persons: the speaker of the house of representatives, the minority leader of the house of representatives, the majority leader of the senate, and the minority leader of the senate.

2. The board of directors shall be bipartisan and gender balanced in accordance with sections 69.16 and 69.16A.

3. The terms of the appointed members ~~shall be for~~ are four years and shall be staggered as determined by the standing members. ~~Any~~ A vacancy shall be filled by the appointing authority. Members are eligible for actual expense reimbursement while fulfilling duties of the foundation. The governor and the legislative council shall convene the initial meeting of the board. The board shall elect a chairperson from among its members.

Sec. 11. Section 96.14, subsection 7, Code 1989, is amended to read as follows:

7. ORIGINAL NOTICE — FORM. The original notice of suit filed with the secretary of state shall be in form and substance the same as now provided in suits against residents of this state, except that ~~that the part of said~~ the notice pertaining to the return day shall be in substantially the following form, to wit:

"And unless you appear ~~thereto~~ and defend in the district court of Iowa in and for county at the courthouse in, Iowa, before noon of the sixtieth day following the filing of this notice with the secretary of state of this state, you will be adjudged in default, your default entered of record, and judgment rendered against you for the relief sought in plaintiff's petition."

Sec. 12. Section 99.6, Code 1989, is amended to read as follows:

99.6 TEMPORARY RESTRAINING ORDER.

~~Where~~ If a temporary injunction is ~~prayed~~ petitioned for, the court, on the application of plaintiff, may issue an ex parte restraining order, restraining the defendants and all other persons from removing or in any manner interfering with the furniture, fixtures, musical instruments, and movable property used in conducting the alleged nuisance, until the decision of the court granting or refusing ~~such~~ the temporary injunction and until the further order of the court ~~thereon~~.

Sec. 13. Section 99.10, Code 1989, is amended to read as follows:

99.10 NOTICE.

Three days' notice in writing shall be given the defendants of the hearing of the application for temporary injunction, and if then continued at the instance of defendant, the temporary writ as ~~prayed~~ petitioned for shall be granted as a matter of course.

Sec. 14. Section 99.11, Code 1989, is amended to read as follows:

99.11 ANSWER.

Each defendant so notified shall serve upon the complainant or the complainant's attorney a verified answer on or before the date fixed in ~~said~~ the notice for ~~said~~ a hearing, and ~~such~~ the answer shall be filed with the clerk of the district court of the county ~~wherein such~~ where ~~the~~ the cause is triable, but the court may allow additional time for so answering, ~~provided~~ such. ~~However, an extension of time shall not prevent the issuing of said the temporary writ as prayed~~ petitioned for. The allegations of the answer shall be deemed to be traversed without further pleading.

Sec. 15. Section 114.11, Code 1989, is amended to read as follows:

114.11 SECRETARY STAFF – DUTIES.

The ~~secretary~~ staff shall keep on file a record of all certificates of registration granted and shall make annual revisions of the record as necessary. In revising the record the ~~secretary~~ staff shall communicate biennially by mail with every professional engineer and surveyor registered under this chapter, as provided in section 114.18.

Sec. 16. Section 114.12, Code 1989, is amended to read as follows:

114.12 DISPOSITION OF FEES.

The ~~secretary~~ staff shall collect and account for all fees provided for by this chapter and pay the ~~same~~ fees to the treasurer of state who shall deposit the fees in ~~the~~ the general fund of the state as provided by law.

Sec. 17. Section 114.20, unnumbered paragraph 3, Code 1989, is amended to read as follows:

The application for registration shall be accompanied by a fee as determined by the board. After the board determines the applicant to be qualified under this section, a certificate of registration shall be issued upon receipt of an additional fee as determined by the board. All fees collected shall be transmitted to the treasurer of state and deposited in ~~the~~ the general fund of the state as provided by law.

Sec. 18. Section 116.15, Code 1989, is amended to read as follows:

116.15 SECRETARY STAFF TO COLLECT FEES – DEPOSIT.

A ~~secretary~~ Staff may be employed to collect and account for all fees and pay them to the treasurer of state for deposit in ~~the~~ the general fund of the state as provided by law. The board shall set the fees for examination as a certified public accountant, and for examination as an accounting practitioner, based upon the annual cost of administering the examinations. The fees for registration and renewal of a certificate and permit as a certified public accountant, registration as a public accountant, registration of a foreign public accountant, and licensure

and renewal as an accounting practitioner, shall be based upon the administrative costs of sustaining the board which shall include, but ~~shall~~ are not be limited to, the costs for:

1. Per diem, expenses, and travel for board members.
2. Office supplies and equipment.
3. Clerical Staff assistance.

Sec. 19. Section 117.14, Code Supplement 1989, is amended to read as follows:
117.14 FEES AND EXPENSES.

All fees and charges collected by the real estate commission under this chapter shall be paid into the ~~general fund in the state treasury and deposited as provided by law~~, except that the equivalent of ten dollars per year of the fees for each real estate salesperson's or broker's license shall be paid into the Iowa real estate education fund created in section 117.54. All expenses incurred by the commission under this chapter, including compensation of staff assigned to the commission, shall be paid out of the ~~general fund in the state treasury as provided by law~~, except for expenses incurred and compensation paid for the real estate education director, which shall be paid out of the real estate education fund.

Sec. 20. Section 117.27, subsection 3, Code Supplement 1989, is amended to read as follows:
3. ~~Director, assistants, and clerical~~ Staff assistance.

Sec. 21. Section 117B.6, subsection 1, paragraph b, and subsection 2, Code Supplement 1989, are amended to read as follows:

- b. Salary, per diem, and expenses of an ~~executive secretary, assistants, and employees~~ staff.
2. Fees collected by the board shall be transmitted to the treasurer of state who shall deposit the fees in the ~~general fund of the state as provided by law~~.

Sec. 22. Section 118.2, Code 1989, is amended to read as follows:
118.2 OFFICERS.

During the month of July of each year the board shall elect from its members a president, vice president, and a secretary. The duties of the officers shall be ~~such as are those~~ usually performed by such officers. The division may employ an ~~executive secretary whose salary shall be established pursuant to section 19A.9, subsection 2 shall provide staff assistance~~.

Sec. 23. Section 118.11, subsection 3, and unnumbered paragraph 2, Code 1989, are amended to read as follows:

3. ~~Clerical~~ Staff assistance.

All fees shall be paid to the treasurer of state and deposited in the ~~general fund of the state as provided by law~~.

Sec. 24. Section 118A.4, Code 1989, is amended to read as follows:

118A.4 ORGANIZATION OF THE BOARD — MEETINGS — QUORUM.

The board shall elect annually from its members a chairperson and vice chairperson. The duties of the officers shall be ~~such as are those~~ usually performed by such officers. The board shall hold at least one meeting each year at the location of the board's principal office, and meetings shall be called at other times by the ~~secretary division staff~~ at the request of the chairperson or four members of the board. A majority of the members shall ~~constitute~~ constitutes a quorum. No action at any meeting can be taken without the affirmative votes of a majority of the members of the board.

Sec. 25. Section 118A.14, subsection 3, and unnumbered paragraph 2, Code 1989, are amended to read as follows:

3. ~~Clerical~~ Staff assistance.

All fees shall be collected by the secretary, paid to the treasurer of state and deposited in the ~~general fund of the state as provided by law~~.

Sec. 26. Section 123.64, Code 1989, is amended to read as follows:

123.64 NOTICE.

Three days' notice in writing shall be given the defendant of the hearing of the application, and if then continued at the defendant's instance the writ as ~~prayed~~ petitioned for shall be granted as a matter of course.

Sec. 27. Section 147.74, unnumbered paragraph 7, Code 1989, is amended to read as follows:

~~Any~~ A graduate of a school accredited on the board of optometric examiners may use the prefix "Doctor", but shall add after the person's name the letters "~~Opt.~~" or "~~Optometrist~~" "O.D."

Sec. 28. Section 166D.4, subsection 1, Code Supplement 1989, is amended to read as follows:

1. The pork producer board of directors within the area proposed as a program area has approved by a two-thirds majority vote to ~~designate~~ designating the area as a program area.

Sec. 29. Section 166D.9, subsection 3, paragraph a, Code Supplement 1989, is amended to read as follows:

a. The swine have been removed from the premises, and the premises have been cleaned and disinfected under supervision of the department or the inspection service. The disinfectant shall be approved by the department or inspection service. The premises must have been maintained free of swine for thirty days. However, the epidemiologist for good cause may determine that premises shall be maintained free of swine for a period greater or less than thirty days.

Sec. 30. Section 166D.10, subsection 3, paragraph b, Code Supplement 1989, is amended to read as follows:

b. A feeder pig in a herd of unknown pseudorabies status as provided shall be subject to restricted movement.

Sec. 31. Section 185C.16, Code Supplement 1989, is amended to read as follows:

185C.16 NOTICE OF REFERENDUM.

Notice of a referendum election to initiate or terminate a promotional order shall be given by publication in a newspaper of general circulation in this state at least ten days prior to the date of the referendum and in any other reasonable manner as may be determined by the secretary for the initial referendum and by the board for ~~extension~~ termination of the promotional order.

Sec. 32. Section 192.30, Code 1989, is amended to read as follows:

192.30 LAW TO BE ENFORCED BY SECRETARY OF AGRICULTURE OR MUNICIPALITIES.

This chapter and chapters 190 and 191 shall be enforced by the secretary or municipal corporations, which have entered into agreements with the secretary under sections 192.11 and 192.48, both of whom shall make regulations which shall conform to the Grade "A" Pasteurized Milk Ordinance ~~with Administrative Procedures — 1978 Recommendations of the United States Public Health Service, 1985 Revision~~, a certified copy of which shall be on file at the secretary's office or the office of the clerk of an authorized municipal corporation. Where the mandatory compliance with provisions of the appendixes therein is specified, the provisions shall be deemed a requirement of the chapters.

Municipal corporations may establish grade "A" standards for cottage cheese dry curd, cottage cheese, and low fat cottage cheese as a part of the ordinance required by this section; however no municipal corporation shall require a grade "A" rating for these products as a condition precedent to their sale within the city.

Sec. 33. Section 192.33, Code 1989, is amended to read as follows:

192.33 RATING REQUIRED TO RETAIN PERMIT.

A pasteurized milk and milk products sanitation compliance rating of ninety percent or more calculated according to the rating system as contained in Public Health Service Publication, "Method of Making Sanitation Ratings of Milk Supplies, ~~1978 Edition~~ 1987 Revision", shall

be necessary to receive or retain a permit under section 192.5. Said publication is hereby incorporated into this section by this reference and made a part hereof insofar as applicable, a copy of which shall be on file in the office of the secretary or the office of the clerk of an authorized municipal corporation at all times.

Sec. 34. Section 232.11, subsection 3, paragraph b, Code 1989, is amended to read as follows:

b. If the court determines that the parent, guardian, or custodian cannot pay any part of the expenses of counsel to represent the child, it shall appoint such counsel, who shall be reimbursed according to the provisions of section 232.141, subsection 1 2, paragraph "b".

Sec. 35. Section 232.52, subsection 2, paragraph c, subparagraph (2), Code 1989, is amended to read as follows:

(2) If the court deems appropriate, ordering the parent, guardian, or custodian to reimburse the county for any costs incurred as provided in section 232.141, subsection 5 1 or to otherwise pay or provide for such care and treatment.

Sec. 36. Section 261.36, subsection 8, Code Supplement 1989, is amended to read as follows:

8. Implement various means of encouraging maximum lender participation in the Iowa guaranteed loan ~~payment~~ program.

Sec. 37. Section 261.37, subsection 1, Code Supplement 1989, is amended to read as follows:

1. To review the Iowa guaranteed loan ~~and the Iowa guaranteed loan payment programs~~ program.

Sec. 38. Section 261.39, unnumbered paragraph 2, Code Supplement 1989, is amended to read as follows:

All assets and liabilities of the student loan program established pursuant to sections 261.5 to 261.8, Code 1977, and existing on July 1, 1978, ~~shall be~~ are assets and liabilities of the Iowa guaranteed loan ~~payment~~ program established pursuant to this chapter.

Sec. 39. Section 261.42, Code Supplement 1989, is amended to read as follows:

261.42 SHORT TITLE.

This division shall be known and may be cited as the "Iowa Guaranteed Loan ~~Payment~~ Program".

Sec. 40. Section 280A.39, unnumbered paragraph 2, Code 1989, is amended to read as follows:

If the vote is favorable in each merged area, the boards of each area shall proceed to transfer the assets, liabilities, and facilities of the areas to the combined merged area, and shall serve as the acting board of the combined merged area until a new board of directors is elected. The acting board shall submit to the director of the department of education a plan for redistricting the combined merged area, and upon receiving approval from the director, shall provide for the election of a director from each new district at the next regular school election. The directors elected from each new district shall determine their terms by lot ~~as provided in section 280A.11~~ so that the terms of one-third of the members, as nearly as may be, expire each year. Election of directors for the combined merged area shall follow the procedures established for election of directors of a merged area. A combined merged area is subject to all provisions of law and ~~regulations~~ rules governing merged areas.

Sec. 41. Section 298.4, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

The board of directors of a school district may certify for levy by March 15 of a school year, a tax on all taxable property in the school district for a district management levy. The revenue from the tax levied in this section shall be placed in the district management subfund of the general fund of the school district. The district management levy shall be expended only for the following purposes:

Sec. 42. Section 302.33, Code 1989, is amended to read as follows:

302.33 SUIT — ATTORNEY FEE.

If ~~such the~~ debtor ~~shall neglect to~~ does not comply with ~~such the~~ notice, the auditor shall report the ~~same noncompliance~~ to the county attorney, who shall bring an action to recover the ~~same debt~~, and an injunction may issue for cause, without bond when so ~~prayed~~ petitioned, and there shall be allowed in the judgment, entered and taxed as a part of the costs in the case, a reasonable sum as compensation to plaintiff's attorney, not exceeding the amount as provided by law for attorneys' fees.

Sec. 43. Section 307B.9, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

Except as provided in this chapter, all obligations are payable solely out of the pledged receipts as designated in the bond proceedings. Tax funds which the authority receives from a political subdivision of the state shall not be pledged for payment of the obligations. Except for those tax funds deposited in the special railroad facility fund as provided in sections 307B.23, subsection 3 2, ~~435.9 and 324A.8~~ or other tax funds available pursuant to section 307B.26, the state shall not appropriate tax funds, directly or indirectly, to the authority for the purpose of payment of obligations of the authority. Obligations shall be authorized by resolution of the board and bond proceedings shall provide for the purpose of the obligations, the principal amount, the principal maturity or maturities, not exceeding twenty-five years from the date of issuance, the interest rate or rates or the maximum interest rate, the date of the obligations and the dates of payment of interest on them, their denomination, and the establishment within or without the state of a place or places of payment of bond service charges. As much as is practicable within the legal and fiscal limitations inherent in bond issuance, a portion of the bonds shall be issued in denominations of five thousand dollars and smaller, in order to allow smaller investors in the state to purchase the bonds.

Sec. 44. Section 307B.23, subsection 1, Code Supplement 1989, is amended to read as follows:

1. There is created in the office of the state treasurer a "special railroad facility fund". This fund shall include moneys ~~credited to this fund under and other moneys~~ which by law may be credited to the special railroad facility fund. The moneys in the special railroad facility fund are appropriated to and for the purposes of the authority as provided in this chapter. The funds in the special railroad facility fund shall not be considered as a part of the general fund of the state, are not subject to appropriation for any other purpose by the general assembly, and in determining a general fund balance shall not be included in the general fund of the state but shall remain in the special railroad facility fund to be used for the purposes set forth in this section. The treasurer of state shall act as custodian of the fund and disburse amounts contained in it as directed by the authority. The treasurer of state is authorized to invest the funds deposited in the special railroad facility fund at the direction of the authority and subject to any limitations contained in the bond proceedings. The income from the investment shall be credited to and deposited in the special railroad facility fund. This fund shall be administered by the authority and may be used to purchase or upgrade railroad right-of-way and trackage facilities or to purchase general or limited partnership interests in a partnership formed to purchase, upgrade, or operate railroad right-of-way and trackage facilities, to pay or secure obligations issued by the authority, to pay obligations, judgments, or debts for which the authority becomes liable in its capacity as a general partner, or for any other use authorized under this chapter. The fund may also be used to purchase or upgrade railroad right-of-way and trackage facilities for the development of railroad passenger tourism.

Sec. 45. Section 359.14, Code 1989, is amended to read as follows:

359.14 CHANGING NAME — PETITION — NOTICE.

~~Any~~ Eligible electors of a township ~~desirous of changing wishing to change~~ its name may petition the board of supervisors and, if it ~~shall appear~~ appears to ~~said the~~ board that a majority of the ~~actual resident voters~~ eligible electors of ~~such the~~ township are in favor of ~~such the~~

change, ~~such~~ the board shall cause notices, attested by the auditor, to be posted in three of the most public places of ~~such the~~ township, for at least thirty days ~~previous to before~~ the next regular session of ~~said the~~ board, ~~which~~. The notice shall state ~~the fact~~ that a petition has been presented to ~~said the~~ board by the citizens eligible electors of ~~said the~~ township, ~~praying for~~ seeking a change of the name of the ~~same~~ township and ~~recite~~ shall state the name ~~prayed for~~ sought in ~~said the~~ petition, and that, unless those interested in the change of ~~such~~ name shall appear at the next regular session of ~~said the~~ board and show cause why ~~said the~~ name shall not be changed, there will be an order made granting ~~such the~~ change.

Sec. 46. Section 422.35, subsection 6, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

If the taxpayer is a small business corporation, subtract an amount equal to sixty-five percent of the wages paid to individuals, but shall not to exceed twenty thousand dollars per individual, named in paragraphs "a", "b", and "c" who were hired for the first time by the taxpayer during the tax year for work done in this state:

Sec. 47. Section 424.17, subsection 2, Code Supplement 1989, is amended to read as follows:

2. A person who willfully attempts to evade a charge imposed by this chapter or the payment of the charge or a person who makes or causes to be made a false or fraudulent return with intent to evade the charge imposed by this chapter or the payment of the charge tax is guilty of a class "D" felony.

Sec. 48. Section 428.20, Code Supplement 1989, is amended to read as follows:

428.20 "MANUFACTURER" DEFINED — ~~DUTY TO LIST~~.

A person who purchases, receives, or holds personal property of any description for the purpose of adding to its value by a process of manufacturing, refining, purifying, combining of different materials, or by the packing of meats, with a view to selling the property for gain or profit, is a "manufacturer" for the purposes of this title, and shall list ~~such property for~~ taxation.

Sec. 49. Section 447.4, Code 1989, is amended to read as follows:

447.4 REDEMPTION FROM SALE FOR PART OF TAX.

In case a redemption is made of ~~any~~ real estate sold for a less sum ~~less~~ than the taxes, penalty, interest, and costs, the purchaser shall is entitled to receive only the amount paid and a ratable part of ~~such the~~ penalty, interest, and costs. In determining the interest and penalties to be paid upon redemption from ~~such~~ sale, the sum due on ~~any~~ a parcel sold shall be taken to be the full amount of taxes, interest, and costs due ~~thereon on the~~ parcel at the time of ~~such~~ sale, and the amount paid for ~~any such~~ a parcel at ~~such~~ sale shall be apportioned ratably among the several funds to which it belongs. Real estate so sold shall ~~be~~ is redeemable in the same manner and with the same penalties as that sold for the taxes of the preceding year.

Sec. 50. Section 455B.301, subsection 15, Code 1989, is amended to read as follows:

15. "Solid waste" means garbage, refuse, rubbish, and other similar discarded solid or semi-solid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by section 321.1, subsection 1. However, this division does not prohibit the use of dirt, stone, brick, or similar inorganic material for fill, landscaping, excavation or grading at places other than a sanitary disposal project. Solid waste does not include hazardous waste as defined in section 455B.411 or source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.

Sec. 51. Section 476.2, unnumbered paragraph 3, Code 1989, is amended to read as follows:

The board is ~~hereby authorized and empowered to~~ may intervene in any proceedings before the federal power energy regulatory commission or any other federal or state regulatory body

when it finds that any decision of ~~such~~ that tribunal would adversely affect the costs of any public utility service within the state of Iowa.

Sec. 52. Section 476.33, subsections 1, 2, and 3, Code Supplement 1989, are amended to read as follows:

1. The board shall adopt rules pursuant to chapter 17A to provide for the completion of proceedings under section 476.3 within ten months after the date of the filing of a petition under section 476.3, subsection 2, and to provide for the completion of proceedings under section 476.6 within ten months after the date of filing of the new or changed rates, charges, schedules, or regulations under that section. These rules shall include reasonable time limitations for the submission or completion of comments and testimony, and exhibits, briefs, and hearings, and may provide for the granting of additional time upon the request of a party to the proceeding ~~or division staff~~ for good cause shown.

2. Additional time granted to a party ~~or to division staff~~ under subsection 1 shall not extend the amount of time for which a utility is required to file a bond or other undertaking conditioned upon refund under section 476.3, subsection 2.

3. If in a proceeding under section 476.6 additional time is granted to a party ~~or division staff~~ under subsection 1, the board may extend the ten-month period during which a utility is prohibited from placing its entire rate increase request into effect under section 476.6, but an extension shall not exceed the aggregate amount of all additional time granted under subsection 1.

Sec. 53. Section 490.1703, subsection 1, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

Except as provided in subsection 2, the repeal of a statute by this 1989 Iowa Acts, chapter 288, does not affect:

Sec. 54. Section 523D.3, subsection 2, paragraph a, Code Supplement 1989, is amended to read as follows:

a. Any material differences between the pro forma income statement filed pursuant to this chapter ~~either~~ as part of the most recent annual disclosure statement and the actual results of operations during the fiscal year, if the material differences substantially affect the financial safety or soundness of the community.

Sec. 55. Section 523D.6, subsection 3, unnumbered paragraph 3, Code Supplement 1989, is amended to read as follows:

If you cancel this contract, any money or property transferred to the provider, and any payments made by you will be returned within thirty calendar days following receipt by the provider of your cancellation notice, and any security interest arising out of the transaction will be canceled, except that the provider may retain the reasonable value of care and services actually provided to the resident prior to the resident vacating the provider's facility.

Sec. 56. Section 537.6202, subsection 1, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

Persons subject to this part shall file notification with the administrator within thirty days after commencing business in this state ~~or within thirty days after enactment of this Act, whichever is applicable~~, and, thereafter, on or before January 31 of each year. The notification must state all of the following:

Sec. 57. Section 554.8403, subsection 4, paragraph b, Code Supplement 1989, is amended to read as follows:

b. claims of which the ~~user~~ issuer has received a written notification from the registered owner or the registered pledgee if the notification was received at a time and in a manner affording the issuer a reasonable opportunity to act on it in accordance with the requirements of subsection 5;

Sec. 58. Section 570A.2, subsection 2, Code 1989, is amended to read as follows:

2. If within ~~two~~ four business days of receipt of a certified request a financial institution fails to issue a memorandum upon the request of an agricultural supply dealer and the request from the agricultural supply dealer was proper under subsection 1, or if the memorandum from the financial institution is incomplete, or if the memorandum from the financial institution states that the farmer does not have a sufficient net worth or line of credit to assure payment of the purchase price, the agricultural supply dealer may decide to make the sale and secure the lien provided in section 570A.3.

Sec. 59. Section 602.6403, subsection 2, Code Supplement 1989, is amended to read as follows:

2. The magistrate appointing commission for each county shall prescribe the contents of an application, in addition to any application form provided by the supreme court, for an appointment pursuant to this section. The commission shall publicize notice of any vacancy to be filled in at least two publications in ~~the~~ all official county ~~newspaper~~ newspapers in the county. The commission shall accept applications for a minimum of fifteen days prior to making an appointment, and shall make available during that period of time any printed application forms the commission prescribes.

Sec. 60. Section 724.5, Code 1989, is amended to read as follows:

724.5 DUTY TO CARRY PERMIT TO CARRY WEAPONS.

~~It shall be the duty of any A~~ A person armed with a revolver, pistol, or pocket billy concealed upon the person ~~to shall~~ shall have in the person's immediate possession the permit provided for in section 724.4, subsection ~~8~~ 4, ~~paragraph i,~~ paragraph i, and ~~to shall~~ shall produce ~~same~~ the ~~permit~~ permit for inspection at the request of ~~any a~~ a peace officer. Failure to so produce ~~such a~~ such a permit ~~shall constitute~~ is a simple misdemeanor.

Sec. 61. Section 903A.5, unnumbered paragraph 1, Code 1989, is amended to read as follows:

An inmate shall not be discharged from the custody of the director of the Iowa department of corrections until the inmate has served the full term for which the inmate was sentenced, less good conduct time earned and not forfeited, unless the inmate is pardoned or otherwise legally released. Good conduct time earned and not forfeited shall apply to reduce a mandatory minimum sentence being served pursuant to section 204.406, 204.413, 902.7, 902.8, or ~~906.5~~ 902.11. An inmate shall be deemed to be serving the sentence from the day on which the inmate is received into the institution. However, if an inmate was confined to a county jail or other correctional or mental facility at any time prior to sentencing, or after sentencing but prior to the case having been decided on appeal, because of failure to furnish bail or because of being charged with a nonbailable offense, the inmate shall be given credit for the days already served upon the term of the sentence. The clerk of the district court of the county from which the inmate was sentenced, shall certify to the warden the number of days so served.

Sec. 62. Section 910A.9, subsection 5, Code Supplement 1989, is amended to read as follows:

5. The date on which the offender is expected to be released from an institution ~~or facility~~ pursuant to a plan of parole ~~or work~~ release, or upon discharge of sentence.

Sec. 63. 1989 Iowa Acts, chapter 225, section 5, is amended to read as follows:

SEC. 5. The governor's alliance on substance abuse, created pursuant to executive order number 32 and in accordance with the federal Anti-Drug Abuse Act of 1986, Pub. L. No. 99-570, is transferred from the Iowa department of public health to the drug enforcement and abuse prevention coordinator and ~~shall be~~ is under the control and supervision of the coordinator. All state funds for this purpose shall be transferred to the coordinator and the coordinator ~~shall be~~ is responsible for the preparation of federal grant applications for specific grant programs under the federal Anti-Drug Abuse Act of ~~1986~~ 1988, and the implementation and monitoring

of grant programs pursuant to regulations adopted pursuant to the federal Anti-Drug Abuse Act of 1986 1988.

Sec. 64. Sections 116.6, 356.37, and 476.8A, Code 1989, are repealed.

Approved April 16, 1990

CHAPTER 1169

COMMODITY CODE

H.F. 2377

AN ACT adopting the model state commodity code as recommended by the north American securities administrators association, regulating the commodities markets and participants, authorizing the securities bureau of the insurance division to administer the chapter, requiring licensing of commodity broker-dealers and sales representatives, authorizing civil remedies, sanctions, penalties, and imposing criminal penalties.

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

Section 1. **NEW SECTION. 502A.1 DEFINITIONS.**

For purposes of this chapter, unless the context otherwise requires:

1. "Administrator" means the administrator of the securities bureau of the insurance division of the department of commerce.

2. "Board of trade" means a person or group of persons engaged in buying or selling any commodity or receiving the same for sale on consignment, whether the person or group of persons is characterized as a board of trade, exchange, or other form of marketplace.

3. "CFTC rule" means a regulation or order of the commodity futures trading commission in effect on the effective date of this Act, and all subsequent amendments, additions or other revisions to the regulation or order, unless the administrator, within ten days following the effective date of the amendment, addition, or revision, disallows the application to this chapter in whole or in part by rule or order.

4. "Commodity" means, except as otherwise specified by the administrator by rule or order: an agricultural, grain, or livestock product or by-product; a metal or mineral, including a precious metal; a gem or gemstone, whether characterized as precious, semiprecious or otherwise; a fuel, whether liquid, gaseous or otherwise; a foreign currency; and all other goods, articles, products, or items of any kind.

The term commodity does not include any of the following:

a. A numismatic coin whose fair market value is at least fifteen percent higher than the value of the metal it contains.

b. Real property or any timber, agricultural, or livestock product grown or raised on real property and offered or sold by the owner or lessee of such real property.

c. Any work of art offered or sold by art dealers, at public auction, or offered or sold through a private sale by the owner of the work of art.

5. "Commodity contract" means an account, agreement, or contract for the purchase or sale, primarily for speculation or investment purposes and not for use or consumption by the offeree or purchaser, of one or more commodities, whether for immediate or subsequent delivery or whether delivery is intended by the parties, and whether characterized as a cash contract, deferred shipment or deferred delivery contract, forward contract, futures contract, installment or margin contract, leverage contract, or otherwise. A commodity contract offered or sold, in the absence of evidence to the contrary, shall be presumed to be offered or sold for