

CHAPTER 1023

NONSUBSTANTIVE CODE CORRECTIONS

H.F. 2124

AN ACT relating to nonsubstantive Code corrections.

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

DIVISION I – RESUBMISSIONS

Section 1. Section 2.100, Code 1993, is amended to read as follows:

2.100 COMPUTER SUPPORT BUREAU.

A computer support bureau is established under the direction and control of the legislative council. The administrative head of the computer support bureau is the director of the bureau. The computer support bureau shall serve the general assembly and the legislative council. The computer support bureau shall also provide services and support for the computer systems used by the legislative staff, the legislative service bureau, the public legislative information office, the Code editor's office, the office of the citizens' aide and the legislative fiscal bureau.

Sec. 2. Section 11.27, Code 1993, is amended to read as follows:

11.27 BIENNIAL REPORT.

The biennial report shall include:

1. A narrative report and such statistical statements as the state auditor deems essential to display the results of audits of the state departments and establishments.

2. ~~Statistics on building and loan associations now required by law to be published biennially. The biennial report shall also include the~~ The results of an audit of the documents and the records of the ~~state comptroller's office~~ department of management created in the budget and financial control Act, which records shall be audited by the auditor; and, the results of the auditor's audit of all taxes and other revenue collected and paid into the treasury, and the sources thereof. ~~This report shall also include the~~

3. The auditor's recommendations to improve the business methods of the government and any other matters having for their purpose to bring about increased economy and efficiency in the conduct of the affairs of the government.

Sec. 3. Section 12C.23, subsection 2, Code 1993, is amended to read as follows:

2. The depository and the security given for the public funds in its hands are liable for payment if the depository fails to pay a check, draft, or warrant drawn by the public officer or to account for a check, draft, warrant, order, or certificates of deposit, or any public funds entrusted to it if, in failing to pay, the depository acts contrary to the terms of an agreement between the depository and the public body treasurer ~~or~~. The depository and the security given for the public funds in its hands are also liable for payment if the depository fails to pay an assessment, by the treasurer of state when the assessment is due.

Sec. 4. Section 15.108, subsection 1, paragraph e, Code Supplement 1993, is amended to read as follows:

e. ~~Administer the funds appropriated from in the community economic betterment program account of the Iowa plan fund for economic development as provided in section 99E.32, subsection 2 established within the strategic investment fund as provided in section 15.320.~~

Sec. 5. Section 24.48, unnumbered paragraph 3, Code 1993, is amended to read as follows:

Upon decision of the state appeal board, the ~~state comptroller~~ department of management shall make the necessary changes in the total budget of the political subdivision and certify the total budget to the governing body of the political subdivision and the appropriate county auditors.

Sec. 6. Section 34.1, subsection 1, Code 1993, is amended by striking the subsection.

Sec. 7. Section 80.25, Code 1993, is amended to read as follows:
80.25 DIVISION OF BEER AND LIQUOR ENFORCEMENT.

The commissioner of public safety shall establish a division of beer and liquor law enforcement and appoint a chief enforcement officer to head the division. The commissioner of public safety shall appoint other agents needed in the division as are necessary to enforce the provisions of ~~chapters~~ chapter 123 and 125. All enforcement officers, assistants, and agents of the division, excluding clerical workers, shall be subject to the provisions of section 80.15.

Sec. 8. Section 97B.25, Code 1993, is amended to read as follows:
97B.25 APPLICATIONS FOR BENEFITS.

A representative designated by the ~~administrator~~ chief benefits officer and referred to in this chapter as a retirement benefits specialist, shall promptly examine applications for retirement benefits and on the basis of facts found shall determine whether or not the claim is valid and if valid, the month with respect to which benefits shall commence, the monthly benefit amount payable, and the maximum duration. The retirement benefits specialist shall promptly notify the applicant and any other interested party of the decision and the reasons. Unless the applicant or other interested party, within thirty calendar days after the notification was mailed to the applicant's or party's last known address, files an appeal as provided in section 97B.20A, the decision is final and benefits shall be paid or denied in accord with the decision.

Sec. 9. Section 123.37, unnumbered paragraph 1, Code Supplement 1993, is amended to read as follows:

The power to establish licenses and permits and levy taxes as imposed in ~~chapters~~ chapter 123 and 125 is vested exclusively with the state. Unless specifically provided, a local authority shall not require the obtaining of a special license or permit for the sale of alcoholic beverages, wine, or beer at any establishment, or require the obtaining of a license by any person as a condition precedent to the person's employment in the sale, serving, or handling of alcoholic beverages, wine, or beer, within an establishment operating under a license or permit.

Sec. 10. Section 135.1, unnumbered paragraph 1, Code 1993, is amended to read as follows:

For the purposes of chapters 152B, and 155, 435, and title IV, subtitle 2, excluding chapters 142B, 145B, and 146, unless otherwise defined:

Sec. 11. Section 135.11, subsection 13, Code Supplement 1993, is amended to read as follows:

13. Establish, publish, and enforce rules not inconsistent with law for the enforcement of the provisions of chapters 125, 152B, and 155, and 435 and title IV, subtitle 2, excluding chapters 142B, 145B, and 146 and for the enforcement of the various laws, the administration and supervision of which are imposed upon the department.

Sec. 12. Section 147.86, Code 1993, is amended to read as follows:

147.86 PENALTIES.

Any person violating any provision of this or the following chapters of this subtitle, excluding chapters 152B and 152C, except insofar as the provisions apply or relate to or affect the practice of pharmacy, or where a specific penalty is ~~not~~ otherwise provided, shall be guilty of a serious misdemeanor.

Sec. 13. Section 159.1, Code 1993, is amended to read as follows:

159.1 DEFINITIONS.

For the purposes of chapters 9H, 16A, 352, and 427C and subtitles 1 through 3 of this title, excluding chapters 161A through 161C, unless otherwise provided:

1. "Department" means the department of agriculture and land stewardship and if the department is required or authorized to do an act, unless otherwise provided, the act may be performed by an officer, regular assistant, or duly authorized agent of the department.

2. "Person" ~~shall include~~ includes an individual, a corporation, company, firm, society, or association; and the act, omission, or conduct of any officer, agent, or other person acting in a representative capacity shall be imputed to the organization or person represented, and the

person acting in such capacity shall also be liable for violation of ~~chapters 9H, 16A, 352, and 427C, and~~ subtitles 1 through 3 of this title, excluding chapters 161A through 161C.

3. "Secretary" means the secretary of agriculture.

Sec. 14. Section 159.5, subsection 11, Code 1993, is amended to read as follows:

11. Establish, publish, and enforce rules not inconsistent with law for the enforcement of the provisions of ~~chapters 9H, 16A, 352, and 427C and~~ subtitles 1 through 3 of this title, excluding chapters 161A through 161C, and for the enforcement of the various laws, the administration and supervision of which are imposed upon the department.

Sec. 15. Section 159.6, subsection 8, Code 1993, is amended to read as follows:

8. Regulation and inspection of foods, drugs, and other articles, as provided in Title V, subtitle 4, but ~~chapters 203 through chapter 205 and 207 and 208~~ of that subtitle shall be enforced as provided in ~~those chapters that chapter.~~

Sec. 16. Section 161A.43, unnumbered paragraph 2, Code 1993, is amended to read as follows:

A landowner shall not be liable for a claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent installation, construction, or reconstruction of a soil and water conservation practice or an erosion control practice that was installed, constructed, or reconstructed in accordance with generally recognized engineering or safety standards, criteria, or design theory in existence at the time of the installation, construction, or reconstruction. A soil and water conservation practice or an erosion control practice installed, constructed, or reconstructed in compliance with rules adopted by the division and currently in effect shall be deemed to be installed, constructed, or reconstructed according to generally recognized engineering or safety standards, criteria, or design theory in existence at the time of the installation, construction, or reconstruction. A claim shall not be allowed for failure to upgrade, improve, or alter any aspect of an existing soil and water conservation practice or erosion control practice to a new, changed, or altered design standard. ~~This section paragraph does not apply to a claim based on a failure of a landowner to upgrade, improve, or alter a soil and water conservation practice or erosion control practice in violation of law. This section paragraph does not apply to claims based upon gross negligence.~~

Sec. 17. Section 189.1, unnumbered paragraph 1 and subsections 1 and 6, Code 1993, are amended to read as follows:

For the purpose of ~~chapters 124, 124A, 124B, 126, and 353 and~~ this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, unless the context otherwise requires:

1. "Article" includes food, commercial feed, agricultural seed, commercial fertilizer, drug, insecticide, fungicide, paint, linseed oil, turpentine, and illuminating oil, in the sense in which they are defined in the various provisions of ~~chapters 124, 124A, 124B, 126, and 353 and~~ this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208.

6. "Person" includes a corporation, company, firm, society, or association; and the act, omission, or conduct of any officer, agent, or other person acting in a representative capacity shall be imputed to the organization or person represented, and the person acting in that capacity shall also be liable for violations of ~~chapters 124, 124A, 124B, 126, and 353 and~~ this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208.

Sec. 18. Section 189.2, Code 1993, is amended to read as follows:

189.2 DUTIES.

The department shall:

1. Execute and enforce ~~chapter 353 and~~ this subtitle, except chapter 205.

2. Make and publish all necessary rules, not inconsistent with law, for enforcing the provisions of ~~chapters 124, 124A, 124B, 126, and 353 and~~ this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208.

3. Provide ~~such~~ educational measures and exhibits, and conduct ~~such~~ educational campaigns as are deemed advisable in fostering and promoting the production and sale of the articles dealt with in ~~chapters 124, 124A, 124B, 126, and 353 and~~ this subtitle, excluding chapters 203,

203A, 203C, 203D, 207, and 208, in accordance with the regulations herein prescribed rules adopted pursuant to this subtitle.

4. Issue from time to time, bulletins showing the results of inspections, analyses, and prosecutions under ~~chapters 124, 124A, 124B, 126, and 353~~ and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208. These bulletins shall be printed in such numbers as may be approved by the superintendent of printing and shall be distributed to the newspapers of the state and to all interested persons.

Sec. 19. Section 189.3, Code 1993, is amended to read as follows:

189.3 PROCURING SAMPLES.

The department shall, for the purpose of examination or analysis, procure from time to time, or whenever ~~said~~ the department has occasion to believe any of the provisions of ~~chapters 124, 124A, 124B, 126, and 353~~ and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, are being violated, samples of the articles dealt with in these provisions which have been shipped into this state, offered or exposed for sale, or sold in the state.

Sec. 20. Section 189.4, Code 1993, is amended to read as follows:

189.4 ACCESS TO FACTORIES AND BUILDINGS.

The department shall have full access to all places, factories, buildings, stands, or premises, and to all wagons, auto trucks, vehicles, or cars used in the preparation, production, distribution, transportation, offering or exposing for sale, or sale of any article dealt with in ~~chapters 124, 124A, 124B, 126, and 353~~ and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208.

Sec. 21. Section 189.5, Code 1993, is amended to read as follows:

189.5 DEALER TO FURNISH SAMPLES.

Upon request and tender of the selling price by the department any person who prepares, manufactures, offers or exposes for sale, or delivers to a purchaser any article dealt with in ~~chapters 124, 124A, 124B, 126, and 353~~ and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, shall furnish, within business hours, a sample of the same, sufficient in quantity for a proper analysis or examination as shall be provided by the rules of the department.

Sec. 22. Section 189.6, Code 1993, is amended to read as follows:

189.6 TAKING OF SAMPLES.

The department may, without the consent of the owner, examine or open any package containing, or believed to contain, any article or product which it suspects may be prepared, manufactured, offered, or exposed for sale, sold, or held in possession in violation of the provisions of ~~chapters 124, 124A, 124B, 126, and 353~~ and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, in order to secure a sample for analysis or examination, and ~~said~~ the sample and damage to container shall be paid for at the current market price out of the contingent fund of the department.

Sec. 23. Section 189.8, Code 1993, is amended to read as follows:

189.8 WITNESSES.

In the enforcement of the provisions of ~~chapters 124, 124A, 124B, 126, and 353~~ and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, the department shall have power to issue subpoenas for witnesses, enforce their attendance, and examine them under oath. Such The witnesses shall be allowed the same fees as witnesses in district court. ~~Said~~ The fees shall be paid out of the contingent fund of the department.

Sec. 24. Section 189.9, unnumbered paragraph 1, Code 1993, is amended to read as follows:

All articles in package or wrapped form which are required by ~~chapters 124, 124A, 124B, 126, and 353~~ and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, to be labeled, unless otherwise provided, shall be conspicuously marked in the English language in legible letters of not less than eight-point heavy gothic caps on the principal label with the following items:

Sec. 25. Section 189.13, Code 1993, is amended to read as follows:

189.13 FALSE LABELS — DEFACEMENT.

No A person shall not use any label required by ~~chapters 124, 124A, 124B, 126, and 353~~ and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, which bears any representations of any kind which are deceptive as to the true character of the article or the place of its production, or which has been carelessly printed or marked, nor shall any person erase or deface any label required by ~~chapters 124, 124A, 124B, 126, and 353~~ and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208.

Sec. 26. Section 189.14, subsection 1, Code 1993, is amended to read as follows:

1. No A person shall not knowingly introduce into this state, solicit orders for, deliver, transport, or have in possession with intent to sell, any article which is labeled in any other manner than that prescribed by ~~chapters 124, 124A, 124B, 126, and 353~~ and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, for the label of said the article when offered or exposed for sale, or sold in package or wrapped form in this state.

Sec. 27. Section 189.15, Code 1993, is amended to read as follows:

189.15 ADULTERATED ARTICLES.

No A person shall not knowingly manufacture, introduce into the state, solicit orders for, sell, deliver, transport, have in possession with the intent to sell, or offer or expose for sale, any article which is adulterated according to the provisions of ~~chapters 124, 124A, 124B, 126, and 353~~ and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208.

Sec. 28. Section 189.16, Code 1993, is amended to read as follows:

189.16 POSSESSION.

Any person having in possession or under control any article which is adulterated or which is improperly labeled according to the provisions of ~~chapters 124, 124A, 124B, 126, and 353~~ and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, shall be presumed to know its true character and name, and such possession shall be prima-facie prima facie evidence of having the same in possession with intent to violate the provisions of ~~chapters 124, 124A, 124B, 126, and 353~~ and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208.

Sec. 29. Section 189.19, Code 1993, is amended to read as follows:

189.19 LICENSES.

The following ~~regulations shall provisions~~ apply to all licenses issued or authorized under ~~chapters 124, 124A, 124B, 126, and 353~~ and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208:

1. APPLICATIONS. Applications for licenses shall be made upon blanks furnished by the department and shall conform to the prescribed rules of the department.

2. REFUSAL AND REVOCATION. For good and sufficient grounds the department may refuse to grant a license to any applicant; and it may revoke a license for a violation of any provision of ~~chapters 124, 124A, 124B, 126, and 353~~ and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, or for the refusal or failure of any licensee to obey the lawful directions of the department.

3. EXPIRATION. Unless otherwise provided all licenses shall expire one year from the date of issue.

Sec. 30. Section 189.20, Code 1993, is amended to read as follows:

189.20 INJUNCTION.

Any person engaging in any business for which a license is required by ~~chapters 124, 124A, 124B, 126, and 353~~ and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, without obtaining such license, may be restrained by injunction, and shall pay all costs made necessary by such procedure.

Sec. 31. Section 189.21, Code 1993, is amended to read as follows:

189.21 PENALTY.

Unless otherwise provided, any person violating any provision of chapters 124, 124A, 124B, 126, and 353 and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, or any rule made adopted by the department and promulgated under the authority of said department pursuant to such a provision, shall be is guilty of a simple misdemeanor.

Sec. 32. Section 189.22, Code 1993, is amended to read as follows:

189.22 MAY CHARGE MORE THAN ONE OFFENSE.

In any criminal proceeding brought for violation of chapters 124, 124A, 124B, 126, and 353 and this subtitle, an information or indictment may charge as many offenses as it appears have been committed and the defendant may be convicted of any or all of said the offenses.

Sec. 33. Section 189.23, Code 1993, is amended to read as follows:

189.23 COMMON CARRIER.

None of the The penalties provided in chapters 124, 124A, 124B, 126, and 353 and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, shall not be imposed upon any common carrier for introducing into the state, or having in its possession, any article which is adulterated or improperly labeled according to the provisions of chapters 124, 124A, 124B, 126, and 353 and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, when the same was received by said the carrier for transportation in the ordinary course of its business and without actual knowledge of its true character.

Sec. 34. Section 189.24, Code 1993, is amended to read as follows:

189.24 REPORT OF VIOLATIONS.

When it shall appear appears that any of the provisions of chapters 124, 124A, 124B, 126, and 353 and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, have been violated, the department shall at once certify the facts to the proper county attorney, with a copy of the results of any analysis, examination, or inspection said the department may have made, duly authenticated by the proper person under oath, and with any additional evidence which may be in possession of said the department.

Sec. 35. Section 189.25, Code 1993, is amended to read as follows:

189.25 COUNTY ATTORNEY.

The county attorney may at once institute the proper proceedings for the enforcement of the penalties provided in chapters 124, 124A, 124B, 126, and 353 and this subtitle for such the violations.

Sec. 36. Section 189.27, Code 1993, is amended to read as follows:

189.27 INSTITUTION OF PROCEEDINGS.

In any case when it appears that any of the provisions of chapters 124, 124A, 124B, 126, and 353, and this subtitle have been violated, the inspector having the investigation in charge shall, when instructed by the department, file an information against the suspected party.

Sec. 37. Section 189.28, Code 1993, is amended to read as follows:

189.28 GOODS FOR SALE IN OTHER STATES.

Any person may keep articles specifically set apart in the person's stock for sale in other states which do not comply with the provisions of chapters 124, 124A, 124B, 126, and 353 and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, as to standards, purity, or labeling.

Sec. 38. Section 189.29, Code 1993, is amended to read as follows:

189.29 REPORTS BY DEALERS.

Every person who deals in or manufactures any of the articles dealt with in chapters 124, 124A, 124B, 126, and 353 and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, shall make upon blanks furnished by the department such reports and furnish such statistics as may be required by said the department and certify to the correctness of the same.

Sec. 39. Section 189.30, Code 1993, is amended to read as follows:
189.30 CONTRACTS INVALID.

No action shall be maintained in any of the courts of the state upon any contract or sale made in violation of or with the intent to violate any provision of ~~chapters 124, 124A, 124B, 126, and 353~~ and this subtitle by one who was knowingly a party thereto.

Sec. 40. Section 189.31, Code 1993, is amended to read as follows:
189.31 FEES PAID INTO STATE TREASURY.

All fees collected under the provisions of ~~chapters 124, 124A, 124B, 126, and 353~~ and this subtitle, shall be paid into the state treasury.

Sec. 41. Section 190.1, unnumbered paragraph 1, Code 1993, is amended to read as follows:
For the purpose of ~~chapters 124, 124A, 124B, 126, and 353~~ and this subtitle, except chapters 192, 203, 203A, 203C, 203D, 207, and 208, the following definitions and standards of food are established:

Sec. 42. Section 216.2, subsection 4, paragraph b, Code 1993, is amended to read as follows:
b. The ground floor units of a building consisting of four or more dwelling units.

Sec. 43. Section 235A.15, subsection 2, paragraph e, subparagraph (3), Code Supplement 1993, is amended to read as follows:

(3) To the department of justice for the sole purpose of the filing of a claim for reparation restitution or compensation pursuant to section 910A.5 and section 912.4, subsections 3 through 5.

Sec. 44. Section 257.16, unnumbered paragraph 2, Code 1993, is amended to read as follows:

All state aids paid under this chapter, unless otherwise stated, shall be paid in monthly installments beginning on September 15 of a budget year and ending on or about June 15 of the budget year as determined by the department of management, taking into consideration the relative budget and cash position of the state resources. However, an amount of state school foundation aid equal to the general allocation of the school district as determined under section 405A.2 and the amount of the tax credit for livestock pursuant to section 442.2, subsection 2, as it appeared in the 1987 Code, shall be paid to the school district on July 15 of the subsequent fiscal year, and the appropriation for this amount shall be made for the fiscal year during which the payment is made. ~~However, the state aid paid to school districts under section 257.13 shall be paid in monthly installments beginning on December 15 and ending on June 15 of a budget year.~~

Sec. 45. Section 257B.11, Code 1993, is amended to read as follows:
257B.11 SCHOOL FUND ACCOUNTS — AUDIT OF LOSSES.

The director of revenue and finance shall keep the permanent school fund accounts in books provided for that purpose, separate and distinct from the revenue books. The auditor of state shall audit losses to the permanent school or university fund caused by the defalcation, mismanagement, or fraud. The auditor of state shall adopt rules pursuant to chapter 17A ~~for those officers~~ as necessary to ascertain the losses.

Sec. 46. Section 257C.9, subsections 3 and 4, Code 1993, are amended to read as follows:

3. Subject to a contract with bondholders, and to the approval of the ~~state comptroller~~ director of revenue and finance, the authority shall prescribe a system of accounts.

4. The authority shall submit to the governor, the auditor of state, ~~the department of management~~, and the ~~state comptroller~~ department of revenue and finance, within thirty days of its receipt, a copy of the report of every external examination of the books and accounts of the authority other than copies of the reports of examinations made by the auditor of state.

Sec. 47. Section 357F.4, Code 1993, is amended to read as follows:

357F.4 TIME OF HEARING.

The public hearing required in section 357F.2 shall be held within thirty days of the presentation of the petition. Notice of hearing shall be given by publication in two successive issues of any paper newspaper of general circulation within the district. The last publication shall be not less than one week before the proposed hearing.

Sec. 48. Section 421.7, subsection 1, Code 1993, is amended to read as follows:

1. Except where a different rate of interest is stated in a provision of chapters 12B, 12C, and 257C and this title, the rate of interest on interest-bearing obligations arising under chapters 12B, 12C, and 257C and this title shall be the rate of interest in effect under this section.

Sec. 49. Section 422.45, subsection 28, Code Supplement 1993, is amended by striking the subsection.

Sec. 50. Section 422.45, subsection 33, paragraph b, Code Supplement 1993, is amended by striking the paragraph.

Sec. 51. Section 422.73, subsections 3, 4, 5, 6, and 7, Code 1993, are amended by striking the subsections.

Sec. 52. Section 423.25, Code 1993, is amended to read as follows:

423.25 TAXATION IN ANOTHER STATE.

If any person who causes tangible personal property to be brought into this state has already paid a tax in another state in respect to the sale or use of such the property, or an occupation tax in respect thereto to the property, in an amount less than the tax imposed by chapters 12B, 12C, and 257C and this title, the provisions of chapters 12B, 12C, and 257C and this title shall apply, but at a rate measured by the difference only between the rate herein fixed in this title and the rate by which the previous tax on the sale or use, or the occupation tax, was computed. If such the tax imposed and paid in such the other state is equal to or more than the tax imposed by chapters 12B, 12C, and 257C and this title, then no tax shall be is due in this state on such the personal property.

Sec. 53. Section 428.20, Code 1993, is amended to read as follows:

428.20 DEFINITION OF MANUFACTURER.

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 chapters 12B, 12C, and 257C and this title.

Sec. 54. Section 443.19, Code 1993, is amended to read as follows:

443.19 IRREGULARITIES, ERRORS AND OMISSIONS — EFFECT.

No failure of the owner to have such property assessed or to have the errors in the assessment corrected, and no irregularity, error or omission in the assessment of such property, shall affect in any manner the legality of the taxes levied thereon, or affect any right or title to such real estate which would have accrued to any party claiming or holding under and by virtue of a deed executed by the treasurer as provided by chapters 12B, 12C, and 257C and this title, had the assessment of such property been in all respects regular and valid.

Sec. 55. Section 455B.305A, subsections 5, 7, and 8, Code Supplement 1993, are amended to read as follows:

5. At least one public hearing shall be held by the city council or county board of supervisors no sooner than ninety days but no later than one hundred twenty days from receipt of the request for siting approval. A hearing shall be preceded by published notice in an official newspaper of the county of the proposed site, including in any official newspaper located in the city of the proposed site. The public hearing shall develop a record sufficient to form the basis of an appeal of the decision.

7. Construction of a project which is granted local siting approval under this section shall commence within one calendar year from the date upon which it was granted or the permit shall be nullified. ~~If the local siting decision is appealed, the one-year period shall begin on the date upon which the appeal process is concluded.~~

8. The local siting approval, criteria, and ~~appeal~~ other procedures provided for in this section and in ~~section 455B.305B~~ are the exclusive local siting procedures and ~~appeal~~ proce-dures. Local zoning, ordinances, or other local land use requirements may be considered in such siting decisions.

Sec. 56. Section 455D.11A, subsection 4, Code 1993, is amended to read as follows:

4. If the owner or operator of a waste tire collection or processing site chooses to provide financial assurance in the form of a surety bond, the bond shall be executed by a surety company authorized to do business in this state. The bond shall be continuous in nature until canceled by the surety. A surety shall provide at least ninety days' notice in writing to the owner or operator and to the department indicating the surety's intent to cancel the bond and the effective date of the cancellation. The surety bond shall be for the benefit of the citizens of this state and shall be conditioned upon compliance with this section. The surety's liability under this subsection is limited to the amount of the bond or the amount of the damages or moneys due, whichever is less. However, this subsection does not limit the amount of damages recoverable from an owner or operator ~~in to the amount of the surety bond. This subsection shall not limit the recovery of damages to the surety bond.~~ The bond shall be made in a form prescribed by the commissioner of insurance and written by a company authorized by the commissioner of insurance to do business in this state. If a surety bond is canceled which has been provided as financial assurance under this subsection, the owner or operator of the waste tire collection or processing site shall demonstrate to the department within thirty days of the cancellation, a means of continued compliance with the financial assurance requirements of this section. If a means of continued compliance is not demonstrated within the thirty-day period, the department shall suspend the permit for the site, and the owner or operator shall perform proper closure of the site within thirty days. If the owner or operator does not properly close the site within the time period allowed, the department shall file a claim with the surety company, prior to the effective date of cancellation of the bond, to collect the amount of the bond for use in performing proper closure. A person who fails to provide for proper closure, notwithstanding collection by the department of the amount of the bond, is guilty of a serious misdemeanor.

Sec. 57. Section 477C.5, Code 1993, is amended to read as follows:

477C.5 DUAL PARTY RELAY SERVICE COUNCIL.

1. A dual party relay ~~service~~ council is established, consisting of eleven members appointed by the board. The council shall advise the board on all matters concerning relay service and equipment distribution programs.

2. The council shall consist of:

- a. Six consumers who have communication impairments.
- b. Two representatives from telephone companies.
- c. One representative from the division of deaf services of the department of human rights.
- d. One representative from the office of the consumer advocate of the department of justice.
- e. One member of the board or a designee of the board.

3. Council members who are not state or local government officers or employees shall be reimbursed for their necessary and actual expenses incurred in performance of their duties and shall receive a per diem of fifty dollars when the council is meeting, payable from moneys available to the board pursuant to section 477C.7.

Sec. 58. Section 483A.24, subsections 1 and 13, Code 1993, are amended to read as follows:

1. Owners or tenants of land, and their juvenile children, may hunt, fish or trap upon such lands and may shoot by lawful means ground squirrels, gophers, or woodchucks upon adjacent roads without securing a license so to do; except, special licenses to hunt deer and wild turkey

shall be required of owners and tenants but they shall not be required to have a special wild turkey hunting license to hunt wild turkey on a ~~game breeding and shooting~~ hunting preserve licensed under chapter 484B.

13. No person shall be required to have a special wild turkey license to hunt wild turkey on a ~~game breeding and shooting~~ hunting preserve licensed under chapter 484B.

Sec. 59. Section 490A.1404, subsection 1, Code 1993, is amended to read as follows:

1. The foreign limited liability company shall add the words "Limited Company" or the abbreviation "L.C." to its name for use in this state.

Sec. 60. Section 490A.1406, subsection 1, paragraph e, Code Supplement 1993, is amended to read as follows:

e. A commitment to notify the secretary of state in the future of any change in the mailing address of the foreign limited liability company.

Sec. 61. Section 490A.1407, subsection 2, paragraph d, Code Supplement 1993, is amended to read as follows:

d. Maintaining offices or agencies for the transfer, exchange, and registration of the foreign limited liability company's own securities or maintaining trustees or depositories with respect to those securities.

Sec. 62. Section 497.34, Code 1993, is amended to read as follows:

497.34 INDEMNIFICATION.

A cooperative association operating under this chapter may indemnify any present or former director, officer, employee, member, or volunteer in the manner and in the instances authorized in ~~section 496A.4A~~ sections 490.850 through 490.858, provided that where ~~section 496A.4A~~ provides sections 490.850 through 490.858 provide for action by shareholders the ~~section is~~ sections are applicable to action by voting members of the cooperative association, and where ~~section 496A.4A~~ refers sections 490.850 through 490.858 refer to the corporation organized under chapter ~~496A~~ 490 the ~~section is~~ sections are applicable to the cooperative association organized under this chapter, and where ~~section 496A.4A~~ refers sections 490.850 through 490.858 refer to the director the ~~section is~~ sections are applicable to a director, officer, employee, member, or volunteer of the cooperative association organized under this chapter.

Sec. 63. Section 498.36, Code 1993, is amended to read as follows:

498.36 INDEMNIFICATION.

A cooperative association operating under this chapter may indemnify any present or former director, officer, employee, member, or volunteer in the manner and in the instances authorized in ~~section 496A.4A~~ sections 490.850 through 490.858, provided that where ~~section 496A.4A~~ provides sections 490.850 through 490.858 provide for action by shareholders the ~~section is~~ sections are applicable to action by voting members of the cooperative association, and where ~~section 496A.4A~~ refers sections 490.850 through 490.858 refer to the corporation organized under chapter ~~496A~~ 490 the ~~section is~~ sections are applicable to the cooperative association organized under this chapter, and where ~~section 496A.4A~~ refers sections 490.850 through 490.858 refer to the director the ~~section is~~ sections are applicable to a director, officer, employee, member, or volunteer of the cooperative association organized under this chapter.

Sec. 64. Section 499.36, subsection 6, Code 1993, is amended to read as follows:

6. Unless the articles of incorporation or bylaws provide otherwise, an action required or permitted by this chapter to be taken at a board of directors' meeting may be taken without a meeting if the action is taken by all members of the board. The action must be evidenced by one or more written consents describing the action taken, signed by each director, and filed with the corporate records reflecting the action taken. An action taken under this ~~section~~

subsection is effective when the last director signs the consent, unless the consent specifies a different effective date. A consent signed under this ~~section~~ subsection is deemed to have the same effect as a meeting vote and may be described as such in any document.

Sec. 65. Section 499.59A, Code 1993, is amended to read as follows:
499.59A INDEMNIFICATION.

A cooperative association operating under this chapter may indemnify any present or former director, officer, employee, member, or volunteer in the manner and in the instances authorized in ~~section 496A.4A~~ sections 490.850 through 490.858, provided that where ~~section 496A.4A~~ provides sections 490.850 through 490.858 provide for action by shareholders the ~~section is~~ sections are applicable to action by voting members of the cooperative association, and where ~~section 496A.4A~~ refers sections 490.850 through 490.858 refer to the corporation organized under chapter 496A 490 the ~~section is~~ sections are applicable to the cooperative association organized under this chapter, and where ~~section 496A.4A~~ refers sections 490.850 through 490.858 refer to the director the ~~section is~~ sections are applicable to a director, officer, employee, member, or volunteer of the cooperative association organized under this chapter.

Sec. 66. Section 504A.28, Code 1993, is amended to read as follows:
504A.28 INCORPORATORS.

One or more persons as defined in this chapter having capacity to contract, may act as incorporators of a corporation by signing, ~~acknowledging~~ and delivering to the secretary of state articles of incorporation for ~~such~~ the corporation.

Sec. 67. Section 524.1213, subsection 2, Code 1993, is amended to read as follows:

2. A united community bank office formed under this section shall have a united community bank office board, at least one-half or more of the members of which shall be residents of the county in which the united community bank office is located. The liability of the united community bank office board shall be limited as provided in section 524.614. The bank establishing and operating the united community bank office may indemnify members of the united community bank office board as agents of the bank in the manner and in the instances authorized by ~~section 496A.4A~~ sections 490.850 through 490.858.

Sec. 68. Section 536A.2, subsection 5, Code 1993, is amended by striking the subsection.

Sec. 69. Section 702.11, Code 1993, is amended to read as follows:
702.11 FORCIBLE FELONY.

A "forcible felony" is any felonious child endangerment, assault, murder, sexual abuse, kidnapping, robbery, arson in the first degree, or burglary in the first degree. However, sexual abuse in the third degree committed between spouses, sexual abuse in violation of section 709.4, subsection 2, paragraph "c", subparagraph (4), or sexual ~~abuse~~ exploitation by a counselor or therapist in violation of section 709.15, is not a "forcible felony".

Sec. 70. Section 714.8, subsection 12, Code 1993, is amended to read as follows:

12. Knowingly transfers or assigns a legal or equitable interest in property, as defined in section 702.14, for less than fair consideration, with the intent to obtain public assistance under chapters 16, 35B, 35D, ~~and 347B, 709A, 904, 913, and 914~~, or title VI, subtitles 2 through 6, or accepts a transfer of or an assignment of a legal or equitable interest in property, as defined in section 702.14, for less than fair consideration, with the intent of enabling the party transferring the property to obtain public assistance under chapters 16, 35B, 35D, ~~and 347B, 709A, 904, 913, and 914~~, or title VI, subtitles 2 through 6. A transfer or assignment of property for less than fair consideration within one year prior to an application for public assistance benefits shall be evidence of intent to transfer or assign the property in order to obtain public assistance for which a person is not eligible by reason of the amount of the person's assets. If a person is found guilty of a fraudulent practice in the transfer or assignment of property under this subsection the maximum sentence shall be the penalty established for a serious misdemeanor and sections 714.9, 714.10 and 714.11 shall not apply.

Sec. 71. Section 901.1, Code 1993, is amended to read as follows:

901.1 SHORT TITLE.

Chapters 901 to 909, ~~excluding chapter 904~~, shall be known and may be cited as the "Iowa Corrections Code."

Sec. 72. Section 904.802, subsection 2, Code 1993, is amended to read as follows:

2. "Iowa state industries" means prison industries that are established and maintained by the Iowa department of corrections, in consultation with the industries board, at or adjacent to the state's adult correctional institutions, except that an inmate work program established by the state director under section ~~904.805~~, subsection 7 904.703 is not restricted to industries at or adjacent to the institutions.

Sec. 73. Section 904.808, subsection 3, Code 1993, is amended to read as follows:

3. A department or agency of the state shall cooperate and enter into agreements, if possible, for the provision of products and services under an inmate work program established by the state director under section ~~904.805~~, subsection 7 904.703.

DIVISION II – NEW SUBMISSIONS

Sec. 74. Section 16.62, subsection 1, Code 1993, is amended to read as follows:

1. The authority shall initiate a program to assist the development and expansion of small business in Iowa. The authority may issue bonds and notes the proceeds of which shall be used to make program loans. ~~The principal amount of bonds and notes that may be issued pursuant to the loan program and the principal amount of the bonds and notes issued which shall be counted as a portion of the total principal amount of bonds and notes of the authority which may be outstanding at any time are as provided in section 16.26, subsection 1.~~ Bonds and notes issued under this section are subject to all provisions of this chapter relating to the issuance of bonds.

Sec. 75. Section 16.71, Code 1993, is amended to read as follows:

16.71 RESIDENTIAL MORTGAGE MARKETING PROGRAM.

The authority shall establish a program to assist lenders to sell residential mortgage loans in the organized and unorganized secondary mortgage market. The authority may issue taxable and tax-exempt bonds and notes. The proceeds of the bonds shall be used to purchase residential mortgage loans from lenders. ~~The bonds and notes are a portion of the total principal amount of bonds and notes of the authority which may be outstanding at any time pursuant to section 16.26, subsection 1.~~ Bonds and notes issued under this section are subject to all provisions of this chapter relating to the issuance of bonds.

Sec. 76. Section 22.7, subsection 30, Code Supplement 1993, is amended to read as follows:

30. Records and information obtained or held by independent special counsel during the course of an investigation conducted pursuant to section 68B.34. Information that is disclosed to a legislative ethics committee subsequent to a determination of probable cause by independent special counsel and made pursuant to section 68B.31 ~~or 68B.32~~ is not a confidential record unless otherwise provided by law.

Sec. 77. Section 43.18, unnumbered paragraph 5, Code 1993, is amended to read as follows:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if my committee or I receive contributions, make expenditures, or incur indebtedness in excess of ~~two hundred fifty~~ five hundred dollars for the purpose of supporting my candidacy for public office. This paragraph does not apply to candidates for federal offices.

.....
(Signed)

Sec. 78. Section 44.3, subsection 2, unnumbered paragraph 7, Code 1993, is amended to read as follows:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if my committee or I receive contributions, make expenditures, or incur indebtedness in excess of ~~two hundred fifty~~ five hundred dollars for the purpose of supporting my candidacy for public office. This paragraph does not apply to candidates for federal offices.

Sec. 79. Section 45.3, unnumbered paragraph 8, Code 1993, is amended to read as follows:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if my committee or I receive contributions, make expenditures, or incur indebtedness in excess of ~~two hundred fifty~~ five hundred dollars for the purpose of supporting my candidacy for public office. This paragraph does not apply to candidates for federal offices.

Sec. 80. Section 56.2, subsection 5, Code Supplement 1993, is amended by striking the subsection.

Sec. 81. Section 56.5A, Code Supplement 1993, is amended to read as follows:

56.5A CANDIDATE'S COMMITTEE.

Each candidate for federal, state, county, city, or school office shall organize one, and only one, candidate's committee for a specific office sought when the candidate receives contributions in excess of five hundred dollars in the aggregate, makes expenditures in excess of five hundred dollars in the aggregate, or incurs indebtedness in excess of ~~two hundred fifty~~ five hundred dollars in the aggregate in a calendar year.

Sec. 82. Section 68B.35A, Code Supplement 1993, is amended to read as follows:

68B.35A PERSONAL FINANCIAL DISCLOSURE STATEMENTS OF STATE OFFICIALS AND EMPLOYEES — PUBLIC ACCESS.

Personal financial disclosure statements filed with the board, ~~and the chief clerk of the house, and the secretary of the senate, or other appropriate person or body~~ shall be forwarded to the secretary of state for the recording of the information through electronic means. The board and the general assembly shall execute agreements with the secretary of state which provide for public access to and copying of the information, and include a site in the board offices for public viewing and copying of information, contained in personal financial disclosure statements filed with the board, ~~and the chief clerk of the house, and the secretary of the senate, or other appropriate person or body.~~

Sec. 83. Section 68B.36, subsections 2, 4, and 5, Code Supplement 1993, are amended to read as follows:

2. Registration shall be valid from the date of registration until the expiration of the registration period for the type of lobbying in which the person will be engaging. Any change in or addition to the information shall be registered within ten days after the change or addition is known to the lobbyist. Changes or additions for executive branch lobbyists ~~may~~ shall be filed ~~either with the executive council or with the agency or office where the original registration was filed~~ board. Changes or additions for registrations of lobbyists of the general assembly shall be filed with either the chief clerk of the house or the secretary of the senate.

4. If a lobbyist's service on behalf of a particular employer, client, or cause is concluded prior to the end of the calendar year, the lobbyist may cancel the registration on appropriate forms supplied by the ~~executive council~~ board, the chief clerk of the house, or the secretary of the senate. The cancellation forms shall be filed by the lobbyist in the place where the lobbyist filed the original registration. ~~Persons within the executive branch receiving forms canceling a lobbyist's registration shall forward the forms to the executive council.~~ Upon cancellation of registration, a lobbyist is prohibited from engaging in any lobbying activity on behalf of that particular employer, client, or cause until reregistering and complying with the rules of the ~~executive council~~ board or the general assembly.

5. All federal, state, and local officials or employees representing the official positions of their departments, commissions, boards, or agencies shall, when lobbying the general assembly, present to the chief clerk of the house or the secretary of the senate a letter of authorization from their department or agency heads prior to the commencement of their lobbying. When lobbying a state agency or the office of the governor, the letter shall be presented to the ~~agency or office board~~. The lobbyist registration statement of these officials and employees shall not be deemed complete until the letter of authorization is attached. Federal, state, and local officials who wish to lobby in opposition to the official position of their departments, commissions, boards, or agencies must indicate this on their lobbyist registration statements.

Sec. 84. Section 88.5, subsection 12, Code Supplement 1993, is amended to read as follows:

12. RAILWAY SANITATION AND SHELTER. A railway corporation within the state shall provide adequate sanitation and shelter for all railway employees. The commissioner shall adopt rules requiring railway corporations within the state to provide a safe and healthy workplace. ~~For purposes of this section, a locomotive engine includes all railway engines used in train or yard service.~~ The commissioner shall enforce the requirements of this section upon the receipt of a written complaint.

Sec. 85. Section 123.36, unnumbered paragraph 1, Code Supplement 1993, is amended to read as follows:

The following fees shall be paid to the division annually for ~~special liquor permits and liquor control licenses issued under sections 123.29 and section~~ 123.30 respectively:

Sec. 86. Section 137.19, Code 1993, is amended to read as follows:

137.19 EMERGENCY REQUEST FOR FUNDS.

A local board may, in emergency situations, request additional appropriations, which may, upon approval of the ~~commissioner~~ director, be allotted from the funds reserved for that purpose. On termination of the emergency situation, the local board shall report its expenditures of emergency funds, to the ~~commissioner~~ director and return any unexpended funds.

Sec. 87. Section 141.23, subsection 1, paragraph i, Code Supplement 1993, is amended to read as follows:

i. The convicted offender, the physician or other practitioner who orders the test of the convicted offender, the victim, the parent, guardian, or custodian of the victim if the victim is a minor, the physician of the victim, the victim counselor or person requested by the victim who is authorized to provide the counseling required pursuant to section 141.22, and the victim's spouse, persons with whom the victim has engaged in vaginal, anal, or oral intercourse subsequent to the sexual assault, or members of the victim's family within the ~~fourth~~ third degree of consanguinity.

Sec. 88. Section 235.1, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The terms "state division", "administrator", "~~county department~~", "~~county board~~" and "child" are used in this chapter and chapter 238 as the terms are defined in section 234.1.

Sec. 89. Section 249A.6, subsections 1, 2, and 4, Code Supplement 1993, are amended to read as follows:

1. When payment is made by the department for medical care or expenses through the medical assistance program on behalf of a recipient, the department shall have a lien, to the extent of those payments, ~~to~~ upon all monetary claims which the recipient may have against third parties. A lien under this section is not effective unless the department files a notice of lien with the clerk of the district court in the county where the recipient resides and with the recipient's attorney when the recipient's eligibility for medical assistance is established. The notice of lien shall be filed before the third party has concluded a final settlement with the recipient, the recipient's attorney, or other representative. The third party shall obtain a written determination from the department concerning the amount of the lien before a settlement is deemed final for purposes of this section. A compromise, including but not limited to a

settlement, waiver or release, of a claim under this section does not defeat the department's lien except pursuant to the written agreement of the director or the director's designee. A settlement, award, or judgment structured in any manner not to include medical expenses or an action brought by a recipient or on behalf of a recipient which fails to state a claim for recovery of medical expenses does not defeat the department's lien if there is any recovery on the recipient's claim.

2. The department shall be given notice of monetary claims against third parties as follows:

a. Applicants for medical assistance shall notify the department of any possible claims against third parties upon submitting the application. Recipients of medical assistance shall notify the department of any possible claims when those claims arise.

b. A person who provides health care services to a person receiving assistance through the medical assistance program shall notify the department whenever the person has reason to believe that third parties may be liable for payment of the costs of those health care services.

c. An attorney representing an applicant for or recipient of assistance on a claim ~~to~~ upon which the department has a lien under this section shall notify the department of the claim of which the attorney has actual knowledge, prior to filing a claim, commencing an action or negotiating a settlement offer. Actual knowledge under this section shall include the notice to the attorney pursuant to subsection 1.

The mailing and deposit in a United States post office or public mailing box of the notice, addressed to the department at its state or district office location, is adequate legal notice of the claim.

4. If a recipient of assistance through the medical assistance program incurs the obligation to pay attorney fees and court costs for the purpose of enforcing a monetary claim ~~to~~ upon which the department has a lien under this section, upon the receipt of the judgment or settlement of the total claim, of which the lien for medical assistance payments is a part, the court costs and reasonable attorney fees shall first be deducted from this total judgment or settlement. One-third of the remaining balance shall then be deducted and paid to the recipient. From the remaining balance, the lien of the department shall be paid. Any amount remaining shall be paid to the recipient. An attorney acting on behalf of a recipient of medical assistance for the purpose of enforcing a claim ~~to~~ upon which the department has a lien shall not collect from the recipient any amount as attorney fees which is in excess of the amount which the attorney customarily would collect on claims not subject to this section.

Sec. 90. Section 255.15, Code 1993, is amended to read as follows:

255.15 DUTY OF ADMITTING PHYSICIAN AT HOSPITAL.

The authorities in control of the medical college shall designate some physician to pass upon the admission of ~~such~~ the patient, and it shall be the physician's duty to receive ~~such~~ the patient into the hospital and to provide for the patient, if available, a cot, bed, or room in ~~said~~ the hospital, and to assign the patient to the appropriate clinic and for treatment by the proper physician, unless, in the physician's judgment, the presence of the patient in the hospital would be dangerous to other patients, or there is no reasonable probability that the patient may be benefited by the proposed treatment or hospital care. If the admitting physician ~~shall deny~~ denies admission to the patient, the physician shall make a report in ~~duplicate~~ duplicate of the reasons ~~therefor~~ for the denial.

Sec. 91. Section 255.17, Code 1993, is amended to read as follows:

255.17 REPORT OF PHYSICIAN IN CHARGE OF CLINIC.

If the physician or surgeon in charge of ~~said~~ the clinic, or to whom ~~such~~ the patient has been assigned for treatment, declines to treat ~~such~~ the patient, the physician or surgeon shall make a report in ~~duplicate~~ duplicate of the physician's or surgeon's examination of ~~such~~ the patient, and state ~~therein~~ in the report the reasons for declining ~~such~~ the treatment.

Sec. 92. Section 256.1, subsections 2, 3, and 4, Code Supplement 1993, are amended to read as follows:

2. ~~Stimulate~~ The department shall stimulate and encourage educational radio and television and other educational communications services as necessary to aid in accomplishing the educational objectives of the state.

3. ~~Meet~~ The department shall meet the informational needs of the three branches of state government.

4. ~~Provide~~ The department shall provide for the improvement of library services to all Iowa citizens and foster development and cooperation among libraries.

Sec. 93. Section 257.2, subsection 12, Code 1993, is amended to read as follows:

12. "State percent of growth" means a the percent of economic growth determined under this chapter which is based upon an averaging of state and federal growth indicators established by statute pursuant to section 257.8, and which is used in determining the allowable growth.

Sec. 94. Section 260C.57, Code 1993, is amended to read as follows:

260C.57 AUTHORIZATION — CONTRACTS — TITLE.

Subject to and in accordance with the provisions of this division, the board of trustees directors of each community college is hereby authorized to undertake and carry out any project at a community college under the board's control and to operate, control, maintain, and manage student residence halls and dormitories, including dining and other incidental facilities, and additions to such buildings at each of said institutions. All contracts for the construction, reconstruction, completion, equipment, improvement, repair or remodeling of any buildings, additions or facilities shall be let in accordance with the provisions of section 260C.19. The title to all real estate acquired under the provisions of this division and the improvements erected on the real estate shall be taken and held in the name of the merged area. The board is authorized to rent the rooms in such residence halls and dormitories to the students, officers, guests and employees of the institutions at such rates, fees or rentals as will provide a reasonable return upon the investment, but which will in any event produce net rents, profits and income sufficient to insure the payment of the principal of and interest on all bonds or notes issued to pay any part of the cost of any project and refunding bonds or notes issued pursuant to the provisions of this division and to insure that no property tax revenues will be needed to retire the bonds or notes.

Sec. 95. Section 260C.59, Code 1993, is amended to read as follows:

260C.59 RATES AND TERMS OF BONDS OR NOTES.

The bonds or notes may bear a date or dates, may bear interest at such rate or rates, may mature at such time or times, may be in such form, carry such registration privileges, may be payable at such place or places, may be subject to such terms of redemption prior to maturity with or without premium, if so stated on the face of the bonds, and may contain any terms and covenants as may be provided by the resolution of the board authorizing the issuance of the bonds or notes. In addition to the estimated cost of construction, the cost of the project shall be deemed to include interest upon the bonds or notes during construction and for six months after the estimated completion date, the compensation of a fiscal agent or adviser, any underwriter discount, and engineering, administrative and legal expenses. The bonds or notes shall be executed by the president of the board of ~~trustees~~ directors and attested by the secretary. Any bonds or notes bearing the signatures of officers in office on the date of the signing shall be valid and binding for all purposes, notwithstanding that before delivery of the bonds or notes any or all persons whose signatures appear on the bonds or notes shall have ceased to be officers. Each bond or note shall state upon its face the name of the institution on behalf of which it is issued, that it is payable solely and only from the net rents, profits and income derived from the operation of residence halls or dormitories, including dining and other incidental facilities, at the institution named, and that it does not constitute a charge against the state of Iowa within the meaning or application of any constitutional or statutory limitation or provision. The issuance of bonds or notes shall be recorded in the office of the treasurer of the institution on behalf of which the bonds or notes are issued, and a certificate by such treasurer to this effect shall be printed on the back of each such bond or note.

Sec. 96. Section 260C.65, Code 1993, is amended to read as follows:
260C.65 FEDERAL OR OTHER AID ACCEPTED.

The board of ~~trustees~~ directors of each community college may apply for and accept federal aid or nonfederal gifts or grants of funds, and may use the aid, gifts, or funds to pay all or any part of the cost of carrying out any project at any institution under the terms of this division or to pay any bonds and interest on the bonds issued for any of the purposes specified in this division.

Sec. 97. Section 260C.66, Code 1993, is amended to read as follows:
260C.66 REPORTS TO GENERAL ASSEMBLY.

The board of ~~trustees~~ directors of each community college shall determine, in consultation with the legislative fiscal bureau, the financial information to be included in line item budget information for projects funded by the issuance of bonds or notes under this chapter and shall submit the line item budget information to the general assembly as requested. The board of ~~trustees~~ directors of each community college shall submit quarterly reports to the general assembly concerning the projects funded by the issuance of bonds or notes under this chapter as follows:

1. Identification of both undercharges and overcharges for line items of projects.
2. Identification of contracts in which any line item for a project exceeds the adopted budget for that line item by ten percent or more.
3. Identification of complaints received by an institution regarding the construction of a project.

If the board of ~~trustees~~ directors of a community college approves a change in the amount of the line item of a budget for a project, the change shall be transmitted to the appropriations committees of the house of representatives and senate, while the general assembly is in session, and to the legislative council, when the general assembly is not in session, for review.

Sec. 98. Section 260C.67, Code 1993, is amended to read as follows:
260C.67 ALTERNATIVE METHOD.

This division shall be construed as providing an alternative and independent method for carrying out any project at any institution under the control of a community college board of ~~trustees~~ directors, for the issuance and sale or exchange of bonds or notes in connection with a project and for refunding bonds or notes pertinent to the project, without reference to any other statute, and shall not be construed as an amendment of or subject to the provisions of any other law, and no publication of any notice, whether under section 73A.12 or otherwise, and no other or further proceeding in respect to the issuance or sale or exchange of bonds or notes under this division, shall be required except as prescribed by this division, any provisions of other statutes of the state to the contrary notwithstanding.

Sec. 99. Section 260C.70, Code 1993, is amended to read as follows:
260C.70 TEN-YEAR PROGRAM AND TWO-YEAR BONDING ESTIMATE SUBMITTED EACH YEAR.

The board of ~~trustees~~ directors of each community college shall prepare and submit to the general assembly, the governor, and the department of education a proposed ten-year building program for each institution under the board's control, including an estimate of the maximum amount of bonds which the board expects to issue under the provisions of this chapter during each year of the ensuing biennium. The program and estimate shall be submitted no later than seven days after the convening of each regular annual session of the general assembly. Before a board of ~~trustees~~ directors can proceed with a project in the building program, the project must be approved by the state board for community colleges, and be a project designed for special programs, special needs of special students, and to meet needs for which privately owned housing is not available. The building program shall contain a list of the buildings and facilities which are designed to meet the special needs of students attending special programs. The list shall be revised annually, but no project shall be eliminated from the list when bonds have previously been issued by the board to pay the cost of the project. Each list shall contain an estimate of the cost of each of the buildings and facilities referred to on the list.

Sec. 100. Section 275.1, subsection 2, Code Supplement 1993, is amended to read as follows:

2. "Initial board" means the board of a newly reorganized district that is selected pursuant to section 275.25 or ~~274.41~~ 275.41 and functions until the organizational meeting following the fourth regular school election held after the effective date of the reorganization.

Sec. 101. Section 294A.25, subsection 8, Code Supplement 1993, is amended to read as follows:

8. For the fiscal year beginning July 1, 1993, to the department of education from phase III moneys the amount of seven hundred fifty thousand dollars for support for the operations of the new Iowa schools development corporation and for school transformation design and implementation projects administered by the corporation and the amount of seven hundred fifty thousand dollars for purposes specified in the math and science grant program under section 256.36, which may include support for the early mathematics prognostic testing program at Iowa state university of science and technology. However, the funds appropriated for purposes specified in the math and science grant program under section 256.36 are contingent on the receipt of federal funding from the state systemic initiative for improving mathematics and science education grant. If federal funding from the state systems systemic initiative for improving mathematics and science education is not received, the amount of two hundred fifty thousand dollars shall be used, in addition to any other appropriations, for the operations of the new Iowa schools development corporation and for school transformation design and implementation projects administered by the corporation.

Sec. 102. Section 312.2, subsection 19, Code Supplement 1993, is amended to read as follows:

19. a. The treasurer of state, before making the allotments provided for in this section, for the fiscal year beginning July 1, 1990, and each succeeding fiscal year, shall credit from the road use tax fund two million dollars to the county bridge construction fund, which is hereby created. Moneys credited to the county bridge construction fund shall be allocated to counties by the department for bridge construction, reconstruction, replacement, or realignment based on needs in accordance with rules adopted by the department.

b. The treasurer of state, before making the allotments provided for in this section, for the fiscal year beginning July 1, 1990, and each succeeding fiscal year, shall credit from the road use tax fund five hundred thousand dollars to the city bridge construction fund, which is hereby created. Moneys credited to the city bridge construction fund shall be allocated to cities by the department for bridge construction and reconstruction based on needs in accordance with rules adopted by the department.

Sec. 103. Section 312.3, subsection 1, Code Supplement 1993, is amended by adding the following new paragraph:

NEW UNNUMBERED PARAGRAPH. For the purposes of this subsection, "latest quadrennial need study report" includes the annual recalculation of construction and maintenance needs of roads whose jurisdiction has been transferred from the department to a county or from a county to the department during the previous year as recalculated pursuant to section 307A.2, subsection 14A.

Sec. 104. Section 321.291, Code Supplement 1993, is amended to read as follows:

321.291 INFORMATION OR NOTICE.

In every charge of violation of section 321.285 the information, and also the notice to appear, shall specify the speed at which the defendant is alleged to have driven, ~~also~~ and the speed limit applicable within the district or at the location.

Sec. 105. Section 331.602, subsection 29, Code 1993, is amended by striking the subsection.

Sec. 106. Section 331.756, subsections 15 and 64B, Code Supplement 1993, are amended to read as follows:

15. Review the report and recommendations of the ~~independent~~ ethics and campaign finance disclosure board and proceed to institute the recommended actions or advise the board that prosecution is not merited, as provided in ~~section~~ sections 68B.32C and 68B.32D.

64B. Make a written report to the department of inspections and appeals within fifteen days of the end of each calendar quarter of the amount of funds which were owed to the state for indigent defense services and which were recouped pursuant to subsection 5 ~~or~~ 64A.

Sec. 107. Section 335.25, subsection 3, Code Supplement 1993, is amended to read as follows:

3. Notwithstanding the optional provision in section 335.1 and any other provision of this chapter to the contrary, a county, county board of supervisors, or a county zoning commission shall consider a family home a residential use of property for the purposes of zoning and shall treat a family home as a permitted use in all residential zones or districts, including all single-family residential zones or districts, of the county. A county, county board of supervisors, or a county zoning commission shall not require that a family home, its owner, or operator obtain a conditional use permit, special use permit, special exception, or variance. However, new family homes owned or operated by public or private agencies shall be ~~disbursed~~ dispersed through the residential zones and districts and shall not be located within contiguous areas equivalent in size to city block areas. Section 135C.23, subsection 2, shall apply to all residents of a family home.

Sec. 108. Section 335.32, Code Supplement 1993, is amended to read as follows:

335.32 HOMES FOR PERSONS WITH PHYSICAL DISABILITIES.

A county board of supervisors or county zoning commission shall consider a home for persons with physical disabilities a family home, as defined in section 335.25, for the purposes of zoning, in accordance with chapter ~~136L~~ 504C.

Sec. 109. Section 357A.14, subsection 1, Code Supplement 1993, is amended to read as follows:

1. An owner of real property outside a district which can be economically served by the facilities of the district may petition to be attached to the district. The petition ~~submitted by the district~~ shall be filed with the auditor, and the auditor and supervisors shall notify the district that a petition has been received and proceed in a manner set forth in sections 357A.3 through 357A.6.

Sec. 110. Section 414.22, subsection 3, Code Supplement 1993, is amended to read as follows:

3. Notwithstanding any provision of this chapter to the contrary, a city, city council, or city zoning commission shall consider a family home a residential use of property for the purposes of zoning and shall treat a family home as a permitted use in all residential zones or districts, including all single-family residential zones or districts, of the city. A city, city council, or city zoning commission shall not require that a family home, its owner, or operator obtain a conditional use permit, special use permit, special exception, or variance. However, new family homes owned and operated by public or private agencies shall be ~~disbursed~~ dispersed throughout the residential zones and districts and shall not be located within contiguous city block areas. Section 135C.23, subsection 2, shall apply to all residents of a family home.

Sec. 111. Section 414.30, Code Supplement 1993, is amended to read as follows:

414.30 HOMES FOR PERSONS WITH PHYSICAL DISABILITIES.

A city council or city zoning commission shall consider a home for persons with physical disabilities a family home, as defined in section 414.22, for purposes of zoning in accordance with chapter ~~136L~~ 504C.

Sec. 112. Section 455E.11, subsection 2, paragraph e, unnumbered paragraph 1, Code Supplement 1993, is amended to read as follows:

An oil overcharge account. The oil overcharge moneys distributed by the United States department of energy, and approved for the energy related components of the groundwater protection strategy available through the energy conservation trust created in section ~~93.11~~ 473.11, shall be deposited in the oil overcharge account as appropriated by the general assembly. The oil overcharge account shall be used for the following purposes:

Sec. 113. Section 505.1, Code Supplement 1993, is amended to read as follows:

505.1 INSURANCE DIVISION CREATED.

An insurance division is created within the department of commerce to regulate and supervise the conducting of the business of insurance in the state. The commissioner of insurance is the chief executive officer of the division. As used in this ~~chapter~~, ~~the rest of the insurance title~~, ~~subtitle~~ and ~~chapters~~ chapter 502 and 535C, "division" means the insurance division.

Sec. 114. Section 507C.42, subsection 3, Code Supplement 1993, is amended to read as follows:

3. CLASS 3. Claims under policies, including claims of the federal or any state or local government, for losses incurred, including third-party claims, claims against the insurer for liability for bodily injury or for injury to or destruction of tangible property which are not under policies, ~~and~~ claims of a guaranty association or foreign guaranty association. Claims, and claims for unearned premium. Claims under life insurance and annuity policies, whether for death proceeds, annuity proceeds, or investment values shall be treated as loss claims. That portion of a loss, indemnification for which is provided by other benefits or advantages recovered by the claimant, shall not be included in this class, other than benefits or advantages recovered or recoverable in discharge of familial obligations of support or by way of succession at death or as proceeds of life insurance, or as gratuities. A payment by an employer to an employee is not a gratuity.

Sec. 115. Section 546.8, Code Supplement 1993, is amended to read as follows:

546.8 INSURANCE DIVISION.

The insurance division shall regulate and supervise the conducting of the business of insurance in the state. The division shall enforce and implement Title XIII, subtitle 1, insurance and related regulation, ~~chapters 505 through 523G~~, and ~~chapters~~ chapter 502 and 535C, and shall perform other duties assigned to the division by law. The division is headed by the commissioner of insurance who shall be appointed pursuant to section 505.2.

Sec. 116. Section 556.5, subsection 2, Code Supplement 1993, is amended to read as follows:

2. At the expiration of a three-year period following the failure of the owner to claim a dividend, distribution, or other sum payable to the owner as a result of the interest, the interest is not presumed abandoned unless there have been at least ~~seven~~ three dividends, distributions, or other sums paid during the period, none of which has been claimed by the owner. If three dividends, distributions, or other sums are paid during the three-year period, the period leading to a presumption of abandonment commences on the date payment of the first unclaimed dividend, distribution, or other sum became due and payable. If three dividends, distributions, or other sums are not paid during the presumptive period, the period continues to run until there have been three dividends, distributions, or other sums that have not been claimed by the owner.

Sec. 117. Section 595.19, Code 1993, is amended to read as follows:

595.19 VOID MARRIAGES.

1. Marriages between the following persons who are related by blood are void:

1 a. Between a man and his father's sister, mother's sister, daughter, sister, son's daughter, daughter's daughter, brother's daughter, or sister's daughter.

2 b. Between a woman and her father's brother, mother's brother, son, brother, son's son, daughter's son, brother's son, or sister's son.

3 c. Between first cousins.

4 2. Between Marriages between persons either of whom has a husband or wife living are void, but, if the parties live and cohabit together after the death or divorce of the former husband or wife, such marriage shall be valid.

Sec. 118. Section 602.8107, subsection 5, unnumbered paragraph 2, Code Supplement 1993, is amended to read as follows:

This subsection does not apply to amounts collected for victim restitution, the new ~~victim restitution~~ victim compensation fund, criminal penalty surcharge, or amounts collected as a result of procedures initiated under section 421.17, subsection 25.

Sec. 119. Section 724.22, subsection 7, Code 1993, is amended to read as follows:

7. Access to loaded firearms by children restricted — penalty. It shall be unlawful for any person to store or leave a loaded firearm which is not secured by a trigger lock mechanism, placed in a securely locked box or container, or placed in some other location which a reasonable person would believe to be secure from a minor under the age of fourteen years, if such person knows or has reason to believe that a minor under the age of fourteen years is likely to gain access to the firearm without the lawful permission of the minor's parent, guardian, or person having charge of the minor, the minor lawfully gains access to the firearm without the consent of the minor's parent, guardian, or person having charge of the minor, and the minor exhibits the firearm in a public place in an unlawful manner, or uses the firearm unlawfully to cause injury or death to a person. This subsection does not apply if the minor obtains the firearm as a result of an unlawful entry by any person. A violation of this ~~section~~ subsection is punishable as a serious misdemeanor.

Sec. 120. Section 730.5, subsection 2, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Except as provided in subsection 7, an employer shall not require or request employees or applicants for employment to submit to a drug test as a condition of employment, preemployment, promotion, or change in status of employment. An employer shall not request, require, or conduct random or blanket drug testing of employees. However, this section does not apply to preemployment drug tests authorized for peace officers or correctional officers of the state, or to drug tests required under federal statutes or under federal regulations adopted as of July 1, 1990, or to drug tests conducted pursuant to a nuclear regulatory commission ~~policy statement~~ regulation, or to drug tests conducted to determine if an employee is ineligible to receive workers' compensation under section 85.16, subsection 2.

Sec. 121. Section 805.8, subsection 2, paragraph g, subparagraph (3), Code Supplement 1993, is amended to read as follows:

(3) For excessive speed violations when in excess of the limit under sections 321.236, subsections 5 and 11, 321.285, and 461A.36 by five or less miles per hour the fine is ten dollars, by more than five and not more than ten miles per hour the fine is twenty dollars, by more than ten and not more than fifteen miles per hour the fine is thirty dollars, by more than fifteen and not more than twenty miles per hour the fine is forty dollars, and by more than twenty miles per hour the fine is forty dollars plus two dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.

Sec. 122. Section 815.9A, subsection 1, Code Supplement 1993, is amended to read as follows:

1. If the person has an income level as determined pursuant to section 815.9 greater than one hundred percent but not more than one hundred fifty percent of the poverty guidelines, at least one hundred dollars of the indigent defense costs ~~to~~ shall be recovered in accordance with rules adopted by the state public defender.

Sec. 123. Section 910A.16, subsection 4, Code Supplement 1993, is amended to read as follows:

4. To the greatest extent possible, a multidisciplinary team involving the county attorney, law enforcement, community-based child advocacy organizations, and personnel of the department of human services shall be utilized in investigating cases involving a violation of chapter 709 or 726 with a child committed upon a victim as defined in subsection 1.

Sec. 124. 1993 Iowa Acts, chapter 131, section 29, is amended to read as follows:

SEC. 29. 1. 1991 Iowa Acts, chapter 268, section 508, subsection 3, unnumbered paragraph 2 and lettered paragraphs a, b, c, and d, are amended by striking the unnumbered paragraph and the lettered paragraphs.

2. 1992 Iowa Acts, chapter 1238, section 10, is repealed.

Sec. 125. REPEALS.

1. Section 2.68, Code 1993, is repealed.

2. 1992 Iowa Acts, chapter 1117, sections 40 and 43, are repealed.

3. 1993 Iowa Acts, chapter 175, section 26, is repealed.

Approved March 31, 1994

CHAPTER 1024

INVOLUNTARY COMMITMENT — SUMMARY OF PROCEDURES

H.F. 2037

AN ACT relating to the involuntary commitment of another, and providing for a summary of the procedures involved in an involuntary commitment.

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

Section 1. **NEW SECTION. 229.45 PROVISION OF SUMMARY OF PROCEDURES TO APPLICANT IN INVOLUNTARY COMMITMENT.**

The department of human services, in consultation with the office of attorney general, shall develop a summary of the procedures involved in an involuntary commitment and information concerning the participation of an applicant in the proceedings. The summary shall be provided by the department, at the department's expense, to the clerks of the district court who shall make the summary available to all applicants prior to the filing of a verified application, or to any other person upon request, and who shall attach a copy of the summary to the notice of hearing which is served upon the respondent under section 125.77 or 229.7. The summary may include, but is not limited to, the following:

1. The statutory criteria for ordering that a person be involuntarily committed under chapter 125 or sections 229.11 and 229.13.

2. A description of the hearing process.

3. An explanation of the applicant's right to testify and examples of the kinds of relevant information which may be introduced at the hearing.

4. An explanation of the duties of the county attorney in civil commitment proceedings.

Approved March 31, 1994