

Judiciary and Law Enforcement: McKean, Chair; Chapman and Schroeder.

Do Pass 2/16 (p. 1115)

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SENATE FILE 2129

BY COMMITTEE ON JUDICIARY

Approved 2/2

Passed Senate, Date 2-9-84 (p. 370) Passed House, Date 3-27-84 (p. 1362)

Vote: Ayes 45 Nays 0 Vote: Ayes 97 Nays 0

Approved April 11, 1984 (p. 1493)

A BILL FOR

1 An Act to make nonsubstantive corrections to the Code.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S. 2129

1 Section 1. Section 2.42, subsection 16, Code Supplement
2 1983, is amended to read as follows:

3 16. Authority to review proposed rules and forms sub-
4 mitted by the supreme court pursuant to section ~~684-18~~
5 602.4202.

6 Sec. 2. Section 3.1, subsections 2 and 3, Code 1983, are
7 amended to read as follows:

8 2. Shall refer to the ~~number-and~~ session of the general
9 assembly and ~~of~~ the sections and chapters of the Acts thereof
10 to be amended ~~in-case~~ if the bill relates to a section or
11 sections of an Act not appearing in the Code or codified in
12 a supplement to the Code.

13 3. All references to statutes shall be expressed in words,
14 ~~followed-by-the~~ numerals ~~in-parentheses-when-specified-in~~
15 ~~the-bill-drafting-instructions-promulgated-by-the-legislative~~
16 ~~eeuneil~~, and if omitted the Code editor in preparing Acts
17 for publication in the session laws shall supply the ~~same~~
18 numerals.

19 Sec. 3. Section 8.6, subsection 20, Code Supplement 1983,
20 is amended to read as follows:

21 20. WORKERS' COMPENSATION CLAIMS. To employ appropriate
22 staff to handle and adjust claims of state employees for
23 workers' compensation benefits pursuant to chapters 85, 85A,
24 85B, and 86, or with the approval of the executive council
25 contract for ~~such~~ the services or purchase workers'
26 compensation insurance coverage for state employees or selected
27 groups of state employees. The state comptroller shall
28 quarterly determine an appropriate amount, based upon the
29 cost of workers' compensation insurance; that shall be
30 collected from the agencies, departments or divisions which
31 have not received an appropriation for the payment of workers'
32 compensation insurance and which operate from moneys other
33 than from the general fund and ~~such~~ the payments shall be
34 deposited in the general fund.

35 Sec. 4. Section 8.41, subsection 2, Code 1983, is amended

1 to read as follows:

2 2. Federal funds deposited in the state treasury as
3 provided in subsection 1 shall either be included as part
4 of the governor's budget required by section 8.22 or shall
5 be included in a separate recommendation made by the governor
6 to the general assembly. If federal funds received in the
7 form of block grants or categorical grants have not been
8 included in the governor's budget for the current fiscal
9 biennium because of time constraints or because a budget is
10 not being submitted for the second year of a biennium, the
11 governor shall submit a supplemental statement to the general
12 assembly listing the federal funds received and including
13 the same information for the federal funds required by section
14 8.22, part I, subsection 2, paragraph "e" for the statement
15 of federal funds in the governor's budget.

16 Sec. 5. Section 17.23, Code 1983, is amended to read as
17 follows:

18 17.23 PRICE OF DEPARTMENTAL REPORTS. The state
19 superintendent of printing shall establish and fix a selling
20 price for all ~~other~~ state departmental reports and any other
21 state publications ~~at~~ the superintendent may designate, which
22 price per volume shall be the amount charged any person, other
23 than public officials, ~~who may-desire-to-purchase~~ purchases
24 ~~the same, such~~ publication. The price shall cover the cost
25 of printing and distribution. The superintendent may
26 distribute gratis to ~~such~~ state or local public officials,
27 or offices, ~~he-may-deem~~ as the superintendent deems necessary,
28 copies of departmental annual reports.

29 Sec. 6. Section 19A.9, subsection 2, Code 1983, is amended
30 to read as follows:

31 2. For a pay plan within the purview of an appropriation
32 made by the general assembly and not otherwise provided by
33 law for all employees in the merit system, after consultation
34 with appointing authorities with due regard to the results
35 of a collective bargaining agreement negotiated under ~~the~~

1 ~~provisions-of~~ chapter 20 and after a public hearing held by
2 the commission. ~~Such~~ The pay plan ~~shall-become~~ becomes
3 effective only after it has been approved by the executive
4 council after submission from the commission. Review of the
5 pay plan for revisions shall be made in the same manner at
6 the discretion of the director, but not less than annually.
7 The annual review by the director shall be made available
8 to the governor a sufficient time in advance of collective
9 bargaining negotiations to permit its recommendations to be
10 considered during ~~such~~ the negotiations. Each employee shall
11 be paid at one of the rates set forth in the pay plan for
12 the class of position in which employed and, unless otherwise
13 designated by the commission, shall begin employment at the
14 first step of the established range for the employee's class.
15 Unless otherwise established by law, the governor, with the
16 approval of the executive council, shall establish a pay plan
17 for all exempt positions in the executive branch of government
18 except for employees of the governor, the board of regents,
19 ~~the state-educational-radio-and-television-facility-board~~
20 Iowa department of public broadcasting, the superintendent
21 of public instruction and members of the professional staff
22 of the department of public instruction, appointed under ~~the~~
23 ~~provisions-of~~ section 257.24, who possess a current, valid
24 teacher's certificate or who are assigned to vocational
25 activities or programs, the commission for the blind, members
26 of the Iowa highway safety patrol and other peace officers,
27 as defined in section 97A.1, employed by the department of
28 public safety, and officers and enlisted personnel of the
29 armed services under state jurisdiction.

30 Sec. 7. Section 25A.14, subsection 4, Code Supplement
31 1983, is amended to read as follows:

32 4. Any claim arising out of assault, battery, false
33 imprisonment, false arrest, malicious prosecution, abuse ~~of~~
34 of process, libel, slander, misrepresentation, deceit, or
35 interference with contract rights.

1 Sec. 8. Section 28.89, Code Supplement 1983, is amended
2 to read as follows:

3 28.89 IOWA PRODUCT DEVELOPMENT CORPORATION FUND. There
4 is created an "Iowa product development corporation fund".
5 All funds of the corporation including the proceeds from the
6 issuance of notes or sale of bonds under this division, any
7 funds appropriated from the general fund to the corporation,
8 and other income derived from the exercise of authority granted
9 to the corporation under this division shall be paid to the
10 treasurer of state as an agent of the corporation and the
11 treasurer shall deposit the amounts in the Iowa product
12 development corporation fund. The money in the Iowa product
13 development corporation fund shall be paid out by warrants
14 signed by the ~~treasurer of state~~ comptroller on requisition
15 of the president of the corporation. The money in the Iowa
16 product development corporation fund shall be used for
17 repayment of notes and bonds issued under this division, and
18 the extension of financial aid granted by the corporation
19 under this division, and the amount remaining may be used
20 for the payment of the administrative and overhead costs of
21 the corporation to the extent required.

22 Sec. 9. Section 28.90, Code Supplement 1983, is amended
23 to read as follows:

24 28.90 PRODUCT DEVELOPMENT CORPORATION NOTES. The
25 corporation may issue Iowa product development corporation
26 fund notes, the principal and interest of which shall be
27 payable solely from the Iowa product development corporation
28 fund established by this division. The fund notes of each
29 issue shall be dated, shall mature at times not exceeding
30 ten years from their dates of issue, and may be made redeemable
31 before maturity, at the option of the corporation, at prices
32 and under terms and conditions as determined by the
33 corporation. The corporation shall determine the form and
34 manner of execution of the fund notes, including any interest
35 coupons to be attached, and shall fix the denominations and

1 the places of payment of principal and interest, which may
2 be any financial institution within or without the state or
3 any agent, including the lender. If an officer whose signature
4 or a facsimile of whose signature appears on fund notes or
5 coupons ceases to be that officer before the delivery of the
6 notes or coupons, the signature or facsimile is valid and
7 sufficient for all purposes the same as if the officer had
8 remained in office until delivery. The fund notes may be
9 issued in coupon or in registered form, or both, as the
10 corporation determines, and provision may be made for the
11 registration of coupon fund notes as to principal alone and
12 also as to both principal and interest, and for the conversion
13 into coupon fund notes of any fund notes registered as to
14 both principal and interest, and for the interchange of
15 registered and coupon fund notes. Fund notes shall bear
16 interest at rates as determined by the corporation and may
17 be sold in a manner, either at public or private sale, and
18 for a price as the corporation determines to be best to
19 effectuate the purposes of the housing-assistance Iowa product
20 development corporation fund. The proceeds of fund notes
21 shall be used solely for the purposes for which issued and
22 shall be disbursed in a manner and under restrictions as
23 provided in this division and in the resolution of the
24 corporation providing for their issuance. The corporation
25 may provide for the replacement of fund notes which become
26 mutilated or are destroyed or lost.

27 Sec. 10. Section 28E.19, Code Supplement 1983, is amended
28 to read as follows:

29 28E.19 JOINT COUNTY INDIGENT DEFENSE FUND. Two or more
30 counties may execute an agreement under chapter 28E to create
31 a joint county indigent defense fund to be used to compensate
32 attorneys appointed to represent indigents under section
33 ~~331-778~~ 815.10 when funds budgeted for that purpose are
34 exhausted. In addition to other requirements of an agreement
35 under chapter 28E, the agreement shall provide for the amount

1 to be paid by each county based on its population to establish
2 and maintain an appropriate balance in the joint fund, and
3 for a method of repayment if a county withdraws more funds
4 than it has contributed.

5 Sec. 11. Section 48.3, Code 1983, is amended to read as
6 follows:

7 48.3 REGISTRATION BY MAIL. As an alternative to the
8 method of registration prescribed by section 48.2, any a
9 person entitled to register under that section may submit
10 a completed voter registration form to the commissioner of
11 registration in the person's county of residence by postage
12 paid United States mail. A registration form or the envelope
13 containing one or more registration forms for the use of
14 individual registrants who are related to each other within
15 the first degree of consanguinity or affinity and who reside
16 at the same address shall be postmarked by the twenty-fifth
17 day prior to an election or the registration will not take
18 effect for that election. A separate registration form shall
19 be signed by each individual registrant. Within five working
20 days after receiving a registration by mail, the commissioner
21 shall send the registrant a receipt of the registration by
22 first class mail marked "do not forward". If the receipt
23 is returned by the postal service the commissioner shall treat
24 the registration as prescribed by section 48.31, subsection
25 7 6. An improperly addressed or delivered registration form
26 shall be forwarded to the appropriate county commissioner
27 of registration within two working days after it is received
28 by any other official.

29 Sec. 12. Section 48.6, subsection 9, Code Supplement 1983,
30 is amended to read as follows:

31 9. A statement in substantially the following form:
32 "I state that I am or will be an eligible elector at any
33 election at which I attempt to vote and that all of the
34 information I have given upon this voter registration form
35 is true. I hereby authorize cancellation of any prior

1 registration to vote in this or any other jurisdiction and
2 my eligibility to vote in any jurisdiction where voter
3 registration is not required. I am aware that fraudulently
4 registering, or attempting to do so, is a ~~felony~~ an aggravated
5 misdemeanor under Iowa law." At the time the registration
6 is signed by the eligible elector it shall also be signed
7 by a mobile registrar, employee of the commissioner's office,
8 or other eligible elector.

9 Sec. 13. Section 68B.2, unnumbered paragraph 2, Code
10 Supplement 1983, is amended to read as follows:

11 ~~Whenever~~ When the terms "legislative employee", "member
12 of the general assembly", "employee", or "official" are used
13 in this chapter, ~~the term shall be interpreted to~~ they include
14 any a firm or association of which any of ~~the above~~ those
15 persons is a member or partner and any a corporation of which
16 any of ~~the above~~ those persons holds ten percent or more of
17 the stock either directly or indirectly. ~~The use of the above~~
18 ~~terms shall also include wives,~~ and the spouse and
19 ~~unemancipated~~ minor children of any of those persons.

20 Sec. 14. Section 85.1, unnumbered paragraph 1, Code
21 Supplement 1983, is amended to read as follows:

22 Except as provided in subsection 5 6 of this section, this
23 chapter ~~shall~~ does not apply to:

24 Sec. 15. Section 85.26, subsection 3, Code Supplement
25 1983, is amended to read as follows:

26 3. Notwithstanding ~~the terms of~~ chapter 17A, the filing
27 with the industrial commissioner of the original notice or
28 petition for an original proceeding or an original notice
29 or petition to reopen an award or agreement of settlement
30 provided by section 86.13, for benefits under ~~the workers'~~
31 ~~compensation or occupational disease law of the Iowa~~
32 ~~occupational hearing loss Act chapter 85B shall be~~ this chapter
33 or chapter 85A or 85B is the only Act act constituting
34 "commencement" for purposes of this ~~statutory~~ section.

35 Sec. 16. Section 86.9, unnumbered paragraph 1, Code 1983,

1 is amended to read as follows:

2 The commissioner shall, at the time provided by law, make
3 a biennial report to the governor setting forth in appropriate
4 form the business and expense of the office for the two
5 preceding years, the number of ~~arbitrations~~ claims before
6 the agency and the ~~results-thereof~~ disposition of the claims,
7 and ~~such~~ other matters pertaining to ~~his~~ the office ~~as may~~
8 be of public interest, together with ~~any~~ recommendations for
9 change or amendment of the laws ~~as found~~ in this chapter and
10 chapters 85, 85A, 85B, and 87, and ~~such~~ the recommendations,
11 if any, shall be transmitted by the governor to the first
12 general assembly in session ~~thereafter~~ after the report is
13 filed.

14 Sec. 17. Section 96.3, subsection 5, unnumbered para-
15 graph 1, Code Supplement 1983, is amended to read as follows:

16 The maximum total amount of benefits payable to ~~any~~ an
17 eligible individual during ~~any~~ a benefit year shall not exceed
18 the total of the wage credits accrued to the individual's
19 account during the individual's base period, or twenty-six
20 times the individual's weekly benefit amount, whichever is
21 the lesser. The director shall maintain a separate account
22 for each individual who earns wages in insured work. The
23 director shall compute wage credits for each individual by
24 crediting the individual's account with one-third of the wages
25 for insured work paid to the individual during the individual's
26 base period. However, the director shall recompute wage
27 credits for an individual who is laid off due to the
28 individual's employer going out of business at the factory,
29 establishment, or other premises at which the individual was
30 last employed, by crediting the individual's account with
31 one-half, instead of one-third, of the wages for insured work
32 paid to the individual during the individual's base period.
33 Benefits paid to an eligible individual shall be charged
34 against the base period wage credits in the individual's
35 account which have not been previously charged ~~hereunder,~~

1 in the inverse chronological order as the wages on which such
2 the wage credits are based were paid. However if the state
3 ~~and-national-"off-indicators"-are~~ "off indicator" is in effect
4 and if the individual is laid off due to the individual's
5 employer going out of business at the factory, establishment,
6 or other premises at which the individual was last employed,
7 the maximum benefits payable shall be extended to thirty-nine
8 times the individual's weekly benefit amount, but not to
9 exceed the total of the wage credits accrued to the
10 individual's account.

11 Sec. 18. Section 96.8, subsection 2, Code 1983, is amended
12 to read as follows:

13 2. VOLUNTARY TERMINATION. Except as otherwise provided
14 in subsection 3 of this section, an employing unit ~~shall- cease~~
15 ceases to be an employer subject to this chapter, as of the
16 first day of January of any calendar year, if it files with
17 the department, prior to the fifteenth day of February of
18 ~~such~~ that year, a written application for termination of
19 coverage, and the department finds that ~~such~~ the employing
20 unit did not meet any of the qualifying liability requirements
21 as provided under section 96.19, subsection 5, paragraphs
22 ~~"a," "b," "c," "d," "e," "f," or "g," and paragraphs "i" and~~
23 ~~"m" and section 96.19, subsection 6, paragraphs "h" or "j"~~
24 in the preceding calendar year.

25 Sec. 19. Section 103A.11, subsections 3 and 4, Code 1983,
26 are amended to read as follows:

27 ~~3---Every-rule-adopted-by-the-commissioner-shall-state~~
28 ~~the-date-on-which-it-takes-effect.~~

29 ~~4- 3. Every-rule-shall,-immediately-after-adeption,-be~~
30 ~~certified-by-the-commissioner-and-transmitted-to-the-secretary~~
31 ~~of-state-for-filing-in-his-office-and-shall-then-become-a~~
32 ~~part-of-the-state-building-code.~~ Copies of every rule shall
33 be sent by the commissioner to all governmental subdivisions
34 which have adopted the state building code.

35 Sec. 20. Section 104.9, unnumbered paragraph 1, Code 1983,

1 is amended to read as follows:

2 Operating permits shall be issued by the commissioner to
3 the owner of every facility when the inspection report
4 indicates compliance with the applicable provisions of this
5 chapter. However, no permits shall be issued if the fees
6 required by section ~~104.14~~ 104.13 have not been paid. Permits
7 shall be issued within thirty days after filing of the
8 inspection report required by section 104.6, unless the time
9 is extended for cause by the division. No facility shall
10 be operated after the thirty days or after any an extension
11 granted by the commissioner has expired, unless an operating
12 permit has been issued.

13 Sec. 21. Section 125.43, Code Supplement 1983, is amended
14 to read as follows:

15 125.43 FUNDING AT MENTAL HEALTH INSTITUTES. Chapter 230
16 ~~shall-govern~~ governs the determination of the costs and payment
17 for treatment provided to substance abusers in a mental health
18 institute under the department of human services, except that
19 the charges ~~shall~~ are not ~~constitute~~ a lien on any real estate
20 owned by persons legally liable for support of the substance
21 abuser and the daily per diem shall be billed at twenty-five
22 percent. ~~Beginning-July-17-1977-the~~ The superintendent of
23 a state hospital shall total only those expenditures which
24 can be attributed to the cost of providing inpatient treatment
25 to substance abusers for purposes of determining the daily
26 per diem. ~~The-provisions-of-section-125.48-shall-govern~~
27 Sections 125.44 and 125.45 govern the determination of who
28 is legally liable for the cost of care, maintenance, and
29 treatment of a substance abuser and of the amount for which
30 the person is liable.

31 Sec. 22. Section 159.5, subsections 4 and 7, Code
32 Supplement 1983, are amended to read as follows:

33 4. Maintain a weather division which shall, in co-operation
34 with the United-States national weather bureau service, collect
35 and disseminate weather and phenological statistics and

1 meteorological data, and promote knowledge of meteorology,
2 phenology and climatology of the state. ~~Said~~ The division
3 shall be ~~in-charge-of-a-director~~ headed by the state
4 climatologist who shall be appointed by the secretary of
5 agriculture, and shall be an officer of the United-States
6 national weather bureau service, if one ~~be~~ is detailed for
7 that purpose by the federal government.

8 7. Maintain a division of agricultural statistics, which
9 shall, in co-operation with the United States ~~bureau-of~~
10 agricultural-economics department of agriculture statistical
11 reporting service, gather, compile, and publish statistical
12 information concerning the condition and progress of crops,
13 the production of crops, livestock, livestock products,
14 poultry, and other such related agricultural statistics, as
15 will generally promote knowledge of the agricultural industry
16 in the state of Iowa. ~~Such~~ The statistics, when published,
17 shall constitute official agricultural statistics for the
18 state of Iowa. ~~Said~~ The division shall be in charge of a
19 director who shall be appointed by the secretary of agriculture
20 and who shall be an officer of the United States ~~bureau-of~~
21 agricultural-economics department of agriculture statistical
22 reporting service, if one ~~be~~ is detailed for that purpose
23 by the federal government.

24 Sec. 23. Section 169.5, subsection 8, paragraph i, Code
25 Supplement 1983, is amended to read as follows:

26 i. Adopt, amend, or repeal rules relating to the standards
27 of conduct for, testing of, and revocation or suspension of
28 certificates issued to veterinary ~~lay~~ assistants, ~~providing~~
29 ~~that no~~. However, a certificate can shall not be suspended
30 or revoked by less than a two-thirds vote of the entire board
31 in a proceeding conducted in compliance with section 17A.12.

32 Sec. 24. Section 239.12, Code Supplement 1983, is amended
33 to read as follows:

34 239.12 AID TO DEPENDENT CHILDREN ACCOUNT. There is
35 established in the state treasury an account to be known as

1 the "Aid to Dependent Children Account" to which shall be
2 credited all funds appropriated by the state for the payment
3 of assistance and benefits under this chapter, and all other
4 moneys received at any time for such purposes. Moneys assigned
5 to the department under section ~~239-12~~ 239.3 and received
6 by the child support recovery unit pursuant to section 252B.5
7 and 42 U.S.C. sec. 664 shall be credited to the account in
8 the fiscal year in which the moneys are received. All
9 assistance and benefits under this chapter shall be paid from
10 the account.

11 Sec. 25. Section 255.28, Code Supplement 1983, is amended
12 to read as follows:

13 255.28 TRANSFER OF PATIENTS FROM STATE INSTITUTIONS.

14 The commissioner of the department of human services, in
15 respect to institutions under the commissioner's control,
16 the director of any of the divisions of the department, in
17 respect to the institutions under the director's control,
18 the director of the Iowa department of corrections, in respect
19 to the institutions under the department's control, and the
20 state board of regents in respect to the Iowa braille and
21 sight-saving school and the Iowa school for the deaf, may
22 send any inmate, student, or patient of ~~any-institutions~~ an
23 institution, or any person committed or applying for admission
24 ~~thereto~~ to an institution, to the hospital of the medical
25 college of the state university for treatment and care as
26 provided in this chapter, without securing the order of court
27 required in other cases. The department of human services,
28 the Iowa department of corrections and the state board of
29 regents, shall respectively pay the traveling expenses of
30 a patient thus committed, and when necessary the traveling
31 expenses of an attendant for the patient, out of funds
32 appropriated for the use of the institution from which the
33 patient is sent.

34 Sec. 26. Section 258A.1, subsection 1, paragraph g, Code
35 Supplement 1983, is amended by striking the paragraph.

1 Sec. 27. Section 258A.3, subsection 2, paragraph a, Code
2 Supplement 1983, is amended to read as follows:

3 a. Revoke a license, or suspend a license either until
4 further order of the board or for a specified period, upon
5 any of the grounds specified in ~~sections~~ section 114.21,
6 116.21, 117.29, 118.13, 118A.15, ~~120-10,~~ 147.55, 148B.7,
7 153.34, 154A.24, 169.13, 455B.219 and or 602.3203 and ~~chapters~~
8 or chapter 135E, 151, 507B and or 522, as applicable, or upon
9 any other grounds specifically provided for in this chapter
10 for revocation of the license of a licensee subject to the
11 jurisdiction of that board, or upon failure of the licensee
12 to comply with a decision of the board imposing licensee
13 discipline;

14 Sec. 28. Section 258A.4, subsection 1, paragraph f, Code
15 Supplement 1983, is amended to read as follows:

16 f. Define by rule acts or omissions which are grounds
17 for revocation or suspension of a license under ~~sections~~
18 section 114.21, 116.21, 117.29, 118.13, 118A.15, ~~120-10,~~
19 147.55, 148B.7, 153.34, 154A.24, 169.13, 455B.187 and or
20 602.3203 and ~~chapters~~ or chapter 135E, 151, 507B and or 522,
21 as applicable, and to define by rule acts or omissions which
22 constitute negligence, careless acts or omissions within the
23 meaning of section 258A.3, subsection 2, paragraph "b", which
24 licensees are required to report to the board pursuant to
25 section 258A.9, subsection 2;

26 Sec. 29. Section 283.1, Code 1983, is amended to read
27 as follows:

28 283.1 FEDERAL FUNDS ACCEPTED. The state board of public
29 instruction is ~~hereby-designated-as~~ the "state educational
30 authority" for the purpose of accepting and administering
31 ~~such funds as-may-be~~ appropriated by ~~Congress~~ Congress for
32 educational purposes and ~~all-such~~ the funds shall be deposited
33 with the treasurer of state and disbursed through the office
34 of state comptroller on vouchers audited as provided by law.
35 When state matching funds are required as a condition to the

1 acceptance of such federal funds, the state board of public
2 instruction ~~is authorized to~~ may make expenditures for matching
3 only from funds provided by the legislature for such that
4 ~~purpose, provided, however, that.~~ However, when federal funds
5 may be matched with expenditures from funds appropriated for
6 the general operation of the department of public instruction
7 ~~such,~~ this may be done with the approval of the ~~budget and~~
8 ~~financial control committee~~ legislative council.

9 Sec. 30. Section 303A.10, Code 1983, is amended to read
10 as follows:

11 303A.10 AGREEMENTS. The compact administrator and the
12 chief executive of any a county, city, ~~village,~~ town or library
13 board ~~is hereby authorized and empowered to~~ may enter into
14 agreements with other states or their political subdivisions
15 pursuant to the compact. ~~Such~~ The agreements ~~as may be~~ made
16 pursuant to this compact on behalf of the state of Iowa shall
17 be made by the compact administrator. ~~Such~~ The agreements
18 ~~as may be~~ made on behalf of a political subdivision shall
19 be made after due notice to and consultation with the compact
20 administrator ~~and consultation with him.~~

21 Sec. 31. Section 321.43, Code 1983, is amended to read
22 as follows:

23 321.43 NEW IDENTIFYING NUMBERS. The department ~~is~~
24 ~~authorized to~~ may assign a distinguishing number to a vehicle
25 ~~or auxiliary axle whenever~~ when the serial number ~~thereon~~
26 on the vehicle is destroyed or obliterated and ~~to~~ issue to
27 the owner a special plate bearing ~~such~~ the distinguishing
28 number which shall be affixed to the vehicle ~~or auxiliary~~
29 ~~axle~~ in a position to be determined by the director. ~~Such~~
30 The vehicle ~~or auxiliary axle~~ shall be registered and titled
31 under ~~such~~ the distinguishing number in lieu of the former
32 serial number.

33 Sec. 32. Section 321.116, Code Supplement 1983, is amended
34 to read as follows:

35 321.116 ELECTRIC AUTOMOBILES. For ~~all~~ an electric motor

1 ~~vehicles~~ vehicle the annual fee ~~shall-be~~ is twenty-five
2 dollars. ~~When-any~~ However, if an electric motor vehicle which
3 is more than five model years old the annual registration
4 fee ~~shall-be~~ is fifteen dollars.

5 Sec. 33. Section 321.482, Code 1983, is amended to read
6 as follows:

7 321.482 PENALTIES FOR SIMPLE MISDEMEANOR. It is a simple
8 misdemeanor for ~~any a~~ a person to do ~~any an~~ an act forbidden or
9 to fail to perform ~~any an~~ an act required by ~~any-of-the-provisions~~
10 ~~of~~ this chapter unless ~~any-such~~ the violation is by this
11 chapter or other law of this state declared to be a serious
12 or aggravated misdemeanor or a felony. Chapter 232 ~~shall~~
13 ~~have~~ has no application in the prosecution of offenses
14 committed in violation of this chapter which are simple
15 misdemeanors.

16 Sec. 34. Section 327G.78, unnumbered paragraph 1, Code
17 Supplement 1983, is amended to read as follows:

18 Subject to sections 327G.77 and 471.16 when a railroad
19 corporation, its trustee, or successor in interest ~~have~~ has
20 interests in real property adjacent to a railroad right-of-
21 way that are abandoned by order of the interstate commerce
22 commission, reorganization court, bankruptcy court, or the
23 authority, or when a railroad corporation, trustee, or
24 successor in interest seeks to sell its interests in that
25 property under any other circumstance, the railroad corporation
26 or trustee shall extend a written offer to sell at a fair
27 market value price to the persons holding leases, licenses,
28 or permits upon those properties, allowing sixty days from
29 the time of receipt for a written response. If a disagreement
30 arises between the parties concerning the price or other terms
31 of the sale transaction, either or both parties may make
32 written application to the authority to resolve the
33 disagreement. The application shall be made within sixty
34 days from the time an initial written response is served upon
35 the railroad corporation, trustee, or successor in interest

1 by the person wishing to purchase the property. The authority
2 shall hear the controversy and make a final determination
3 of the fair market value of the property and the other terms
4 of the transaction which were in dispute within ninety days
5 after the application is filed. All correspondence shall
6 be by certified mail.

7 Sec. 35. Section 331.321, subsection 1, paragraph h, Code
8 Supplement 1983, is amended to read as follows:

9 h. A county commission of veteran affairs in accordance
10 with sections 250.3 and 250.4, ~~and a person to provide for~~
11 ~~the burial of indigent veterans in accordance with section~~
12 ~~250-13.~~

13 Sec. 36. Section 390.3, unnumbered paragraph 2, Code 1983,
14 is amended to read as follows:

15 However, in the performance of a joint agreement, the
16 governing body ~~shall~~ is not be subject to statutes generally
17 applicable to public contracts, including hearings on plans,
18 specifications, form of contracts, costs, notice and
19 competitive bidding required under ~~chapter 23 or chapter 397~~
20 ~~of the 1973 Code or~~ sections 384.95 to through 384.103, unless
21 all parties to the joint agreement are cities located within
22 the state of Iowa.

23 Sec. 37. Section 422.100, unnumbered paragraph 2, Code
24 Supplement 1983, is amended by striking the unnumbered
25 paragraph.

26 Sec. 38. Section 422A.2, subsection 4, paragraph d, un-
27 numbered paragraph 1, Code Supplement 1983, is amended to
28 read as follows:

29 The provisions of division III of chapter 384 relating
30 to the issuance of ~~essential~~ corporate purpose bonds apply
31 to the issuance by a city of bonds payable as provided in
32 this section and the provisions of chapter ~~23~~ 331, division
33 IV, part 3, relating to the issuance of county purpose bonds
34 apply to the issuance by a county of bonds payable as provided
35 in this section. The provisions of chapter 76 apply to the

1 bonds payable as provided in this section except that the
2 mandatory levy to be assessed pursuant to section 76.2 shall
3 be at a rate to generate an amount which together with the
4 receipts from the pledged portion of the hotel and motel tax
5 is sufficient to pay the interest and principal on the bonds.
6 All amounts collected as a result of the levy assessed pursuant
7 to section 76.2 and paid out in the first instance for bond
8 principal and interest shall be repaid to the city or county
9 which levied the tax from the first available hotel and motel
10 tax collections received in excess of the requirement for
11 the payment of the principal and interest of the bonds and
12 when repaid shall be applied in reduction of property taxes.

13 Sec. 39. Section 467D.17, Code Supplement 1983, is amended
14 to read as follows:

15 467D.17 PLAN PRESENTED TO COMMITTEE, DEPARTMENT OF WATER,
16 AIR AND WASTE MANAGEMENT, AND SOIL CONSERVATION DISTRICTS.

17 The board shall tentatively adopt the plan by resolution and
18 shall present the plan to the committee and the department
19 of water, air and waste management for review. The department
20 of water, air and waste management shall within ninety days
21 review the plan as presented and make recommendations it deems
22 necessary to bring the conservancy district's plan into
23 conformity with the comprehensive water allocation plan
24 established by the department of water, air and waste
25 management pursuant to section 455B.263. The recommendations
26 of the department of water, air and waste management shall
27 be submitted to the board for incorporation into the plan.
28 The plan shall then be submitted to the soil conservation
29 districts located entirely or partially within the conservancy
30 district. The soil conservation districts shall review,
31 comment and record a vote within ninety days indicating their
32 support of or opposition to the plan in the same manner
33 provided in section 467D.5, subsection 1. The committee shall
34 inform the soil conservation districts of the votes of the
35 districts within the conservancy district. The committee

1 shall review the plan as presented, give consideration to
2 the comments and ~~vote~~ votes of the soil conservation districts,
3 give final approval or disapproval of the plan within ninety
4 days, and provide a written statement detailing the basis
5 of its decision.

6 A subsequent major change in the plan, as determined by
7 the conservancy board, is not effective until approved by
8 the process provided in this section for approval of the
9 original plan.

10 Sec. 40. Section 511.8, subsection 10, paragraph a, Code
11 1983, is amended to read as follows:

12 a. ~~Any-sueh-real~~ Real estate in this state ~~as~~ which is
13 necessary for the accommodation of the company or association
14 as a home office or in the transaction of its business. In
15 the erection of any buildings for such purposes, there may
16 be added ~~therete~~ rooms for rent. Before the company or
17 association ~~shall-invest~~ invests any of its funds in accordance
18 with ~~the-provisions-of~~ this paragraph it shall first obtain
19 the consent of the executive council of this state. The
20 maximum amount which ~~any-sueh~~ a company or association shall
21 be permitted to invest in accordance with these provisions
22 shall not exceed ten percent of the legal reserve, ~~provided,~~
23 ~~however, that.~~ However, a stock company may invest such
24 portion of its paid-up capital, in addition to ~~said~~ ten percent
25 of the legal reserve, as is not held to constitute a part
26 of its legal reserve, under section ~~508-12,~~ ~~provided,~~ ~~further,~~
27 ~~that~~ 508.36, and the total legal reserve of ~~sueh~~ the company
28 shall be equal to or exceed the amount of its paid-up capital
29 stock.

30 Sec. 41. Section 524.101, Code 1983, is amended to read
31 as follows:

32 524.101 SHORT TITLE. This chapter shall be known and
33 may be cited as the Iowa Banking Act ~~of-1969~~.

34 Sec. 42. Section 524.1602, subsection 1, Code 1983, is
35 amended by striking the subsection.

1 Sec. 43. Section 533.6, subsection 4, unnumbered para-
2 graph 1, Code 1983, is amended to read as follows:

3 If after notice and opportunity for hearing the
4 administrator determines that a credit union has violated
5 any of the provisions of this chapter, the administrator
6 shall, except when the credit union is insolvent, order the
7 credit union to correct the condition. The administrator
8 may grant the credit union not more than sixty days within
9 which to comply with the order. Failure to comply ~~shall~~
10 ~~afford~~ gives the administrator grounds to revoke the
11 certificate of approval and ~~shall-afford~~ gives the
12 administrator the authority to apply to the district court
13 of the county in which this credit union is located for the
14 appointment of a receiver for the credit union.
15 Notwithstanding any other provision of this chapter, upon
16 a determination by the administrator that a credit union's
17 assets, if made immediately available, would not be sufficient
18 to discharge the credit union's liabilities, the administrator
19 shall take control of the credit union, and if the
20 administrator determines that the condition cannot be
21 corrected, the administrator shall revoke the certificate
22 of approval and shall apply to the district court in the
23 county in which the main office of the credit union is located
24 for the appointment of a receiver for the credit union. The
25 district court shall appoint the administrator of the credit
26 union department as receiver unless the administrator of the
27 credit union department has tendered the appointment to the
28 administrator of the plan by which the accounts of the credit
29 union are insured. Either administrator as receiver shall
30 possess the rights, powers, and privileges granted by state
31 law to a receiver of a state credit union. Neither
32 administrator shall be required to furnish bond as receiver
33 of a state credit union. ~~This subsection does not apply to~~
34 ~~violations of section 533.44 or 533.45, except in the event~~
35 ~~of insolvency of the credit union.~~

1 Sec. 44. Section 534.48, subsection 8, Code 1983, is
2 amended to read as follows:

3 8. ~~The requirements of section 534.37, subsection 3,~~
4 ~~paragraph "a," for a domestic association desiring to establish~~
5 ~~an office and any other~~ Other matters of fact which the council
6 ~~may require~~ requires.

7 Sec. 45. Section 534.92, subsection 5, paragraph e, Code
8 1983, is amended to read as follows:

9 e. The organization will not have sufficient personnel
10 with adequate knowledge and experience to conduct its business
11 and administer any fiduciary accounts which it proposes to
12 handle.

13 Sec. 46. Section 558.6, Code 1983, is amended to read
14 as follows:

15 558.6 CHRISTIAN GIVEN NAMES--VARIATION--EFFECT. When
16 there is a difference between the ~~christian~~ christian given names or
17 initials in which title is taken, and the ~~christian~~ christian given
18 names or initials of the grantor in a succeeding conveyance,
19 and the surnames in both instances are written the same or
20 sound the same, ~~such~~ the conveyances or the record thereof
21 ~~shall be of them~~ is presumptive evidence that the surname
22 in the several conveyances and instruments refers to the same
23 person.

24 Sec. 47. Section 633.213, Code 1983, is amended to read
25 as follows:

26 633.213 APPRAISAL. Prior to the settlement of every
27 intestate estate in which there is a surviving spouse, and
28 in which appraisal has not been waived by the surviving spouse
29 and all the heirs of the decedent, ~~it shall be the duty of~~
30 the court, upon application of the personal representative,
31 the surviving spouse, or any of the heirs of the decedent,
32 ~~to shall~~ shall appoint three competent disinterested appraisers
33 to appraise ~~such~~ the estate and to make their report to the
34 court, at ~~such~~ the time as the court may direct by order,
35 unless the court, after notice, finds further appraisal

1 unnecessary. In ~~such~~ the appraisalment, the homestead, if
2 any, shall be appraised separately.

3 Sec. 48. Section 633.574, Code 1983, is amended to read
4 as follows:

5 633.574 PROCEDURE IN LIEU OF CONSERVATORSHIP. If a
6 conservator has not been appointed, money due a minor or other
7 property to which a minor is entitled, not exceeding in the
8 aggregate four thousand dollars in value, may be paid or
9 delivered to the parent or other person entitled to the custody
10 of the minor, for the use of the minor, upon written statement
11 verified by the oath of the parent or other person that all
12 money or property of the minor does not exceed in the aggregate
13 four thousand dollars. The written receipt of the parent
14 ~~shall-constitute~~ or other person entitled to the custody of
15 the minor constitutes an acquittance of the person making
16 the payment of money or delivery of property.

17 Sec. 49. Section 657.9, unnumbered paragraph 2, Code 1983,
18 is amended to read as follows:

19 A person who acquires title to or who owns real property
20 adversely affected by the use of property with a permanently
21 located and improved range shall not maintain a nuisance
22 action against the person who owns the range to restrain,
23 enjoin, or impede the use of the range where there has not
24 been ~~any~~ a substantial change in the nature of the use of
25 the range. This section ~~shall~~ does not ~~be-in-any-way-construed~~
26 ~~to-enjoin~~ prohibit actions for negligence or recklessness
27 in the operation of the range or by ~~any~~ a person using the
28 range.

29 Sec. 50. Section 805.10, subsection 1, Code Supplement
30 1983, is amended to read as follows:

31 1. When the violation charged involved or resulted in
32 an accident or injury to property, and the total damages are
33 two hundred fifty dollars or more, or in an injury to person.

34 Sec. 51. Sections 18.137, 24.39 through 24.47, 49.108,
35 49.112, 49.122, 148A.5, 422.87, 511.6, 524.1901, 615.4, and

1 904.3, Code 1983, are repealed.

2 EXPLANATION

3 This bill makes numerous Code corrections of a
4 nonsubstantive nature.

5 Sections 1, 10, 21, 26, 27, 28, 35, 40, 42, 43 and 44
6 strike references to sections which have been repealed.

7 Sections 4, 11, 14, 18, 20, 24 and 36 make other internal
8 reference corrections.

9 Section 2 changes language to match the recent change in
10 citation form in sections 14.17 and 14.18.

11 Sections 3, 15 and 16 relate to the workers' compensation
12 laws, adding references to the existing chapters which are
13 now part of the industrial commissioner's responsibility,
14 and updating the reference to "arbitrations." Arbitrations
15 are now only a possible part of the total claim process.

16 Sections 5, 7, 25, 32, 34, 45, 47, 49 and 50 make changes
17 to improve grammar and meaning, often correcting what appears
18 to have been typographical errors.

19 Sections 6, 22, 23, 29 and 39 change the names of agencies
20 or other entities which have been changed by other legislation.

21 Sections 8 and 9 correct errors of designation in recent
22 legislation.

23 Sections 12, 17, 19, 30, 31, 33, 38, 41 and 48 make language
24 changes for consistency with related sections and other
25 legislation.

26 Sections 13 and 46 change words which seem to be dis-
27 criminatory or may offend.

28 Sections 37 and the repeals of Code sections 24.39 through
29 24.47, 148A.5, 422.87, 524.1901, 615.4 and 904.3 in section
30 51 of the bill strike temporary provisions.

31 In section 51, the repeals of Code sections 18.137 and
32 511.6 are repeals which should have been done in connection
33 with former legislation. Sections 49.108, 49.112 and 49.122
34 are covered in section 49.119.

35

SENATE FILE 2129

AN ACT

TO MAKE NONSUBSTANTIVE CORRECTIONS TO THE CODE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 2.42, subsection 16, Code Supplement 1983, is amended to read as follows:

16. Authority to review proposed rules and forms submitted by the supreme court pursuant to section ~~604+18~~ 602.4202.

Sec. 2. Section 3.1, subsections 2 and 3, Code 1983, are amended to read as follows:

2. Shall refer to the ~~number-and~~ session of the general assembly and of the sections and chapters of the Acts ~~thereof~~ to be amended ~~in-xxx~~ if the bill relates to a section or sections of an Act not appearing in the Code or codified in a supplement to the Code.

3. All references to statutes shall be expressed in words, ~~followed-by-the~~ numerals ~~in-parentheses-when-specified-in~~ ~~the-bill-drafting-instructions-promulgated-by-the-legislative~~ ~~council~~, and if omitted the Code editor in preparing Acts for publication in the session laws shall supply the ~~same~~ numerals.

Sec. 3. Section 8.6, subsection 20, Code Supplement 1983, is amended to read as follows:

20. WORKERS' COMPENSATION CLAIMS. To employ appropriate staff to handle and adjust claims of state employees for workers' compensation benefits pursuant to chapters 85, 85A, 85B, and 86, or with the approval of the executive council contract for ~~such~~ the services or purchase workers' compensation insurance coverage for state employees or selected groups of state employees. The state comptroller shall quarterly determine an appropriate amount, based upon the

cost of workers' compensation insurance, that shall be collected from the agencies, departments or divisions which have not received an appropriation for the payment of workers' compensation insurance and which operate from moneys other than from the general fund and ~~such~~ the payments shall be deposited in the general fund.

Sec. 4. Section 8.41, subsection 2, Code 1983, is amended to read as follows:

2. Federal funds deposited in the state treasury as provided in subsection 1 shall either be included as part of the governor's budget required by section 8.22 or shall be included in a separate recommendation made by the governor to the general assembly. If federal funds received in the form of block grants or categorical grants have not been included in the governor's budget for the current fiscal biennium because of time constraints or because a budget is not being submitted for the second year of a biennium, the governor shall submit a supplemental statement to the general assembly listing the federal funds received and including the same information for the federal funds required by section ~~8.22, part 1, subsection 2, paragraph "e"~~ for the statement of federal funds in the governor's budget.

Sec. 5. Section 17.23, Code 1983, is amended to read as follows:

17.23 PRICE OF DEPARTMENTAL REPORTS. The state superintendent of printing shall establish and fix a selling price for all ~~other~~ state departmental reports and any other state publications ~~at~~ the superintendent may designate, which price per volume shall be the amount charged any person, other than public officials, who ~~may-desire-to-purchase~~ purchases the ~~same~~-~~such~~ publication. The price shall cover the cost of printing and distribution. The superintendent may distribute gratis to ~~such~~ state or local public officials, or offices, ~~he-may-deem~~ as the superintendent deems necessary, copies of departmental annual reports.

Sec. 6. Section 19A.9, subsection 2, Code 1983, is amended to read as follows:

2. For a pay plan within the purview of an appropriation made by the general assembly and not otherwise provided by law for all employees in the merit system, after consultation with appointing authorities with due regard to the results of a collective bargaining agreement negotiated under the ~~provisions of~~ chapter 20 and after a public hearing held by the commission. ~~Such~~ The pay plan ~~shall become~~ becomes effective only after it has been approved by the executive council after submission from the commission. Review of the pay plan for revisions shall be made in the same manner at the discretion of the director, but not less than annually. The annual review by the director shall be made available to the governor a sufficient time in advance of collective bargaining negotiations to permit its recommendations to be considered during ~~such~~ the negotiations. Each employee shall be paid at one of the rates set forth in the pay plan for the class of position in which employed and, unless otherwise designated by the commission, shall begin employment at the first step of the established range for the employee's class. Unless otherwise established by law, the governor, with the approval of the executive council, shall establish a pay plan for all exempt positions in the executive branch of government except for employees of the governor, ~~the board of regents, the state-educational-radio-and-television-facility-board~~ Iowa department of public broadcasting, the superintendent of public instruction and members of the professional staff of the department of public instruction, appointed under the ~~provisions of~~ section 257.24, who possess a current, valid teacher's certificate or who are assigned to vocational activities or programs, the commission for the blind, members of the Iowa highway safety patrol and other peace officers, as defined in section 97A.1, employed by the department of public safety, and officers and enlisted personnel of the armed services under state jurisdiction.

Sec. 7. Section 25A.14, subsection 4, Code Supplement 1983, is amended to read as follows:

4. Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse ~~of~~ of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

Sec. 8. Section 28.89, Code Supplement 1983, is amended to read as follows:

28.89 IOWA PRODUCT DEVELOPMENT CORPORATION FUND. There is created an "Iowa product development corporation fund". All funds of the corporation including the proceeds from the issuance of notes or sale of bonds under this division, ~~any~~ funds appropriated from the general fund to the corporation, and other income derived from the exercise of authority granted to the corporation under this division shall be paid to the treasurer of state as an agent of the corporation and the treasurer shall deposit the amounts in the Iowa product development corporation fund. The money in the Iowa product development corporation fund shall be paid out by warrants signed by the ~~treasurer of state~~ comptroller on requisition of the president of the corporation. The money in the Iowa product development corporation fund shall be used for repayment of notes and bonds issued under this division, ~~and~~ the extension of financial aid granted by the corporation under this division, and the amount remaining may be used for the payment of the administrative and overhead costs of the corporation to the extent required.

Sec. 9. Section 28.90, Code Supplement 1983, is amended to read as follows:

28.90 PRODUCT DEVELOPMENT CORPORATION NOTES. The corporation may issue Iowa product development corporation fund notes, the principal and interest of which shall be payable solely from the Iowa product development corporation fund established by this division. The fund notes of each issue shall be dated, shall mature at times not exceeding

ten years from their dates of issue, and may be made redeemable before maturity, at the option of the corporation, at prices and under terms and conditions as determined by the corporation. The corporation shall determine the form and manner of execution of the fund notes, including any interest coupons to be attached, and shall fix the denominations and the places of payment of principal and interest, which may be any financial institution within or without the state or any agent, including the lender. If an officer whose signature or a facsimile of whose signature appears on fund notes or coupons ceases to be that officer before the delivery of the notes or coupons, the signature or facsimile is valid and sufficient for all purposes the same as if the officer had remained in office until delivery. The fund notes may be issued in coupon or in registered form, or both, as the corporation determines, and provision may be made for the registration of coupon fund notes as to principal alone and also as to both principal and interest, and for the conversion into coupon fund notes of any fund notes registered as to both principal and interest, and for the interchange of registered and coupon fund notes. Fund notes shall bear interest at rates as determined by the corporation and may be sold in a manner, either at public or private sale, and for a price as the corporation determines to be best to effectuate the purposes of the ~~housing-assistance~~ Iowa product development corporation fund. The proceeds of fund notes shall be used solely for the purposes for which issued and shall be disbursed in a manner and under restrictions as provided in this division and in the resolution of the corporation providing for their issuance. The corporation may provide for the replacement of fund notes which become mutilated or are destroyed or lost.

Sec. 10. Section 28E.19, Code Supplement 1983, is amended to read as follows:

28E.19 JOINT COUNTY INDIGENT DEFENSE FUND. Two or more counties may execute an agreement under chapter 28E to create a joint county indigent defense fund to be used to compensate attorneys appointed to represent indigents under section ~~331-770~~ 815.10 when funds budgeted for that purpose are exhausted. In addition to other requirements of an agreement under chapter 28E, the agreement shall provide for the amount to be paid by each county based on its population to establish and maintain an appropriate balance in the joint fund, and for a method of repayment if a county withdraws more funds than it has contributed.

Sec. 11. Section 48.3, Code 1983, is amended to read as follows:

48.3 REGISTRATION BY MAIL. As an alternative to the method of registration prescribed by section 48.2, any a person entitled to register under that section may submit a completed voter registration form to the commissioner of registration in the person's county of residence by postage paid United States mail. A registration form or the envelope containing one or more registration forms for the use of individual registrants who are related to each other within the first degree of consanguinity or affinity and who reside at the same address shall be postmarked by the twenty-fifth day prior to an election or the registration will not take effect for that election. A separate registration form shall be signed by each individual registrant. Within five working days after receiving a registration by mail, the commissioner shall send the registrant a receipt of the registration by first class mail marked "do not forward". If the receipt is returned by the postal service the commissioner shall treat the registration as prescribed by section 48.31, subsection ~~7~~ 6. An improperly addressed or delivered registration form shall be forwarded to the appropriate county commissioner of registration within two working days after it is received by any other official.

Sec. 12. Section 48.6, subsection 9, Code Supplement 1983, is amended to read as follows:

9. A statement in substantially the following form:

"I state that I am or will be an eligible elector at any election at which I attempt to vote and that all of the information I have given upon this voter registration form is true. I hereby authorize cancellation of any prior registration to vote in this or any other jurisdiction and my eligibility to vote in any jurisdiction where voter registration is not required. I am aware that fraudulently registering, or attempting to do so, is a felony an aggravated misdemeanor under Iowa law." At the time the registration is signed by the eligible elector it shall also be signed by a mobile registrar, employee of the commissioner's office, or other eligible elector.

Sec. 13. Section 68B.2, unnumbered paragraph 2, Code Supplement 1983, is amended to read as follows:

~~Whenever~~ When the terms "legislative employee", "member of the general assembly", "employee", or "official" are used in this chapter, ~~the term shall be interpreted to~~ they include any a firm or association of which any of ~~the above~~ those persons is a member or partner and any a corporation of which any of ~~the above~~ those persons holds ten percent or more of the stock either directly or indirectly--~~The use of the above terms shall also include wives, and the spouse and unemancipated minor children of any of those persons.~~

Sec. 14. Section 85.1, unnumbered paragraph 1, Code Supplement 1983, is amended to read as follows:

Except as provided in subsection 5 6 of this section, this chapter ~~shall~~ does not apply to:

Sec. 15. Section 85.26, subsection 3, Code Supplement 1983, is amended to read as follows:

3. Notwithstanding ~~the terms of~~ chapter 17A, the filing with the industrial commissioner of the original notice or petition for an original proceeding or an original notice

or petition to reopen an award or agreement of settlement provided by section 86.13, for benefits under ~~the workers' compensation or occupational disease law of the Iowa occupational hearing loss Act chapter 85B shall be~~ this chapter or chapter 85A or 85B is the only ~~Act~~ act constituting "commencement" for purposes of this ~~statutory~~ section.

Sec. 16. Section 86.9, unnumbered paragraph 1, Code 1983, is amended to read as follows:

The commissioner shall, at the time provided by law, make a biennial report to the governor setting forth in appropriate form the business and expense of the office for the two preceding years, the number of ~~arbitrations~~ claims before the agency and the ~~results thereof~~ disposition of the claims, and ~~such~~ other matters pertaining to ~~his~~ the office ~~as may~~ be of public interest, together with ~~any~~ recommendations for change or amendment of the laws ~~as found~~ in this chapter and chapters 85, 85A, 85B, and 87, and ~~such~~ the recommendations, if any, shall be transmitted by the governor to the first general assembly in session ~~thereafter~~ after the report is filed.

Sec. 17. Section 96.3, subsection 5, unnumbered paragraph 1, Code Supplement 1983, is amended to read as follows:

The maximum total amount of benefits payable to ~~any~~ an eligible individual during ~~any~~ a benefit year shall not exceed the total of the wage credits accrued to the individual's account during the individual's base period, or twenty-six times the individual's weekly benefit amount, whichever is the lesser. The director shall maintain a separate account for each individual who earns wages in insured work. The director shall compute wage credits for each individual by crediting the individual's account with one-third of the wages for insured work paid to the individual during the individual's base period. However, the director shall recompute wage credits for an individual who is laid off due to the individual's employer going out of business at the factory.

establishment, or other premises at which the individual was last employed, by crediting the individual's account with one-half, instead of one-third, of the wages for insured work paid to the individual during the individual's base period. Benefits paid to an eligible individual shall be charged against the base period wage credits in the individual's account which have not been previously charged hereunder, in the inverse chronological order as the wages on which such the wage credits are based were paid. However if the state and national "off indicators" are "off indicator" is in effect and if the individual is laid off due to the individual's employer going out of business at the factory, establishment, or other premises at which the individual was last employed, the maximum benefits payable shall be extended to thirty-nine times the individual's weekly benefit amount, but not to exceed the total of the wage credits accrued to the individual's account.

Sec. 18. Section 96.8, subsection 2, Code 1983, is amended to read as follows:

2. VOLUNTARY TERMINATION. Except as otherwise provided in subsection 3 of this section, an employing unit shall cease to be an employer subject to this chapter, as of the first day of January of any calendar year, if it files with the department, prior to the fifteenth day of February of such that year, a written application for termination of coverage, and the department finds that such the employing unit did not meet any of the qualifying liability requirements as provided under section 96.19, subsection 5, paragraphs "a", "b", "c", "d", "e", "f", "g", and paragraph "i" and "m" and section 96.19, subsection 6, paragraph "h" or "j" in the preceding calendar year.

Sec. 19. Section 103A.11, subsections 3 and 4, Code 1983, are amended to read as follows:

3. Every rule adopted by the commissioner shall state the date on which it takes effect.

4. 3. Every rule shall, immediately after adoption, be certified by the commissioner and transmitted to the secretary of state for filing in his office and shall then become a part of the state building code. Copies of every rule shall be sent by the commissioner to all governmental subdivisions which have adopted the state building code.

Sec. 20. Section 104.9, unnumbered paragraph 1, Code 1983, is amended to read as follows:

Operating permits shall be issued by the commissioner to the owner of every facility when the inspection report indicates compliance with the applicable provisions of this chapter. However, no permits shall be issued if the fees required by section 104.14 104.13 have not been paid. Permits shall be issued within thirty days after filing of the inspection report required by section 104.6, unless the time is extended for cause by the division. No facility shall be operated after the thirty days or after any an extension granted by the commissioner has expired, unless an operating permit has been issued.

Sec. 21. Section 125.43, Code Supplement 1983, is amended to read as follows:

125.43 FUNDING AT MENTAL HEALTH INSTITUTES. Chapter 230 shall govern governs the determination of the costs and payment for treatment provided to substance abusers in a mental health institute under the department of human services, except that the charges shall are not constitute a lien on any real estate owned by persons legally liable for support of the substance abuser and the daily per diem shall be billed at twenty-five percent. Beginning July 1, 1977, the The superintendent of a state hospital shall total only those expenditures which can be attributed to the cost of providing inpatient treatment to substance abusers for purposes of determining the daily per diem. The provisions of section 125.48 shall govern Sections 125.44 and 125.45 govern the determination of who is legally liable for the cost of care, maintenance, and

treatment of a substance abuser and of the amount for which the person is liable.

Sec. 22. Section 159.5, subsections 4 and 7, Code Supplement 1983, are amended to read as follows:

4. Maintain a weather division which shall, in co-operation with the ~~United-States~~ national weather bureau service, collect and disseminate weather and phenological statistics and meteorological data, and promote knowledge of meteorology, phenology and climatology of the state. ~~Said~~ The division shall be ~~in-charge-of-a-director~~ headed by the state climatologist who shall be appointed by the secretary of agriculture, and shall be an officer of the ~~United-States~~ national weather bureau service, if one ~~be~~ is detailed for that purpose by the federal government.

7. Maintain a division of agricultural statistics, which shall, in co-operation with the United States ~~bureau-of~~ agricultural-economics department of agriculture statistical reporting service, gather, compile, and publish statistical information concerning the condition and progress of crops, the production of crops, livestock, livestock products, poultry, and other such related agricultural statistics, as will generally promote knowledge of the agricultural industry in the state of Iowa. ~~Such~~ The statistics, when published, shall constitute official agricultural statistics for the state of Iowa. ~~Said~~ The division shall be in charge of a director who shall be appointed by the secretary of agriculture and who shall be an officer of the United States ~~bureau-of~~ agricultural-economics department of agriculture statistical reporting service, if one ~~be~~ is detailed for that purpose by the federal government.

Sec. 23. Section 169.5, subsection 8, paragraph 1, Code Supplement 1983, is amended to read as follows:

1. Adopt, amend, or repeal rules relating to the standards of conduct for, testing of, and revocation or suspension of certificates issued to veterinary ~~lay~~ assistants, ~~providing~~

~~that no.~~ However, a certificate can shall not be suspended or revoked by less than a two-thirds vote of the entire board in a proceeding conducted in compliance with section 17A.12.

Sec. 24. Section 239.12, Code Supplement 1983, is amended to read as follows:

239.12 AID TO DEPENDENT CHILDREN ACCOUNT. There is established in the state treasury an account to be known as the "Aid to Dependent Children Account" to which shall be credited all funds appropriated by the state for the payment of assistance and benefits under this chapter, and all other moneys received at any time for such purposes. Moneys assigned to the department under section ~~239.12~~ 239.3 and received by the child support recovery unit pursuant to section 252B.5 and 42 U.S.C. sec. 664 shall be credited to the account in the fiscal year in which the moneys are received. All assistance and benefits under this chapter shall be paid from the account.

Sec. 25. Section 255.28, Code Supplement 1983, is amended to read as follows:

255.28 TRANSFER OF PATIENTS FROM STATE INSTITUTIONS. The commissioner of the department of human services, in respect to institutions under the commissioner's control, the director of any of the divisions of the department, in respect to the institutions under the director's control, the director of the Iowa department of corrections, in respect to the institutions under the department's control, and the state board of regents in respect to the Iowa braille and sight-saving school and the Iowa school for the deaf, may send any inmate, student, or patient of ~~any-institutions~~ an institution, or any person committed or applying for admission ~~thereto~~ to an institution, to the hospital of the medical college of the state university for treatment and care as provided in this chapter, without securing the order of court required in other cases. The department of human services, the Iowa department of corrections and the state board of

regents, shall respectively pay the traveling expenses of a patient thus committed, and when necessary the traveling expenses of an attendant for the patient, out of funds appropriated for the use of the institution from which the patient is sent.

Sec. 26. Section 258A.1, subsection 1, paragraph g, Code Supplement 1983, is amended by striking the paragraph.

Sec. 27. Section 258A.3, subsection 2, paragraph a, Code Supplement 1983, is amended to read as follows:

a. Revoke a license, or suspend a license either until further order of the board or for a specified period, upon any of the grounds specified in sections section 114.21, 116.21, 117.29, 118.13, 118A.15, ~~120-10~~ 147.55, 148B.7, 153.34, 154A.24, 169.13, 455B.219 and or 602.3203 and chapters or chapter 135E, 151, 507B and or 522, as applicable, or upon any other grounds specifically provided for in this chapter for revocation of the license of a licensee subject to the jurisdiction of that board, or upon failure of the licensee to comply with a decision of the board imposing licensee discipline;

Sec. 28. Section 258A.4, subsection 1, paragraph f, Code Supplement 1983, is amended to read as follows:

f. Define by rule acts or omissions which are grounds for revocation or suspension of a license under ~~sections~~ section 114.21, 116.21, 117.29, 118.13, 118A.15, ~~120-10~~ 147.55, 148B.7, 153.34, 154A.24, 169.13, 455B.187 and or 602.3203 and chapters or chapter 135E, 151, 507B and or 522, as applicable, and to define by rule acts or omissions which constitute negligence, careless acts or omissions within the meaning of section 258A.3, subsection 2, paragraph "b", which licensees are required to report to the board pursuant to section 258A.9, subsection 2;

Sec. 29. Section 283.1, Code 1983, is amended to read as follows:

283.1 FEDERAL FUNDS ACCEPTED. The state board of public instruction is ~~hereby designated as~~ the "state educational authority" for the purpose of accepting and administering ~~such funds as may be~~ appropriated by ~~Congress~~ Congress for educational purposes and ~~all such the~~ funds shall be deposited with the treasurer of state and disbursed through the office of state comptroller on vouchers audited as provided by law. When state matching funds are required as a condition to the acceptance of ~~such~~ federal funds, the state board of public instruction ~~is authorized to~~ may make expenditures for matching only from funds provided by the legislature for ~~such that~~ purpose, provided, however, that, However, when federal funds may be matched with expenditures from funds appropriated for the general operation of the department of public instruction ~~such, this may be done with the approval of the budget and financial control committee legislative council.~~

Sec. 30. Section 303A.10, Code 1983, is amended to read as follows:

303A.10 AGREEMENTS. The compact administrator and the chief executive of any a county, city, ~~village, town~~ or library board ~~is hereby authorized and empowered to~~ may enter into agreements with other states or their political subdivisions pursuant to the compact. ~~Such The~~ agreements ~~as may be~~ made pursuant to this compact on behalf of the state of Iowa shall be made by the compact administrator. ~~Such The~~ agreements ~~as may be~~ made on behalf of a political subdivision shall be made after due notice to and consultation with the compact administrator ~~and consultation with him.~~

Sec. 31. Section 321.43, Code 1983, is amended to read as follows:

321.43 NEW IDENTIFYING NUMBERS. The department ~~is~~ authorized to may assign a distinguishing number to a vehicle ~~or auxiliary axle whenever when~~ the serial number ~~thereon~~ on the vehicle is destroyed or obliterated and ~~to~~ issue to the owner a special plate bearing ~~such the~~ distinguishing

number which shall be affixed to the vehicle ~~or auxiliary axle~~ in a position to be determined by the director. ~~Such~~ The vehicle or auxiliary axle shall be registered and titled under ~~such~~ the distinguishing number in lieu of the former serial number.

Sec. 32. Section 321.116, Code Supplement 1983, is amended to read as follows:

321.116 ELECTRIC AUTOMOBILES. For ~~all an~~ an electric motor ~~vehicle~~ vehicle the annual fee ~~shall be~~ is twenty-five dollars. ~~When any~~ However, if an electric motor vehicle which is more than five model years old the annual registration fee ~~shall be~~ is fifteen dollars.

Sec. 33. Section 321.482, Code 1983, is amended to read as follows:

321.482 PENALTIES FOR SIMPLE MISDEMEANOR. It is a simple misdemeanor for ~~any a~~ a person to do ~~any an~~ an act forbidden or to fail to perform ~~any an~~ an act required by ~~any-of-the-provisions~~ of this chapter unless any-such the violation is by this chapter or other law of this state declared to be a serious or aggravated misdemeanor or a felony. Chapter 232 ~~shall~~ have has no application in the prosecution of offenses committed in violation of this chapter which are simple misdemeanors.

Sec. 34. Section 327G.78, unnumbered paragraph 1, Code Supplement 1983, is amended to read as follows:

Subject to sections 327G.77 and 471.16 when a railroad corporation, its trustee, or successor in interest ~~have has~~ has interests in real property adjacent to a railroad right-of-way that are abandoned by order of the interstate commerce commission, reorganization court, bankruptcy court, or the authority, or when a railroad corporation, trustee, or successor in interest seeks to sell its interests in that property under any other circumstance, the railroad corporation or trustee shall extend a written offer to sell at a fair market value price to the persons holding leases, licenses,

or permits upon those properties, allowing sixty days from the time of receipt for a written response. If a disagreement arises between the parties concerning the price or other terms of the sale transaction, either or both parties may make written application to the authority to resolve the disagreement. The application shall be made within sixty days from the time an initial written response is served upon the railroad corporation, trustee, or successor in interest by the person wishing to purchase the property. The authority shall hear the controversy and make a final determination of the fair market value of the property and the other terms of the transaction which were in dispute within ninety days after the application is filed. All correspondence shall be by certified mail.

Sec. 35. Section 331.321, subsection 1, paragraph h, Code Supplement 1983, is amended to read as follows:

h. A county commission of veteran affairs in accordance with sections 250.3 and 250.4 ~~and a person to provide for the burial of indigent veterans in accordance with section 250.13.~~

Sec. 36. Section 390.3, unnumbered paragraph 2, Code 1983, is amended to read as follows:

However, in the performance of a joint agreement, the governing body ~~shall~~ is not be subject to statutes generally applicable to public contracts, including hearings on plans, specifications, form of contracts, costs, notice and competitive bidding required under ~~chapter 23 or chapter 399 of the 1973 Code or~~ sections 384.95 to through 384.103, unless all parties to the joint agreement are cities located within the state of Iowa.

Sec. 37. Section 422.100, unnumbered paragraph 2, Code Supplement 1983, is amended by striking the unnumbered paragraph.

Sec. 38. Section 422A.2, subsection 4, paragraph d, unnumbered paragraph 1, Code Supplement 1983, is amended to read as follows:

The provisions of division III of chapter 384 relating to the issuance of ~~essential~~ corporate purpose bonds apply to the issuance by a city of bonds payable as provided in this section and the provisions of chapter 23 331, division IV, part 3, relating to the issuance of county purpose bonds apply to the issuance by a county of bonds payable as provided in this section. The provisions of chapter 76 apply to the bonds payable as provided in this section except that the mandatory levy to be assessed pursuant to section 76.2 shall be at a rate to generate an amount which together with the receipts from the pledged portion of the hotel and motel tax is sufficient to pay the interest and principal on the bonds. All amounts collected as a result of the levy assessed pursuant to section 76.2 and paid out in the first instance for bond principal and interest shall be repaid to the city or county which levied the tax from the first available hotel and motel tax collections received in excess of the requirement for the payment of the principal and interest of the bonds and when repaid shall be applied in reduction of property taxes.

Sec. 39. Section 467D.17, Code Supplement 1983, is amended to read as follows:

467D.17 PLAN PRESENTED TO COMMITTEE, DEPARTMENT OF WATER, AIR AND WASTE MANAGEMENT, AND SOIL CONSERVATION DISTRICTS. The board shall tentatively adopt the plan by resolution and shall present the plan to the committee and the department of water, air and waste management for review. The department of water, air and waste management shall within ninety days review the plan as presented and make recommendations it deems necessary to bring the conservancy district's plan into conformity with the comprehensive water allocation plan established by the department of water, air and waste management pursuant to section 455B.263. The recommendations of the department of water, air and waste management shall be submitted to the board for incorporation into the plan. The plan shall then be submitted to the soil conservation

districts located entirely or partially within the conservancy district. The soil conservation districts shall review, comment and record a vote within ninety days indicating their support of or opposition to the plan in the same manner provided in section 467D.5, subsection 1. The committee shall inform the soil conservation districts of the votes of the districts within the conservancy district. The committee shall review the plan as presented, give consideration to the comments and vote votes of the soil conservation districts, give final approval or disapproval of the plan within ninety days, and provide a written statement detailing the basis of its decision.

A subsequent major change in the plan, as determined by the conservancy board, is not effective until approved by the process provided in this section for approval of the original plan.

Sec. 40. Section 511.8, subsection 10, paragraph a, Code 1983, is amended to read as follows:

a. ~~Any-such-real~~ Real estate in this state ~~as which~~ is necessary for the accommodation of the company or association as a home office or in the transaction of its business. In the erection of any buildings for such purposes, there may be added ~~thereto~~ rooms for rent. Before the company or association ~~shall-invest~~ invests any of its funds in accordance with ~~the-provisions-of~~ this paragraph it shall first obtain the consent of the executive council of this state. The maximum amount which ~~any-such~~ a company or association shall be permitted to invest in accordance with these provisions shall not exceed ten percent of the legal reserve, ~~provided,~~ ~~however,-that.~~ However, a stock company may invest such portion of its paid-up capital, in addition to ~~and~~ ten percent of the legal reserve, as is not held to constitute a part of its legal reserve, under section ~~508.12,-provided,-further,~~ ~~that~~ 508.36, and the total legal reserve of ~~such~~ the company shall be equal to or exceed the amount of its paid-up capital stock.

Sec. 41. Section 524.101, Code 1983, is amended to read as follows:

524.101 SHORT TITLE. This chapter shall be known and may be cited as the Iowa Banking Act ~~of 1969~~.

Sec. 42. Section 524.1602, subsection 1, Code 1983, is amended by striking the subsection.

Sec. 43. Section 533.6, subsection 4, unnumbered paragraph 1, Code 1983, is amended to read as follows:

If after notice and opportunity for hearing the administrator determines that a credit union has violated any of the provisions of this chapter, the administrator shall, except when the credit union is insolvent, order the credit union to correct the condition. The administrator may grant the credit union not more than sixty days within which to comply with the order. Failure to comply ~~shall afford~~ gives the administrator grounds to revoke the certificate of approval and ~~shall afford~~ gives the administrator the authority to apply to the district court of the county in which this credit union is located for the appointment of a receiver for the credit union.

Notwithstanding any other provision of this chapter, upon a determination by the administrator that a credit union's assets, if made immediately available, would not be sufficient to discharge the credit union's liabilities, the administrator shall take control of the credit union, and if the administrator determines that the condition cannot be corrected, the administrator shall revoke the certificate of approval and shall apply to the district court in the county in which the main office of the credit union is located for the appointment of a receiver for the credit union. The district court shall appoint the administrator of the credit union department as receiver unless the administrator of the credit union department has tendered the appointment to the administrator of the plan by which the accounts of the credit union are insured. Either administrator as receiver shall

possess the rights, powers, and privileges granted by state law to a receiver of a state credit union. Neither administrator shall be required to furnish bond as receiver of a state credit union. ~~This subsection does not apply to violations of section 533.44 or 533.45, except in the event of insolvency of the credit union.~~

Sec. 44. Section 534.48, subsection 8, Code 1983, is amended to read as follows:

8. ~~The requirements of section 524.27, subsection 3, paragraph "a," for a domestic association desiring to establish an office and any other~~ Other matters of fact which the council may require requires.

Sec. 45. Section 534.92, subsection 5, paragraph e, Code 1983, is amended to read as follows:

e. The organization will not have sufficient personnel with adequate knowledge and experience to conduct its business and administer any fiduciary accounts which it proposes to handle.

Sec. 46. Section 558.6, Code 1983, is amended to read as follows:

558.6 CHRISTIAN GIVEN NAMES--VARIATION--EFFECT. When there is a difference between the christian given names or initials in which title is taken, and the christian given names or initials of the grantor in a succeeding conveyance, and the surnames in both instances are written the same or sound the same, such the conveyances or the record thereof ~~shall be of them is~~ presumptive evidence that the surname in the several conveyances and instruments refers to the same person.

Sec. 47. Section 633.213, Code 1983, is amended to read as follows:

633.213 APPRAISAL. Prior to the settlement of every intestate estate in which there is a surviving spouse, and in which appraisal has not been waived by the surviving spouse and all the heirs of the decedent, ~~it shall be the duty of~~

the court, upon application of the personal representative, the surviving spouse, or any of the heirs of the decedent, ~~to~~ shall appoint three competent disinterested appraisers to appraise ~~such~~ the estate and to make their report to the court, at ~~such~~ the time as the court may direct by order, unless the court, after notice, finds further appraisal unnecessary. In ~~such~~ the appraisal, the homestead, if any, shall be appraised separately.

Sec. 48. Section 633.574, Code 1983, is amended to read as follows:

633.574 PROCEDURE IN LIEU OF CONSERVATORSHIP. If a conservator has not been appointed, money due a minor or other property to which a minor is entitled, not exceeding in the aggregate four thousand dollars in value, may be paid or delivered to the parent or other person entitled to the custody of the minor, for the use of the minor, upon written statement verified by the oath of the parent or other person that all money or property of the minor does not exceed in the aggregate four thousand dollars. The written receipt of the parent ~~shall constitute~~ or other person entitled to the custody of the minor constitutes an acquittance of the person making the payment of money or delivery of property.

Sec. 49. Section 657.9, unnumbered paragraph 2, Code 1983, is amended to read as follows:

A person who acquires title to or who owns real property adversely affected by the use of property with a permanently located and improved range shall not maintain a nuisance action against the person who owns the range to restrain, enjoin, or impede the use of the range where there has not been any a substantial change in the nature of the use of the range. This section ~~shall~~ does not ~~be-in-any-way-constructed~~ to-enjoin prohibit actions for negligence or recklessness in the operation of the range or by any a person using the range.

Sec. 50. Section 805.10, subsection 1, Code Supplement 1983, is amended to read as follows:

1. When the violation charged involved or resulted in an accident or injury to property, and the total damages are two hundred fifty dollars or more, or in an injury to person.

Sec. 51. Sections 18.137, 24.39 through 24.47, 49.108, 49.112, 49.122, 148A.5, 422.87, 511.6, 524.1901, 615.4, and 904.3, Code 1983, are repealed.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2129, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved April 11, 1984

TERRY E. BRANSTAD
Governor