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SENATE FILE 374  
BY COMMITTEE ON JUDICIARY

(formerly SSB 88)  
*Approved & amended by 3160 (p. 649)*

Passed Senate, Date 3-23-87 (p. 850) Passed House, Date 4-14-87 (p. 1370)

Vote: Ayes 46 Nays 0 Vote: Ayes 77 Nays 15

Approved May 5, 1987 (p. 1712)

A BILL FOR

1 An Act relating to statutory corrections of a noncontroversial  
2 and nonsubstantive nature.

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

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SF-374

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

3 2.36 DUTIES OF COMMITTEE.

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

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

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

16 22. COMPUTING TIME -- LEGAL HOLIDAYS. In computing time,  
17 the first day shall be excluded and the last included, unless  
18 the last falls on Sunday, in which case the time prescribed  
19 shall be extended so as to include the whole of the following  
20 Monday, ~~provided that, whenever.~~ However, when by the  
21 provisions of any a statute or rule prescribed under authority  
22 of a statute, the last day for the commencement of any an  
23 action or proceedings, the filing of any a pleading or motion  
24 in a pending action or proceedings, or the perfecting or  
25 filing of any an appeal from the decision or award of any a  
26 court, board, commission, or official falls on a Saturday, a  
27 Sunday, the first day of January, the third Monday in January,  
28 the twelfth day of February, the third Monday in February, the  
29 last Monday in May, the fourth day of July, the first Monday  
30 in September, the eleventh day of November, the fourth  
31 Thursday in November, the twenty-fifth day of December, and  
32 the following Monday whenever when any of the foregoing named  
33 legal holidays may fall on a Sunday, and any day appointed or  
34 recommended by the governor of Iowa or the president of the  
35 United States as a day of fasting or thanksgiving, the time

1 ~~therefor~~ shall be extended to include the next day which is  
2 not a Saturday, Sunday, or ~~such-day-hereinbefore-enumerated~~  
3 legal holiday named in this subsection.

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

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

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

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

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

23 18.101 LEGISLATIVE JOURNALS AND BILLS.

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

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

34 10. Residents, patients, or inmates employed working in  
35 state institutions, or persons on parole employed working in

1 work experience programs for a period no longer than one year.

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

4 29A.43 DISCRIMINATION PROHIBITED -- LEAVE OF ABSENCE.

5 No A person~~7-firm7-or-corporation7~~ shall not discriminate  
6 against any officer or enlisted person of the national guard  
7 or organized reserves of the armed forces of the United States  
8 because of that membership ~~therein~~. No An employer, or agent  
9 of any an employer, shall not discharge any a person from  
10 employment because of being an officer or enlisted person of  
11 the military forces of the state, or hinder or prevent the  
12 officer or ~~elected~~ enlisted person from performing any  
13 military service ~~such~~ the person ~~may-be~~ is called upon to  
14 perform by proper authority. Any A member of the national  
15 guard or organized reserves of the armed forces of the United  
16 States ordered to temporary active duty for the purpose of  
17 military training or ordered on active state service~~7-shall-be~~  
18 is entitled to a leave of absence during the period of such  
19 the duty or service~~7~~, from the member's private employment,  
20 other than employment of a temporary nature, and upon  
21 completion of ~~such~~ the duty or service the employer shall  
22 restore ~~such~~ the person to the position held prior to ~~such~~ the  
23 leave of absence, or employ ~~such~~ the person in a similar  
24 position~~7-provided7-however7-that-such~~. However, the person  
25 shall give evidence to the employer of satisfactory completion  
26 of ~~such~~ the training or duty, and ~~further-provided~~ that ~~such~~  
27 the person is still qualified to perform the duties of ~~such~~  
28 the position. ~~Such~~ The period of absence shall be construed  
29 as an absence with leave, and shall in no way affect the  
30 employee's rights to vacation, sick leave, bonus, or other  
31 employment benefits relating to the employee's particular  
32 employment. Any A person violating ~~any-of-the-provisions~~ a  
33 provision of this section ~~shall-be~~ is guilty of a simple  
34 misdemeanor.

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

1 follows:

2 50.29 CERTIFICATE OF ELECTION.

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

6 STATE OF IOWA

7 ..... County.

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

14 C ..... D .....,  
15 President of Board of Canvassers.  
16 Witness, E ..... F .....,  
17 County Commissioner of Elections  
18 (clerk).

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

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

23 50.41 CERTIFICATE OF ELECTION.

24 Each person declared elected by the state board of  
25 canvassers shall receive a certificate ~~thereof~~, signed by the  
26 governor, or, in the governor's absence, by the secretary of  
27 state, with the seal of state affixed, attested by the other  
28 canvassers, to be in substance as follows:

29 STATE OF IOWA:

30 To A ..... B ....., Greeting: It is  
31 hereby certified that, at an election ~~holden~~ held on the ....  
32 day of ..... you were elected to the office of .....  
33 of ~~said-state~~ Iowa, for the term of ..... years, from ~~and-after~~  
34 the ..... day of ..... (or if to fill a vacancy, for  
35 the residue of the term, ending on the ..... day of .....).

1 Given at the seat of government this ..... day of .....

2 If the governor be is absent, the certificate of the  
3 election of the secretary of state shall be signed by the  
4 auditor. The certificate to members of the legislature shall  
5 describe, by the number, the district from which the member is  
6 elected.

7 Sec. 11. Section 83A.19, unnumbered paragraph 2, Code  
8 1987, is amended to read as follows:

9 For certain postmining land uses, such as a sanitary land  
10 fill, the division ~~with the approval of the land reclamation~~  
11 ~~advisory board~~ may allow an extended reclamation period.

12 Sec. 12. Section 96.14, subsection 2, unnumbered paragraph  
13 5, Code 1987, is amended to read as follows:

14 No A penalty shall not be less than ten dollars for each  
15 delinquent report or each insufficient report not made  
16 sufficient within thirty days as after a request to do so.  
17 Interest, penalties, and costs shall be collected by the  
18 division in the same manner as provided by this chapter for  
19 contributions.

20 Sec. 13. Section 97B.41, subsection 3, paragraph b,  
21 subparagraph (12), Code 1987, is amended to read as follows:

22 (12) Employees of the Iowa dairy industry commission  
23 established under chapter 179, the Iowa beef cattle producers  
24 association established under chapter 181, the Iowa swine pork  
25 producers association council established under chapter ~~183~~  
26 183A, the Iowa turkey marketing council established under  
27 chapter 184A, the Iowa soybean promotion board established  
28 under chapter 185, the Iowa corn promotion board established  
29 under chapter 185C, and the Iowa egg council established under  
30 chapter 196A.

31 Sec. 14. Section 99E.31, subsection 4, paragraph a, Code  
32 1987, is amended to read as follows:

33 a. To the Iowa development commission and the Iowa  
34 department of economic development the sum of ten million  
35 dollars to be allocated by the Iowa development commission or

1 the Iowa department of economic development for economic  
2 development and research and development purposes at an  
3 institution of higher education under the control of the state  
4 board of regents or at an independent college or university of  
5 the state. The Iowa development commission and or the Iowa  
6 department of economic development shall allocate for the  
7 fiscal year beginning July 1, 1985 the first five hundred  
8 thousand dollars, for the fiscal year beginning July 1, 1986,  
9 the first three million seven hundred fifty thousand dollars,  
10 and for the fiscal year beginning July 1, 1987 and for each  
11 succeeding fiscal year the first four million two hundred  
12 fifty thousand dollars to the Iowa state university of science  
13 and technology for agricultural biotechnology research and  
14 development. From the money allocated to the Iowa state  
15 university of science and technology for agricultural  
16 biotechnology research and development the amount of fifty  
17 thousand dollars for each of the fiscal years beginning July  
18 1, 1986 and July 1, 1987 shall be used to develop a program in  
19 bioethics for research at the university. This program should  
20 address socio-economic and environmental implications of  
21 biotechnology research.

22 PARAGRAPH DIVIDED. The institutions under control of the  
23 state board of regents may present proposals to the state  
24 board of regents for the use of the funds. The proposals may  
25 include, but are not limited to, endowing faculty chairs,  
26 conducting studies and research, establishing centers,  
27 purchasing equipment, and constructing facilities in the areas  
28 of entrepreneurial studies, foreign language translation and  
29 interpretation, management development, genetics, molecular  
30 biology, laser science and engineering, biotechnology, third  
31 crop development, and value-added projects. The proposals  
32 shall include certification from the institution, college or  
33 university that it will receive from other sources an amount  
34 equal to the amount requested in the proposal. The state  
35 board of regents shall, for institutions under its control,

1 determine the specific proposals for which it requests funding  
2 and submit them to the Iowa development commission or the Iowa  
3 department of economic development. An independent college or  
4 university shall submit requests directly to the Iowa  
5 development commission or the Iowa department of economic  
6 development.

7 PARAGRAPH DIVIDED. The Iowa development commission ~~and~~ or  
8 the Iowa department of economic development shall disburse to  
9 the regents' institutions or an independent college or  
10 university the moneys for the various proposals requested  
11 unless the commission or department disapproves of a specific  
12 proposal as inconsistent with the plan for economic  
13 development for this state. The applicants may submit  
14 additional proposals for those not approved by the Iowa  
15 development commission or the Iowa department of economic  
16 development. Those funds allocated by the Iowa development  
17 commission or the Iowa department of economic development  
18 under this paragraph that are not expended by the institution  
19 of higher education shall not revert to the commission or  
20 department. The Iowa development commission and the Iowa  
21 department of economic development shall consult with the Iowa  
22 high technology council in making grants under this paragraph.

23 Sec. 15. Section 109B.1, subsection 3, Code 1987, is  
24 amended to read as follows:

25 3. Authorize the director to enter into written contracts  
26 for the removal of underused, undesirable, or injurious  
27 organisms from the waters of the state. The contracts shall  
28 specify all terms and conditions desired. Sections 109B.4,  
29 109B.6, and 109B.14 do not apply to these contracts.

30 Sec. 16. Section 123.20, subsection 7, Code 1987, is  
31 amended to read as follows:

32 7. To accept intoxicating liquors ordered delivered to the  
33 alcoholic beverages division pursuant to section 127B.7  
34 subsection 2 chapter 809, and offer for sale and deliver such  
35 the intoxicating liquors to class "E" liquor control

1 licensees, unless the administrator determines that ~~such the~~  
2 intoxicating liquors may be adulterated or contaminated. If  
3 the administrator determines that ~~such the~~ intoxicating  
4 liquors may be adulterated or contaminated, the administrator  
5 shall order their destruction.

6 Sec. 17. Section 123.151, Code 1987, is amended to read as  
7 follows:

8 123.151 POSTING NOTICE ON DRUNK DRIVING LAWS REQUIRED.

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

17 Sec. 18. Section 135.11, subsection 17, Code 1987, is  
18 amended to read as follows:

19 17. Administer chapters 125, 135A, 135B, 135C, ~~135D,~~ 136A,  
20 136C, 139, 140, 142, 144, and 147A.

21 Sec. 19. Section 135A.4, subsection 1, Code 1987, is  
22 amended to read as follows:

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

34 Sec. 20. Section 135A.6, Code 1987, is amended to read as  
35 follows:

1 135A.6 SURVEY AND PLANNING ACTIVITIES.

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

19 Sec. 21. Section 135A.9, Code 1987, is amended to read as  
20 follows:

21 135A.9 STATE PLAN.

22 The director shall, ~~with the advice of the council,~~ prepare  
23 and submit to the surgeon general a state plan which shall  
24 include the hospital and other health facilities construction  
25 program developed under this chapter and which shall provide  
26 for the establishment, administration and operation of  
27 hospital and other health facilities construction activities  
28 in accordance with the requirements of the federal Act and  
29 regulations ~~thereunder~~ under it. The director shall, prior to  
30 the submission of such the plan to the surgeon general, give  
31 adequate publicity to a general description ~~to~~ of all the  
32 provisions proposed to be included ~~therein~~, and hold a public  
33 hearing at which all persons or organizations with a  
34 legitimate interest in such the plan may be given an  
35 opportunity to express their views. After approval of the

1 plan by the surgeon general, the director shall make the plan  
2 or a copy thereof of it available upon request to all  
3 interested persons or organizations. The director shall from  
4 time to time review the hospital and other health facilities  
5 construction program and submit to the surgeon general any  
6 modifications thereof of it which the director ~~may-find~~ finds  
7 necessary and may submit to the surgeon general ~~such~~  
8 modifications of the state plan, not inconsistent with the  
9 requirements of the federal Act, as the director ~~may-deem~~  
10 deems advisable.

11 Sec. 22. Section 159.5, subsection 16, paragraph d, Code  
12 1987, is amended to read as follows:

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

20 Sec. 23. Section 163.26, Code 1987, is amended to read as  
21 follows:

22 163.26 DEFINITIONS.

23 For the purposes of this division, ~~the-following-words~~  
24 ~~shall-have-the-meaning-ascribed-to-them-in-this-section:~~

25 "Garbage" "garbage" means putrescible animal and vegetable  
26 wastes resulting from the handling, preparation, cooking, and  
27 consumption of foods, including animal carcasses or parts  
28 thereof, and ~~shall-include~~ includes all waste material, by-  
29 products of a kitchen, restaurant, hotel, or slaughterhouse,  
30 every refuse accumulation of animal, fruit, or vegetable  
31 matter, liquids or otherwise, except grain not consumed, that  
32 is collected from hog sales pen floors in public stockyards  
33 and fed under the control of the department of agriculture and  
34 land stewardship. Animals or parts of animals, which are  
35 processed by slaughterhouses or rendering establishments, and

1 which as part of ~~such~~ the processing are heated to not less  
2 than 212 F. for thirty minutes, shall ~~are~~ not be deemed  
3 garbage for purposes of this chapter.

4 Sec. 24. Section 163.30, subsection 3, unnumbered  
5 paragraph 3, Code 1987, is amended to read as follows:

6 No A permittee shall not represent more than one dealer.  
7 Failure of ~~any-such a~~ a licensee or permittee to comply with the  
8 ~~provisions-of~~ provisions of this chapter or ~~any a~~ a rule made pursuant to this  
9 chapter is cause for revocation by the secretary of the permit  
10 or license after notice to the alleged offender and the  
11 holding of a hearing ~~thereon~~ by the secretary. ~~Such-rules-and~~  
12 ~~regulations~~ Rules shall be made in accordance with chapter  
13 17A. Any A rule, the violation of which is made the basis for  
14 revocation, except temporary emergency rules, shall first have  
15 been approved after public hearing as provided in section  
16 ~~17A-16~~ 17A.4 after giving twenty days' notice of such the  
17 hearing as follows:

18 Sec. 25. Section 173.2, subsections 4, 8, and 10, Code  
19 1987, are amended to read as follows:

- 20 4. The president, or an accredited representative, of the  
21 Iowa state horticultural society.
- 22 8. The president, or an accredited representative, of the  
23 Iowa swine pork producers association council.
- 24 10. The president, or an accredited representative, of the  
25 Iowa sheep association and wool promotion board.

26 Sec. 26. Section 220.104, subsection 2, Code 1987, is  
27 amended to read as follows:

28 2. The authority may issue its bonds and notes for the  
29 projects set forth in section 220.94, 220.102 and may enter  
30 into one or more leasing agreements or purchase agreements  
31 with one or more bondholders or noteholders concerning the  
32 terms and conditions of the repayment of and the security for  
33 the bonds or notes. The authority and the bondholders or  
34 noteholders or a trustee or agent designated by the authority  
35 may enter into agreements as provided for any of the following:

1 Sec. 27. Section 237A.1, subsection 7, paragraph a, Code  
2 1987, is amended to read as follows:

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

6 Sec. 28. Section 248A.3, subsection 1, Code 1987, is  
7 amended to read as follows:

8 1. The board of parole shall periodically review all ap-  
9 plications by persons convicted of criminal offenses and shall  
10 recommend to the governor the reprieve, pardon, commutation of  
11 sentence, remission of fines or forfeitures, or restoration of  
12 the rights of citizenship for persons who have by their  
13 conduct given satisfactory evidence that they will become or  
14 continue to be law-abiding citizens.

15 Sec. 29. Section 256.9, subsection 4, Code 1987, is  
16 amended to read as follows:

17 4. Employ personnel and assign duties and responsibilities  
18 of the department. The director shall appoint a deputy  
19 director and division administrators deemed necessary. They  
20 shall be appointed on the basis of their professional  
21 qualifications, experience in administration, and background.  
22 Members of the professional staff are not subject to chapter  
23 19A and shall be employed pursuant to section 256.10.

24 Sec. 30. Section 259.4, subsection 2, Code 1987, is  
25 amended to read as follows:

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

32 Sec. 31. Section 261.19, Code 1987, is amended to read as  
33 follows:

34 261.19 PAYMENT OF SUBVENTION.

35 The registrar of the college university of osteopathic

1 which as part of such the processing are heated to not less  
2160 > 2 than 212 F. for thirty minutes, ~~shall~~ are not be-deemed  
3 garbage for purposes of this chapter.

4 Sec. 24. Section 163.30, subsection 3, unnumbered  
5 paragraph 3, Code 1987, is amended to read as follows:

6 No A permittee shall not represent more than one dealer.  
7 Failure of ~~any-such a~~ licensee or permittee to comply with the  
8 ~~provisions-of~~ this chapter or ~~any a~~ rule made pursuant to this  
9 chapter is cause for revocation by the secretary of the permit  
10 or license after notice to the alleged offender and the  
11 holding of a hearing ~~thereon~~ by the secretary. ~~Such-rules-and~~  
12 ~~regulations~~ Rules shall be made in accordance with chapter  
13 17A. Any A rule, the violation of which is made the basis for  
14 revocation, except temporary emergency rules, shall first have  
15 been approved after public hearing as provided in section  
16 ~~17A-16~~ 17A.4 after giving twenty days' notice of ~~such the~~  
17 hearing as follows:

18 Sec. 25. Section 173.2, subsections 4, 8, and 10, Code  
19 1987, are amended to read as follows:

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

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

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

26 Sec. 26. Section 220.104, subsection 2, Code 1987, is  
27 amended to read as follows:

28 2. The authority may issue its bonds and notes for the  
29 projects set forth in section ~~220-94~~ 220.102 and may enter  
30 into one or more lending agreements or purchase agreements  
31 with one or more bondholders or noteholders containing the  
32 terms and conditions of the repayment of and the security for  
33 the bonds or notes. The authority and the bondholders or  
34 noteholders or a trustee or agent designated by the authority  
35 may enter into agreements to provide for any of the following:

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

7 Sec. 34. Section 280A.25, Code 1987, is amended by adding  
8 the following new unnumbered paragraph as unnumbered paragraph  
9 1 preceding subsection 1:

10 NEW UNNUMBERED PARAGRAPH. The director shall:

11 Sec. 35. Section 285.1, subsection 12, Code 1987, is  
12 amended to read as follows:

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

31 Sec. 36. Section 285.16, Code 1987, is amended to read as  
32 follows:

33 285.16 "NONPUBLIC SCHOOL" DEFINED.

34 As used in this chapter, the term "nonpublic school" means  
35 those nonpublic schools approved accredited by the department

1 of education as provided in section 257-25 256.11 and  
2 nonpublic institutions which comply with state board of  
3 education standards for providing special education programs.

4 Sec. 37. Section 291.15, Code 1987, is amended to read as  
5 follows:

6 291.15 ANNUAL REPORT.

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

15 Sec. 38. Section 301.29, Code 1987, is amended to read as  
16 follows:

17 301.29 "NONPUBLIC SCHOOL" DEFINED.

18 As used in this chapter, ~~the term~~ "nonpublic school" means  
19 those nonpublic schools approved accredited by the department  
20 of education as provided in section 257-25- 256.11.

21 Sec. 39. Section 302.1, subsection 5, unnumbered paragraph  
22 2, Code 1987, is amended by striking the unnumbered paragraph.

23 Sec. 40. Section 312.2, subsection 10, Code 1987, is  
24 amended to read as follows:

25 10. The treasurer of state shall establish a great river  
26 road fund and at the request of the state department of  
27 transportation, shall credit monthly before making the  
28 allotments provided for in this section, sufficient funds to  
29 cover the anticipated costs, as identified by the state  
30 department of transportation, for the acquisition and  
31 construction of eligible highway-associated project  
32 components. ~~Reimbursement to this fund shall be made as~~  
33 ~~necessary from the funds appropriated in section 398-4. In no~~  
34 ~~case shall the reimbursed allotment to the great river road~~  
35 ~~fund exceed one million dollars less the cumulative sum as~~

1 ~~annually-appropriated-in-section-308.4---Reimbursed-funds~~  
2 ~~shall-be-reallocated-in-accordance-with-the-provisions-of-this~~  
3 ~~section.~~

4 Sec. 41. Section 327H.20, unnumbered paragraph 1, Code  
5 1987, is amended to read as follows:

6 The department may enter into agreements with railroad  
7 corporations, the United States government, ~~persons,~~ cities,  
8 and counties, and other persons for carrying out the purposes  
9 of this chapter. Agreements entered into between the  
10 department and railroad corporations under this section may  
11 require a railroad corporation to reimburse all or part of the  
12 costs paid from the railroad assistance fund from revenue  
13 derived from all railroad cars and traffic using the main  
14 line, branch line, switching yard or sidings defined in the  
15 agreement. An agreement which does not require the repayment  
16 of railroad assistance funds used for rehabilitation projects  
17 shall require the railroad corporation to establish and  
18 maintain a separate corporation account to which an amount  
19 equal to all or part of the costs paid from the railroad  
20 assistance fund shall be credited from revenue derived from  
21 all railroad cars and traffic using the main line, branch  
22 line, switching yard or siding defined in the agreement.  
23 However, one-half of the funds credited to the railroad  
24 assistance fund shall be expended as nonreimbursable grants  
25 for rehabilitation programs. Credits to the corporation  
26 account by the railroad corporation may be used for the  
27 improvement, restoration, or conservation, improvement, and  
28 construction of the railroad corporation's main line, branch  
29 lines, switching yards and sidings within the state. The  
30 agreement shall stipulate the terms and conditions governing  
31 the use of credits to the corporation account as well as a  
32 penalty for the use of the account in a manner other than as  
33 provided in the agreement.

34 Sec. 42. Section 331.301, subsection 10, Code 1987, is  
35 amended to read as follows:

1 10. A county may enter into leases or lease-purchase  
2 contracts for real and personal property in accordance with  
3 the terms and procedures set forth in section 364.4,  
4 subsection 4, provided that the references there to cities  
5 shall be applicable to counties, ~~the reference to section~~  
6 ~~384.26 shall be to section 331.442~~, the reference to section  
7 384.25 shall be to section 331.443, the reference to section  
8 384.95, subsection 1, shall be to section 331.341, subsection  
9 1, the reference to division VI of chapter 384 shall be to  
10 division III, part 3 of chapter 331, and reference to the  
11 council shall be to the board.

12 Sec. 43. Section 331.323, subsection 2, paragraph b, Code  
13 1987, is amended by striking the paragraph.

14 Sec. 44. Section 331.502, subsection 10, Code 1987, is  
15 amended by striking the subsection.

16 Sec. 45. Section 331.653, subsection 16, Code 1987, is  
17 amended by striking the subsection.

18 Sec. 46. Section 422.16, subsection 11, paragraph a, Code  
19 1987, is amended to read as follows:

20 a. Every person or married couple filing a return shall  
21 make estimated tax payments if the person's or couple's Iowa  
22 income tax attributable to income other than wages subject to  
23 withholding can reasonably be expected to amount to fifty  
24 dollars or more for the taxable year, except that, in the  
25 cases of farmers and fishers, the exceptions provided in the  
26 Internal Revenue Code of 1954 with respect to making estimated  
27 payments shall apply. The estimated tax shall be paid in  
28 quarterly installments. The first installment shall be paid  
29 on or before the last day of the fourth month of the  
30 taxpayer's tax year for which the estimated payments apply.  
31 The other installments shall be paid on or before June 30,  
32 September 30, and January 31. However, at the election of the  
33 person or married couple, any installment of the estimated tax  
34 may be paid prior to the date prescribed for its payment. If  
35 a person or married couple filing a return has reason to

1 believe that the person's or couple's Iowa income tax may  
2 increase or decrease, either for purposes of meeting the  
3 requirement to make estimated tax payments or for the purpose  
4 of increasing or decreasing estimated tax payments, the person  
5 or married couple shall increase or decrease any subsequent  
6 estimated tax payments accordingly.

7 Sec. 47. Section 422.21, unnumbered paragraph 1, Code  
8 1987, is amended to read as follows:

9 Returns shall be in the form the director ~~may,--from-time-to-~~  
10 ~~time,--prescribe~~ prescribes, and shall be filed with the  
11 department on or before the last day of the fourth month after  
12 the expiration of the tax year except that co-operative  
13 associations as defined in section 6072(d) of the Internal  
14 Revenue Code ~~of-1954~~ shall file their returns on or before the  
15 fifteenth day of the ninth month following the close of the  
16 taxable year. If, under the Internal Revenue Code ~~of-1954~~, a  
17 corporation is required to file a return covering a tax period  
18 of less than twelve months, the state return shall be for the  
19 same period and ~~shall-be~~ is due forty-five days after the due  
20 date of the federal tax return, excluding any extension of  
21 time to file. In case of sickness, absence, or other  
22 disability, or if good cause exists, the director may allow  
23 further time for filing returns. The director shall cause to  
24 be prepared blank forms for the returns and shall cause them  
25 to be distributed throughout the state and to be furnished  
26 upon application, but failure to receive or secure the form  
27 does not relieve the taxpayer from the obligation of making a  
28 return that is required. The department may as far as  
29 consistent with the Code draft income tax forms to conform to  
30 the income tax forms of the internal revenue department of the  
31 United States government. Each return by a taxpayer upon whom  
32 a tax is imposed by section 422.5, ~~subsection-17,--paragraph-"g"~~  
33 shall show the county of the residence of the taxpayer.

34 Sec. 48. Section 422.45, subsection 32, Code 1987, is  
35 amended to read as follows:

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

3 Sec. 49. Section 442.13, subsection 14, paragraph b,  
4 unnumbered paragraph 4, Code 1987, is amended to read as  
5 follows:

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

10 Sec. 50. Section 455A.6, subsection 6, paragraph b, Code  
11 1987, is amended to read as follows:

12 b. Hear appeals in contested cases pursuant to chapter 17A  
13 on matters relating to actions taken by the director under  
14 chapter ~~837-83A7~~ 84, 93, 455B, 455C, or 469.

15 Sec. 51. Section 455C.11, Code 1987, is amended to read as  
16 follows:

17 455C.11 ANNUAL APPROPRIATION.

18 For the fiscal year commencing July 1, 1979, and each  
19 fiscal year thereafter, there is appropriated from the beer  
20 and liquor control fund to the Iowa department of public  
21 health the sum of one hundred thousand dollars, or so much  
22 thereof as may be available, which appropriation shall be made  
23 only from the difference between the funds collected from the  
24 deposit required on beverage containers containing alcoholic  
25 liquor and the funds dispersed disbursed in the payment of the  
26 refund value on such beverage containers. The Iowa department  
27 of public health shall use the appropriated funds only for the  
28 care, maintenance and treatment of alcoholics under chapter  
29 125.

30 Sec. 52. Section 467A.16, Code 1987, is amended to read as  
31 follows:

32 467A.16 PUBLICATION OF NOTICE.

33 The notice of hearing on the formation of a subdistrict  
34 shall be by publication once each week for two consecutive  
35 weeks in some newspaper of general circulation published in

1 the county (or district), the last of which shall be not less  
2 than ten days prior to the day set for the hearing on the  
3 petition. Proof of such service shall be made by affidavit of  
4 the publisher, and be on file with {the} the secretary of the  
5 district at the time the hearing begins.

6 Sec. 53. Section 509B.3, subsection 6, paragraph b, Code  
7 1987, is amended to read as follows:

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

12 Sec. 54. Section 514F.1, Code 1987, is amended to read as  
13 follows:

14 514F.1 UTILIZATION AND COST CONTROL REVIEW COMMITTEES.

15 The boards of examiners under chapters 148, 150, 150A, 151,  
16 and 153 shall establish utilization and cost control review  
17 committees of licensees under the respective chapters,  
18 selected from licensees who have practiced in Iowa for at  
19 least the previous five years, or shall accredit and designate  
20 other utilization and cost control organizations as  
21 utilization and cost control committees under this section,  
22 for the purposes of utilization review of the appropriateness  
23 of levels of treatment and of giving opinions as to the  
24 reasonableness of charges for diagnostic or treatment services  
25 of licensees. Persons governed by the various chapters of  
26 Title XX of the Code and self-insurers for health care  
27 benefits to employees may utilize the services of the  
28 utilization and cost control review committees upon the  
29 payment of a reasonable fee for the services, to be determined  
30 by the respective boards of examiners. The respective boards  
31 of examiners under chapters 148, 150, 150A, 151, and 153 shall  
32 adopt rules necessary and proper for the implementation of  
33 this section pursuant to chapter 17A. It is the intent of  
34 this general assembly that conduct of the utilization and cost  
35 control review committees authorized under this section shall

1 be exempt from challenge under federal or state antitrust laws  
2 or other similar laws in regulation of trade or commerce.

3 Sec. 55. Section 515.20, Code 1987, is amended to read as  
4 follows:

5 515.20 GUARANTY CAPITAL.

6 A mutual company organized under this chapter may establish  
7 and maintain guaranty capital of at least fifty thousand  
8 dollars made up of multiples of ten thousand dollars, divided  
9 into shares of not less than fifty dollars each, to be  
10 invested as provided for the investment of insurance capital  
11 and funds by section 515.35. Guaranty shareholders shall be  
12 members of the corporation, and provision may be made for  
13 representation of the shareholders of the guaranty capital on  
14 the board of directors of the corporation. The representation  
15 shall not exceed one-third of the membership of the board.  
16 Guaranty shareholders in a mutual companies company are  
17 subject to the same regulations of law relative to their right  
18 to vote as apply to its policyholders. The guaranty capital  
19 shall be applied to the payment of the legal obligations of  
20 the corporation only when the corporation has exhausted its  
21 assets in excess of the unearned premium reserve and other  
22 liabilities. If the guaranty capital is thus impaired, the  
23 directors may restore the whole, or any part of the capital,  
24 by assessment on its the corporation's policyholders as  
25 provided for in section 515.18. By a legal vote of the  
26 policyholders of the corporation at any regular or special  
27 meeting of the policyholders of the corporation, the guaranty  
28 capital may be fully retired or may be reduced to an amount of  
29 not less than fifty thousand dollars, if the net surplus of  
30 the corporation together with the remaining guaranty capital  
31 is equal to or exceeds the amount of minimum assets required  
32 by this chapter for such companies, and if the commissioner of  
33 insurance consents to the action. Due notice of the proposed  
34 action on the part of the corporation shall be included in the  
35 notice given to policyholders and shareholders of any annual

1 or special meeting and notice of the meeting shall also be  
2 given in accordance with the corporation's articles of  
3 incorporation. A company with the guaranty capital, which has  
4 ceased to do business, shall not distribute among its  
5 shareholders or policyholders any part of its assets, or  
6 guaranty capital, until it has fully performed, or legally  
7 canceled, all of its policy obligations. Shareholders of the  
8 guaranty capital are entitled to interest on the par value of  
9 their shares at a rate to be fixed by the board of directors  
10 and approved by the commissioner, cumulative, payable  
11 semiannually, and payable only out of the surplus earnings of  
12 the company. However, the surplus account of the company  
13 shall not be reduced by the payment of the interest below the  
14 figure maintained at the time the guaranty capital was  
15 established. In addition, the interest payment shall not be  
16 made unless the surplus assets remaining after the payment of  
17 the interest at least equal the amount required by the  
18 statutes of Iowa to permit the corporation to continue in  
19 business. In the event of the dissolution and liquidation of  
20 a corporation having guaranty capital under this section, the  
21 shareholders of the capital are entitled, after the payment of  
22 all valid obligations of the company, to receive the par value  
23 of their respective shares, together with any unpaid interest  
24 on their shares, before there may be any distribution of the  
25 assets of the corporation among its policyholders. These  
26 provisions are in addition to and independent of the  
27 provisions contained in section 515.19.

28 Sec. 56. Section 521A.2, subsection 3, paragraph c, Code  
29 1987, is amended to read as follows:

30 c. With the approval of the commissioner, invest any  
31 greater amount in common stock, preferred stock, debt  
32 obligations, or other securities of one or more subsidiaries  
33 ~~than-permitted-pursuant-to-paragraphs-"a"-and-"b".~~ However,  
34 if after the investment the insurer's surplus as regards  
35 policyholders ~~shall-be~~ is reasonable in relation to the

1 insurer's outstanding liabilities and adequate to its  
2 financial needs.

3 Sec. 57. Section 521A.4, subsection 1, Code 1987, is  
4 amended to read as follows:

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

28 Sec. 58. Section 521A.11A, subsection 5, Code 1987, is  
29 amended to read as follows:

30 5. To the extent that a person liable under subsection 2  
31 is insolvent or otherwise fails to pay claims due from the  
32 person pursuant to this section, the person's parent  
33 corporation, holding company, affiliate, or other person who  
34 otherwise controlled it at the time the distribution was paid,  
35 is separately liable for the its share of any resulting

1 deficiency in the amount recovered from the parent  
2 corporation, holding company, affiliate, or other person who  
3 otherwise controlled it.

4 Sec. 59. Section 595.10, subsection 1, Code 1987, is  
5 amended to read as follows:

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

10 Sec. 60. Section 601K.12, Code 1987, is amended to read as  
11 follows:

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

14 A The commission of Spanish-speaking people ~~which shall~~  
15 ~~consist~~ consists of nine members, appointed by the governor  
16 from a list of nominees submitted by the governor's Spanish-  
17 speaking peoples task force. The members of the commission  
18 shall be appointed during the month of June and shall serve  
19 for terms of two years commencing July 1 of each odd-numbered  
20 year. Members appointed shall continue to serve until their  
21 respective successors are appointed. Vacancies in the  
22 membership of the commission shall be filled by the original  
23 appointing authority and in the manner of the original  
24 appointments. Members shall receive actual expenses incurred  
25 while serving in their official capacity. Members may also be  
26 eligible to receive compensation as provided in section 7E.6.

27 Sec. 61. Section 601K.94, subsection 2, Code 1987, is  
28 amended to read as follows:

29 2. Notwithstanding subsection 1, a public agency shall  
30 establish an advisory board or may contract with a delegate  
31 agency to assist the governing board. The advisory board or  
32 delegate agency board shall be composed of the same type of  
33 membership as a board of directors for community action  
34 agencies under ~~section-601K-95~~ subsection 1. However, the  
35 public agency acting as the community action agency shall

1 determine annual program budget requests.

2 Sec. 62. Section 602.6404, subsection 1, Code 1987, is  
3 amended to read as follows:

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

12 Sec. 63. Section 602.8102, subsection 31, Code 1987, is  
13 amended by striking the subsection.

14 Sec. 64. Section 602.8102, subsection 46, Code 1987, is  
15 amended to read as follows:

16 46. Carry out duties relating to reprieves, pardons,  
17 commutations, remission of fines and forfeitures, and  
18 restoration of citizenship as provided in sections 248A.5 and  
19 248A.6.

20 Sec. 65. Section 607A.21, unnumbered paragraph 1, Code  
21 1987, is amended to read as follows:

22 The appointive jury commission or jury manager shall  
23 prepare, select and return, on ~~blank-lists~~ forms furnished by  
24 the county, the following:

25 Sec. 66. Section 654.15, subsection 2, paragraph c,  
26 subparagraph (4), Code 1987, is amended to read as follows:

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

31 Sec. 67. Section 679A.10, Code 1987, is amended to read as  
32 follows:

33 679A.10 FEES AND EXPENSES OF ARBITRATION.

34 Unless otherwise provided in the agreement to arbitrate,  
35 and except for council counsel fees, the arbitrators' expenses

1 and fees and any other expenses incurred in the conduct of the  
2 arbitration shall be paid as provided in the award.

3 Sec. 68. Section 725.3, Code 1987, is amended to read as  
4 follows:

5 725.3 PANDERING.

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

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

20 Sec. 69. Sections 11.29 and 311.31, Code 1987, are  
21 repealed.

22 EXPLANATION

23 This bill makes stylistic changes and nonsubstantive cor-  
24 rections to the statutes as follows:

25 2.36 Deletes references to the "state communications ad-  
26 visory council" in section 18.136, which was abolished by  
27 Senate File 2175, sections 123 and 2053.

28 2.42(15) Strikes the subsection which specified the  
29 legislative council's duty to fix the compensation of the  
30 director of the legislative oversight bureau, which Senate  
31 File 2175 repealed.

32 4.1(22) Adds Dr. Martin Luther King, Jr.'s birthday to the  
33 list of legal holidays, to conform with section 33.1.

34 8.31 Corrects a mistaken subsection reference.

35 8.39(2) Adds the word "of" to make the sentence gram-

1 matically clear.

2 18.101 Deletes a reference to the "state printing board"  
3 which has not been in existence for some time, and inserts  
4 instead a reference to the superintendent of printing.

5 19A.3(10) Substitutes the word "working" for the word  
6 "employed" to make the subsection conform to similar changes  
7 made earlier in 1985 Iowa Acts, chapter 21.

8 29A.43 Changes the word "elected" to "enlisted" to correct  
9 a typographical error that occurred sometime after the  
10 original enactment in 1974 (chapter 1093).

11 50.29 Deletes archaic use of "holden" and substitutes  
12 "held"; also deletes the archaic use of "say".

13 50.41 Also deletes archaic "holden" and "Greeting".

14 83A.19 Deletes reference to the "land reclamation advisory  
15 board" which was abolished in Senate File 2175.

16 96.14(2) Corrects an apparent typographical error by  
17 substituting "after" for "as".

18 97B.41(3b) Changes the reference to "the Iowa swine pro-  
19 ducers association established under chapter 183" to "the Iowa  
20 pork producers council established under chapter 183A"; the  
21 former was repealed in 1985 and the latter enacted. The sub-  
22 paragraph amended is in a list of exceptions from the  
23 definition of "employee" for IPERS purposes.

24 99E.31(4a) This is a section from the appropriation bill,  
25 1985 Iowa Acts, chapter 33, section 301, which was codified at  
26 the direction of the legislature. In the codification, since  
27 some provisions began in 1985 under the Iowa development  
28 commission and extend on past 1986 when the Iowa department of  
29 economic development was created in lieu of the development  
30 commission, both entities were specified. In this case the  
31 latter entity was inadvertently omitted in the editing  
32 process.

33 109B.1(3) Strikes a reference to section 109.115, which  
34 was repealed. No comparable section was found.

35 123.20(7) Strikes a reference to section 127.8. Chapter

1 127, relating to seizure and sale of conveyances, was repealed  
2 and replaced by new chapter 809 covering seized and forfeited  
3 goods of all kinds. Chapter 809 has no specifics relating to  
4 alcoholic beverages comparable to former 127.8.

5 123.151 Strikes references to "state liquor stores" which  
6 were missed when the stores were discontinued under House File  
7 2484 in 1986.

8 135.11(17) Strikes reference to chapter 135D as part of  
9 the administrative duties of the department of public health.  
10 Chapter 135D has been repealed except for the mobile home tax  
11 provisions which are administered by the department of revenue  
12 and finance.

13 135A.4(1) Strikes a reference to the "hospital advisory  
14 council" which was abolished in Senate File 2175. See next  
15 two sections also.

16 135A.6 Strikes material relating to advice of the council,  
17 which is the hospital advisory council, established in section  
18 135A.5 and abolished by Senate File 2175.

19 135A.9 Strikes reference to council, as in the above two  
20 amendments.

21 159.5(16d) Substitutes the word "with" for the word "for"  
22 to correct the phrase "frequency with which".

23 163.26 Strikes reference to "the following words" since  
24 there is now only one word defined in the section, and  
25 corrects the name of the department of agriculture and land  
26 stewardship.

27 163.30(3) Substitutes a reference to section 17A.4 for the  
28 reference to section 17A.16, which is not correct and  
29 apparently was carried over from before the enactment of the  
30 present administrative procedure Act in chapter 17A.

31 173.2(4,8,10) Corrects the names of associations with  
32 representatives composing the convention to elect the state  
33 fair board. The names are changed to agree with the present  
34 statutory entities in chapters 185, 183A, and 182.

35 220.104(2) Corrects a reference, from section 220.94,

1 which is now a reserved section, to section 220.102, which is  
2 the section describing projects for which bonds may be issued;  
3 this change was missed in editing.

4 237A.1(7a) In regard to the department of education, the  
5 term "approved" in relation to schools is being changed to  
6 "accredited". However, this does not necessarily apply to the  
7 board of regents, so both words are used.

8 248A.3(1) Adds "for persons", which appears in brackets in  
9 the present Code, and which was inserted to make a  
10 grammatically correct sentence.

11 256.9(4) Adds the words "experience in" to make the  
12 reference to "administration" meaningful.

13 259.4(2) An amendment to subsection 1 of this section,  
14 made by chapter 1237, section 15, of the 1986 Iowa Acts,  
15 refers to administration of the "federal acts cited in section  
16 259.1" instead of the "Act of Congress". Section 259.1  
17 presently cites three federal acts, instead of just one, as  
18 originally. This amendment conforms with the previous  
19 amendment to subsection 1 of this section, and removes an  
20 ambiguity.

21 261.19 Corrects the name of the osteopathic university.

22 273.2(unp. 3, subs 2,4) Substitutes "accredited" for  
23 "approved" and corrects the reference to repealed section  
24 257.25 to new section 256.11. Also corrects two other  
25 references to repealed sections in chapter 257, which appear  
26 in the same section.

27 273.3(20) Also substitutes "accredited" for "approved".

28 280A.25 Adds an introductory phrase omitted when the  
29 section was amended in Senate File 2175. The former language  
30 was "The state board shall:". The amendment entitled the  
31 section "Power of commissioner" and "commissioner" was changed  
32 to "director" of education pursuant to new chapter 256 and  
33 uniform terminology requirements.

34 285.1(12) Substitutes the director of the department of  
35 education for the state director of school transportation.

- 1 which is not a statutory position.
- 2 285.16 Another change of "approved" to "accredited" and of  
3 references to a repealed section 257.25.
- 4 291.15 Substitutes a reference to "a regular or special  
5 meeting held not later than August 15" for "its regular July  
6 meeting", because section 279.33 presently provides for the  
7 annual settlement not later than August 15.
- 8 301.29 Another correction of "approved" to "accredited"  
9 and "257.25" to "256.11".
- 10 302.1(5) Strikes the second unnumbered paragraph, which  
11 provides for transfer of a portion of the permanent school  
12 fund to the F.I.N.E. foundation. This material was rewritten  
13 in new section 302.1A, but the earlier provision was not  
14 struck. New section 302.1A provides for the transfer of the  
15 interest on the permanent school fund to the F.I.N.E.  
16 foundation.
- 17 312.2(10) Strikes references to moneys appropriated in  
18 section 308.4 for the great river road; the appropriations  
19 have been struck from that section.
- 20 327H.20 Revises the phrase relating to uses of the  
21 railroad assistance fund to "restoration, conservation,  
22 improvement, and construction" to be consistent with the uses  
23 specified for the fund in section 327H.18, which was amended  
24 in 1986. (chapter 1238, section 16)
- 25 331.301(10) Strikes a reference to section 384.26.  
26 Subsection 10 of section 331.301 and subsection 4 of section  
27 364.4 were enacted in 1985, the one referring to the other;  
28 but as finally enacted there was no reference to section  
29 384.26 in section 364.4, subsection 4.
- 30 331.323(2b) Strikes a subsection which refers to a duty of  
31 the board of supervisors in relation to a requisitioned  
32 vehicle under section 127.16. Chapter 127 was repealed, and  
33 its replacement, chapter 809 has no specific provision like  
34 that in chapter 127.
- 35 331.502(10) Strikes a subsection which refers to a duty of

1 the county auditor in relation to the substance abuse program  
2 as provided in section 125.25. Section 125.25 no longer  
3 refers to this specific duty, and no similar substitute  
4 provision was found.

5 331.653(16) Strikes a subsection which refers to seizure,  
6 forfeiture, and sale of certain conveyances under chapter 127  
7 or section 127.24, which have been repealed. No specifically  
8 comparable provision appears in new chapter 809 relating to  
9 seizure and forfeiture.

10 422.16(11a) Adds the words "the person or married couple"  
11 as a necessary subject for the verb "shall increase or de-  
12 crease".

13 422.21(unp. 1) Strikes the reference to subsection 1,  
14 paragraph g of section 422.5. This reference was enacted as a  
15 reference to subsection 6 which was then the additional tax to  
16 replace the repealed moneys and credits tax. There is at  
17 present no specific income tax earmarked for that purpose, and  
18 there is no subsection 1, paragraph g in section 422.5.

19 422.45(32) Substitutes "gross receipts" for "gross sales";  
20 apparently a typographical error as the rest of the  
21 subsections refer to "gross receipts" from sales.

22 442.13(14b, unp. 4) Adds "lettered" to "paragraph" to make  
23 it clear to the reader that the entire paragraph b is meant  
24 rather than just the unnumbered paragraph 4 of that lettered  
25 paragraph b; the appropriation referred to is in another part  
26 of paragraph b.

27 445A.6(6b) This section lists duties of the environmental  
28 protection commission. Chapters 83 and 83A are struck from  
29 the list because Senate File 2175 transferred the administra-  
30 tion of those chapters to the department of agriculture and  
31 land stewardship.

32 455C.11 Substitutes the word "disbursed" for "dispersed";  
33 "dispersed" is not accurately used in regard to the payment of  
34 funds.

35 467A.16 Inserts the article "the" which is needed to cor-

1 rect the syntax; the word appears in the present Code in  
2 brackets.

3 509B.3(6b) Inserts the verb "is given" which was omitted  
4 in the sentence as enacted, leaving the clause with a subject  
5 and no verb.

6 514F.1 Inserts chapter 150A in the second list of  
7 examining boards dealt with in the section, to be consistent  
8 with the list at the beginning of the section.

9 515.20 Substitutes "the corporation's" for the indefinite  
10 pronoun "its" which otherwise seemed to refer to the guaranty  
11 capital. The guaranty capital does not have policyholders;  
12 the corporation does.

13 521A.2(3c) Strikes limiting language inadvertently  
14 inserted in redrafting this section.

15 521A.4(1) Inserts "the company's" before the word  
16 "jurisdiction" to remove an ambiguity as to whose jurisdiction  
17 is meant.

18 521A.11A(5) Substitutes "its" for "the" share of a  
19 deficiency as there was no way to identify what "the share"  
20 referred to. This was recommended by the assistant attorney  
21 general for the insurance department.

22 595.10(1) Adds language to make it clear that a senior  
23 judge may solemnize marriages.

24 601K.12 Adds the verb "consists" which is needed to com-  
25 plete the sentence.

26 601K.94(2) Corrects a reference which became incorrect in  
27 transferring language from former section 7A.22 to new section  
28 601K.94. Section 601.95 now refers to duties, whereas subsec-  
29 tion 1 of 601K.94 refers to members.

30 602.6404(1) Provides that a magistrate must be a resident  
31 of the county of appointment rather than an elector, to be  
32 consistent with requirements for judges. The judicial  
33 department has no objection to this change.

34 602.8102(31) Strikes a subsection which specifies duties  
35 of the clerk of the court relating to chapter 127 which was

1 repealed. No comparable specific duty is found in new chapter  
2 809.

3 602.8102(46) Adds the word "repeives" to be consistent  
4 with the other sections referred to.

5 607A.21 Substitutes "forms" for "blank lists", at the  
6 request of the judicial department, due to concern that a  
7 "blank list" would not fit the format of the computerized  
8 source list provided by the state voter registration com-  
9 mission.

10 654.14(2c(4)) Strikes reference to deferred interest which  
11 was struck from the related sections.

12 679A.10 Substitutes "counsel" for "council" to correct an  
13 apparent typographical error.

14 725.3 Adds the word "or" in both subsections to make it  
15 clear that two different actions are intended, to become or to  
16 return; and to provide correct syntax.

17 11.29 Repeals the section which provides for the auditor  
18 to collect fees from savings and loan associations, which are  
19 now administered by the superintendent under the department of  
20 commerce.

21 311.31 Repeals a temporary section enacted in 1949 relat-  
22 ing to assessments and assessment certificates issued before  
23 that date for secondary road assessment districts.

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S-3191

1 Amend Senate File 374 as follows:

2 1. Page 117 by inserting after line 25 the  
3 following:

4 "Sec. \_\_\_\_ . Section 177.3, subsection 3, Code 1987,  
5 is amended to read as follows:

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

8 Sec. \_\_\_\_ . Section 178.3, subsection 4, Code 1987,  
9 is amended to read as follows:

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

12 Sec. \_\_\_\_ . Section 186.1, Code 1987, is amended to  
13 read as follows:

14 186.1 MEETINGS AND ORGANIZATION OF SOCIETY.

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

26 2. Page 16, by inserting after line 3 the  
27 following:

28 "Sec. \_\_\_\_ . Section 317.8, Code 1987, is amended to  
29 read as follows:

30 317.8 DUTY OF SECRETARY OF AGRICULTURE OR  
31 SECRETARY'S DESIGNEE.

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

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

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

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

48 4. The secretary or the secretary's designee shall  
49 aid the supervisors in enforcement of the weed law as  
50 it applies to all state lands, state parks and primary

S-3191 pg 2

1 roads, and may impose a maximum penalty of a ten  
2 dollar fine for each day, up to ten days, that the  
3 state agency in control of land fails to comply with  
4 an order for destruction of weeds made pursuant to  
5 this chapter."

6 3. By renumbering sections as necessary.

S-3191

Filed March 18, 1987

*Adopted 3/23 (p. 850)*

BY COMMITTEE ON JUDICIARY

DONALD V. DOYLE, Chairperson

SENATE FILE 374

S-3160

1 Amend Senate File 374 as follows:

2 1. Page 8, line 27, by striking the word  
3 "regulations" and inserting the following:

4 "regulations rules".

5 2. Page 11, line 2, by inserting after the figure

6 "212" the word "degrees".

7 3. Page 25, by striking lines 20 through 24.

8 4. By renumbering sections as necessary.

S-3160

Filed March 11, 1987

*Adopted 3/23 (p. 850)*

BY COMMITTEE ON JUDICIARY

DONALD V. DOYLE, Chairperson

For Judiciary 3/20/87  
Amend (3725) + Do Pass 4/10 (p 1264)

SENATE FILE 374  
BY COMMITTEE ON JUDICIARY

(AS AMENDED AND PASSED BY THE SENATE MARCH 23, 1987

\_\_\_\_\_ - New Language by the Senate  
\* - Language Stricken by the Senate

Passed Senate, Date 4/20/87 (p. 144) Passed House, Date 4-14-87 (p. 1270)  
Vote: Ayes 47 Nays 0 Vote: Ayes 77 Nays 15  
Approved May 5, 1987 (p 1712)

A BILL FOR

1 An Act relating to statutory corrections of a noncontroversial  
2 and nonsubstantive nature.

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

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SF 374

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

3 2.36 DUTIES OF COMMITTEE.

4 The committee shall review the present and proposed uses of  
5 communications by state agencies and the development of a  
6 statewide communications plan~~,-including-a-review-of-the-work~~  
7 ~~of-the-state-communications-advisory-council-established-in~~  
8 ~~section-18-136~~. It shall meet as often as deemed necessary  
9 and annually shall make recommendations to the legislative  
10 council and the general assembly, accompanied by bill drafts  
11 to implement its recommendations.

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

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

16 22. COMPUTING TIME -- LEGAL HOLIDAYS. In computing time,  
17 the first day shall be excluded and the last included, unless  
18 the last falls on Sunday, in which case the time prescribed  
19 shall be extended so as to include the whole of the following  
20 Monday~~,-provided-that,-whenever~~. However, when by the  
21 provisions of any a statute or rule prescribed under authority  
22 of a statute, the last day for the commencement of any an  
23 action or proceedings, the filing of any a pleading or motion  
24 in a pending action or proceedings, or the perfecting or  
25 filing of any an appeal from the decision or award of any a  
26 court, board, commission, or official falls on a Saturday, a  
27 Sunday, the first day of January, the third Monday in January,  
28 the twelfth day of February, the third Monday in February, the  
29 last Monday in May, the fourth day of July, the first Monday  
30 in September, the eleventh day of November, the fourth  
31 Thursday in November, the twenty-fifth day of December, and  
32 the following Monday whenever when any of the foregoing named  
33 legal holidays may fall on a Sunday, and any day appointed or  
34 recommended by the governor of Iowa or the president of the  
35 United States as a day of fasting or thanksgiving, the time

1 therefor shall be extended to include the next day which is  
2 not a Saturday, Sunday, or ~~such-day-hereinbefore-enumerated~~  
3 legal holiday named in this subsection.

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

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

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

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

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

23 18.101 LEGISLATIVE JOURNALS AND BILLS.

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

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

34 10. Residents, patients, or inmates employed working in  
35 state institutions, or persons on parole employed working in

1 work experience programs for a period no longer than one year.

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

4 29A.43 DISCRIMINATION PROHIBITED -- LEAVE OF ABSENCE.

5 No A person~~, firm, or corporation,~~ shall not discriminate  
6 against any officer or enlisted person of the national guard  
7 or organized reserves of the armed forces of the United States  
8 because of that membership therein. No An employer, or agent  
9 of any an employer, shall not discharge any a person from  
10 employment because of being an officer or enlisted person of  
11 the military forces of the state, or hinder or prevent the  
12 officer or ~~elected~~ enlisted person from performing any  
13 military service such the person ~~may-be~~ is called upon to  
14 perform by proper authority. Any A member of the national  
15 guard or organized reserves of the armed forces of the United  
16 States ordered to temporary active duty for the purpose of  
17 military training or ordered on active state service~~, shall-be~~  
18 is entitled to a leave of absence during the period of such  
19 the duty or service, from the member's private employment,  
20 other than employment of a temporary nature, and upon  
21 completion of such the duty or service the employer shall  
22 restore such the person to the position held prior to such the  
23 leave of absence, or employ such the person in a similar  
24 position~~, provided, however, that such.~~ However, the person  
25 shall give evidence to the employer of satisfactory completion  
26 of such the training or duty, and ~~further-provided~~ that such  
27 the person is still qualified to perform the duties of such  
28 the position. Such The period of absence shall be construed  
29 as an absence with leave, and shall in no way affect the  
30 employee's rights to vacation, sick leave, bonus, or other  
31 employment benefits relating to the employee's particular  
32 employment. Any A person violating ~~any-of-the-provisions a~~  
33 provision of this section ~~shall-be~~ is guilty of a simple  
34 misdemeanor.

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

1 follows:

2 50.29 CERTIFICATE OF ELECTION.

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

6 STATE OF IOWA

7 ..... County.

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

14 C ..... D .....,  
15 President of Board of Canvassers.  
16 Witness, E ..... F .....,  
17 County Commissioner of Elections  
18 (clerk).

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

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

23 50.41 CERTIFICATE OF ELECTION.

24 Each person declared elected by the state board of  
25 canvassers shall receive a certificate ~~thereof~~, signed by the  
26 governor, or, in the governor's absence, by the secretary of  
27 state, with the seal of state affixed, attested by the other  
28 canvassers, to be in substance as follows:

29 STATE OF IOWA:

30 To A ..... B ....., Greeting: It is  
31 hereby certified that, at an election ~~holden~~ held on the ....  
32 day of ..... you were elected to the office of .....  
33 of ~~said-state~~ Iowa, for the term of ..... years, from ~~and-after~~  
34 the ..... day of ..... (or if to fill a vacancy, for  
35 the residue of the term, ending on the ..... day of ....).

1 Given at the seat of government this ..... day of .....

2 If the governor be is absent, the certificate of the  
3 election of the secretary of state shall be signed by the  
4 auditor. The certificate to members of the legislature shall  
5 describe, by the number, the district from which the member is  
6 elected.

7 Sec. 11. Section 83A.19, unnumbered paragraph 2, Code  
8 1987, is amended to read as follows:

9 For certain postmining land uses, such as a sanitary land  
10 fill, the division ~~with the approval of the land reclamation~~  
11 ~~advisory board~~, may allow an extended reclamation period.

12 Sec. 12. Section 96.14, subsection 2, unnumbered paragraph  
13 5, Code 1987, is amended to read as follows:

14 ~~No~~ A penalty shall not be less than ten dollars for each  
15 delinquent report or each insufficient report not made  
16 sufficient within thirty days as after a request to do so.  
17 Interest, penalties, and costs shall be collected by the  
18 division in the same manner as provided by this chapter for  
19 contributions.

20 Sec. 13. Section 97B.41, subsection 3, paragraph b,  
21 subparagraph (12), Code 1987, is amended to read as follows:

22 (12) Employees of the Iowa dairy industry commission  
23 established under chapter 179, the Iowa beef cattle producers  
24 association established under chapter 181, the Iowa swine pork  
25 producers ~~association~~ council established under chapter ~~183~~  
26 183A, the Iowa turkey marketing council established under  
27 chapter 184A, the Iowa soybean promotion board established  
28 under chapter 185, the Iowa corn promotion board established  
29 under chapter 185C, and the Iowa egg council established under  
30 chapter 196A.

31 Sec. 14. Section 99E.31, subsection 4, paragraph a, Code  
32 1987, is amended to read as follows:

33 a. To the Iowa development commission and the Iowa  
34 department of economic development the sum of ten million  
35 dollars to be allocated by the Iowa development commission or

1 the Iowa department of economic development for economic  
2 development and research and development purposes at an  
3 institution of higher education under the control of the state  
4 board of regents or at an independent college or university of  
5 the state. The Iowa development commission and or the Iowa  
6 department of economic development shall allocate for the  
7 fiscal year beginning July 1, 1985 the first five hundred  
8 thousand dollars, for the fiscal year beginning July 1, 1986,  
9 the first three million seven hundred fifty thousand dollars,  
10 and for the fiscal year beginning July 1, 1987 and for each  
11 succeeding fiscal year the first four million two hundred  
12 fifty thousand dollars to the Iowa state university of science  
13 and technology for agricultural biotechnology research and  
14 development. From the money allocated to the Iowa state  
15 university of science and technology for agricultural  
16 biotechnology research and development the amount of fifty  
17 thousand dollars for each of the fiscal years beginning July  
18 1, 1986 and July 1, 1987 shall be used to develop a program in  
19 bioethics for research at the university. This program should  
20 address socio-economic and environmental implications of  
21 biotechnology research.

22 PARAGRAPH DIVIDED. The institutions under control of the  
23 state board of regents may present proposals to the state  
24 board of regents for the use of the funds. The proposals may  
25 include, but are not limited to, endowing faculty chairs,  
26 conducting studies and research, establishing centers,  
27 purchasing equipment, and constructing facilities in the areas  
28 of entrepreneurial studies, foreign language translation and  
29 interpretation, management development, genetics, molecular  
30 biology, laser science and engineering, biotechnology, third  
31 crop development, and value-added projects. The proposals  
32 shall include certification from the institution, college or  
33 university that it will receive from other sources an amount  
34 equal to the amount requested in the proposal. The state  
35 board of regents shall, for institutions under its control,

1 determine the specific proposals for which it requests funding  
2 and submit them to the Iowa development commission or the Iowa  
3 department of economic development. An independent college or  
4 university shall submit requests directly to the Iowa  
5 development commission or the Iowa department of economic  
6 development.

7 PARAGRAPH DIVIDED. The Iowa development commission and or  
8 the Iowa department of economic development shall disburse to  
9 the regents' institutions or an independent college or  
10 university the moneys for the various proposals requested  
11 unless the commission or department disapproves of a specific  
12 proposal as inconsistent with the plan for economic  
13 development for this state. The applicants may submit  
14 additional proposals for those not approved by the Iowa  
15 development commission or the Iowa department of economic  
16 development. Those funds allocated by the Iowa development  
17 commission or the Iowa department of economic development  
18 under this paragraph that are not expended by the institution  
19 of higher education shall not revert to the commission or  
20 department. The Iowa development commission and the Iowa  
21 department of economic development shall consult with the Iowa  
22 high technology council in making grants under this paragraph.

23 Sec. 15. Section 109B.1, subsection 3, Code 1987, is  
24 amended to read as follows:

25 3. Authorize the director to enter into written contracts  
26 for the removal of underused, undesirable, or injurious  
27 organisms from the waters of the state. The contracts shall  
28 specify all terms and conditions desired. Sections ~~109-115,~~  
29 109B.4, 109B.6, and 109B.14 do not apply to these contracts.

30 Sec. 16. Section 123.20, subsection 7, Code 1987, is  
31 amended to read as follows:

32 7. To accept intoxicating liquors ordered delivered to the  
33 alcoholic beverages division pursuant to ~~section-127-8,~~  
34 ~~subsection-1~~ chapter 809, and offer for sale and deliver such  
35 the intoxicating liquors to class "E" liquor control

1 licensees, unless the administrator determines that such the  
2 intoxicating liquors may be adulterated or contaminated. If  
3 the administrator determines that such the intoxicating  
4 liquors may be adulterated or contaminated, the administrator  
5 shall order their destruction.

6 Sec. 17. Section 123.151, Code 1987, is amended to read as  
7 follows:

8 123.151 POSTING NOTICE ON DRUNK DRIVING LAWS REQUIRED.

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

17 Sec. 18. Section 135.11, subsection 17, Code 1987, is  
18 amended to read as follows:

19 17. Administer chapters 125, 135A, 135B, 135C, ~~135D~~, 136A,  
20 136C, 139, 140, 142, 144, and 147A.

21 Sec. 19. Section 135A.4, subsection 1, Code 1987, is  
22 amended to read as follows:

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

34 Sec. 20. Section 135A.6, Code 1987, is amended to read as  
35 follows:

1 135A.6 SURVEY AND PLANNING ACTIVITIES.

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

19 Sec. 21. Section 135A.9, Code 1987, is amended to read as  
20 follows:

21 135A.9 STATE PLAN.

22 The director shall, ~~with the advice of the council,~~ prepare  
23 and submit to the surgeon general a state plan which shall  
24 include the hospital and other health facilities construction  
25 program developed under this chapter and which shall provide  
26 for the establishment, administration and operation of  
27 hospital and other health facilities construction activities  
28 in accordance with the requirements of the federal Act and  
29 regulations ~~thereunder~~ under it. The director shall, prior to  
30 the submission of ~~such~~ the plan to the surgeon general, give  
31 adequate publicity to a general description ~~to~~ of all the  
32 provisions proposed to be included ~~therein~~, and hold a public  
33 hearing at which all persons or organizations with a  
34 legitimate interest in ~~such~~ the plan may be given an  
35 opportunity to express their views. After approval of the

1 plan by the surgeon general, the director shall make the plan  
2 or a copy thereof of it available upon request to all  
3 interested persons or organizations. The director shall from  
4 time to time review the hospital and other health facilities  
5 construction program and submit to the surgeon general any  
6 modifications thereof of it which the director may-find finds  
7 necessary and may submit to the surgeon general such  
8 modifications of the state plan, not inconsistent with the  
9 requirements of the federal Act, as the director may-deem  
10 deems advisable.

11 Sec. 22. Section 159.5, subsection 16, paragraph d, Code  
12 1987, is amended to read as follows:

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

20 Sec. 23. Section 163.26, Code 1987, is amended to read as  
21 follows:

22 163.26 DEFINITIONS.

23 For the purposes of this division, ~~the-following-words~~  
24 ~~shall-have-the-meaning-ascribed-to-them-in-this-section:~~  
25 "Garbage" "garbage" means putrescible animal and vegetable  
26 wastes resulting from the handling, preparation, cooking, and  
27 consumption of foods, including animal carcasses or parts  
28 thereof, and ~~shall-include~~ includes all waste material, by-  
29 products of a kitchen, restaurant, hotel, or slaughterhouse,  
30 every refuse accumulation of animal, fruit, or vegetable  
31 matter, liquids or otherwise, except grain not consumed, that  
32 is collected from hog sales pen floors in public stockyards  
33 and fed under the control of the department of agriculture and  
34 land stewardship. Animals or parts of animals, which are  
35 processed by slaughterhouses or rendering establishments, and

1 which as part of such the processing are heated to not less  
2 than 212 degrees F. for thirty minutes, ~~shall~~ are not be  
3 deemed garbage for purposes of this chapter.

4 Sec. 24. Section 163.30, subsection 3, unnumbered  
5 paragraph 3, Code 1987, is amended to read as follows:

6 No A permittee shall not represent more than one dealer.  
7 Failure of ~~any-such a~~ a licensee or permittee to comply with the  
8 ~~provisions-of~~ this chapter or ~~any a~~ a rule made pursuant to this  
9 chapter is cause for revocation by the secretary of the permit  
10 or license after notice to the alleged offender and the  
11 holding of a hearing ~~thereon~~ by the secretary. ~~Such-rules-and~~  
12 ~~regulations~~ Rules shall be made in accordance with chapter  
13 17A. Any A rule, the violation of which is made the basis for  
14 revocation, except temporary emergency rules, shall first have  
15 been approved after public hearing as provided in section  
16 ~~17A:16~~ 17A.4 after giving twenty days' notice of such the  
17 hearing as follows:

18 Sec. 25. Section 173.2, subsections 4, 8, and 10, Code  
19 1987, are amended to read as follows:

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

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

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

26 Sec. 26. Section 177.3, subsection 3, Code 1987, is  
27 amended to read as follows:

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

30 Sec. 27. Section 178.3, subsection 4, Code 1987, is  
31 amended to read as follows:

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

34 Sec. 28. Section 186.1, Code 1987, is amended to read as  
35 follows:

1 186.1 MEETINGS AND ORGANIZATION OF SOCIETY.

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

12 Sec. 29. Section 220.104, subsection 2, Code 1987, is  
13 amended to read as follows:

14 2. The authority may issue its bonds and notes for the  
15 projects set forth in section ~~220-94~~ 220.102 and may enter  
16 into one or more lending agreements or purchase agreements  
17 with one or more bondholders or noteholders containing the  
18 terms and conditions of the repayment of and the security for  
19 the bonds or notes. The authority and the bondholders or  
20 noteholders or a trustee or agent designated by the authority  
21 may enter into agreements to provide for any of the following:

22 Sec. 30. Section 237A.1, subsection 7, paragraph a, Code  
23 1987, is amended to read as follows:

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

27 Sec. 31. Section 248A.3, subsection 1, Code 1987, is  
28 amended to read as follows:

29 1. The board of parole shall periodically review all ap-  
30 plications by persons convicted of criminal offenses and shall  
31 recommend to the governor the reprieve, pardon, commutation of  
32 sentence, remission of fines or forfeitures, or restoration of  
33 the rights of citizenship for persons who have by their  
34 conduct given satisfactory evidence that they will become or  
35 continue to be law-abiding citizens.

1 Sec. 32. Section 256.9, subsection 4, Code 1987, is  
2 amended to read as follows:

3 4. Employ personnel and assign duties and responsibilities  
4 of the department. The director shall appoint a deputy  
5 director and division administrators deemed necessary. They  
6 shall be appointed on the basis of their professional  
7 qualifications, experience in administration, and background.  
8 Members of the professional staff are not subject to chapter  
9 19A and shall be employed pursuant to section 256.10.

10 Sec. 33. Section 259.4, subsection 2, Code 1987, is  
11 amended to read as follows:

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

18 Sec. 34. Section 261.19, Code 1987, is amended to read as  
19 follows:

20 261.19 PAYMENT OF SUBVENTION.

21 The registrar of the ~~college~~ university of osteopathic  
22 medicine and ~~surgery~~ health sciences shall file, not later  
23 than August 1 of each year, a certificate of enrollment which  
24 shall include the number, names, and addresses of all students  
25 enrolled, by class, and shall indicate which students are  
26 resident students. If the number of resident students does not  
27 equal thirty percent of the total enrollment of a class, the  
28 commission shall deduct an amount which equals the actual  
29 state contribution per student for each class member under the  
30 required percentage. The commission shall compute the amount  
31 of the subvention and shall transmit the funds to the ~~college~~  
32 university of osteopathic medicine and ~~surgery~~ health sciences  
33 by August 15 of each year for which funds are appropriated by  
34 the general assembly.

35 Sec. 35. Section 273.2, unnumbered paragraph 3, and

1 subsections 2 and 4, Code 1987, are amended to read as  
2 follows:

3 The area education agency board shall furnish educational  
4 services and programs as provided in sections 273.1 to 273.9  
5 and chapter 281 to the pupils enrolled in public or nonpublic  
6 schools located within its boundaries which are on the list of  
7 approved accredited schools pursuant to section ~~257-25-~~  
8 256.11. The programs and services provided shall be at least  
9 commensurate with programs and services existing on July 1,  
10 1974. The programs and services provided to pupils enrolled  
11 in nonpublic schools shall be comparable to programs and  
12 services provided to pupils enrolled in public schools within  
13 constitutional guidelines.

14 2. Educational data processing pursuant to section ~~257-10,~~  
15 ~~subsection-14-~~ 256.9, subsection 11.

16 4. Auxiliary services for nonpublic school pupils as  
17 provided in section ~~257-26-~~ 256.12. However, if auxiliary  
18 services are provided their funding shall be based on the type  
19 of service provided.

20 Sec. 36. Section 273.3, subsection 20, Code 1987, is  
21 amended to read as follows:

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

28 Sec. 37. Section 280A.25, Code 1987, is amended by adding  
29 the following new unnumbered paragraph as unnumbered paragraph  
30 1 preceding subsection 1:

31 NEW UNNUMBERED PARAGRAPH. The director shall:

32 Sec. 38. Section 285.1, subsection 12, Code 1987, is  
33 amended to read as follows:

34 12. The pro rata cost of transportation shall be based  
35 upon the actual cost for all the children transported in all

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

17 Sec. 39. Section 285.16, Code 1987, is amended to read as  
18 follows:

19 285.16 "NONPUBLIC SCHOOL" DEFINED.

20 As used in this chapter, ~~the-term~~ "nonpublic school" means  
21 those nonpublic schools ~~approved~~ accredited by the department  
22 of education as provided in section ~~257-25~~ 256.11 and  
23 nonpublic institutions which comply with state board of  
24 education standards for providing special education programs.

25 Sec. 40. Section 291.15, Code 1987, is amended to read as  
26 follows:

27 291.15 ANNUAL REPORT.

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

1 Sec. 41. Section 301.29, Code 1987, is amended to read as  
2 follows:

3 301.29 "NONPUBLIC SCHOOL" DEFINED.

4 As used in this chapter, ~~the term~~ "nonpublic school" means  
5 those nonpublic schools approved accredited by the department  
6 of education as provided in section ~~257-25-~~ 256.11.

7 Sec. 42. Section 302.1, subsection 5, unnumbered paragraph  
8 2, Code 1987, is amended by striking the unnumbered paragraph.

9 Sec. 43. Section 312.2, subsection 10, Code 1987, is  
10 amended to read as follows:

11 10. The treasurer of state shall establish a great river  
12 road fund and at the request of the state department of  
13 transportation, shall credit monthly before making the  
14 allotments provided for in this section, sufficient funds to  
15 cover the anticipated costs, as identified by the state  
16 department of transportation, for the acquisition and  
17 construction of eligible highway-associated project  
18 components. ~~Reimbursement-to-this-fund-shall-be-made-as~~  
19 ~~necessary-from-the-funds-appropriated-in-section-308-4--In-no~~  
20 ~~case-shall-the-unreimbursed-allotment-to-the-great-river-road~~  
21 ~~fund-exceed-one-million-dollars-less-the-cumulative-sum-as~~  
22 ~~annually-appropriated-in-section-308-4--Reimbursed-funds~~  
23 ~~shall-be-reallocated-in-accordance-with-the-provisions-of-this~~  
24 ~~section.~~

25 Sec. 44. Section 317.8, Code 1987, is amended to read as  
26 follows:

27 317.8 DUTY OF SECRETARY OF AGRICULTURE OR SECRETARY'S  
28 DESIGNEE.

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

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

1 commissioners.

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

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

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

16 Sec. 45. Section 327H.20, unnumbered paragraph 1, Code  
17 1987, is amended to read as follows:

18 The department may enter into agreements with railroad  
19 corporations, the United States government, ~~persons~~, cities,  
20 ~~and counties~~, and other persons for carrying out the purposes  
21 of this chapter. Agreements entered into between the  
22 department and railroad corporations under this section may  
23 require a railroad corporation to reimburse all or part of the  
24 costs paid from the railroad assistance fund from revenue  
25 derived from all railroad cars and traffic using the main  
26 line, branch line, switching yard or sidings defined in the  
27 agreement. An agreement which does not require the repayment  
28 of railroad assistance funds used for rehabilitation projects  
29 shall require the railroad corporation to establish and  
30 maintain a separate corporation account to which an amount  
31 equal to all or part of the costs paid from the railroad  
32 assistance fund shall be credited from revenue derived from  
33 all railroad cars and traffic using the main line, branch  
34 line, switching yard or siding defined in the agreement.  
35 However, one-half of the funds credited to the railroad

1 assistance fund shall be expended as nonreimbursable grants  
2 for rehabilitation programs. Credits to the corporation  
3 account by the railroad corporation may be used for the  
4 improvement, restoration, or conservation, improvement, and  
5 construction of the railroad corporation's main line, branch  
6 lines, switching yards and sidings within the state. The  
7 agreement shall stipulate the terms and conditions governing  
8 the use of credits to the corporation account as well as a  
9 penalty for the use of the account in a manner other than as  
10 provided in the agreement.

11 Sec. 46. Section 331.301, subsection 10, Code 1987, is  
12 amended to read as follows:

13 10. A county may enter into leases or lease-purchase  
14 contracts for real and personal property in accordance with  
15 the terms and procedures set forth in section 364.4,  
16 subsection 4, provided that the references there to cities  
17 shall be applicable to counties, ~~the-reference-to-section~~  
18 ~~384-26-shall-be-to-section-331-442~~; the reference to section  
19 384.25 shall be to section 331.443, the reference to section  
20 384.95, subsection 1, shall be to section 331.341, subsection  
21 1, the reference to division VI of chapter 384 shall be to  
22 division III, part 3 of chapter 331, and reference to the  
23 council shall be to the board.

24 Sec. 47. Section 331.323, subsection 2, paragraph b, Code  
25 1987, is amended by striking the paragraph.

26 Sec. 48. Section 331.502, subsection 10, Code 1987, is  
27 amended by striking the subsection.

28 Sec. 49. Section 331.653, subsection 16, Code 1987, is  
29 amended by striking the subsection.

30 Sec. 50. Section 422.16, subsection 11, paragraph a, Code  
31 1987, is amended to read as follows:

32 a. Every person or married couple filing a return shall  
33 make estimated tax payments if the person's or couple's Iowa  
34 income tax attributable to income other than wages subject to  
35 withholding can reasonably be expected to amount to fifty

1 dollars or more for the taxable year, except that, in the  
2 cases of farmers and fishers, the exceptions provided in the  
3 Internal Revenue Code of 1954 with respect to making estimated  
4 payments ~~shall~~ apply. The estimated tax shall be paid in  
5 quarterly installments. The first installment shall be paid  
6 on or before the last day of the fourth month of the  
7 taxpayer's tax year for which the estimated payments apply.  
8 The other installments shall be paid on or before June 30,  
9 September 30, and January 31. However, at the election of the  
10 person or married couple, any installment of the estimated tax  
11 may be paid prior to the date prescribed for its payment. If  
12 a person or married couple filing a return has reason to  
13 believe that the person's or couple's Iowa income tax may  
14 increase or decrease, either for purposes of meeting the  
15 requirement to make estimated tax payments or for the purpose  
16 of increasing or decreasing estimated tax payments, the person  
17 or married couple shall increase or decrease any subsequent  
18 estimated tax payments accordingly.

19 Sec. 51. Section 422.21, unnumbered paragraph 1, Code  
20 1987, is amended to read as follows:

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

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

11 Sec. 52. Section 422.45, subsection 32, Code 1987, is  
12 amended to read as follows:

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

15 Sec. 53. Section 442.13, subsection 14, paragraph b,  
16 unnumbered paragraph 4, Code 1987, is amended to read as  
17 follows:

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

22 Sec. 54. Section 455A.6, subsection 6, paragraph b, Code  
23 1987, is amended to read as follows:

24 b. Hear appeals in contested cases pursuant to chapter 17A  
25 on matters relating to actions taken by the director under  
26 chapter ~~837-83A~~ 84, 93, 455B, 455C, or 469.

27 Sec. 55. Section 455C.11, Code 1987, is amended to read as  
28 follows:

29 455C.11 ANNUAL APPROPRIATION.

30 For the fiscal year commencing July 1, 1979, and each  
31 fiscal year thereafter, there is appropriated from the beer  
32 and liquor control fund to the Iowa department of public  
33 health the sum of one hundred thousand dollars, or so much  
34 thereof as may be available, which appropriation shall be made  
35 only from the difference between the funds collected from the

1 deposit required on beverage containers containing alcoholic  
2 liquor and the funds ~~dispersed~~ disbursed in the payment of the  
3 refund value on such beverage containers. The Iowa department  
4 of public health shall use the appropriated funds only for the  
5 care, maintenance and treatment of alcoholics under chapter  
6 125.

7 Sec. 56. Section 467A.16, Code 1987, is amended to read as  
8 follows:

9 467A.16 PUBLICATION OF NOTICE.

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

18 Sec. 57. Section 509B.3, subsection 6, paragraph b, Code  
19 1987, is amended to read as follows:

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

24 Sec. 58. Section 514F.1, Code 1987, is amended to read as  
25 follows:

26 514F.1 UTILIZATION AND COST CONTROL REVIEW COMMITTEES.

27 The boards of examiners under chapters 148, 150, 150A, 151,  
28 and 153 shall establish utilization and cost control review  
29 committees of licensees under the respective chapters,  
30 selected from licensees who have practiced in Iowa for at  
31 least the previous five years, or shall accredit and designate  
32 other utilization and cost control organizations as  
33 utilization and cost control committees under this section,  
34 for the purposes of utilization review of the appropriateness  
35 of levels of treatment and of giving opinions as to the

1 reasonableness of charges for diagnostic or treatment services  
2 of licensees. Persons governed by the various chapters of  
3 Title XX of the Code and self-insurers for health care  
4 benefits to employees may utilize the services of the  
5 utilization and cost control review committees upon the  
6 payment of a reasonable fee for the services, to be determined  
7 by the respective boards of examiners. The respective boards  
8 of examiners under chapters 148, 150, 150A, 151, and 153 shall  
9 adopt rules necessary and proper for the implementation of  
10 this section pursuant to chapter 17A. It is the intent of  
11 this general assembly that conduct of the utilization and cost  
12 control review committees authorized under this section shall  
13 be exempt from challenge under federal or state antitrust laws  
14 or other similar laws in regulation of trade or commerce.

15 Sec. 59. Section 515.20, Code 1987, is amended to read as  
16 follows:

17 515.20 GUARANTY CAPITAL.

18 A mutual company organized under this chapter may establish  
19 and maintain guaranty capital of at least fifty thousand  
20 dollars made up of multiples of ten thousand dollars, divided  
21 into shares of not less than fifty dollars each, to be  
22 invested as provided for the investment of insurance capital  
23 and funds by section 515.35. Guaranty shareholders shall be  
24 members of the corporation, and provision may be made for  
25 representation of the shareholders of the guaranty capital on  
26 the board of directors of the corporation. The representation  
27 shall not exceed one-third of the membership of the board.  
28 Guaranty shareholders in a mutual companies company are  
29 subject to the same regulations of law relative to their right  
30 to vote as apply to its policyholders. The guaranty capital  
31 shall be applied to the payment of the legal obligations of  
32 the corporation only when the corporation has exhausted its  
33 assets in excess of the unearned premium reserve and other  
34 liabilities. If the guaranty capital is thus impaired, the  
35 directors may restore the whole, or any part of the capital,

1 by assessment on ~~its~~ the corporation's policyholders as  
2 provided for in section 515.18. By a legal vote of the  
3 policyholders of the corporation at any regular or special  
4 meeting of the policyholders of the corporation, the guaranty  
5 capital may be fully retired or may be reduced to an amount of  
6 not less than fifty thousand dollars, if the net surplus of  
7 the corporation together with the remaining guaranty capital  
8 is equal to or exceeds the amount of minimum assets required  
9 by this chapter for such companies, and if the commissioner of  
10 insurance consents to the action. Due notice of the proposed  
11 action on the part of the corporation shall be included in the  
12 notice given to policyholders and shareholders of any annual  
13 or special meeting and notice of the meeting shall also be  
14 given in accordance with the corporation's articles of  
15 incorporation. A company with the guaranty capital, which has  
16 ceased to do business, shall not distribute among its  
17 shareholders or policyholders any part of its assets, or  
18 guaranty capital, until it has fully performed, or legally  
19 canceled, all of its policy obligations. Shareholders of the  
20 guaranty capital are entitled to interest on the par value of  
21 their shares at a rate to be fixed by the board of directors  
22 and approved by the commissioner, cumulative, payable  
23 semiannually, and payable only out of the surplus earnings of  
24 the company. However, the surplus account of the company  
25 shall not be reduced by the payment of the interest below the  
26 figure maintained at the time the guaranty capital was  
27 established. In addition, the interest payment shall not be  
28 made unless the surplus assets remaining after the payment of  
29 the interest at least equal the amount required by the  
30 statutes of Iowa to permit the corporation to continue in  
31 business. In the event of the dissolution and liquidation of  
32 a corporation having guaranty capital under this section, the  
33 shareholders of the capital are entitled, after the payment of  
34 all valid obligations of the company, to receive the par value  
35 of their respective shares, together with any unpaid interest

1 on their shares, before there may be any distribution of the  
2 assets of the corporation among its policyholders. These  
3 provisions are in addition to and independent of the  
4 provisions contained in section 515.19.

5 Sec. 60. Section 521A.2, subsection 3, paragraph c, Code  
6 1987, is amended to read as follows:

7 c. With the approval of the commissioner, invest any  
8 greater amount in common stock, preferred stock, debt  
9 obligations, or other securities of one or more subsidiaries  
10 ~~than permitted pursuant to paragraphs "a" and "b".~~ However,  
11 if after the investment the insurer's surplus as regards  
12 policyholders ~~shall be~~ is reasonable in relation to the  
13 insurer's outstanding liabilities and adequate to its  
14 financial needs.

15 Sec. 61. Section 521A.4, subsection 1, Code 1987, is  
16 amended to read as follows:

17 1. REGISTRATION. An insurer which is authorized to do  
18 business in this state and which is a member of an insurance  
19 holding company system shall register with the commissioner,  
20 except a foreign insurer subject to registration requirements  
21 and standards which are substantially similar to those  
22 contained in this section and section 521A.5, subsection 1,  
23 paragraph "a", and are adopted by statute or regulation in the  
24 jurisdiction of its domicile. The insurer shall also file a  
25 copy of the summary of its registration statement as required  
26 by subsection 4 in each state in which that insurer is  
27 authorized to do business if requested to do so by the  
28 commissioner of that state. An insurer which is subject to  
29 registration under this section shall register within fifteen  
30 days after it becomes subject to registration and annually  
31 thereafter by March 31 of each year for the previous calendar  
32 year unless the commissioner for good cause shown extends the  
33 time for registration, and then within the extended time. The  
34 commissioner may require any authorized insurer which is a  
35 member of a holding company system which is not subject to

1 registration under this section to furnish a copy of the  
2 registration statement or other information filed by the  
3 insurance company with the insurance regulatory authority of  
4 the company's domiciliary jurisdiction.

5 Sec. 62. Section 521A.11A, subsection 5, Code 1987, is  
6 amended to read as follows:

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

16 Sec. 63. Section 595.10, subsection 1, Code 1987, is  
17 amended to read as follows:

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

22 Sec. 64. Section 601K.12, Code 1987, is amended to read as  
23 follows:

24 601K.12 COMMISSION CREATED OF SPANISH-SPEAKING PEOPLE --  
25 TERMS -- COMPENSATION.

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

1 appointments. Members shall receive actual expenses incurred  
2 while serving in their official capacity. Members may also be  
3 eligible to receive compensation as provided in section 7E.6.

4 Sec. 65. Section 601K.94, subsection 2, Code 1987, is  
5 amended to read as follows:

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

14 Sec. 66. Section 602.6404, subsection 1, Code 1987, is  
15 amended to read as follows:

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

24 Sec. 67. Section 602.8102, subsection 31, Code 1987, is  
25 amended by striking the subsection.

26 Sec. 68. Section 602.8102, subsection 46, Code 1987, is  
27 amended to read as follows:

28 46. Carry out duties relating to reprieves, pardons,  
29 commutations, remission of fines and forfeitures, and  
30 restoration of citizenship as provided in sections 248A.5 and  
31 248A.6.

\* 32 Sec. 69. Section 654.15, subsection 2, paragraph c,  
33 subparagraph (4), Code 1987, is amended to read as follows:

34 (4) The remaining balance shall be paid to the owner of  
35 the written instrument upon which the foreclosure was based,

1 to be credited against the ~~deferred-interest-and-then-against~~  
2 the principal due on the written instrument.

3 Sec. 70. Section 679A.10, Code 1987, is amended to read as  
4 follows:

5 679A.10 FEES AND EXPENSES OF ARBITRATION.

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

10 Sec. 71. Section 725.3, Code 1987, is amended to read as  
11 follows:

12 725.3 PANDERING.

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

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

27 Sec. 72. Sections 11.29 and 311.31, Code 1987, are  
28 repealed.

29  
30  
31  
32  
33  
34  
35

HOUSE AMENDMENT TO  
SENATE FILE 374

S-3653

1 Amend Senate File 374, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 5, by inserting after line 30 the  
4 following:

5 "Sec. \_\_\_\_ . Section 99B.1, subsection 16, Code  
6 1987, is amended to read as follows:

7 16. "Division" means the racing and gaming  
8 division of the department of commerce.

9 Sec. \_\_\_\_ . Section 99B.19, Code 1987, is amended to  
10 read as follows:

11 99B.19 ATTORNEY GENERAL AND COUNTY ATTORNEY.

12 Upon request of the racing and gaming division of  
13 the department of commerce or the division of criminal  
14 investigation of the department of public safety, the  
15 attorney general shall institute in the name of the  
16 state the proper proceedings against a person charged  
17 by either department with violating this chapter, and  
18 a county attorney, at the request of the attorney  
19 general, shall appear and prosecute an action when  
20 brought in the county attorney's county.

21 Sec. \_\_\_\_ . Section 99B.20, Code 1987, is amended to  
22 read as follows:

23 99B.20 DIVISION OF CRIMINAL INVESTIGATION.

24 The division of criminal investigation of the  
25 department of public safety may investigate to  
26 determine licensee compliance with the requirements of  
27 this chapter. Investigations may be conducted either  
28 on the criminal investigation division's own  
29 initiative or at the request of the racing and gaming  
30 division of the department of commerce. The criminal  
31 investigation division and the racing and gaming  
32 division shall cooperate to the maximum extent  
33 possible on an investigation.

34 Sec. \_\_\_\_ . Section 99D.6, Code 1987, is amended to  
35 read as follows:

36 99D.6 CHAIRPERSON -- ADMINISTRATOR -- EMPLOYEES --  
37 DUTIES -- BOND.

38 The commission shall elect in July of each year one  
39 of its members chairperson for the succeeding year.  
40 The commission shall appoint an administrator of the  
41 racing and gaming division of the department of  
42 commerce subject to confirmation by the senate. The  
43 administrator shall serve a four-year term. The term  
44 shall begin and end in the same manner as set forth in  
45 section 69.19. A vacancy shall be filled for the  
46 unexpired portion of the term in the same manner as a  
47 full-term appointment is made. The administrator may  
48 hire other assistants and employees as necessary to  
49 carry out the division's duties. Some or all of the  
50 information required of applicants in section 99D.8A,

S-3653 pg. 2

1 subsections 1 and 2, may also be required of employees  
2 of the division if the commission deems it necessary.  
3 The administrator shall keep a record of the  
4 proceedings of the commission, and preserve the books,  
5 records, and documents entrusted to the  
6 administrator's care. The commission shall require  
7 the administrator to post a bond in a sum it may fix,  
8 conditioned upon the faithful performance of the  
9 administrator's duties. Subject to the approval of  
10 the governor, the commission shall fix the  
11 compensation of the administrator within salary range  
12 five as set by the general assembly. The division  
13 shall have its headquarters in the city of Des Moines,  
14 and shall meet in July of each year and at other times  
15 and places as it finds necessary for the discharge of  
16 its duties."

17 2. Page 17, by inserting after line 15 the  
18 following:

19 "Sec. \_\_\_\_ . Section 327A.17, Code 1987, is amended  
20 to read as follows:

21 327A.17 RULES.

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

32 3. Page 25, by inserting after line 15 the  
33 following:

34 "Sec. \_\_\_\_ . Section 546.6, Code 1987, is amended to  
35 read as follows:

36 546.6 RACING AND GAMING DIVISION.

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

46 4. Page 25, by inserting after line 21 the  
47 following:

48 "Sec. \_\_\_\_ . Section 601K.1, subsection 3, Code  
49 1987, is amended to read as follows:

50 3. Division of on the status of women."

S-3653 pg. 3

1 5. Page 26, by inserting after line 3 the  
2 following:

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

5 2. "Division" means the division ~~of~~ on the status  
6 of women of the department of human rights.

7 3. "Administrator" means the administrator of the  
8 division ~~of~~ on the status of women of the department  
9 of human rights."

10 6. Page 26, by inserting after line 13 the  
11 following:

12 "Sec. \_\_\_\_\_. Section 601K.112, unnumbered paragraph  
13 1, Code 1987, is amended to read as follows:

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

27 Sec. \_\_\_\_\_. Section 601K.114, subsections 1 through  
28 3, Code 1987, are amended to read as follows:

29 1. Interpret to communities and to interested  
30 persons the needs of the deaf and how their needs may  
31 be met through the use of resource-workers service  
32 providers.

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

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

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

50 "Resource-workers Service providers" are persons

April 20, 1987

S-3653 pg. 4

1 who, ~~on-a-volunteer-basis-or~~ for compensation or on a  
2 volunteer basis, carry out service projects."

3 7. Page 26, by inserting after line 31 the  
4 following:

5 "Sec. \_\_\_\_ . Section 610.1, Code 1987, is amended to  
6 read as follows:

7 610.1 AFFIDAVIT -- CONTENTS -- TOLLING OF  
8 LIMITATIONS.

9 A court of the district court, court of appeals, or  
10 supreme court shall authorize the commencement,  
11 prosecution, or defense of a suit, action, proceeding,  
12 or appeal, whether civil or criminal, without the  
13 prepayment of fees, costs, or security upon a showing  
14 that the person is unable to pay such costs or give  
15 security. The person shall submit an affidavit  
16 stating the nature of the suit, action, proceeding, or  
17 appeal and the affiant's belief that there is an  
18 entitlement to redress. Such affidavit shall also  
19 include a brief financial statement showing the  
20 person's inability to pay costs, fees, or give  
21 security. Any authorization to proceed without  
22 prepayment of fees, costs, or security under this  
23 chapter may be made by the court without hearing. The  
24 filing of an affidavit to proceed without the  
25 prepayment of fees, costs, or security tolls the  
26 applicable statute of limitations. Upon the denial of  
27 an application and affidavit to proceed without the  
28 prepayment of fees, costs, or security, the person  
29 shall have the remainder of the limitations period in  
30 which to pay fees, costs, or give security. This  
31 section does not allow the deferral of the cost of a  
32 transcript."

33 8. By renumbering as necessary.

S-3653

Filed April 16, 1987

*Senate concurred 4/21/87 (p 1413)*

RECEIVED FROM THE HOUSE

## SENATE FILE 374

H-3725

1 Amend Senate File 374, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 5, by inserting after line 30 the  
4 following:

5 "Sec. \_\_\_\_ . Section 99B.1, subsection 16, Code  
6 1987, is amended to read as follows:

7 16. "Division" means the racing and gaming  
8 division of the department of commerce.

9 Sec. \_\_\_\_ . Section 99B.19, Code 1987, is amended to  
10 read as follows:

11 99B.19 ATTORNEY GENERAL AND COUNTY ATTORNEY.

12 Upon request of the racing and gaming division of  
13 the department of commerce or the division of criminal  
14 investigation of the department of public safety, the  
15 attorney general shall institute in the name of the  
16 state the proper proceedings against a person charged  
17 by either department with violating this chapter, and  
18 a county attorney, at the request of the attorney  
19 general, shall appear and prosecute an action when  
20 brought in the county attorney's county.

21 Sec. \_\_\_\_ . Section 99B.20, Code 1987, is amended to  
22 read as follows:

23 99B.20 DIVISION OF CRIMINAL INVESTIGATION.

24 The division of criminal investigation of the  
25 department of public safety may investigate to  
26 determine licensee compliance with the requirements of  
27 this chapter. Investigations may be conducted either  
28 on the criminal investigation division's own  
29 initiative or at the request of the racing and gaming  
30 division of the department of commerce. The criminal  
31 investigation division and the racing and gaming  
32 division shall cooperate to the maximum extent  
33 possible on an investigation.

34 Sec. \_\_\_\_ . Section 99D.6, Code 1987, is amended to  
35 read as follows:

36 99D.6 CHAIRPERSON -- ADMINISTRATOR -- EMPLOYEES --  
37 DUTIES -- BOND.

38 The commission shall elect in July of each year one  
39 of its members chairperson for the succeeding year.

40 The commission shall appoint an administrator of the  
41 racing and gaming division of the department of  
42 commerce subject to confirmation by the senate. The  
43 administrator shall serve a four-year term. The term  
44 shall begin and end in the same manner as set forth in  
45 section 69.19. A vacancy shall be filled for the  
46 unexpired portion of the term in the same manner as a  
47 full-term appointment is made. The administrator may  
48 hire other assistants and employees as necessary to  
49 carry out the division's duties. Some or all of the  
50 information required of applicants in section 99D.8A,

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Page Two

1 subsections 1 and 2, may also be required of employees  
2 of the division if the commission deems it necessary.  
3 The administrator shall keep a record of the  
4 proceedings of the commission and preserve the books,  
5 records, and documents pertaining to the  
6 administrator's care. The commission shall require  
7 the administrator to post a bond in a sum it may fix,  
8 conditioned upon the faithful performance of the  
9 administrator's duties. Subject to the approval of  
10 the governor, the commission shall fix the  
11 compensation of the administrator within salary range  
12 five as set by the general assembly. The division  
13 shall have its headquarters in the city of Des Moines,  
14 and shall meet in July of each year and at other times  
15 and places as it finds necessary for the discharge of  
16 its duties."

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21 327A.17 RULES.

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25 may prescribe and enforce safety rules in the  
26 operation of liquid transport carriers and require a  
27 periodic inspection of the equipment of every liquid  
28 transport carrier from the standpoint of enforcement  
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39 the conducting of games of skill, games of chance, or  
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41 implement chapters 99B and 99D. The division is  
42 headed by the administrator of racing and gaming who  
43 shall be appointed pursuant to section 99D.6. The  
44 state racing commission shall perform duties within  
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48 "Sec. \_\_\_\_ . Section 601K.1, subsection 3, Code  
49 1987, is amended to read as follows:

50 3. Division of on the status of women."

H-3725

Page Three

1 5. Page 26, by inserting after line 3 the  
2 following:

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

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6 of women of the department of human rights.

7 3. "Administrator" means the administrator of the  
8 division ~~of~~ on the status of women of the department  
9 of human rights."

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12 "Sec. \_\_\_\_\_. Section 601K.112, unnumbered paragraph  
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14 A commission on the deaf is established, consisting  
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17 appointment to membership on the commission shall be  
18 submitted by the Iowa association ~~for~~ of the deaf, the  
19 Iowa school for the deaf, and the commission of  
20 persons with disabilities. At least four members  
21 shall be persons who cannot hear human speech with or  
22 without use of amplification. All members shall  
23 reside in Iowa. The members of the commission shall  
24 appoint the chairperson of the commission. A majority  
25 of the members of the commission ~~shall~~-constitute  
26 constitutes a quorum.

27 Sec. \_\_\_\_\_. Section 601K.114, subsections 1 through  
28 3, Code 1987, are amended to read as follows:

29 1. Interpret to communities and to interested  
30 persons the needs of the deaf and how their needs may  
31 be met through the use of resource-workers service  
32 providers.

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

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

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

50 "Resource-workers Service providers" are persons

H-3725

Page Four

1 who, ~~on a volunteer-basis-or~~ for compensation or on a  
2 volunteer basis, carry out service projects."

3 7. Page 26, by inserting after line 31 the  
4 following:

5 "Sec. \_\_\_\_ . Section 610.1, Code 1987, is amended to  
6 read as follows:

7 610.1 AFFIDAVIT -- CONTENTS -- TOLLING OF  
8 LIMITATIONS.

9 A court of the district court, court of appeals, or  
10 supreme court shall authorize the commencement,  
11 prosecution, or defense of a suit, action, proceeding,  
12 or appeal, whether civil or criminal, without the  
13 prepayment of fees, costs, or security upon a showing  
14 that the person is unable to pay such costs or give  
15 security. The person shall submit an affidavit  
16 stating the nature of the suit, action, proceeding, or  
17 appeal and the affiant's belief that there is an  
18 entitlement to redress. Such affidavit shall also  
19 include a brief financial statement showing the  
20 person's inability to pay costs, fees, or give  
21 security. Any authorization to proceed without  
22 prepayment of fees, costs, or security under this  
23 chapter may be made by the court without hearing. The  
24 filing of an affidavit to proceed without the  
25 prepayment of fees, costs, or security tolls the  
26 applicable statute of limitations. Upon the denial of  
27 an application and affidavit to proceed without the  
28 prepayment of fees, costs, or security, the person  
29 shall have the remainder of the limitations period in  
30 which to pay fees, costs, or give security. This  
31 section does not allow the deferral of the cost of a  
32 transcript."

33 8. By renumbering as necessary.

BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

H-3725 FILED APRIL 10, 1987

*Adopted 4/14/87 (p. 1370)*

H-3581

1 Amend Senate File 374, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 26, by inserting after line 31 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 610.1, Code 1987, is amended to  
6 read as follows:

7 610.1 AFFIDAVIT -- CONTENTS -- TOLLING OF  
8 LIMITATIONS.

9 A court of the district court, court of appeals, or  
10 supreme court shall authorize the commencement,  
11 prosecution, or defense of a suit, action, proceeding,  
12 or appeal, whether civil or criminal, without the  
13 prepayment of fees, costs, or security upon a showing  
14 that the person is unable to pay such costs or give  
15 security. The person shall submit an affidavit  
16 stating the nature of the suit, action, proceeding, or  
17 appeal and the affiant's belief that there is an  
18 entitlement to redress. Such affidavit shall also  
19 include a brief financial statement showing the  
20 person's inability to pay costs, fees, or give  
21 security. Any authorization to proceed without  
22 prepayment of fees, costs, or security under this  
23 chapter may be made by the court without hearing. The  
24 filing of an affidavit to proceed without the  
25 prepayment of fees, costs, or security tolls the  
26 applicable statute of limitations. Upon the denial of  
27 an application and affidavit to proceed without the  
28 prepayment of fees, costs, or security, the person  
29 shall have the remainder of the limitations period in  
30 which to pay fees, costs, or give security. This  
31 section shall not be construed to allow the deferral  
32 of the cost of a transcript."

33 2. By renumbering as necessary.

H-3581 FILED APRIL 2, 1987

BY JAY of Appanoose

*Placed o/c 4/14 (p. 1370)*

SSB #88  
Judiciary

*(Handwritten)*  
374

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to statutory corrections of a noncontroversial  
2 and nonsubstantive nature.

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

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**SUB COMMITTEE ASSIGNMENTS**

CHAIR: *Doyle*

COMMITTEE: *Judiciary*

*2/10/87*

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

3 2.36 DUTIES OF COMMITTEE.

4 The committee shall review the present and proposed uses of  
5 communications by state agencies and the development of a  
6 statewide communications plan~~7--including-a-review-of-the-work~~  
7 ~~of-the-state-communications-advisory-council-established-in~~  
8 ~~section-18-136\*~~. It shall meet as often as deemed necessary  
9 and annually shall make recommendations to the legislative  
10 council and the general assembly, accompanied by bill drafts  
11 to implement its recommendations.

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

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

16 22. COMPUTING TIME -- LEGAL HOLIDAYS. In computing time,  
17 the first day shall be excluded and the last included, unless  
18 the last falls on Sunday, in which case the time prescribed  
19 shall be extended so as to include the whole of the following  
20 Monday~~7--provided-that7--whenever.~~ However, when by the  
21 provisions of any a statute or rule prescribed under authority  
22 of a statute, the last day for the commencement of any an  
23 action or proceedings, the filing of any a pleading or motion  
24 in a pending action or proceedings, or the perfecting or  
25 filing of any an appeal from the decision or award of any a  
26 court, board, commission, or official falls on a Saturday, a  
27 Sunday, the first day of January, the third Monday in January,  
28 the twelfth day of February, the third Monday in February, the  
29 last Monday in May, the fourth day of July, the first Monday  
30 in September, the eleventh day of November, the fourth  
31 Thursday in November, the twenty-fifth day of December, and  
32 the following Monday whenever when any of the foregoing named  
33 legal holidays may fall on a Sunday, and any day appointed or  
34 recommended by the governor of Iowa or the president of the  
35 United States as a day of fasting or thanksgiving, the time

1 therefor shall be extended to include the next day which is  
2 not a Saturday, Sunday, or such-day-hereinbefore-enumerated  
3 legal holiday named in this subsection.

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

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

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

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

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

23 18.101 LEGISLATIVE JOURNALS AND BILLS.

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

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

34 10. Residents, patients, or inmates employed working in  
35 state institutions, or persons on parole employed working in

1 work experience programs for a period no longer than one year.  
2 Sec. 8. Section 29A.43, Code 1987, is amended to read as  
3 follows:

4 29A.43 DISCRIMINATION PROHIBITED --LEAVE OF ABSENCE.

5 No A person~~, firm, or corporation,~~ shall not discriminate  
6 against any officer or enlisted person of the national guard  
7 or organized reserves of the armed forces of the United States  
8 because of that membership therein. No An employer, or agent  
9 of any an employer, shall not discharge any a person from  
10 employment because of being an officer or enlisted person of  
11 the military forces of the state, or hinder or prevent the  
12 officer or ~~elected~~ enlisted person from performing any  
13 military service ~~such~~ the person ~~may-be~~ is called upon to  
14 perform by proper authority. Any A member of the national  
15 guard or organized reserves of the armed forces of the United  
16 States ordered to temporary active duty for the purpose of  
17 military training or ordered on active state service~~, shall-be~~  
18 is entitled to a leave of absence during the period of such  
19 the duty or service, from the member's private employment,  
20 other than employment of a temporary nature, and upon  
21 completion of such the duty or service the employer shall  
22 restore such the person to the position held prior to such the  
23 leave of absence, or employ such the person in a similar  
24 position~~, provided, however, that such.~~ However, the person  
25 shall give evidence to the employer of satisfactory completion  
26 of such the training or duty, and ~~further-provided~~ that such  
27 the person is still qualified to perform the duties of such  
28 the position. Such The period of absence shall be construed  
29 as an absence with leave, and shall in no way affect the  
30 employee's rights to vacation, sick leave, bonus, or other  
31 employment benefits relating to the employee's particular  
32 employment. Any A person violating ~~any-of-the-provisions~~ a  
33 provision of this section ~~shall-be~~ is guilty of a simple  
34 misdemeanor.

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

1 follows:

2 50.29 CERTIFICATE OF ELECTION.

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

6 STATE OF IOWA

7 ..... County.

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

14 C ..... D .....,  
15 President of Board of Canvassers.  
16 Witness, E ..... F .....,  
17 County Commissioner of Elections  
18 (clerk).

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

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

23 50.41 CERTIFICATE OF ELECTION.

24 Each person declared elected by the state board of  
25 canvassers shall receive a certificate thereof, signed by the  
26 governor, or, in the governor's absence, by the secretary of  
27 state, with the seal of state affixed, attested by the other  
28 canvassers, to be in substance as follows:

29 STATE OF IOWA:

30 To A ..... B ....., Greeting: It is  
31 hereby certified that, at an election ~~holder~~ held on the ....  
32 day of ..... you were elected to the office of .....  
33 of said-state Iowa, for the term of ..... years, from and-after  
34 the ..... day of ..... (or if to fill a vacancy, for  
35 the residue of the term, ending on the ..... day of ....).

1 Given at the seat of government this ..... day of .....

2 If the governor ~~be~~ is absent, the certificate of the  
3 election of the secretary of state shall be signed by the  
4 auditor. The certificate to members of the legislature shall  
5 describe, by the number, the district from which the member is  
6 elected.

7 Sec. 11. Section 83A.19, unnumbered paragraph 2, Code  
8 1987, is amended to read as follows:

9 For certain postmining land uses, such as a sanitary land  
10 fill, the division ~~with the approval of the land reclamation~~  
11 ~~advisory board~~, may allow an extended reclamation period.

12 Sec. 12. Section 96.14, subsection 2, unnumbered paragraph  
13 5, Code 1987, is amended to read as follows:

14 No A penalty shall not be less than ten dollars for each  
15 delinquent report or each insufficient report not made  
16 sufficient within thirty days as after a request to do so.  
17 Interest; penalties, and costs shall be collected by the  
18 division in the same manner as provided by this chapter for  
19 contributions.

20 Sec. 13. Section 97B.41, subsection 3, paragraph b,  
21 subparagraph (12), Code 1987, is amended to read as follows:

22 (12) Employees of the Iowa dairy industry commission  
23 established under chapter 179, the Iowa beef cattle producers  
24 association established under chapter 181, the Iowa swine pork  
25 producers association council established under chapter ~~183~~\*  
26 183A, the Iowa turkey marketing council established under  
27 chapter 184A, the Iowa soybean promotion board established  
28 under chapter 185, the Iowa corn promotion board established  
29 under chapter 185C, and the Iowa egg council established under  
30 chapter 196A.

31 Sec. 14. Section 99E.31, subsection 4, paragraph a, Code  
32 1987, is amended to read as follows:

33 a. To the Iowa development commission and the Iowa  
34 department of economic development the sum of ten million  
35 dollars to be allocated by the Iowa development commission or

1 the Iowa department of economic development for economic  
2 development and research and development purposes at an  
3 institution of higher education under the control of the state  
4 board of regents or at an independent college or university of  
5 the state. The Iowa development commission ~~and~~ or the Iowa  
6 department of economic development shall allocate for the  
7 fiscal year beginning July 1, 1985 the first five hundred  
8 thousand dollars, for the fiscal year beginning July 1, 1986,  
9 the first three million seven hundred fifty thousand dollars,  
10 and for the fiscal year beginning July 1, 1987 and for each  
11 succeeding fiscal year the first four million two hundred  
12 fifty thousand dollars to the Iowa state university of science  
13 and technology for agricultural biotechnology research and  
14 development. From the money allocated to the Iowa state  
15 university of science and technology for agricultural  
16 biotechnology research and development the amount of fifty  
17 thousand dollars for each of the fiscal years beginning July  
18 1, 1986 and July 1, 1987 shall be used to develop a program in  
19 bioethics for research at the university. This program should  
20 address socio-economic and environmental implications of  
21 biotechnology research.

22 PARAGRAPH DIVIDED. The institutions under control of the  
23 state board of regents may present proposals to the state  
24 board of regents for the use of the funds. The proposals may  
25 include, but are not limited to, endowing faculty chairs,  
26 conducting studies and research, establishing centers,  
27 purchasing equipment, and constructing facilities in the areas  
28 of entrepreneurial studies, foreign language translation and  
29 interpretation, management development, genetics, molecular  
30 biology, laser science and engineering, biotechnology, third  
31 crop development, and value-added projects. The proposals  
32 shall include certification from the institution, college or  
33 university that it will receive from other sources an amount  
34 equal to the amount requested in the proposal. The state  
35 board of regents shall, for institutions under its control,

1 determine the specific proposals for which it requests funding  
2 and submit them to the Iowa development commission or the Iowa  
3 department of economic development. An independent college or  
4 university shall submit requests directly to the Iowa  
5 development commission or the Iowa department of economic  
6 development.

7 PARAGRAPH DIVIDED. The Iowa development commission and or  
8 the Iowa department of economic development shall disburse to  
9 the regents' institutions or an independent college or  
10 university the moneys for the various proposals requested  
11 unless the commission or department disapproves of a specific  
12 proposal as inconsistent with the plan for economic  
13 development for this state. The applicants may submit  
14 additional proposals for those not approved by the Iowa  
15 development commission or the Iowa department of economic  
16 development. Those funds allocated by the Iowa development  
17 commission or the Iowa department of economic development  
18 under this paragraph that are not expended by the institution  
19 of higher education shall not revert to the commission or  
20 department. The Iowa development commission and the Iowa  
21 department of economic development shall consult with the Iowa  
22 high technology council in making grants under this paragraph.

23 Sec. 15. Section 109B.1, subsection 3, Code 1987, is  
24 amended to read as follows:

25 3. Authorize the director to enter into written contracts  
26 for the removal of underused, undesirable, or injurious  
27 organisms from the waters of the state. The contracts shall  
28 specify all terms and conditions desired. Sections ~~109-115~~<sup>7</sup>  
29 109B.4, 109B.6, and 109B.14 do not apply to these contracts.

30 Sec. 16. Section 123.20, subsection 7, Code 1987, is  
31 amended to read as follows:

32 7. To accept intoxicating liquors ordered delivered to the  
33 alcoholic beverages division pursuant to ~~section-127-8~~  
34 ~~subsection-1\*~~ chapter 809, and offer for sale and deliver such  
35 the intoxicating liquors to class "E" liquor control



1 licensees, unless the administrator determines that such the  
2 intoxicating liquors may be adulterated or contaminated. If  
3 the administrator determines that such the intoxicating  
4 liquors may be adulterated or contaminated, the administrator  
5 shall order their destruction.

6 Sec. 17. Section 123.151, Code 1987, is amended to read as  
7 follows:

8 123.151 POSTING NOTICE ON DRUNK DRIVING LAWS REQUIRED.

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

17 Sec. 18. Section 135.11, subsection 17, Code 1987, is  
18 amended to read as follows:

19 17. Administer chapters 125, 135A, 135B, 135C, ~~135D,\*~~  
20 136A, 136C, 139, 140, 142, 144, and 147A.

21 Sec. 19. Section 135A.4, subsection 1, Code 1987, is  
22 amended to read as follows:

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

34 Sec. 20. Section 135A.6, Code 1987, is amended to read as  
35 follows:

1 135A.6 SURVEY AND PLANNING ACTIVITIES.

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

19 Sec. 21. Section 135A.9, Code 1987, is amended to read as  
20 follows:

21 135A.9 STATE PLAN.

22 The director shall, ~~with the advice of the council,~~  
23 prepare and submit to the surgeon general a state plan which  
24 shall include the hospital and other health facilities  
25 construction program developed under this chapter and which  
26 shall provide for the establishment, administration and  
27 operation of hospital and other health facilities construction  
28 activities in accordance with the requirements of the federal  
29 Act and regulations thereunder under it. The director shall,  
30 prior to the submission of such the plan to the surgeon  
31 general, give adequate publicity to a general description to  
32 of all the provisions proposed to be included therein, and  
33 hold a public hearing at which all persons or organizations  
34 with a legitimate interest in such the plan may be given an  
35 opportunity to express their views. After approval of the



1 plan by the surgeon general, the director shall make the plan  
2 or a copy thereof of it available upon request to all  
3 interested persons or organizations. The director shall from  
4 time to time review the hospital and other health facilities  
5 construction program and submit to the surgeon general any  
6 modifications thereof of it which the director may-find finds  
7 necessary and may submit to the surgeon general such  
8 modifications of the state plan, not inconsistent with the  
9 requirements of the federal Act, as the director may-deem  
10 deems advisable.

11 Sec. 22. Section 159.5, subsection 16, paragraph d, Code  
12 1987, is amended to read as follows:

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

20 Sec. 23. Section 163.26, Code 1987, is amended to read as  
21 follows:

22 163.26 DEFINITIONS.

23 For the purposes of this division, ~~the following words~~  
24 ~~shall have the meaning ascribed to them in this section:~~  
25 "Garbage" "garbage" means putrescible animal and vegetable  
26 wastes resulting from the handling, preparation, cooking, and  
27 consumption of foods, including animal carcasses or parts  
28 thereof, and ~~shall include~~ includes all waste material, by-  
29 products of a kitchen, restaurant, hotel, or slaughterhouse,  
30 every refuse accumulation of animal, fruit, or vegetable  
31 matter, liquids or otherwise, except grain not consumed, that  
32 is collected from hog sales pen floors in public stockyards  
33 and fed under the control of the department of agriculture and  
34 land stewardship. Animals or parts of animals, which are  
35 processed by slaughterhouses or rendering establishments, and

1 which as part of ~~such~~ the processing are heated to not less  
2 than 212 F. for thirty minutes, ~~shall~~ are not be-deemed  
3 garbage for purposes of this chapter.

4 Sec. 24. Section 163.30, subsection 3, unnumbered  
5 paragraph 3, Code 1987, is amended to read as follows:

6 No A permittee shall not represent more than one dealer.  
7 Failure of ~~any-such~~ a licensee or permittee to comply with the  
8 ~~provisions-of~~ this chapter or ~~any~~ a rule made pursuant to this  
9 chapter is cause for revocation by the secretary of the permit  
10 or license after notice to the alleged offender and the  
11 holding of a hearing ~~thereon~~ by the secretary. ~~Such-rules-and~~  
12 ~~regulations~~ Rules shall be made in accordance with chapter  
13 17A. Any A rule, the violation of which is made the basis for  
14 revocation, except temporary emergency rules, shall first have  
15 been approved after public hearing as provided in section  
16 ~~17A-16~~ 17A.4 after giving twenty days' notice of ~~such~~ the  
17 hearing as follows:

18 Sec. 25. Section 173.2, subsections 4, 8, and 10, Code  
19 1987, are amended to read as follows:

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

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

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

26 Sec. 26. Section 220.104, subsection 2, Code 1987, is  
27 amended to read as follows:

28 2. The authority may issue its bonds and notes for the  
29 projects set forth in section ~~220-94~~ 220.102 and may enter  
30 into one or more lending agreements or purchase agreements  
31 with one or more bondholders or noteholders containing the  
32 terms and conditions of the repayment of and the security for  
33 the bonds or notes. The authority and the bondholders or  
34 noteholders or a trustee or agent designated by the authority  
35 may enter into agreements to provide for any of the following:

1 Sec. 27. Section 237A.1, subsection 7, paragraph a, Code  
2 1987, is amended to read as follows:

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

6 Sec. 28. Section 248A.3, subsection 1, Code 1987, is  
7 amended to read as follows:

8 1. The board of parole shall periodically review all ap-  
9 plications by persons convicted of criminal offenses and shall  
10 recommend to the governor the reprieve, pardon, commutation of  
11 sentence, remission of fines or forfeitures, or restoration of  
12 the rights of citizenship {for persons} who have by their  
13 conduct given satisfactory evidence that they will become or  
14 continue to be law-abiding citizens.

15 Sec. 29. Section 256.9, subsection 4, Code 1987, is  
16 amended to read as follows:

17 4. Employ personnel and assign duties and responsibilities  
18 of the department. The director shall appoint a deputy  
19 director and division administrators deemed necessary. They  
20 shall be appointed on the basis of their professional  
21 qualifications, experience in administration, and background.  
22 Members of the professional staff are not subject to chapter  
23 19A and shall be employed pursuant to section 256.10.

24 Sec. 30. Section 259.4, subsection 2, Code 1987, is  
25 amended to read as follows:

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

32 Sec. 31. Section 261.19, Code 1987, is amended to read as  
33 follows:

34 261.19 PAYMENT OF SUBVENTION.

35 The registrar of the college university of osteopathic

1 medicine and surgery health sciences shall file, not later  
2 than August 1 of each year, a certificate of enrollment which  
3 shall include the number, names, and addresses of all students  
4 enrolled, by class, and shall indicate which students are  
5 resident students. If the number of resident students does not  
6 equal thirty percent of the total enrollment of a class, the  
7 commission shall deduct an amount which equals the actual  
8 state contribution per student for each class member under the  
9 required percentage. The commission shall compute the amount  
10 of the subvention and shall transmit the funds to the college  
11 university of osteopathic medicine and surgery health sciences  
12 by August 15 of each year for which funds are appropriated by  
13 the general assembly.

14 Sec. 32. Section 273.2, unnumbered paragraph 3, and  
15 subsections 2 and 4, Code 1987, are amended to read as  
16 follows:

17 The area education agency board shall furnish educational  
18 services and programs as provided in sections 273.1 to 273.9  
19 and chapter 281 to the pupils enrolled in public or nonpublic  
20 schools located within its boundaries which are on the list of  
21 approved accredited schools pursuant to section ~~257-25-\*~~  
22 256.11. The programs and services provided shall be at least  
23 commensurate with programs and services existing on July 1,  
24 1974. The programs and services provided to pupils enrolled  
25 in nonpublic schools shall be comparable to programs and  
26 services provided to pupils enrolled in public schools within  
27 constitutional guidelines.

28 2. Educational data processing pursuant to section ~~257-26-\*~~  
29 ~~subsection-14-\*~~ 256.9, subsection 11.

30 4. Auxiliary services for nonpublic school pupils as  
31 provided in section ~~257-26-\*~~ 256.12. However, if auxiliary  
32 services are provided their funding shall be based on the type  
33 of service provided.

34 Sec. 33. Section 273.3, subsection 20, Code 1987, is  
35 amended to read as follows:

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

7 Sec. 34. Section 280A.25, Code 1987, is amended by adding  
 8 the following new unnumbered paragraph as unnumbered paragraph  
 9 1 preceding subsection 1:

10 NEW UNNUMBERED PARAGRAPH. The director shall:

11 Sec. 35. Section 285.1, subsection 12, Code 1987, is  
 12 amended to read as follows:

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

31 Sec. 36. Section 285.16, Code 1987, is amended to read as  
 32 follows:

33 285.16 "NONPUBLIC SCHOOL" DEFINED.

34 As used in this chapter, the-term "nonpublic school" means  
 35 those nonpublic schools approved accredited by the department

1 of education as provided in section ~~257-25\*~~ 256.11 and  
2 nonpublic institutions which comply with state board of  
3 education standards for providing special education programs.

4 Sec. 37. Section 291.15, Code 1987, is amended to read as  
5 follows:

6 291.15 ANNUAL REPORT.

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

15 Sec. 38. Section 301.29, Code 1987, is amended to read as  
16 follows:

17 301.29 "NONPUBLIC SCHOOL" DEFINED.

18 As used in this chapter, ~~the-term~~ "nonpublic school" means  
19 those nonpublic schools approved accredited by the department  
20 of education as provided in section ~~257-25\*~~ 256.11.

21 Sec. 39. Section 302.1, subsection 5, unnumbered paragraph  
22 2, Code 1987, is amended by striking the unnumbered paragraph.

23 Sec. 40. Section 312.2, subsection 10, Code 1987, is  
24 amended to read as follows:

25 10. The treasurer of state shall establish a great river  
26 road fund and at the request of the state department of  
27 transportation, shall credit monthly before making the  
28 allotments provided for in this section, sufficient funds to  
29 cover the anticipated costs, as identified by the state  
30 department of transportation, for the acquisition and  
31 construction of eligible highway-associated project  
32 components. ~~Reimbursement-to-this-fund-shall-be-made-as~~  
33 ~~necessary-from-the-funds-appropriated-in-section-308.4.--In-no~~  
34 ~~case-shall-the-unreimbursed-allotment-to-the-great-river-road~~  
35 ~~fund-exceed-one-million-dollars-less-the-cumulative-sum-as~~

~~1 annually-appropriated-in-section-308-4\*---Reimbursed-funds~~  
~~2 shall-be-reallocated-in-accordance-with-the-provisions-of-this~~  
~~3 section-~~

4 Sec. 41. Section 327H.20, unnumbered paragraph 1, Code  
5 1987, is amended to read as follows:

6 The department may enter into agreements with railroad  
7 corporations, the United States government, persons, cities,  
8 and counties, and other persons for carrying out the purposes  
9 of this chapter. Agreements entered into between the  
10 department and railroad corporations under this section may  
11 require a railroad corporation to reimburse all or part of the  
12 costs paid from the railroad assistance fund from revenue  
13 derived from all railroad cars and traffic using the main  
14 line, branch line, switching yard or sidings defined in the  
15 agreement. An agreement which does not require the repayment  
16 of railroad assistance funds used for rehabilitation projects  
17 shall require the railroad corporation to establish and  
18 maintain a separate corporation account to which an amount  
19 equal to all or part of the costs paid from the railroad  
20 assistance fund shall be credited from revenue derived from  
21 all railroad cars and traffic using the main line, branch  
22 line, switching yard or siding defined in the agreement.  
23 However, one-half of the funds credited to the railroad  
24 assistance fund shall be expended as nonreimbursable grants  
25 for rehabilitation programs. Credits to the corporation  
26 account by the railroad corporation may be used for the  
27 improvement, restoration, or conservation, improvement, and  
28 construction of the railroad corporation's main line, branch  
29 lines, switching yards and sidings within the state. The  
30 agreement shall stipulate the terms and conditions governing  
31 the use of credits to the corporation account as well as a  
32 penalty for the use of the account in a manner other than as  
33 provided in the agreement.

34 Sec. 42. Section 331.301, subsection 10, Code 1987, is  
35 amended to read as follows:

1 10. A county may enter into leases or lease-purchase  
2 contracts for real and personal property in accordance with  
3 the terms and procedures set forth in section 364.4,  
4 subsection 4, provided that the references there to cities  
5 shall be applicable to counties, ~~the-reference-to-section~~  
6 ~~384.26\*-shall-be-to-section-331.442~~, the reference to section  
7 384.25 shall be to section 331.443, the reference to section  
8 384.95, subsection 1, shall be to section 331.341, subsection  
9 1, the reference to division VI of chapter 384 shall be to  
10 division III, part 3 of chapter 331, and reference to the  
11 council shall be to the board.

12 Sec. 43. Section 331.323, subsection 2, paragraph b, Code  
13 1987, is amended by striking the paragraph.

14 Sec. 44. Section 331.502, subsection 10, Code 1987, is  
15 amended by striking the subsection.

16 Sec. 45. Section 331.653, subsection 16, Code 1987, is  
17 amended by striking the subsection.

18 Sec. 46. Section 422.16, subsection 11, paragraph a, Code  
19 1987, is amended to read as follows:

20 a. Every person or married couple filing a return shall  
21 make estimated tax payments if the person's or couple's Iowa  
22 income tax attributable to income other than wages subject to  
23 withholding can reasonably be expected to amount to fifty  
24 dollars or more for the taxable year, except that, in the  
25 cases of farmers and fishers, the exceptions provided in the  
26 Internal Revenue Code of 1954 with respect to making estimated  
27 payments shall apply. The estimated tax shall be paid in  
28 quarterly installments. The first installment shall be paid  
29 on or before the last day of the fourth month of the  
30 taxpayer's tax year for which the estimated payments apply.  
31 The other installments shall be paid on or before June 30,  
32 September 30, and January 31. However, at the election of the  
33 person or married couple, any installment of the estimated tax  
34 may be paid prior to the date prescribed for its payment. If  
35 a person or married couple filing a return has reason to

1 believe that the person's or couple's Iowa income tax may  
 2 increase or decrease, either for purposes of meeting the  
 3 requirement to make estimated tax payments or for the purpose  
 4 of increasing or decreasing estimated tax payments, the person  
 5 or married couple shall increase or decrease any subsequent  
 6 estimated tax payments accordingly.

7 Sec. 47. Section 422.21, unnumbered paragraph 1, Code  
 8 1987, is amended to read as follows:

9 Returns shall be in the form the director may ~~7-from-time-to~~  
 10 ~~time7-prescribe~~ prescribes, and shall be filed with the  
 11 department on or before the last day of the fourth month after  
 12 the expiration of the tax year except that co-operative  
 13 associations as defined in section 6072(d) of the Internal  
 14 Revenue Code ~~of-1954~~ shall file their returns on or before the  
 15 fifteenth day of the ninth month following the close of the  
 16 taxable year. If, under the Internal Revenue Code ~~of-1954~~, a  
 17 corporation is required to file a return covering a tax period  
 18 of less than twelve months, the state return shall be for the  
 19 same period and ~~shall-be~~ is due forty-five days after the due  
 20 date of the federal tax return, excluding any extension of  
 21 time to file. In case of sickness, absence, or other  
 22 disability, or if good cause exists, the director may allow  
 23 further time for filing returns. The director shall cause to  
 24 be prepared blank forms for the returns and shall cause them  
 25 to be distributed throughout the state and to be furnished  
 26 upon application, but failure to receive or secure the form  
 27 does not relieve the taxpayer from the obligation of making a  
 28 return that is required. The department may as far as  
 29 consistent with the Code draft income tax forms to conform to  
 30 the income tax forms of the internal revenue department of the  
 31 United States government. Each return by a taxpayer upon whom  
 32 a tax is imposed by section 422.57 ~~-subsection-17-paragraph-"g"~~  
 33 shall show the county of the residence of the taxpayer.

34 Sec. 48. Section 422.45, subsection 32, Code 1987, is  
 35 amended to read as follows:

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

3 Sec. 49. Section 422.47A, subsection 1, paragraph d,  
4 subparagraph (1), Code 1987, is amended to read as follows:

5 (1) "Insurance company" means an insurer organized under  
6 chapters 508, 514, 515, 518, 519, 520 or authorized to do  
7 business in Iowa as an insurer and having fifty or more  
8 persons employed in this state excluding licensed insurance  
9 agents.

10 Sec. 50. Section 442.13, subsection 14, paragraph b,  
11 unnumbered paragraph 4, Code 1987, is amended to read as  
12 follows:

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

17 Sec. 51. Section 455A.6, subsection 6, paragraph b, Code  
18 1987, is amended to read as follows:

19 b. Hear appeals in contested cases pursuant to chapter 17A  
20 on matters relating to actions taken by the director under  
21 chapter ~~83~~\*7-~~83A~~\*7 84, 93, 455B, 455C, or 469.

22 Sec. 52. Section 455C.11, Code 1987, is amended to read as  
23 follows:

24 455C.11 ANNUAL APPROPRIATION.

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

1 125.

2 Sec. 53. Section 467A.16, Code 1987, is amended to read as  
3 follows:

4 467A.16 PUBLICATION OF NOTICE.

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

13 Sec. 54. Section 509B.3, subsection 6, paragraph b, Code  
14 1987, is amended to read as follows:

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

19 Sec. 55. Section 514F.1, Code 1987, is amended to read as  
20 follows:

21 514F.1 UTILIZATION AND COST CONTROL REVIEW COMMITTEES.

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

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

10 Sec. 56. Section 515.20, Code 1987, is amended to read as  
11 follows:

12 515.20 GUARANTY CAPITAL.

13 A mutual company organized under this chapter may establish  
14 and maintain guaranty capital of at least fifty thousand  
15 dollars made up of multiples of ten thousand dollars, divided  
16 into shares of not less than fifty dollars each, to be  
17 invested as provided for the investment of insurance capital  
18 and funds by section 515.35. Guaranty shareholders shall be  
19 members of the corporation, and provision may be made for  
20 representation of the shareholders of the guaranty capital on  
21 the board of directors of the corporation. The representation  
22 shall not exceed one-third of the membership of the board.  
23 Guaranty shareholders in a mutual companies company are  
24 subject to the same regulations of law relative to their right  
25 to vote as apply to its policyholders. The guaranty capital  
26 shall be applied to the payment of the legal obligations of  
27 the corporation only when the corporation has exhausted its  
28 assets in excess of the unearned premium reserve and other  
29 liabilities. If the guaranty capital is thus impaired, the  
30 directors may restore the whole, or any part of the capital,  
31 by assessment on its the corporation's policyholders as  
32 provided for in section 515.18. By a legal vote of the  
33 policyholders of the corporation at any regular or special  
34 meeting of the policyholders of the corporation, the guaranty  
35 capital may be fully retired or may be reduced to an amount of

1 not less than fifty thousand dollars, if the net surplus of  
2 the corporation together with the remaining guaranty capital  
3 is equal to or exceeds the amount of minimum assets required  
4 by this chapter for such companies, and if the commissioner of  
5 insurance consents to the action. Due notice of the proposed  
6 action on the part of the corporation shall be included in the  
7 notice given to policyholders and shareholders of any annual  
8 or special meeting and notice of the meeting shall also be  
9 given in accordance with the corporation's articles of  
10 incorporation. A company with the guaranty capital, which has  
11 ceased to do business, shall not distribute among its  
12 shareholders or policyholders any part of its assets, or  
13 guaranty capital, until it has fully performed, or legally  
14 canceled, all of its policy obligations. Shareholders of the  
15 guaranty capital are entitled to interest on the par value of  
16 their shares at a rate to be fixed by the board of directors  
17 and approved by the commissioner, cumulative, payable  
18 semiannually, and payable only out of the surplus earnings of  
19 the company. However, the surplus account of the company  
20 shall not be reduced by the payment of the interest below the  
21 figure maintained at the time the guaranty capital was  
22 established. In addition, the interest payment shall not be  
23 made unless the surplus assets remaining after the payment of  
24 the interest at least equal the amount required by the  
25 statutes of Iowa to permit the corporation to continue in  
26 business. In the event of the dissolution and liquidation of  
27 a corporation having guaranty capital under this section, the  
28 shareholders of the capital are entitled, after the payment of  
29 all valid obligations of the company, to receive the par value  
30 of their respective shares, together with any unpaid interest  
31 on their shares, before there may be any distribution of the  
32 assets of the corporation among its policyholders. These  
33 provisions are in addition to and independent of the  
34 provisions contained in section 515.19.

35 Sec. 57. Section 521A.2, subsection 3, paragraph c, Code

1 1987, is amended to read as follows:

2 c. With the approval of the commissioner, invest any  
3 greater amount in common stock, preferred stock, debt  
4 obligations, or other securities of one or more subsidiaries  
5 ~~than permitted pursuant to paragraphs "a" and "b".~~ However,  
6 if after the investment the insurer's surplus as regards  
7 policyholders ~~shall be~~ is reasonable in relation to the  
8 insurer's outstanding liabilities and adequate to its  
9 financial needs.

10 Sec. 58. Section 521A.4, subsection 1, Code 1987, is  
11 amended to read as follows:

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

35 Sec. 59. Section 521A.11A, subsection 5, Code 1987, is

1 amended to read as follows:

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

11 Sec. 60. Section 595.10, subsection 1, Code 1987, is  
12 amended to read as follows:

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

17 Sec. 61. Section 601K.12, Code 1987, is amended to read as  
18 follows:

19 601K.12 COMMISSION CREATED OF SPANISH-SPEAKING PEOPLE --  
20 TERMS -- COMPENSATION.

21 A The commission of Spanish-speaking people which shall  
22 consist consists of nine members, appointed by the governor  
23 from a list of nominees submitted by the governor's Spanish-  
24 speaking peoples task force. The members of the commission  
25 shall be appointed during the month of June and shall serve  
26 for terms of two years commencing July 1 of each odd-numbered  
27 year. Members appointed shall continue to serve until their  
28 respective successors are appointed. Vacancies in the  
29 membership of the commission shall be filled by the original  
30 appointing authority and in the manner of the original  
31 appointments. Members shall receive actual expenses incurred  
32 while serving in their official capacity. Members may also be  
33 eligible to receive compensation as provided in section 7E.6.

34 Sec. 62. Section 601K.94, subsection 2, Code 1987, is  
35 amended to read as follows:

1 2. Notwithstanding subsection 1, a public agency shall  
2 establish an advisory board or may contract with a delegate  
3 agency to assist the governing board. The advisory board or  
4 delegate agency board shall be composed of the same type of  
5 membership as a board of directors for community action  
6 agencies under ~~section-602K-95~~ subsection 1. However, the  
7 public agency acting as the community action agency shall  
8 determine annual program budget requests.

9 Sec. 63. Section 602.6404, subsection 1, Code 1987, is  
10 amended to read as follows:

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

19 Sec. 64. Section 602.8102, subsection 31, Code 1987, is  
20 amended by striking the subsection.

21 Sec. 65. Section 602.8102, subsection 46, Code 1987, is  
22 amended to read as follows:

23 46. Carry out duties relating to reprieves, pardons,  
24 commutations, remission of fines and forfeitures, and  
25 restoration of citizenship as provided in sections 248A.5 and  
26 248A.6.

27 Sec. 66. Section 607A.21, unnumbered paragraph 1, Code  
28 1987, is amended to read as follows:

29 The appointive jury commission or jury manager shall  
30 prepare, select and return, on ~~blank-lists~~ forms furnished by  
31 the county, the following:

32 Sec. 67. Section 654.15, subsection 2, paragraph c,  
33 subparagraph (4), Code 1987, is amended to read as follows:

34 (4) The remaining balance shall be paid to the owner of  
35 the written instrument upon which the foreclosure was based,

1 to be credited against the ~~deferred-interest-and-then-against\*~~  
2 the principal due on the written instrument.

3 Sec. 68. Section 679A.10, Code 1987, is amended to read as  
4 follows:

5 679A.10 FEES AND EXPENSES OF ARBITRATION.

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

10 Sec. 69. Section 725.3, Code 1987, is amended to read as  
11 follows:

12 725.3 PANDERING.

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

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

27 Sec. 70. Sections 11.29 and 311.31, Code 1987, are  
28 repealed.

29 EXPLANATION

30 This bill makes stylistic changes and nonsubstantive cor-  
31 rections to the statutes as follows:

32 2.36 Deletes references to the "state communications ad-  
33 visory council" in section 18.136, which was abolished by  
34 Senate File 2175, sections 123 and 2053.

35 2.42(15) Strikes the subsection which specified the

1 legislative council's duty to fix the compensation of the  
2 director of the legislative oversight bureau, which Senate  
3 File 2175 repealed.

4 4.1(22) Adds Dr. Martin Luther King, Jr.'s birthday to the  
5 list of legal holidays, to conform with section 33.1.

6 8.31 Corrects a mistaken subsection reference.

7 8.39(2) Adds the word "of" to make the sentence gram-  
8 matically clear.

9 18.101 Deletes a reference to the "state printing board"  
10 which has not been in existence for some time, and inserts  
11 instead a reference to the superintendent of printing.

12 19A.3(10) Substitutes the word "working" for the word  
13 "employed" to make the subsection conform to similar changes  
14 made earlier in 1985 Iowa Acts, chapter 21.

15 29A.43 Changes the word "elected" to "enlisted" to correct  
16 a typographical error that occurred sometime after the  
17 original enactment in 1974 (chapter 1093).

18 50.29 Deletes archaic use of "holden" and substitutes  
19 "held"; also deletes the archaic use of "say".

20 50.41 Also deletes archaic "holden" and "Greeting".

21 83A.19 Deletes reference to the "land reclamation advisory  
22 board" which was abolished in Senate File 2175.

23 96.14(2) Corrects an apparent typographical error by  
24 substituting "after" for "as".

25 97B.41(3b) Changes the reference to "the Iowa swine pro-  
26 ducers association established under chapter 183" to "the Iowa  
27 pork producers council established under chapter 183A"; the  
28 former was repealed in 1985 and the latter enacted. The sub-  
29 paragraph amended is in a list of exceptions from the  
30 definition of "employee" for IPERS purposes.

31 99E.31(4a) This is a section from the appropriation bill,  
32 1985 Iowa Acts, chapter 33, section 301, which was codified at  
33 the direction of the legislature. In the codification, since  
34 some provisions began in 1985 under the Iowa development  
35 commission and extend on past 1986 when the Iowa department of

1 economic development was created in lieu of the development  
2 commission, both entities were specified. In this case the  
3 latter entity was inadvertently omitted in the editing  
4 process.

5 109B.1(3) Strikes a reference to section 109.115, which  
6 was repealed. No comparable section was found.

7 123.20(7) Strikes a reference to section 127.8. Chapter  
8 127, relating to seizure and sale of conveyances, was repealed  
9 and replaced by new chapter 809 covering seized and forfeited  
10 goods of all kinds. Chapter 809 has no specifics relating to  
11 alcoholic beverages comparable to former 127.8.

12 123.151 Strikes references to "state liquor stores" which  
13 were missed when the stores were discontinued under House File  
14 2484 in 1986.

15 135.11(17) Strikes reference to chapter 135D as part of  
16 the administrative duties of the department of public health.  
17 Chapter 135D has been repealed except for the mobile home tax  
18 provisions which are administered by the department of revenue  
19 and finance.

20 135A.4(1) Strikes a reference to the "hospital advisory  
21 council" which was abolished in Senate File 2175. See next  
22 two sections also.

23 135A.6 Strikes material relating to advice of the council,  
24 which is the hospital advisory council, established in section  
25 135A.5 and abolished by Senate File 2175

26 135A.9 Strikes reference to council, as in the above two  
27 amendments.

28 159.5(16d) Substitutes the word "with" for the word "for"  
29 to correct the phrase "frequency with which".

30 163.26 Strikes reference to "the following words" since  
31 there is now only one word defined in the section, and  
32 corrects the name of the department of agriculture and land  
33 stewardship.

34 163.30(3) Substitutes a reference to section 17A.4 for the  
35 reference to section 17A.16, which is not correct and

1 apparently was carried over from before the enactment of the  
2 present administrative procedure Act in chapter 17A.

3 173.2(4,8,10) Corrects the names of associations with  
4 representatives composing the convention to elect the state  
5 fair board. The names are changed to agree with the present  
6 statutory entities in chapters 186, 183A, and 182.

7 220.104(2) Corrects a reference, from section 220.94,  
8 which is now a reserved section, to section 220.102, which is  
9 the section describing projects for which bonds may be issued;  
10 this change was missed in editing.

11 237A.1(7a) In regard to the department of education, the  
12 term "approved" in relation to schools is being changed to  
13 "accredited". However, this does not necessarily apply to the  
14 board of regents, so both words are used.

15 248A.3(1) Adds "for persons", which appears in brackets in  
16 the present Code, and which was inserted to make a  
17 grammatically 17010 correct sentence.

18 256.9(4) Adds the words "experience in" to make the  
19 reference to "administration" meaningful.

20 259.4(2) An amendment to subsection 1 of this section,  
21 made by chapter 1237, section 15, of the 1986 Iowa Acts,  
22 refers to administration of the "federal acts cited in section  
23 259.1" instead of the "Act of Congress". Section 259.1  
24 presently cites three federal acts, instead of just one, as  
25 originally. This amendment conforms with the previous  
26 amendment to subsection 1 of this section, and removes an  
27 ambiguity.

28 261.19 Corrects the name of the osteopathic university.

29 273.2(unp. 3, subs 2,4) Substitutes "accredited" for  
30 "approved" and corrects the reference to repealed section  
31 257.25 to new section 256.11. Also corrects two other  
32 references to repealed sections in chapter 257, which appear  
33 in the same section.

34 273.3(20) Also substitutes "accredited" for "approved".

35 280A.25 Adds an introductory phrase omitted when the

1 section was amended in Senate File 2175. The former language  
2 was "The state board shall:". The amendment entitled the  
3 section "Power of commissioner" and "commissioner" was changed  
4 to "director" of education pursuant to new chapter 256 and  
5 uniform terminology requirements.

6 285.1(12) Substitutes the director of the department of  
7 education for the state director of school transportation,  
8 which is not a statutory position.

9 285.16 Another change of "approved" to "accredited" and of  
10 references to a repealed section 257.25.

11 291.15 Substitutes a reference to "a regular or special  
12 meeting held not later than August 15" for "its regular July  
13 meeting", because section 279.33 presently provides for the  
14 annual settlement not later than August 15.

15 301.29 Another correction of "approved" to "accredited"  
16 and "257.25" to "256.11".

17 302.1(5) Strikes the second unnumbered paragraph, which  
18 provides for transfer of a portion of the permanent school  
19 fund to the F.I.N.E. foundation. This material was rewritten  
20 in new section 302.1A, but the earlier provision was not  
21 struck. New section 302.1A provides for the transfer of the  
22 interest on the permanent school fund to the F.I.N.E.  
23 foundation.

24 312.2(10) Strikes references to moneys appropriated in  
25 section 308.4 for the great river road; the appropriations  
26 have been struck from that section.

27 327H.20 Revises the phrase relating to uses of the  
28 railroad assistance fund to "restoration, conservation,  
29 improvement, and construction" to be consistent with the uses  
30 specified for the fund in section 327H.18, which was amended  
31 in 1986. (chapter 1238, section 16)

32 331.301(10) Strikes a reference to section 384.26.  
33 Subsection 10 of section 331.301 and subsection 4 of section  
34 364.4 were enacted in 1985, the one referring to the other;  
35 but as finally enacted there was no reference to section

1 384.26 in section 364.4, subsection 4.

2 331.323(2b) Strikes a subsection which refers to a duty of  
3 the board of supervisors in relation to a requisitioned  
4 vehicle under section 127.16. Chapter 127 was repealed, and  
5 its replacement, chapter 809 has no specific provision like  
6 that in chapter 127.

7 331.502(10) Strikes a subsection which refers to a duty of  
8 the county auditor in relation to the substance abuse program  
9 as provided in section 125.25. Section 125.25 no longer  
10 refers to this specific duty, and no similar substitute  
11 provision was found.

12 331.653(16) Strikes a subsection which refers to seizure,  
13 forfeiture, and sale of certain conveyances under chapter 127  
14 or section 127.24, which have been repealed. No specifically  
15 comparable provision appears in new chapter 809 relating to  
16 seizure and forfeiture.

17 422.16(11a) Adds the words "the person or married couple"  
18 as a necessary subject for the verb "shall increase or de-  
19 crease".

20 422.21(unp. 1) Strikes the reference to subsection 1,  
21 paragraph g of section 422.5. This reference was enacted as a  
22 reference to subsection 6 which was then the additional tax to  
23 replace the repealed moneys and credits tax. There is at  
24 present no specific income tax earmarked for that purpose, and  
25 there is no subsection 1, paragraph g in section 422.5.

26 422.45(32) Substitutes "gross receipts" for "gross sales";  
27 apparently a typographical error as the rest of the  
28 subsections refer to "gross receipts" from sales.

29 422.47A(1d(1)) Adds chapter 514 to the list of defined  
30 "insurance companies"; and makes the list conform to a related  
31 list in section 422.45, subsection 27, paragraph a,  
32 subparagraph (1).

33 442.13(14b, unp. 4) Adds "lettered" to "paragraph" to make  
34 it clear to the reader that the entire paragraph b is meant  
35 rather than just the unnumbered paragraph 4 of that lettered

1 paragraph b; the appropriation referred to is in another part  
2 of paragraph b.

3 445A.6(6b) This section lists duties of the environmental  
4 protection commission. Chapters 83 and 83A are struck from  
5 the list because Senate File 2175 transferred the administra-  
6 tion of those chapters to the department of agriculture and  
7 land stewardship.

8 455C.11 Substitutes the word "disbursed" for "dispersed";  
9 "dispersed" is not accurately used in regard to the payment of  
10 funds.

11 467A.16 Inserts the article "the" which is needed to cor-  
12 rect the syntax; the word appears in the present Code in  
13 brackets.

14 509B.3(6b) Inserts the verb "is given" which was omitted  
15 in the sentence as enacted, leaving the clause with a subject  
16 and no verb.

17 514F.1 Inserts chapter 150A in the second list of  
18 examining boards dealt with in the section, to be consistent  
19 with the list at the beginning of the section.

20 515.20 Substitutes "the corporation's" for the indefinite  
21 pronoun "its" which otherwise seemed to refer to the guaranty  
22 capital. The guaranty capital does not have policyholders;  
23 the corporation does.

24 521A.2(3c) Strikes limiting language inadvertently  
25 inserted in redrafting this section.

26 521A.4(1) Inserts "the company's" before the word  
27 "jurisdiction" to remove an ambiguity as to whose jurisdiction  
28 is meant.

29 521A.11A(5) Substitutes "its" for "the" share of a  
30 deficiency as there was no way to identify what "the share"  
31 referred to. This was recommended by the assistant attorney  
32 general for the insurance department.

33 595.10(1) Adds language to make it clear that a senior  
34 judge may solemnize marriages.

35 601K.12 Adds the verb "consists" which is needed to com-

1 plete the sentence.

2 601K.94(2) Corrects a reference which became incorrect in  
3 transferring language from former section 7A.22 to new section  
4 601K.94. Section 601.95 now refers to duties, whereas subsec-  
5 tion 1 of 601K.94 refers to members.

6 602.6404(1) Provides that a magistrate must be a resident  
7 of the county of appointment rather than an elector, to be  
8 consistent with requirements for judges. The judicial  
9 department has no objection to this change.

10 602.8102(31) Strikes a subsection which specifies duties  
11 of the clerk of the court relating to chapter 127 which was  
12 repealed. No comparable specific duty is found in new chapter  
13 809.

14 602.8102(46) Adds the word "reprieves" to be consistent  
15 with the other sections referred to.

16 607A.21 Substitutes "forms" for "blank lists", at the  
17 request of the judicial department, due to concern that a  
18 "blank list" would not fit the format of the computerized  
19 source list provided by the state voter registration com-  
20 mission.

21 654.14(2c(4)) Strikes reference to deferred interest which  
22 was struck from the related sections.

23 679A.10 Substitutes "counsel" for "council" to correct an  
24 apparent typographical error.

25 725.3 Adds the word "or" in both subsections to make it  
26 clear that two different actions are intended, to become or to  
27 return; and to provide correct syntax.

28 11.29 Repeals the section which provides for the auditor  
29 to collect fees from savings and loan associations, which are  
30 now administered by the superintendent under the department of  
31 commerce.

32 311.31 Repeals a temporary section enacted in 1949 relat-  
33 ing to assessments and assessment certificates issued before  
34 that date for secondary road assessment districts.

35

SENATE FILE 374

AN ACT

RELATING TO STATUTORY CORRECTIONS OF A NONCONTROVERSIAL AND NONSUBSTANTIVE NATURE.

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

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

2.36 DUTIES OF COMMITTEE.

The committee shall review the present and proposed uses of communications by state agencies and the development of a statewide communications plan; ~~including a review of the work of the state communications advisory council established in section 18.336.~~ It shall meet as often as deemed necessary and annually shall make recommendations to the legislative council and the general assembly, accompanied by bill drafts to implement its recommendations.

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

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

22. COMPUTING TIME -- LEGAL HOLIDAYS. In computing time, the first day shall be excluded and the last included, unless the last falls on Sunday, in which case the time prescribed shall be extended so as to include the whole of the following Monday; ~~provided that whenever, however, when~~ by the provisions of any a statute or rule prescribed under authority of a statute, the last day for the commencement of any an action or proceedings, the filing of any a pleading or motion in a pending action or proceedings, or the perfecting or filing of any an appeal from the decision or award of any a court, board, commission, or official falls on a Saturday, a Sunday, the first day of January, the third Monday in January,

the twelfth day of February, the third Monday in February, the last Monday in May, the fourth day of July, the first Monday in September, the eleventh day of November, the fourth Thursday in November, the twenty-fifth day of December, and the following Monday whenever when any of the foregoing named legal holidays may fall on a Sunday, and any day appointed or recommended by the governor of Iowa or the president of the United States as a day of fasting or thanksgiving, the time therefor shall be extended to include the next day which is not a Saturday, Sunday, or such day heretofore enumerated legal holiday named in this subsection.

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

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

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

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

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

18.101 LEGISLATIVE JOURNALS AND BILLS.

The daily journals of the general assembly and the printed bills shall be sent by the superintendent of printing by mail to subscribers therefor. The journals and bills for both houses for any one session may be purchased for such the sum

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as ~~set~~ fixed by the state-printing-board superintendent. The ~~said~~ superintendent shall cause to be printed a sufficient number of copies to fill orders received and reported to the superintendent.

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

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

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

29A.43 DISCRIMINATION PROHIBITED -- LEAVE OF ABSENCE.

No ~~a~~ person--~~firm~~--~~or~~--~~corporation~~ shall not discriminate against any officer or enlisted person of the national guard or organized reserves of the armed forces of the United States because of that membership therein. No ~~An~~ employer, or agent of any an employer, shall not discharge any a person from employment because of being an officer or enlisted person of the military forces of the state, or hinder or prevent the officer or elected enlisted person from performing any military service such the person may--~~is~~ called upon to perform by proper authority. Any ~~A~~ member of the national guard or organized reserves of the armed forces of the United States ordered to temporary active duty for the purpose of military training or ordered on active state service--~~shall~~--~~be~~ is entitled to a leave of absence during the period of such the duty or service, from the member's private employment, other than employment of a temporary nature, and upon completion of such the duty or service the employer shall restore such the person to the position held prior to such the leave of absence, or employ such the person in a similar position--~~provided~~--~~however~~--~~that~~--~~such~~. However, the person shall give evidence to the employer of satisfactory completion of such the training or duty, and further--~~provided~~ that such the person is still qualified to perform the duties of such

the position. Such The period of absence shall be construed as an absence with leave, and shall in no way affect the employee's rights to vacation, sick leave, bonus, or other employment benefits relating to the employee's particular employment. Any ~~A~~ person violating ~~any~~ of the provisions a provision of this section ~~shall~~--~~be~~ is guilty of a simple misdemeanor.

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

50.29 CERTIFICATE OF ELECTION.

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

STATE OF IOWA

..... County.

At an election ~~held~~ held in said county on the ..... day of ....., A.D. .... A .... 9 .... was elected to the office of .... for the term of .... years from the ..... day of ....., A.D. .... (or if elected to fill a vacancy, ~~say~~ for the residue of the term ending on the ..... day of ....., A.D. ....), and until a successor is elected and qualified.

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

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

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

50.41 CERTIFICATE OF ELECTION.

Each person declared elected by the state board of canvassers shall receive a certificate thereof, signed by the governor, or, in the governor's absence, by the secretary of state, with the seal of state affixed, attested by the other canvassers, to be in substance as follows:

STATE OF IOWA:

TO A ..... B ....., Greeting: It is hereby certified that, at an election held on the .... day of ..... you were elected to the office of ..... of said state Iowa, for the term of ..... years, from and after the ..... day of ..... (or if to fill a vacancy, for the residue of the term, ending on the ..... day of .....

Given at the seat of government this ..... day of .....

If the governor is absent, the certificate of the election of the secretary of state shall be signed by the auditor. The certificate to members of the legislature shall describe, by the number, the district from which the member is elected.

Sec. 11. Section 83A.19, unnumbered paragraph 2, Code 1987, is amended to read as follows:

For certain postmining land uses, such as a sanitary land fill, the division, ~~with the approval of the land reclamation advisory board,~~ may allow an extended reclamation period.

Sec. 12. Section 96.14, subsection 2, unnumbered paragraph 5, Code 1987, is amended to read as follows:

No A penalty shall not be less than ten dollars for each delinquent report or each insufficient report not made sufficient within thirty days as after a request to do so. Interest, penalties, and costs shall be collected by the division in the same manner as provided by this chapter for contributions.

Sec. 13. Section 97B.41, subsection 3, paragraph b, subparagraph (12), Code 1987, is amended to read as follows:

(12) Employees of the Iowa dairy industry commission established under chapter 179, the Iowa beef cattle producers association established under chapter 181, the Iowa swine pork producers association council established under chapter ~~183~~ 183A, the Iowa turkey marketing council established under chapter 184A, the Iowa soybean promotion board established under chapter 185, the Iowa corn promotion board established

under chapter 185C, and the Iowa egg council established under chapter 196A.

Sec. 14. Section 99B.1, subsection 16, Code 1987, is amended to read as follows:

16. "Division" means the racing and gaming division of the department of commerce.

Sec. 15. Section 99B.19, Code 1987, is amended to read as follows:

99B.19 ATTORNEY GENERAL AND COUNTY ATTORNEY.

Upon request of the racing and gaming division of the department of commerce or the division of criminal investigation of the department of public safety, the attorney general shall institute in the name of the state the proper proceedings against a person charged by either department with violating this chapter, and a county attorney, at the request of the attorney general, shall appear and prosecute an action when brought in the county attorney's county.

Sec. 16. Section 99B.20, Code 1987, is amended to read as follows:

99B.20 DIVISION OF CRIMINAL INVESTIGATION.

The division of criminal investigation of the department of public safety may investigate to determine licensee compliance with the requirements of this chapter. Investigations may be conducted either on the criminal investigation division's own initiative or at the request of the racing and gaming division of the department of commerce. The criminal investigation division and the racing and gaming division shall cooperate to the maximum extent possible on an investigation.

Sec. 17. Section 99D.6, Code 1987, is amended to read as follows:

99D.6 CHAIRPERSON -- ADMINISTRATOR -- EMPLOYERS -- DUTIES -- BOND.

The commission shall elect in July of each year one of its members chairperson for the succeeding year. The commission shall appoint an administrator of the racing and gaming

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

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

a. To the Iowa development commission and the Iowa department of economic development the sum of ten million dollars to be allocated by the Iowa development commission or the Iowa department of economic development for economic development and research and development purposes at an institution of higher education under the control of the state board of regents or at an independent college or university of the state. The Iowa development commission and ~~or~~ the Iowa department of economic development shall allocate for the fiscal year beginning July 1, 1985 the first five hundred thousand dollars, for the fiscal year beginning July 1, 1986,

the first three million seven hundred fifty thousand dollars, and for the fiscal year beginning July 1, 1987 and for each succeeding fiscal year the first four million two hundred fifty thousand dollars to the Iowa state university of science and technology for agricultural biotechnology research and development. From the money allocated to the Iowa state university of science and technology for agricultural biotechnology research and development the amount of fifty thousand dollars for each of the fiscal years beginning July 1, 1986 and July 1, 1987 shall be used to develop a program in bioethics for research at the university. This program should address socio-economic and environmental implications of biotechnology research.

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

PARAGRAPH DIVIDED. The Iowa development commission and ~~or~~ the Iowa department of economic development shall disburse to

the regents' institutions or an independent college or university the moneys for the various proposals requested unless the commission or department disapproves of a specific proposal as inconsistent with the plan for economic development for this state. The applicants may submit additional proposals for those not approved by the Iowa development commission or the Iowa department of economic development. Those funds allocated by the Iowa development commission or the Iowa department of economic development under this paragraph that are not expended by the institution of higher education shall not revert to the commission or department. The Iowa development commission and the Iowa department of economic development shall consult with the Iowa high technology council in making grants under this paragraph.

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

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

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

7. To accept intoxicating liquors ordered delivered to the alcoholic beverages division pursuant to ~~section 127B.8, subsection 1~~ chapter 809, and offer for sale and deliver such the intoxicating liquors to class "E" liquor control licenses, unless the administrator determines that such the intoxicating liquors may be adulterated or contaminated. If the administrator determines that such the intoxicating liquors may be adulterated or contaminated, the administrator shall order their destruction.

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

123.151 POSTING NOTICE ON DRUNK DRIVING LAWS REQUIRED.

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

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

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

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

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

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

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

The director ~~is authorized and directed to~~ shall make an inventory of existing hospitals and other health facilities, including public, nonprofit and proprietary hospitals and other health facilities, to survey the need for construction of hospitals and other health facilities, and, on the basis of such the inventory and survey, to shall develop a program for the construction of such public and other nonprofit hospitals

and other health facilities, as which will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate hospital and other health facility services, and similar services to all the people of the state. ~~In making the inventory and survey and developing a construction program with respect to diagnostic or treatment centers the director shall in the first instance advise and consult with a subcommittee of the council, which subcommittee shall consist of the five individual doctors and the individual dentist then serving as members of the council.~~

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

135A.9 STATE PLAN.

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

requirements of the federal Act, as the director may ~~deem~~ deems advisable.

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

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

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

163.26 DEFINITIONS.

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

Sec. 28. Section 163.30, subsection 3, unnumbered paragraph 1, Code 1987, is amended to read as follows:

No A permittee shall not represent more than one dealer. Failure of ~~any such a~~ any licensee or permittee to comply with the ~~provisions of~~ provisions of this chapter or any a rule made pursuant to this

chapter is cause for revocation by the secretary of the permit or license after notice to the alleged offender and the holding of a hearing thereon by the secretary. Such rules and regulations Rules shall be made in accordance with chapter 17A. Any A rule, the violation of which is made the basis for revocation, except temporary emergency rules, shall first have been approved after public hearing as provided in section ~~17A:36~~ 17A.4 after giving twenty days' notice of such the hearing as follows:

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

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

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

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

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

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

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

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

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

186.1 MEETINGS AND ORGANIZATION OF SOCIETY.

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

executive committee. Any vacancy in the offices filled by the society may be filled by the executive committee for the unexpired portion of the term.

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

2. The authority may issue its bonds and notes for the projects set forth in section ~~220:94~~ 220.102 and may enter into one or more lending agreements or purchase agreements with one or more bondholders or noteholders containing the terms and conditions of the repayment of and the security for the bonds or notes. The authority and the bondholders or noteholders or a trustee or agent designated by the authority may enter into agreements to provide for any of the following:

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

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

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

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

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

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

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

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

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

261.19 PAYMENT OF SUBVENTION.

The registrar of the ~~college university~~ of osteopathic medicine and ~~surgery health sciences~~ shall file, not later than August 1 of each year, a certificate of enrollment which shall include the number, names, and addresses of all students enrolled, by class, and shall indicate which students are resident students. If the number of resident students does not equal thirty percent of the total enrollment of a class, the commission shall deduct an amount which equals the actual state contribution per student for each class member under the required percentage. The commission shall compute the amount of the subvention and shall transmit the funds to the ~~college university of osteopathic medicine and surgery health sciences~~ by August 15 of each year for which funds are appropriated by the general assembly.

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

The area education agency board shall furnish educational services and programs as provided in sections 273.1 to 273.9 and chapter 281 to the pupils enrolled in public or nonpublic schools located within its boundaries which are on the list of approved accredited schools pursuant to section ~~257+257-256.11~~. The programs and services provided shall be at least commensurate with programs and services existing on July 1,

1984. The programs and services provided to pupils enrolled in nonpublic schools shall be comparable to programs and services provided to pupils enrolled in public schools within constitutional guidelines.

2. Educational data processing pursuant to section ~~257+257-256.2~~, subsection 11.

4. Auxiliary services for nonpublic school pupils as provided in section ~~257+267-256.12~~. However, if auxiliary services are provided their funding shall be based on the type of service provided.

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

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

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

NEW UNNUMBERED PARAGRAPH. The director shall:

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

12. The pro rata cost of transportation shall be based upon the actual cost for all the children transported in all school buses. It shall include one-seventh of the original net cost of the bus and ~~such other items as shall be~~ determined and approved by the director of the department of education out no part of the capital outlay cost for school buses and transportation equipment for which the school district is reimbursed from state funds or that portion of the cost of the operation of any a school bus used in transporting pupils to and from extra-curricular activities shall be included in determining ~~said the~~ pro rata cost. In any a

district where, because of unusual conditions, the cost of transportation is in excess of the actual operating cost of the bus route used to furnish transportation to nonresident pupils, the board of the local district may charge a cost equal to the cost of other schools supplying such service to that area, upon receiving approval of the state director of school transportation the department of education.

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

285.16 "NONPUBLIC SCHOOL" DEFINED.

As used in this chapter, ~~the term~~ "nonpublic school" means those nonpublic schools approved accredited by the department of education as provided in section ~~257:25~~ 256.11 and nonpublic institutions which comply with state board of education standards for providing special education programs.

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

291.15 ANNUAL REPORT.

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

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

301.29 "NONPUBLIC SCHOOL" DEFINED.

As used in this chapter, ~~the term~~ "nonpublic school" means those nonpublic schools approved accredited by the department of education as provided in section ~~257:25~~ 256.11.

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

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

10. The treasurer of state shall establish a great river road fund and at the request of the state department of transportation, shall credit monthly before making the allotments provided for in this section, sufficient funds to cover the anticipated costs, as identified by the state department of transportation, for the acquisition and construction of eligible highway-associated project components. ~~Reimbursement to this fund shall be made as necessary from the funds appropriated in section 308:4; in no case shall the unreimbursed allotment to the great river road fund exceed one million dollars less the cumulative sum as annually appropriated in section 308:4; Reimbursed funds shall be reallocated in accordance with the provisions of this section.~~

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

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

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

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

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

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

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

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

327A.17 RULES.

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

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

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

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

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

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

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

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

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

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

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

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

Returns shall be in the form the director may, from time to time, prescribe, and shall be filed with the department on or before the last day of the fourth month after the expiration of the tax year except that co-operative associations as defined in section 6072(d) of the Internal Revenue Code of 1954 shall file their returns on or before the fifteenth day of the ninth month following the close of the taxable year. If, under the Internal Revenue Code of 1954, a corporation is required to file a return covering a tax period of less than twelve months, the state return shall be for the same period and shall be is due forty-five days after the due

date of the federal tax return, excluding any extension of time to file. In case of sickness, absence, or other disability, or if good cause exists, the director may allow further time for filing returns. The director shall cause to be prepared blank forms for the returns and shall cause them to be distributed throughout the state and to be furnished upon application, but failure to receive or secure the form does not relieve the taxpayer from the obligation of making a return that is required. The department may as far as consistent with the Code draft income tax forms to conform to the income tax forms of the internal revenue department of the United States government. Each return by a taxpayer upon whom a tax is imposed by section 422.57-subsection-37-paragraph-4 shall show the county of the residence of the taxpayer.

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

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

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

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

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

b. Hear appeals in contested cases pursuant to chapter 17A on matters relating to actions taken by the director under chapter 837-83A7 84, 93, 455B, 455C, or 469.

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

455C.11 ANNUAL APPROPRIATION.

For the fiscal year commencing July 1, 1979, and each fiscal year thereafter, there is appropriated from the beer

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

Sec. 51. Section 467A.16, Code 1987, is amended to read as follows:

467A.16 PUBLICATION OF NOTICE.

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

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

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

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

514F.1 UTILIZATION AND COST CONTROL REVIEW COMMITTEES.

The boards of examiners under chapters 148, 150, 150A, 151, and 153 shall establish utilization and cost control review committees of licensees under the respective chapters, selected from licensees who have practiced in Iowa for at least the previous five years, or shall accredit and designate

other utilization and cost control organizations as utilization and cost control committees under this section, for the purposes of utilization review of the appropriateness of levels of treatment and of giving opinions as to the reasonableness of charges for diagnostic or treatment services of licensees. Persons governed by the various chapters of Title XX of the Code and self-insurers for health care benefits to employees may utilize the services of the utilization and cost control review committees upon the payment of a reasonable fee for the services, to be determined by the respective boards of examiners. The respective boards of examiners under chapters 148, 150, 150A, 151, and 153 shall adopt rules necessary and proper for the implementation of this section pursuant to chapter 17A. It is the intent of this general assembly that conduct of the utilization and cost control review committees authorized under this section shall be exempt from challenge under federal or state antitrust laws or other similar laws in regulation of trade or commerce.

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

515.20 GUARANTY CAPITAL.

A mutual company organized under this chapter may establish and maintain guaranty capital of at least fifty thousand dollars made up of multiples of ten thousand dollars, divided into shares of not less than fifty dollars each, to be invested as provided for the investment of insurance capital and funds by section 515.35. Guaranty shareholders shall be members of the corporation, and provision may be made for representation of the shareholders of the guaranty capital on the board of directors of the corporation. The representation shall not exceed one-third of the membership of the board. Guaranty shareholders in a mutual companies company are subject to the same regulations of law relative to their right to vote as apply to its policyholders. The guaranty capital shall be applied to the payment of the legal obligations of

the corporation only when the corporation has exhausted its assets in excess of the unearned premium reserve and other liabilities. If the guaranty capital is thus impaired, the directors may restore the whole, or any part of the capital, by assessment on its the corporation's policyholders as provided for in section 515.18. By a legal vote of the policyholders of the corporation at any regular or special meeting of the policyholders of the corporation, the guaranty capital may be fully retired or may be reduced to an amount of not less than fifty thousand dollars, if the net surplus of the corporation together with the remaining guaranty capital is equal to or exceeds the amount of minimum assets required by this chapter for such companies, and if the commissioner of insurance consents to the action. Due notice of the proposed action on the part of the corporation shall be included in the notice given to policyholders and shareholders of any annual or special meeting and notice of the meeting shall also be given in accordance with the corporation's articles of incorporation. A company with the guaranty capital, which has ceased to do business, shall not distribute among its shareholders or policyholders any part of its assets, or guaranty capital, until it has fully performed, or legally canceled, all of its policy obligations. Shareholders of the guaranty capital are entitled to interest on the par value of their shares at a rate to be fixed by the board of directors and approved by the commissioner, cumulative, payable semiannually, and payable only out of the surplus earnings of the company. However, the surplus account of the company shall not be reduced by the payment of the interest below the figure maintained at the time the guaranty capital was established. In addition, the interest payment shall not be made unless the surplus assets remaining after the payment of the interest at least equal the amount required by the statutes of Iowa to permit the corporation to continue in business. In the event of the dissolution and liquidation of

a corporation having guaranty capital under this section, the shareholders of the capital are entitled, after the payment of all valid obligations of the company, to receive the par value of their respective shares, together with any unpaid interest on their shares, before there may be any distribution of the assets of the corporation among its policyholders. These provisions are in addition to and independent of the provisions contained in section 515.19.

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

c. With the approval of the commissioner, invest any greater amount in common stock, preferred stock, debt obligations, or other securities of one or more subsidiaries ~~than permitted pursuant to paragraphs "a" and "b"~~. However, ~~if~~ after the investment the insurer's surplus as regards policyholders ~~shall be~~ is reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

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

1. REGISTRATION. An insurer which is authorized to do business in this state and which is a member of an insurance holding company system shall register with the commissioner, except a foreign insurer subject to registration requirements and standards which are substantially similar to those contained in this section and section 521A.5, subsection 1, paragraph "a", and are adopted by statute or regulation in the jurisdiction of its domicile. The insurer shall also file a copy of the summary of its registration statement as required by subsection 4 in each state in which that insurer is authorized to do business if requested to do so by the commissioner of that state. An insurer which is subject to registration under this section shall register within fifteen days after it becomes subject to registration and annually thereafter by March 31 of each year for the previous calendar

year unless the commissioner for good cause shown extends the time for registration, and then within the extended time. The commissioner may require any authorized insurer which is a member of a holding company system which is not subject to registration under this section to furnish a copy of the registration statement or other information filed by the insurance company with the insurance regulatory authority of the company's domiciliary jurisdiction.

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

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

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

546.6 RACING AND GAMING DIVISION.

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

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

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

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

3. Division of on the status of women.

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

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

A The commission of Spanish-speaking people ~~which shall consist~~ consists of nine members, appointed by the governor from a list of nominees submitted by the governor's Spanish-speaking peoples task force. The members of the commission shall be appointed during the month of June and shall serve for terms of two years commencing July 1 of each odd-numbered year. Members appointed shall continue to serve until their respective successors are appointed. Vacancies in the membership of the commission shall be filled by the original appointing authority and in the manner of the original appointments. Members shall receive actual expenses incurred while serving in their official capacity. Members may also be eligible to receive compensation as provided in section 7E.6.

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

2. "Division" means the division of on the status of women of the department of human rights.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 610.1 AFFIDAVIT -- CONTENTS -- TOLLING OF LIMITATIONS.

A court of the district court, court of appeals, or supreme court shall authorize the commencement, prosecution, or defense of a suit, action, proceeding, or appeal, whether civil or criminal, without the prepayment of fees, costs, or security upon a showing that the person is unable to pay such costs or give security. The person shall submit an affidavit stating the nature of the suit, action, proceeding, or appeal and the affiant's belief that there is an entitlement to redress. Such affidavit shall also include a brief financial statement showing the person's inability to pay costs, fees, or give security. Any authorization to proceed without prepayment of fees, costs, or security under this chapter may be made by the court without hearing. The filing of an affidavit to proceed without the prepayment of fees, costs, or

security tolls the applicable statute of limitations. Upon the denial of an application and affidavit to proceed without the prepayment of fees, costs, or security, the person shall have the remainder of the limitations period in which to pay fees, costs, or give security. This section does not allow the deferral of the cost of a transcript.

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

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

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

679A.10 FEES AND EXPENSES OF ARBITRATION.

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

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

725.3 PANDERING.

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

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

Sec. 83. Sections 11.29 and 111.31, Code 1987, are repealed.

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JO ANN ZIMMERMAN  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 374, Seventy-second General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved May 5, 1987

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TERRY E. BRANSTAD  
Governor