

**CHAPTER 83**

## NONSUBSTANTIVE CODE CORRECTIONS

*S.F. 112*

**AN ACT** relating to nonsubstantive Code corrections.

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

Section 1. Section 7E.5, subsection 1, paragraph t, Code 1989, is amended to read as follows:

t. The department of human rights, created in section 601K.1, which has primary responsibility for services relating to Spanish-speaking people, children, youth, and families, women, persons with disabilities, community action agencies, criminal and juvenile justice planning, the status of blacks, and deaf persons.

Sec. 2. Section 9A.11, subsection 1, Code 1989, is amended to read as follows:

1. The attorney general may institute a legal proceeding against an athlete agent on behalf of the state, and shall institute legal proceedings at the request of the secretary of state, to enforce this chapter.

Sec. 3. Section 10A.202, subsection 1, Code 1989, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. m. Hearings relative to motor fuel and special fuel franchises, as provided in chapter 323.

Sec. 4. Section 13B.9, subsection 3, Code 1989, is amended to read as follows:

3. The local public defender may appoint the number of assistant indigent public defenders, clerks, investigators, stenographers, and other employees as approved by the state public defender. An assistant local public defender must be an attorney licensed to practice before the Iowa supreme court. Appointments shall be made in the manner prescribed by the state public defender.

Sec. 5. Section 13B.10, subsections 2 and 4, Code 1989, are amended to read as follows:

2. A determination of indigence shall not be made except upon the basis of information contained in a detailed financial statement submitted by the person or by the person's parent, guardian, or custodian. The financial statement shall be in the form prescribed by the board department. If a person is determined to be indigent and given legal assistance, the financial statement shall be filed in the person's court file and with the administrator department.

4. The district court shall decide, based upon the financial statement and other relevant information, whether the person is indigent. An indigent A public defender may make a temporary determination of indigence prior to the initial arraignment or other initial court appearance.

Sec. 6. Section 15.247, subsection 3, Code 1989, is amended to read as follows:

3. All moneys designated for the targeted small business financial assistance program shall be credited to the financial assistance reserve account. The department shall also establish an administrative account from which the operating costs of the program shall be paid. The department may transfer moneys between the reserve and the administrative accounts except that not more than twenty-five percent of the funds, pursuant to section 15.241, moneys shall be used to administer the fund. The department shall determine what is the actuarially sound reserve requirement for the amount of guaranteed loans outstanding.

Sec. 7. Section 15.283, subsection 4, Code 1989, is amended to read as follows:

4. Moneys available under this program shall be allocated so that at least fifty-five percent of the moneys are for the traditional infrastructure category, at least fifteen percent of the moneys are for the new infrastructure category, and thirty percent of the moneys are for the housing category. If moneys allocated to the housing category are not used or dedicated by

January 1 of the fiscal year, the moneys shall be reallocated to the other categories that have the most need as determined by the department. At least one-third of the moneys allocated to each category shall be set aside for cities with populations of five thousand or less. For purposes of this set-aside, ~~any~~ a city located in a county with a population in excess of three hundred thousand, ~~that if the city is contiguous to another municipality city in the county and that municipality other city is contiguous to the largest city in that county,~~ shall be considered as having a population in excess of ~~twenty five~~ twenty five thousand.

Sec. 8. Section 15.286, subsection 2, Code 1989, is amended to read as follows:

2. Applicants must be seeking funds to assist in meeting the area needs of low and moderate income persons in pursuit of decent housing or in meeting the purposes of the housing trust fund program as described in section 220.100, subsection 2.

Sec. 9. Section 15.286, subsection 4, paragraph b, Code 1989, is amended to read as follows:

b. The Iowa finance authority shall give a preference in the awarding of assistance ~~to the following as follows:~~

(1) ~~The assistance~~ Assistance that will be used to meet the purposes of the housing trust fund program.

(2) ~~The An applicant that~~ is a nonprofit entity.

(3) ~~Programs~~ A program to assist ~~low income~~ low-income persons and the disadvantaged.

(4) A project that will qualify for the low-income housing credit under section 42 of the Internal Revenue Code, as defined in section 422.3.

(5) A project that will not otherwise qualify for the low-income housing credit but will provide an income mix of the residents as described in section 42(g)(1)(A) or (B) of the Internal Revenue Code, as defined in section 422.3.

Sec. 10. Section 17A.5, subsection 2, unnumbered paragraph 1, Code 1989, is amended to read as follows:

~~Each A rule hereafter adopted~~ adopted after July 1, 1975, is effective thirty-five days after filing, as required in this section, and indexing and publication in the Iowa administrative bulletin except that:

Sec. 11. Section 17A.23, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Except as expressly provided otherwise by this chapter or by another statute referring to this chapter by name, the rights created and the requirements imposed by this chapter shall be in addition to those created or imposed by every other statute ~~now~~ in existence on July 1, 1975, or hereafter enacted after that date. If any other statute ~~now~~ in existence on July 1, 1975, or hereafter enacted after that date diminishes ~~any~~ a right conferred upon a person by this chapter or diminishes ~~any~~ a requirement imposed upon an agency by this chapter, this chapter shall take precedence unless the other statute expressly provides that it shall take precedence over all or some specified portion of this named chapter.

Sec. 12. Section 24.14, Code 1989, is amended to read as follows:

#### 24.14 TAX LIMITED.

A greater tax than that so entered upon the record shall not be levied or collected for the municipality proposing the tax for the purposes indicated; and ~~thereafter~~ a greater expenditure of public money shall not be made for any specific purpose than the amount estimated and appropriated for that purpose, except as provided in sections 24.6 and 24.15. All budgets set up in accordance with the statutes shall take such funds, and allocations made by sections 123.53, 324.79 and ~~406.1~~ chapter 405A, into account, and all such funds, regardless of their source, shall be considered in preparing the budget, ~~all as is provided in this chapter~~.

Sec. 13. Section 25A.2, subsection 1, Code 1989, is amended to read as follows:

1. "State agency" includes all executive departments, agencies, boards, bureaus, and commissions of the state of Iowa, and corporations whose primary function is to act as, and while acting as, instrumentalities or agencies of the state of Iowa, whether or not authorized to sue

and be sued in their own names. This definition does not include any a contractor with the state of Iowa. Soil and water conservation districts as defined in section 467A.3, subsection 1, water resource districts as defined in section 467D.2, subsection 1, judicial district departments of correctional services as established in section 905.2, and regional boards of library trustees as defined in chapter 303B, are state agencies for purposes of this chapter.

Sec. 14. Section 28G.3, Code 1989, is amended to read as follows:  
28G.3 CREATION OF PUBLIC SERVICE MONOPOLY.

If two or more local governments find that the only effective means of allowing the construction and utilization of a resource recovery facility for the recycling of solid waste for use as an energy source is to create a public service monopoly, a legal entity shall be created pursuant to chapter 28E by agreement of two or more local governments to displace competition with regulation and monopoly of a public service for the collection, transportation, storage, and disposal, or diversion of solid waste to the extent reasonably necessary to carry out these functions. The agreement is subject to approval of the ~~water, air and waste management environmental protection~~ commission before it becomes effective.

Sec. 15. Section 43.123, Code 1989, is amended to read as follows:  
43.123 NOMINATION OF LIEUTENANT GOVERNOR.

Notwithstanding this chapter and any other statute relating to the nomination of a person for the office of lieutenant governor, the nomination of a person for the office of lieutenant governor for the general election in the year 1990 and each four years thereafter shall be held at the state convention of the political party. The nomination of a person for the office of lieutenant governor by a nonparty political organization shall be the procedure specified in chapter 44. ~~This section applies only if the constitutional amendment contained in Senate Joint Resolution 1 is adopted by the qualified electors of this state in the general election in 1988.~~

Sec. 16. Section 64.11, Code 1989, is amended to read as follows:  
64.11 EXPENSE OF BONDS PAID BY COUNTY.

If a county treasurer, county attorney, recorder, auditor, sheriff, medical examiner, member of the ~~soldiers relief veterans affairs~~ commission, member of the board of supervisors, engineer, steward, or matron elects to furnish a bond with any an association or incorporation as surety as provided in this chapter, the reasonable cost of the bond shall be paid by the county where the bond is filed.

Sec. 17. Section 77.3, Code 1989, is amended to read as follows:  
77.3 NOTICE OF EXPIRATION OF TERM.

The secretary of state shall, two months preceding the expiration of a commission, notify the notary public of the expiration and furnish a blank application for reappointment ~~and a blank bond.~~

Sec. 18. Section 80.30, Code 1989, is amended to read as follows:  
80.30 ADDITIONAL EMPLOYEES INDIVIDUAL QUALIFICATIONS.

~~Except as provided in this section, from and after May 8, 1970, any additional individuals hired by the state department of public safety for the purpose of enforcement of laws relating to controlled or counterfeit substances shall be subject to the provisions of section 80.15 and such individuals shall be covered by the provisions of chapter 97A. They shall be entitled to receive the benefits provided in chapter 97A, and will be required to make such contributions and payments into the system as are required by such chapter. However, if there is~~ If an individual who is not able to meet the qualifications established by section 80.15 or chapter 97A and that individual otherwise possesses experience and training which qualifies that individual as a person capable of enforcing laws relating to controlled or counterfeit substances, that individual may be hired by the commissioner of public safety ~~notwithstanding.~~

Sec. 19. Section 87.4, unnumbered paragraph 4, Code 1989, is amended to read as follows:  
A self-insured program for the payment of workers' compensation benefits established by

an association comprised of cities ~~and~~ or counties, or both, which have entered into an agreement under chapter 28E, is not insurance, and is not subject to regulation under chapters 505 through 523C. Membership in such an association together with payment of premiums due relieves the member from obtaining insurance as required in section 87.1. Such an association is not required to submit its plan or program to the commissioner of insurance for review and approval prior to its implementation and is not subject to rules or rates adopted by the commissioner relating to workers' compensation group self-insurance programs. Such a program is deemed to be in compliance with this chapter.

Sec. 20. Section 97B.7, subsection 2, paragraph b, unnumbered paragraph 1, Code 1989, is amended to read as follows:

To invest, subject to chapter 12A, the portion of the retirement fund which in the judgment of the department is not needed for current payment of benefits under this chapter. The department shall execute the disposition and investment of moneys in the retirement fund in accordance with the investment policy and goal statement established by the investment board. In the investment of the fund, the department and investment board shall exercise the judgment and care, under the circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for the purpose of speculation, but with regard to the permanent disposition of the funds, considering the probable income, as well as the probable safety, of their capital. Within the limitations of the standard prescribed in this section, a fiduciary the treasurer of state, the department, and the board may acquire and retain every kind of property and every kind of investment which persons of prudence, discretion, and intelligence acquire or retain for their own account.

Sec. 21. Section 99D.5, subsection 1, Code 1989, is amended to read as follows:

1. A state racing commission is created within the department of ~~commerce~~ inspections and appeals consisting of five members who shall be appointed by the governor subject to confirmation by the senate, and who shall serve not to exceed a three-year term at the pleasure of the governor. The term of each member shall begin and end as provided in section 69.19.

Sec. 22. Section 99E.18, subsection 3, Code 1989, is amended to read as follows:

3. A ticket or share shall not be purchased by and a prize shall not be paid to the commissioner, a board member or employee of the lottery agency division, or to a spouse, child, stepchild, brother, brother-in-law, stepbrother, sister, sister-in-law, stepsister, parent, parent-in-law, or stepparent residing as a member of the same household in the principal residence of the commissioner, a board member, or an employee. A ticket or share purchased in violation of this subsection is void.

Sec. 23. Section 109.90, unnumbered paragraph 2, Code 1989, is amended to read as follows:

This section does not prohibit the owner to ~~destroy~~ from destroying a den to protect the owner's property.

Sec. 24. Section 117.34, subsection 11, Code 1989, is amended to read as follows:

11. Any other conduct, whether of the same or different character from that ~~hereinbefore~~ specified in this section, or which demonstrates such bad faith, or improper, fraudulent, or dishonest dealings as which would have disqualified the licensee from securing a license under this chapter.

Sec. 25. Section 122A.1, Code 1989, is amended to read as follows:

122A.1 DAYLIGHT STANDARD TIME AND DAYLIGHT SAVING TIME.

The standard time in this state shall be is the solar time of the ninetieth meridian of longitude west of Greenwich, commonly known as central standard time, except that from two o'clock ante meridiem of ~~Memorial Day~~ the first Sunday of April in every year and until two o'clock ante meridiem of the ~~day following Labor Day~~ last Sunday of October in the same year, standard time shall be advanced one hour. The period of time so advanced shall be known as "daylight saving time."

In the event Memorial Day should fall on a Sunday, the effective time of the one hour advance will be at two o'clock ante meridiem the preceding day.

Sec. 26. Section 135.46, subsection 2, paragraph h, Code 1989, is amended to read as follows:

h. One member representing the end-stage renal disease network #8 as established by federal law.

Sec. 27. Section 136.2, Code 1989, is amended to read as follows:

136.2 APPOINTMENT.

All members of the state board of health shall be appointed by the governor and shall serve for a period of three years except the terms of the nine initial appointees shall be as follows:

1. Three members shall serve from July 4, 1965 to June 30, 1966.

2. Three members shall serve from July 4, 1966 to June 30, 1967.

3. Three members shall serve from July 4, 1965 to June 30, 1968 to three-year staggered terms which shall expire on June 30.

The governor shall appoint annually successors to the three board members whose terms expire on June 30 of that year. Any A vacancy occurring on the board shall be filled by the governor for the unexpired term of the vacancy.

Sec. 28. Section 147.76, Code 1989, is amended to read as follows:

147.76 RULES PROMULGATED ADOPTED.

The examining boards for the various professions shall promulgate adopt all necessary and proper rules to implement and interpret the provisions of this chapter and chapters 148, 148A, 148C, 149, 150, 150A, 151, 152, 153, 154, 154A, 154B, 155A, and 156 147A through 158, except chapters 148D and 153A.

Sec. 29. Section 159.5, subsections 7, 8, and 12, Code 1989, are amended to read as follows:

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

8. Establish and maintain a marketing news service division in the department which shall, in co-operation with the federal market news and grading division of the United States department of agriculture, collect and disseminate data and information relative to the market prices and conditions of agricultural products raised, produced, and handled in the state. Said The division shall be is in the charge of a director an administrator, who shall be appointed by the secretary of agriculture and shall be an officer of the federal market news and grading division of the United States department of agriculture, if one be is detailed for that purpose by the federal government.

12. Establish and maintain a sheep promotion division in the department of agriculture which shall promote the consumption of lamb, mutton, and the use of wool, aid in the orderly marketing of sheep and wool, and conduct other activities which are beneficial to the sheep industry in Iowa. Said The division shall be is in the charge of a director an administrator, who shall be appointed by the secretary of agriculture. Funds appropriated for the department of agriculture for state aid to the Iowa sheep association are hereby authorized to may be used together with other funds available for sheep promotion in establishing and maintaining the sheep promotion division, and said the funds may be drawn and expended upon the order of the director administrator with the approval of the secretary of agriculture.

Sec. 30. Section 159.6, subsections 8 and 11, Code 1989, are amended to read as follows:

8. Regulation and inspection of foods, drugs, and other articles, as provided in Title X, but

chapters 202 and 203, 204 and through 205 of said that title shall be enforced as therein provided in those chapters.

11. Soil and water conservation as set forth in chapters 467A through 467D 467F.

Sec. 31. Section 172D.1, subsection 2, Code 1989, is amended to read as follows:

2. "Department" means the department of environmental quality in a reference to a time before July 1, 1983, ~~and~~ the department of water, air and waste management in a reference to a time on or after July 1, 1983, and through June 30, 1986, and the department of natural resources on or after July 1, 1986, and includes any officer or agency within that department.

Sec. 32. Section 190B.8, subsection 1, Code 1989, is amended to read as follows:

1. A civil penalty of not more than five hundred dollars may be imposed on a producer who sells a food product advertised as organic, organically produced, or by using a derivative of the term organic, and does not provide a sworn statement, as required by section 190B.4, or provides a sworn statement that is fraudulent. A civil penalty of not more than five hundred dollars may be imposed on a vendor who purchases a food product advertised by a producer as organic, organically produced, or by using a derivative of the term organic, without obtaining a sworn statement, as required by section 190B.4, or obtaining who obtains a sworn statement that the vendor knows or has reason to know is false.

Sec. 33. Section 203A.19, subsection 2, Code 1989, is amended to read as follows:

2. There has been filed with the board by the manufacturer, packer, or distributor of the drug a statement which is accurate with respect to the drug, setting forth the information required by subsection 1 together with all additional information relating to demonstrated bioavailability, side effects, contraindications, and effectiveness, as may be required by rules of the board.

Sec. 34. Section 218.92, Code 1989, is amended to read as follows:

218.92 DANGEROUS MENTAL PATIENTS.

When a patient in any a state hospital-school for the mentally retarded, any a mental health institute, or any an institution under the administration of the administrator of the division of mental health of the department of human services, has become so mentally disturbed as to constitute a danger to self, to other patients in the institution, or to the public, and the institution ~~involved~~ cannot provide adequate security, the administrator of mental health with the consent of the director of the Iowa department of corrections may order the patient to be transferred to the Iowa medical and classification center, provided that if the executive head of the institution from which the patient is to be transferred, with the support of a majority of the medical staff, recommends the transfer in the interest of the patient, other patients, or the public. If the patient transferred was hospitalized pursuant to sections 229.6 to 229.15, the transfer shall be promptly reported to the court which hospitalized the patient, as required by section 229.15, subsection ~~3~~ 4. The Iowa medical and classification center has the same rights, duties, and responsibilities with respect to the patient as the institution from which the patient was transferred had while the patient was hospitalized there. The cost of the transfer shall be paid from the funds of the institution from which the transfer is made.

Sec. 35. Section 255A.14, Code 1989, is amended to read as follows:

255A.14 FUNDS — REVERSION OF UNENCUMBERED BALANCE.

Notwithstanding the ~~provisions~~ of section 8.33 or any other provision of law, any unencumbered balance remaining in the ~~decentralized indigent obstetrical patient program~~ obstetrical and newborn patient care fund on June 30 of each year shall be used for the payment of warrants issued pursuant to section 255.25.

Sec. 36. Section 258A.1, subsection 1, paragraph m, Code 1989, is amended to read as follows:

m. The board of physician assistant examiners, created pursuant to chapter 148C.

Sec. 37. Section 261.1, subsection 3, Code 1989, is amended to read as follows:

3. A member of the state ~~advisory committee for~~ council on vocational education to be named by the ~~said~~ committee, who shall serve for a four-year term or until the expiration of the member's term of office.

Sec. 38. Section 279.28, Code 1989, is amended to read as follows:  
279.28 INSURANCE — SUPPLIES — TEXTBOOKS.

~~It~~ The board of directors may provide and pay out of the general fund to insure school property ~~such a sum as may be necessary~~, and may purchase dictionaries, library books, including books for the purpose of teaching vocal music, maps, charts, and apparatus for the use of the schools ~~thereof as deemed necessary~~ by the board of directors for each school building under its charge; and may furnish schoolbooks to indigent children when they are likely to be deprived of the proper benefits of the school unless so aided.

Sec. 39. Section 306A.5, unnumbered paragraph 1, Code 1989, is amended to read as follows:

For the purposes of this chapter, cities and highway authorities having jurisdiction and control over the highways of the state, as provided by chapter 306, may acquire private or public property rights for controlled-access facilities and service roads, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation in the same manner as such units are ~~now or hereafter may be authorized by law to acquire~~ such property or property rights in connection with highways and streets within their respective jurisdictions. All property rights acquired under ~~the provisions of~~ this chapter shall be in fee simple. In connection with the acquisition of property or property rights for ~~any a~~ controlled-access facility or portion ~~thereof of~~, or service road in connection ~~therewith~~ with a controlled-access facility, the ~~said~~ cities and highway authorities, in their discretion, may acquire an entire lot, block, or tract of land, if, by so doing, the interests of the public will be best served, even though ~~said the~~ entire lot, block, or tract is not immediately needed for the right of way proper.

Sec. 40. Section 321.1, subsection 2, paragraph b, Code 1989, is amended to read as follows:

b. "Used motor vehicle" or "second-hand motor vehicle" or "used car" means a motor vehicle of a type subject to registration under the laws of this state which has been sold "at retail" as defined in chapter 322 and previously registered in this or any other state.

Sec. 41. Section 321.1, subsection 2, paragraph d, Code 1989, is amended by striking the paragraph.

Sec. 42. Section 321.39, subsection 5, Code 1989, is amended by striking the subsection.

Sec. 43. Section 321.218, Code 1989, is amended to read as follows:  
321.218 DRIVING WITHOUT VALID LICENSE — PENALTIES.

1. A person whose operator's or chauffeur's license or driving privilege has been denied, canceled, suspended, or revoked as provided in this chapter, and who drives a motor vehicle upon the highways of this state while the license or privilege is denied, canceled, suspended, or revoked, commits a simple misdemeanor.

2. However, a person whose license or driving privilege has been revoked under section 321.209, and who drives a motor vehicle upon the highways of this state while the license or privilege is revoked, commits a serious misdemeanor.

3. The sentence imposed under this section shall not be suspended by the court, notwithstanding section 907.3 or any other statute.

4. The department, upon receiving the record of the conviction of a person under this section upon a charge of driving a motor vehicle while the license of the person was suspended or revoked, shall, except for licenses suspended under section 321.513, extend the period of suspension or revocation for an additional like period, and the department shall not issue a new license during the additional period.

5. ~~Any~~ A person operating a motorized bicycle on the highways of the state and not possessed of an operator's or chauffeur's license or a valid motorized bicycle license, ~~shall is~~, upon conviction, be guilty of a simple misdemeanor.

Sec. 44. Section 321.393, unnumbered paragraph 1, Code 1989, is amended to read as follows:

~~No~~ A lighting device or reflector, when mounted on or near the front of ~~any~~ a motor truck or trailer, except a school ~~buses~~ bus, shall not display any other color than white, yellow, or amber; ~~provided that installations heretofore in place and otherwise complying with the law may display a green light, however, such green light shall be replaced with the appropriate color when replacement is made or prior to January 1, 1980, whichever is earlier.~~

Sec. 45. Section 321E.30, Code 1989, is amended to read as follows:

321E.30 COPY OF MOBILE HOME PERMIT TO COUNTY TREASURER.

~~A copy~~ Verification of the permits issued by the state or county to move mobile homes shall be sent to the county treasurer of the county of final destination by the permit issuing ~~officer~~ officers. A one dollar fee shall be added to the permit charge to cover the costs of this service.

Sec. 46. Section 321J.13, subsection 1, Code 1989, is amended to read as follows:

1. Notice of revocation of a person's motor vehicle license or operating privilege served pursuant to section 321J.9 or 321J.12 shall include a form accompanied by a preaddressed envelope on which the person served may indicate by a checkmark if the person wishes to request a temporary restricted license only or if the person wishes a hearing to contest the revocation. The form shall clearly state on its face that the form must be completed and returned within ~~twenty~~ thirty days of receipt or the person's right to a hearing to contest the revocation is foreclosed. The form shall also be accompanied by a statement of the operation of and the person's rights under this chapter.

Sec. 47. Section 323A.2, subsection 1, paragraph c, and subsection 2, Code 1989, are amended to read as follows:

c. ~~The franchisee has requested motor fuel from the set-aside program administered by the department of natural resources under section 93.7, subsection 9, and allocation from the set-aside program has been denied and the~~ The director of the department of natural resources determines that the franchisee has demonstrated that a special hardship exists in the community served by the franchisee relating to the public health, safety and welfare, as specified under the rules of the department of natural resources.

2. The quantity of motor fuel requested or purchased from another source including ~~those sources the~~ source listed in subsection 1, ~~paragraphs~~ paragraph "b", and "e" shall not exceed the quantity requested from the franchisor.

Sec. 48. Section 331.427, subsection 1, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Except as otherwise provided by state law, county revenues from taxes and other sources for general county services shall be credited to the general fund of the county, including revenues received under sections 84.21, 98.35, 98A.6, 101A.3, 101A.7, 110.12, 123.36, 123.143, 176A.8, 246.908, 321.105, 321.152, 321.192, 321G.7, 331.554, subsection 6, 341A.20, 364.3, 368.21, chapter 405A, 422.65, 422-100, 422A.2, 428A.8, 430A.3, 433.15, 434.19, 441.68, 445.52, 445.57, 533.24, 556B.1, 567.10, 583.6, 906.17, and 911.3, and the following:

Sec. 49. Section 359.8, Code 1989, is amended to read as follows:

359.8 DIVISION — EFFECT.

If ~~such~~ the petition is signed by a majority of the eligible electors of the township residing without the corporate limits of such city, the board of supervisors shall divide ~~such~~ the township into two townships, as ~~prayed~~ petitioned; but, except for election purposes, including the appointment of ~~all judges and clerks of election officers~~ officers rendered necessary by the change, ~~such~~ the division shall not take effect until the first day of January following the next general election which is not a Sunday or a legal holiday.

Sec. 50. Section 386.7, subsection 3, Code 1989, is amended to read as follows:

3. If the council orders the construction of the self-liquidating improvement, ~~any~~ contracts for it shall be let ~~therefor~~ in accordance with ~~chapter 384~~ chapter 384 of division VI of chapter 384.

Sec. 51. Section 426A.2, Code 1989, is amended to read as follows:  
426A.2 WHERE CREDIT GIVEN.

The moneys shall be apportioned each year so as to replace all or a portion of the tax which would be due on property eligible for military service tax exemption in the state, were if the property were subject to taxation, the amount of such the credit to be equal to not more than six dollars and seventy-five cents per thousand dollars of assessed value upon the valuation of property which would be subject to the tax which, but except for the military service tax exemption, would be payable upon the property in the taxing district to which the property is located.

Sec. 52. Section 442.13, subsection 14, unnumbered paragraph 2, Code 1989, is amended to read as follows:

In determining the balance of funds of a school district under this subsection, the committee shall subtract the amount of any reduction in state aid that occurred as a result of a reduction in allotments made by the governor ~~with the concurrence of the executive council~~ under section 8.31.

Sec. 53. Section 455.223, Code 1989, is amended to read as follows:

455.223 WATER RESOURCE SOIL AND WATER CONSERVATION DISTRICTS.

The governing board of every drainage or levee district organized under the laws of this state shall take notice of the district plan, and shall conform to the duly ~~promulgated~~ adopted rules, of the ~~water resource soil and water conservation~~ district or districts in which the drainage or levee district is located; ~~provided that~~ However, this section shall does not be construed to grant any authority not otherwise granted by law to the governing boards of drainage or levee districts.

Sec. 54. Section 455B.291, subsection 9, Code 1989, is amended by striking the subsection.

Sec. 55. Section 467A.3, subsections 14 and 15, Code 1989, are amended by striking the subsections.

Sec. 56. Section 467A.4, subsection 1, Code 1989, is amended to read as follows:

1. The soil conservation division is established within the department to perform the functions conferred upon it in chapters 83, 83A, and 467A through ~~467D~~ 467F. The division shall be administered in accordance with the policies of the state soil conservation committee, which shall advise the division and which shall approve administrative rules proposed by the division for the administration of chapters 83, 83A, and 467A through ~~467D~~ 467F before the rules are adopted pursuant to ~~chapter 17A~~ section 17A.5. The state soil conservation committee consists of a chairperson and ten other members. The following shall serve as ex officio non-voting members of the committee: The director of the Iowa cooperative extension service in agriculture and home economics, or the director's designee,; and the director of the department of natural resources or the director's designee. Nine voting members shall be appointed by the governor subject to confirmation by the senate. Six of the appointive members shall be persons engaged in actual farming operations, ~~one of whom shall be a resident of each of the six water resource districts established by section 467D.3,~~ and no more than one of ~~whom the six~~ shall be a resident of any one county. The seventh, eighth, and ninth appointive members shall be chosen by the governor from the state at large with one appointed to be a representative of cities, one appointed to be a representative of the mining industry, and one appointee who is a farmer actively engaged in tree farming operations. The committee may invite the secretary of agriculture of the United States to appoint one person to serve with the other members, and the president of the Iowa county engineers association may designate a member of the association to serve in the same manner, but these persons have no vote and shall serve in an advisory capacity only.

Sec. 57. Section 467A.7, subsection 15, Code 1989, is amended by striking the subsection.

Sec. 58. Section 467A.13, Code 1989, is amended to read as follows:  
467A.13 PURPOSE OF SUBDISTRICTS.

Subdistricts of a soil and water conservation district may be formed as provided in this chapter for the purposes of ~~co-operating with water resource districts and of~~ carrying out watershed protection and flood prevention programs within the subdistrict but shall not be formed solely for the purpose of establishing or taking over the operation of an existing drainage district.

Sec. 59. Section 467A.53, Code 1989, is amended to read as follows:  
467A.53 CO-OPERATION WITH OTHER AGENCIES.

Soil and water conservation districts may enter into agreements with the federal government or any agency of the federal government, as provided by state law, or with the state of Iowa or any agency of the state, any other soil and water conservation district ~~or water resource district~~, or any other political subdivision of this state, for co-operation in preventing, controlling, or attempting to prevent or control, soil erosion. Soil and water conservation districts may accept, as provided by state law, any money disbursed for soil erosion control purposes by the federal government or any an agency of the federal government, and expend the money for the purposes for which it was received.

Sec. 60. Section 467B.1, Code 1989, is amended to read as follows:  
467B.1 AUTHORITY OF BOARD.

If a county, soil and water conservation district, subdistrict of a soil and water conservation district, ~~water resource district~~, political subdivision of the state, or other local agency engages or participates in a project for flood or erosion control, flood prevention, or the conservation, development, utilization, and disposal of water, in co-operation with the federal government, or any a department or agency of the federal government, the counties in which the project is carried on may, through the board of supervisors, construct, operate, and maintain the project on lands under the control or jurisdiction of the county dedicated to county use, or furnish financial and other assistance in connection with the projects. Flood, soil erosion control, and watershed improvement projects are presumed to be for the protection of the tax base of the county, for the protection of public roads and lands, and for the protection of the public health, sanitation, safety, and general welfare.

Sec. 61. Section 467B.2, Code 1989, is amended to read as follows:  
467B.2 FEDERAL AID.

A county may, in accordance with this chapter, accept federal funds for aid in a project for flood or soil erosion control, flood prevention, or the conservation, development, utilization, and disposal of water, and may co-operate with the federal government or a department or agency of the federal government, a soil and water conservation district, subdistrict of a soil and water conservation district, ~~water resource district~~, political subdivision of the state, or other local agency, and the county may assume a proportion of the cost of the project as deemed appropriate, and may assume the maintenance cost of the project on lands under the control or jurisdiction of the county which will not be discharged by federal aid or grant.

Sec. 62. Section 467B.3, Code 1989, is amended to read as follows:  
467B.3 CO-OPERATION.

The counties, ~~and~~ soil and water conservation districts, and subdistricts of soil and water conservation districts concerned, ~~and water resource districts~~, shall advise and consult with each other, upon the request of any of them or any affected landowners, and may co-operate with each other or with other state subdivisions or instrumentalities, and affected landowners, as well as with the federal government or a department or agency of the federal government, to construct, operate, and maintain suitable projects for flood or soil erosion control, flood prevention, or the conservation, development, utilization, and disposal of water on public roads or other public lands or other land granted county use.

Sec. 63. Section 467B.5, Code 1989, is amended to read as follows:

**467B.5 MAINTENANCE COST.**

If construction of projects has been completed by the soil and water conservation district, subdistricts of soil and water conservation districts, ~~water resource districts~~, political subdivisions of the state, or other local agencies, or the federal government, or ~~any a~~ department or agency of the federal government, on private lands under the easement granted to the county, only the cost of maintenance may be assumed by the county.

Sec. 64. Section 467B.10, Code 1989, is amended to read as follows:

**467B.10 ASSUMPTION OF OBLIGATIONS.**

This chapter contemplates that actual direction of the project, or projects, and the actual work done in connection with them, will be assumed by the soil and water conservation district, a subdistrict of a soil and water conservation district, ~~water resource district~~, or the federal government, and that the county or other state subdivisions or instrumentalities jointly will meet the obligation required for federal co-operation and may make proper commitment for the care and maintenance of the project after its completion for the general welfare of the public and residents of the respective counties.

Sec. 65. Section 491.1, Code 1989, is amended to read as follows:

**491.1 WHO MAY INCORPORATE.**

Any number of persons may become incorporated under this chapter prior to July 1, 1971, for the transaction of any lawful business, but the incorporation confers no power or privilege not possessed by natural persons, except as provided in this chapter. All domestic corporations shall be organized under chapter 496A only, except for corporations which are to become subject to one or more of the following chapters: 174, 176, 499, 499A, 504A, 506, 508, ~~510~~, 512, 514, 515, 515A, 518, 518A, 519, 524, 533, and 534.

Sec. 66. Section 496A.142, subsection 1, Code 1989, is amended to read as follows:

1. Except as provided in section 496A.2, in section 496A.103, subsection 2 and in this subsection, this chapter ~~shall does~~ not apply to or affect corporations subject to the provisions of chapters 174, 176, 497, 498, 499, 499A, 504, 506, 508, ~~510~~, 512, 514, 515, 518A, 519, 533, 534 of the Code and state banks organized under chapter 524. Such corporations shall continue to be governed by all laws of this state ~~heretofore applicable thereto and as the same may hereafter be amended to them~~. This chapter ~~shall does~~ not be construed as in derogation of ~~derogate or as limitation on limit~~ the powers to which of such corporations ~~may be entitled~~.

Sec. 67. Section 508C.3, subsection 3, paragraph e, Code 1989, is amended to read as follows:

e. A policy or contract issued by a company which is licensed under chapter 509A, ~~510~~, 512, 512A, 514, 514B, 518, 518A, or 520.

Sec. 68. Section 509.5, subsection 2, Code 1989, is amended to read as follows:

2. ~~Any A~~ casualty company organized on the stock or mutual plan, or accident and health association authorized to transact business under the provisions of chapter ~~510~~ or chapter 515, or a reciprocal or interinsurance exchange organized under the provisions of chapter 520, may, by complying with the provisions of ~~said those~~ chapters and of this chapter, issue contracts providing for health or accident insurance, or combinations ~~thereof~~ of health and accident insurance, as defined in this chapter.

Sec. 69. Section 511.8, unnumbered paragraph 1, Code 1989, is amended to read as follows:

~~Any A~~ company, organized under chapter 508, shall, at all times, have invested in the securities provided in this section, funds equivalent to its legal reserve. Legal reserve ~~shall be~~ is the net present value of all outstanding policies; and contracts involving life contingencies. ~~Any association, organized under chapter 510, accumulating any moneys to be held in trust for the purpose of the fulfillment of its policies or certificates, contracts, or otherwise, shall invest such accumulations in the securities provided in this section. Wherever, in this section, reference is made to "legal reserve", it shall mean the total accumulations in the case of an association organized under chapter 510. Nothing herein contained shall~~ This section

does not prohibit a company or association from holding a portion of its legal reserve in cash.

Sec. 70. Section 511.26, Code 1989, is amended to read as follows:

511.26 FEE STATUTE — APPLICABILITY.

The provisions of the chapter on insurance other than life apply as to fees under this chapter and ~~chapters~~ chapter 508 and 510, except as modified by section 511.24.

Sec. 71. Section 512.7, Code 1989, is amended to read as follows:

512.7 EXCLUSIVE MEMBERSHIP IN RELIGIOUS ORDER.

~~Any A corporation heretofore organized before July 4, 1911, under the laws of this or any other state, whose membership is confined to the members of any one religious denomination, and whose plan of business permits, may take advantage of the preceding sections of this chapter by amendment to its articles of incorporation, and by complying with the provisions of sections 512.27 to 512.32; provided that such corporations as on March 15, 1907, were and have since continuously been doing business under chapter 510, may take advantage of said sections without raising their mortuary assessment rates or showing that their said rates are such as are required by section 512.43.~~

Sec. 72. Section 514A.1, unnumbered paragraph 1, Code 1989, is amended to read as follows:

~~The term "policy~~ "Policy of accident and sickness insurance" as used ~~herein in this chapter~~ includes ~~any a~~ a policy or contract covering insurance against loss resulting from sickness, or from bodily injury or death by accident, or both. For the purposes of this chapter the words "policy of accident and sickness insurance" are interchangeable without deviation of meaning with the words "policy of accident and health insurance" or the words "policy of accident or health insurance. ~~The provisions of this~~ This chapter shall apply applies to all individual policies of such accident and sickness insurance as ~~are~~ written by Iowa or non-Iowa companies or associations duly licensed under the ~~provisions of either chapter 508, 510, 515, or 520 also and,~~ societies, orders, or associations licensed under the ~~provisions of chapter 512 writing sickness and accident policies providing benefits for loss of time.~~

Sec. 73. Section 514A.1, unnumbered paragraph 2, Code 1989, is amended by striking the unnumbered paragraph.

Sec. 74. Section 515B.2, subsection 4, Code 1989, is amended to read as follows:

4. "Insurer" means an insurer licensed to transact insurance business in this state under either chapter 515 or chapter 520, either at the time the policy was issued or when the insured event occurred. It ~~shall does~~ not include county or state mutual assessment associations licensed under chapter 518 or chapter 518A, or fraternal beneficiary societies, orders, or associations licensed under chapter 512, or corporations operating nonprofit service plans under chapter 514, or life insurance companies or life, accident, or health associations licensed under chapter 508 ~~or chapter 510~~, or those professions under chapter 519.

Sec. 75. Section 521.1, Code 1989, is amended to read as follows:

521.1 ~~"COMPANY"~~ DEFINED DEFINITIONS.

~~The word "company~~ "Company" or "companies" when used in this chapter ~~shall mean any means a~~ company or association organized under the ~~provisions of chapters~~ chapter 508, 510, 511, 515, 518A, or 520, except county mutuals.

Sec. 76. Section 535B.2, subsection 12, Code 1989, is amended to read as follows:

12. Mortgage lenders ~~of or~~ mortgage bankers maintaining an office in this state whose principal business in this state is conducted with or through mortgage lenders or mortgage bankers otherwise exempt under this section and which maintain a place of business in this state.

Sec. 77. Section 566.19, Code 1989, is amended to read as follows:

566.19 SETTLEMENT OF ESTATES — MAINTENANCE FUND.

The court in which the estate of ~~any a~~ deceased person is administered, before final distribution, may allow and set apart from ~~such~~ the estate, a sum sufficient to provide an income

adequate to ~~perpetual~~ pay for the perpetual care and upkeep of the cemetery lot upon which the body of the deceased is buried, except where perpetual care has otherwise been provided for. The sum so allowed and set apart shall be paid to a trustee as provided by this chapter.

Sec. 78. Section 601K.1, Code 1989, is amended by adding the following new subsection:  
NEW SUBSECTION. 8. Division on the status of blacks.

Sec. 79. Section 601L.3, subsection 11, Code 1989, is amended to read as follows:

11. ~~Pursuant to section 601K.2, be~~ Be responsible for the budgetary and personnel decisions for the department and commission.

Sec. 80. Section 602.8102, subsection 21, Code 1989, is amended by striking the subsection.

Sec. 81. Section 602.8105, subsection 1, paragraph m, Code 1989, is amended to read as follows:

m. For ~~issuing a marriage license filing an application for a license to marry,~~ fifteen dollars. The clerk of the district court shall remit to the treasurer of state five dollars for each marriage license ~~issued application filed.~~ The treasurer of state shall deposit the funds received in the general fund of the state. For issuing an application for an order of the district court authorizing the issuance of a license to marry prior to the expiration of three days from the date of filing the application for the license, five dollars.

Sec. 82. Section 613A.1, subsection 1, Code 1989, is amended to read as follows:

1. "Municipality" means city, county, township, school district, and any other unit of local government except soil and water conservation districts as defined in section 467A.3, subsection 1, ~~and water resource districts as defined in section 467D.2, subsection 1.~~

Sec. 83. Section 617.13, Code 1989, is amended to read as follows:

617.13 REAL ESTATE IN FOREIGN COUNTY — ~~SUPERIOR COURT.~~

When any part of real property, the subject of an action, is situated in any other county than the one in which the action is brought, ~~or when the action is brought in the superior court,~~ the plaintiff must, in order to affect third persons with constructive notice of the pendency thereof ~~of the action,~~ file with the clerk of the district court of ~~such the other county~~ a notice of the pendency of the action, containing the names of the parties, the object of the action, and a description of the property in that county affected ~~thereby, who by the action.~~ The clerk shall at once index and enter a memorandum thereof of the notice in the encumbrance book.

Sec. 84. Section 631.6, unnumbered paragraph 2, Code 1989, is amended to read as follows:

All fees and costs collected in small claims actions, other than the ~~six ten~~ dollars of the docket fee to be paid into the state treasury, shall be deposited in the court revenue distribution account established under section 602.8108, except that the fee specified in subsection 4 shall be remitted to the secretary of state.

Sec. 85. Section 804.21, subsection 1, Code 1989, is amended to read as follows:

1. A person arrested in obedience to a warrant shall be taken without unnecessary delay before the nearest or most accessible magistrate. The officer shall at the same time deliver to the magistrate the warrant with the officer's return endorsed on it and subscribed by the officer with the officer's official title. However, this section, and sections 804.22 and 804.23, do not preclude the release of an arrested person within the period of time the person would otherwise remain incarcerated while waiting to be taken before a magistrate if the release is pursuant to pretrial release guidelines or a bond schedule promulgated by the judicial council ~~acting pursuant to Iowa rule of civil procedure 380.~~ If, however, a person is released pursuant to pretrial release guidelines, a magistrate must, within twenty-four hours of ~~such the~~ release, or as soon as practicable on the next subsequent working day of the court, either ~~(1)~~ approve in writing of the release, or ~~(2)~~ disapprove of the release and issue a warrant for the person's arrest.

Sec. 86. 1988 Iowa Acts, chapter 1182, section 6, is amended to read as follows:

SEC. 6. EFFECTIVE DATE. This Act takes effect July 1, 1989. Sections 4 and 5 take effect when the authority secretary of agriculture determines that degradable products are available to a degree which makes compliance reasonably possible. The authority secretary of agriculture shall establish the effective date by rule adopted under chapter 17A.

Sec. 87. Sections 15.257, 80.29, 80.31, and 511.15, Code 1989, are repealed.

Approved May 1, 1989

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## CHAPTER 84

### MOTOR VEHICLE LICENSES, CARDS, AND FORMS

*S.F. 121*

**AN ACT** relating to the possession or making of motor vehicle licenses, nonoperator's identification cards, and blank motor vehicle license forms, and providing penalties.

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

Section 1. Section 321.216, Code 1989, is amended by adding the following new subsection: **NEW SUBSECTION. 8.** To obtain, possess, or have in one's control or on one's premises a motor vehicle license, a nonoperator's identification card, or a blank motor vehicle license form, which has been made by a person having no authority or right to make the license, card, or form.

Sec. 2. **NEW SECTION. 321.216A FALSIFYING MOTOR VEHICLE LICENSES AND FORMS AND NONOPERATOR'S IDENTIFICATION CARDS.**

It is a serious misdemeanor for any person to make a motor vehicle license, a nonoperator's identification card, or a blank motor vehicle license form if the person has no authority or right to make the license, card, or form.

Sec. 3. Section 805.8, subsection 2, Code 1989, is amended by adding the following new paragraph:

**NEW PARAGRAPH. p.** For obtaining, possessing, or having in one's control or one's premises a motor vehicle license, a nonoperator's identification card, or a blank motor vehicle license form in violation of section 321.216, subsection 7 or 8, the scheduled fine is fifty dollars.

Approved May 1, 1989

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## CHAPTER 85

### DOMESTIC ABUSE COUNSELING

*S.F. 155*

**AN ACT** relating to the availability of counseling services to children who are members of a household where an incident involving domestic abuse has occurred.

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

Section 1. Section 236.5, subsection 1, Code 1989, is amended to read as follows: