

**CHAPTER 1157****INCOME TAX WITHHOLDING REGARDING NONRESIDENT AGRICULTURAL SALES**  
*S.F. 2058*

**AN ACT** exempting the withholding agent from the requirement to withhold state income taxes from payments made to a nonresident, if the payments are from the sale of federal commodity certificates or agricultural commodities or products and the withholding agent submits needed information and providing for retroactive applicability and an effective date.

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

Section 1. Section 422.16, subsection 12, Code Supplement 1987, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** Notwithstanding this subsection, withholding agents are not required to withhold state income tax from payments subject to taxation made to nonresidents for commodity credit certificates, grain, livestock, domestic fowl, or other agricultural commodities or products sold to the withholding agents by the nonresidents or their representatives, if the withholding agents provide on forms prescribed by the department information relating to the sales required by the department to determine the state income tax liabilities of the nonresidents.

Sec. 2. This Act is retroactive to January 1, 1985, for payments made to nonresidents on or after January 1, 1985.

Sec. 3. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 4, 1988

---

**CHAPTER 1158****CODE AND REORGANIZATION CORRECTIONS**  
*S.F. 2238*

**AN ACT** relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, remove ambiguities and providing effective dates.

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

Section 1. Section 15.106, subsection 2, Code 1987, is amended to read as follows:

2. Employ personnel as necessary to carry out the duties and responsibilities of the department, consistent with the merit system provisions of chapter 19A for nonprofessional employees. Professional staff of the department are exempt from the merit system provisions of chapter 19A.

Sec. 2. Section 17A.6, Code 1987, is amended by adding the following new subsection:

**NEW SUBSECTION. 6.** The Code editor, with the approval of the administrative rules review committee and the administrative rules coordinator, may delete a rule from the Iowa administrative code if the agency that adopted the rule has ceased to exist, no successor agency has jurisdiction over the rule, and no statutory authority exists supporting the rule.

Sec. 3. Section 18.8, unnumbered paragraph 6, Code 1987, is amended to read as follows:

The director shall appoint a superintendent of buildings and grounds, who shall serve at the pleasure of the director and ~~shall is~~ not be governed by the merit system provisions of chapter 19A.

Sec. 4. Section 18.74, Code 1987, is amended to read as follows:

18.74 APPOINTMENT.

The director of the department of general services shall appoint a ~~person to administer the provisions of this division. This person shall be known as the superintendent of printing and to administer this division. The superintendent shall serve at the pleasure of the director without being and is not~~ subject to the merit system provisions of chapter 19A.

Sec. 5. Section 18.115, unnumbered paragraph 1, Code Supplement 1987, is amended to read as follows:

~~In order to carry out the powers vested in the director by this chapter, the~~ The director of the department of general services shall appoint a state vehicle dispatcher and ~~such~~ other employees as ~~may be necessary to carry out the provisions of~~ administer this chapter. The state vehicle dispatcher shall serve at the pleasure of the director and ~~shall is~~ not be governed by the merit system provisions of chapter 19A. Subject to the approval of the director, the state vehicle dispatcher shall ~~have~~ has the following duties:

Sec. 6. Section 18.163, Code 1987, is amended to read as follows:

18.163 PERSONNEL.

The director of the department shall employ a risk manager and ~~such~~ other permanent full-time personnel as ~~shall be~~ necessary to administer this chapter. All permanent full-time personnel other than the risk manager ~~shall be~~ are subject to the merit system provisions of chapter 19A. The director is authorized to hire as independent contractors ~~such~~ other persons as ~~may be necessary to assist the risk manager in establishing standards and procedures under sections 18.160 to 18.169.~~

Sec. 7. Section 27A.2, Code 1987, is amended to read as follows:

27A.2 MEMBERSHIP OF COMMISSION.

The director of the department of natural resources ~~shall be~~ is a permanent member from Iowa of the upper Mississippi riverway commission and may designate an alternate in accordance with article IV "a" of the compact. The governor shall appoint the three remaining members ~~from Iowa of the commission from Iowa. Such~~ The members may also be members of another board or commission established by law. The appointment of the remaining three members ~~shall be~~ is subject to confirmation by the senate. The members so appointed shall serve for staggered periods of four years, beginning and ending as provided in section 69.19. Commission members from this state shall be reimbursed, upon certification by the ~~comptroller~~ director of revenue and finance, ~~be reimbursed~~ for the actual and necessary expenses incurred by them in the discharge of their duties.

Sec. 8. Section 56.3, subsection 2, Code Supplement 1987, is amended to read as follows:

2. A person who receives contributions in excess of one hundred dollars for a committee shall, not later than fifteen days from the date of receipt of the contributions or on demand of the treasurer, render to the treasurer the contributions and an account of the total of all contributions; including the name and address of each person making a contribution in excess of ten dollars, the amount of ~~such contribution~~ the contributions, and the date on which the contributions were received. The treasurer shall deposit all contributions within seven days of receipt by the treasurer in an account maintained by the committee in a financial institution. All funds of a committee shall be segregated from any other funds ~~of~~ held by officers,

members, or associates of the committee or the committee's candidate. However, if a candidate's committee receives contributions only from the candidate, or if a permanent organization temporarily engages in activity which qualifies it as a political committee and all expenditures of the organization are made from existing general operating funds and funds are not solicited or received for this purpose from sources other than operating funds, then that committee is not required to maintain a separate account in a financial institution. The funds of a committee are not attachable for the personal debt of the committee's candidate or an officer, member, or associate of the committee.

Sec. 9. Section 79.23, Code 1987, is amended to read as follows:

79.23 CREDIT FOR ACCRUED SICK LEAVE.

When a state employee, excluding an employee covered under a collective bargaining agreement which provides otherwise, retires under a retirement system in the state maintained in whole or in part by public contributions or payments, the number of accrued days of active and banked sick leave of the employee shall be credited to the employee. When an employee retires, is eligible, and has applied for benefits under a retirement system authorized under chapter 97A or 97B, including the teachers insurance annuity association (TIAA) and the college retirement equity fund (CREF), or an employee dies on or after July 1, 1984, while the employee is in active employment but is eligible for retirement benefits under one of the listed chapters, the employee shall receive a cash payment for the employee's accumulated, unused sick leave in both the active and banked sick leave accounts, except when, in lieu of cash payment, payment is made for monthly premiums for health or life insurance or both as provided in a collective bargaining agreement negotiated under chapter 20. An employee of the department of public safety or the state conservation commission department of natural resources who has earned benefits of payment of premiums under a collective bargaining agreement and who becomes a manager or supervisor and is no longer covered by the agreement shall not lose the benefits of payment of premium earned while covered by the agreement. The payment shall be calculated by multiplying the number of hours of accumulated, unused sick leave by the employee's hourly rate of pay at the time of retirement. However, the total cash payments for accumulated, unused sick leave shall not exceed two thousand dollars per employee and are payable upon retirement or death. Banked sick leave is defined as accrued sick leave in excess of ninety days.

Sec. 10. Section 86.24, subsection 5, Code 1987, is amended to read as follows:

5. The decision of the industrial commissioner is final agency action and an appeal of the decision shall be made directly to the supreme court.

Sec. 11. Section 86.26, Code 1987, is amended to read as follows:

86.26 JUDICIAL REVIEW.

Judicial review of decisions or orders of the industrial commissioner shall not be to the district court but shall be made directly to the supreme court, notwithstanding may be sought in accordance with chapter 17A, the Iowa administrative procedure Act. Petitions Notwithstanding chapter 17A, the Iowa Administrative Procedure Act, petitions for judicial review shall may be filed with the clerk of the supreme court as are other actions for appeal or review in the district court of the county in which the hearing under section 86.17 was held. The supreme court may transfer the action to the court of appeals. Such a review proceeding shall be accorded priority over other matters pending before the district court.

Sec. 12. Section 86.29, Code 1987, is amended to read as follows:

86.29 THE JUDICIAL REVIEW PETITION.

In the Notwithstanding chapter 17A, the Iowa Administrative Procedure Act, in a petition for judicial review of a decision of the industrial commissioner in a contested case under this

chapter or chapter 85, 85A, 85B, or 87, the opposing party shall be named the respondent, and the agency shall not be named as a respondent.

Sec. 13. Section 86.32, Code 1987, is amended to read as follows:  
86.32 COSTS OF JUDICIAL REVIEW.

In proceedings for judicial review of compensation cases the clerk of the supreme court shall charge no fee for any service rendered except the filing and docketing fees fee and transcript fees when the transcript of the contested case proceeding a judgment is required. The taxation of costs on judicial review shall be in the discretion of the supreme court.

Sec. 14. Section 86.39, Code 1987, is amended to read as follows:  
86.39 FEES — APPROVAL — LIEN.

All fees or claims for legal, medical, hospital, and burial services rendered under this chapter and chapters 85, 85A, 85B, and 87 are subject to the approval of the industrial commissioner, and no lien for such service is enforceable without the approval of the amount of the lien by the industrial commissioner. For services rendered in the district court or and appellate court courts, the attorney's fee is subject to the approval of a judge of the district court.

Sec. 15. Section 86.42, Code 1987, is amended to read as follows:  
86.42 JUDGMENT BY DISTRICT COURT ON AWARD.

Any party in interest may present a certified copy of an order or decision of the commissioner, from which a timely petition for judicial review has not been filed or if judicial review has been filed, which has not had execution or enforcement stayed as provided in section 17A.19, subsection 5, or an order or decision of a deputy commissioner from which a timely appeal has not been taken within the agency and which has become final by the passage of time as provided by rule and section 17A.15, or an agreement for settlement approved by the commissioner, and all papers in connection therewith, to the district court of the county in which the hearing under section 86.17 was held, of Polk county, or of the county in which the petitioner resides or has its principal place of business where judicial review of the agency action may be commenced. The court shall render a decree or judgment and cause the clerk to notify the parties. The decree or judgment, in the absence of a petition for judicial review or if judicial review has been commenced, in the absence of a stay of execution or enforcement of the decision or order of the industrial commissioner, or in the absence of an act of any party which prevents a decision of a deputy industrial commissioner from becoming final, has the same effect and in all proceedings in relation thereto is the same as though rendered in a suit duly heard and determined by the court.

Sec. 16. Section 99E.14, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The commissioner shall designate three administrative positions within the division which require specific areas of expertise relating to the operation of the lottery. These three administrative positions are exempt from the merit system provisions of chapter 19A. The commissioner shall designate one of these three administrators to serve as acting commissioner in the commissioner's absence.

Sec. 17. Section 103A.6, Code 1987, is amended to read as follows:  
103A.6 MERIT SYSTEM.

Employees of the commissioner shall, ~~where~~ if required by federal statutes, be are covered by the merit system provisions of chapter 19A.

Sec. 18. Section 107.19, unnumbered paragraph 6, Code 1987, is amended to read as follows:

All expenditures under this Act shall be chapter are subject to approval by the state ~~comptroller~~ director of management and the director of revenue and finance.

Sec. 19. Section 114.9, Code 1987, is amended to read as follows:

114.9 ORGANIZATION OF THE BOARD — STAFF.

The board shall elect annually from its members a chairperson and a vice chairperson. The administrator of the professional licensing and regulation division of the department of commerce shall hire and provide staff to assist the board in implementing this chapter. The board shall hold at least one meeting at the seat of government location of the board's principal office, and meetings shall be called at other times by the administrator at the request of the chairperson or four members of the board. At any meeting of the board, a majority of members constitutes a quorum.

Sec. 20. Section 114.22, Code 1987, is amended to read as follows:

114.22 PROCEDURE.

Proceedings for any action under section 114.21 shall be begun by filing with the board written charges against the accused. The Upon the filing of charges the board may request the department of inspections and appeals to conduct an investigation into the charges. The department of inspections and appeals shall report its findings to the board, and the board shall designate a time and place for a hearing, and shall notify the accused of this action and furnish the accused a copy of all charges at least thirty days prior to the date of the hearing. The accused shall have has the right to appear personally or by counsel, to cross-examine witnesses, or to produce witnesses in defense.

Sec. 21. Section 116.3, subsection 2, unnumbered paragraph 2, Code 1987, is amended to read as follows:

The board shall meet as often as deemed necessary, but shall hold at least one meeting per year at the seat of government location of the board's principal office.

Sec. 22. Section 116.23, subsection 1, Code 1987, is amended to read as follows:

1. The board may initiate proceedings under this chapter either on its own motion or on the complaint of any person. Before scheduling a hearing under this section, the board may request the department of inspections and appeals to conduct an investigation into the charges to be addressed at the board hearing. The department of inspections and appeals shall report its findings to the board.

Sec. 23. Section 117.34, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The real estate examining board may upon its own motion and shall upon the verified complaint in writing of any person, ~~provided if~~ the complaint together with evidence, documentary or otherwise, presented in connection with the complaint, makes out a prima-facie case, request the department of inspections and appeals to investigate the actions of any real estate broker, real estate salesperson, or any other person who shall assume assumes to act in either capacity within this state, and may suspend or revoke ~~any a~~ license issued under the provisions of this chapter, at any time if the licensee has by false or fraudulent representation obtained a license, or if the licensee is found to be guilty of any of the following:

Sec. 24. Section 117.50, Code 1987, is amended to read as follows:

117.50 MEETINGS.

The real estate examining board shall hold at least one meeting per year at the seat of government location of the board's principal office and shall elect a chairperson annually. A majority of the members of the board shall constitute a quorum.

Sec. 25. Section 117A.4, subsections 1 and 2, Code 1987, are amended to read as follows:

1. The board ~~or the attorney general at the request of the board~~ may cause request the department of inspections and appeals to conduct an investigation and inspection to be made of any subdivided land proposed to be offered for sale or lease in this state pursuant to this

chapter and may. The department of inspections and appeals shall make a report of the its findings thereon.

2. ~~Where~~ If an inspection is to be made of subdivided land situated outside of this state and offered for sale in this state, ~~said~~ the inspection as authorized by subsection 1 shall be made by the department of inspections and appeals at the expense of the subdivider. After the application required by section 117A.2 is filed and after the filing fee required by section 117A.8 is received, the board may decide whether ~~or not~~ an inspection pursuant to this subsection is to be made. If the board requires an inspection, the department of inspections and appeals, ~~or the attorney general at the request of the board~~ shall so notify the subdivider and the subdivider shall remit to the department ~~or the attorney general~~ an amount equivalent to the round trip cost of travel from this state to the location of the project, as estimated by the department ~~or the attorney general~~ and a further amount estimated to be necessary to cover the additional expenses of ~~such~~ inspection but not to exceed fifty dollars a day for each day incurred in the examination of the project inspection. The costs of any subsequent inspections deemed necessary shall be paid for by the subdivider. At the completion of any an inspection trip the department ~~or the attorney general~~ shall furnish the subdivider a statement as to the costs of the inspection trip, and ~~should said if the costs be are less than the amount advanced by the subdivider to the department, or the attorney general the remaining balance will shall~~ be refunded to the subdivider.

Sec. 26. Section 118.13, unnumbered paragraph 3, Code Supplement 1987, is amended to read as follows:

Proceedings for the revocation of a certificate shall be begun initiated by filing written charges against the accused with the board. A Upon the filing of charges the board may request the department of inspections and appeals to conduct an investigation into the charges. The department of inspections and appeals shall report its findings to the board, and a time and place for the hearing of the charges shall be fixed by the board if the board determines that a hearing is warranted. Where If personal service or ~~services service~~ through counsel cannot be effected, ~~services service~~ may be had by publication. At the hearing, the accused shall ~~have~~ has the right to be represented by counsel, to introduce evidence, and to examine and cross-examine witnesses. The board ~~shall have the power to may subpoena witnesses, to administer oaths to such witnesses, and to employ counsel.~~ The board shall make a written report of its findings, which ~~report~~ shall be filed with the secretary of state, and which ~~shall be is~~ conclusive.

Sec. 27. Section 118A.4, Code 1987, is amended to read as follows:

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

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

Sec. 28. Section 118A.16, Code 1987, is amended to read as follows:

#### 118A.16 PROCEDURE.

Any A person may file charges with the board against a landscape architect or the board may initiate charges. ~~Such~~ The charges shall be in writing, sworn to if by a complainant other than the board, and filed with the board. Unless the charges are dismissed by the board as unfounded or trivial, the board ~~shall may~~ request the department of inspections and appeals to conduct an investigation into the charges. The department of inspections and appeals shall

report its findings to the board, and the board shall hold a hearing within sixty days after the date on which ~~they~~ the charges are filed. The board shall fix the time and place for such hearing and shall cause a copy of the charges, together with a notice of the time and place fixed for the hearing, to be served on the accused at least thirty days before the date fixed for the hearing. Where personal service cannot be effected, service may be effected by publication. At such hearing, the accused shall have the right to appear personally or by counsel, to cross-examine witnesses against the accused, and to produce evidence and witnesses in defense. After the hearing, the board may suspend or revoke the certificate of registration. The board may restore the certificate of registration to any person whose certificate of registration has been revoked. Application for the restoration of a certificate of registration shall be made in such manner, form and content as the board may prescribe.

Sec. 29. Section 123.24, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The administrator may refuse to sell alcoholic liquor to a class "E" liquor control licensee who tenders a check or electronic funds transfer which is subsequently dishonored until the outstanding obligation is satisfied.

Sec. 30. Section 123.92, unnumbered paragraph 2, Code 1987, is amended to read as follows:  
Every liquor control licensee and class "B" beer permittee shall furnish proof of financial responsibility either by the existence of a liability insurance policy ~~or by posting bond in such an amount as determined by the division.~~

Sec. 31. Section 125.39, subsection 1, Code 1987, is amended to read as follows:  
1. In addition to other requirements established by this chapter, a facility shall not be licensed pursuant to section 125.13 unless it is either a political subdivision, a licensed hospital, a licensed health maintenance organization, a corporation organized under chapter 496A, or a community mental health center operating under chapter 230A, or it is organized under the Iowa nonprofit corporation Act appearing as chapter 504A. In the latter case, one-third of the membership of the board of directors shall be representatives of such government units providing funds to the facility for treatment of substance abuse.

Sec. 32. Section 135.2, unnumbered paragraph 1, Code 1987, is amended to read as follows:  
The governor shall appoint the director of the department, subject to confirmation by the senate. The director shall serve at the pleasure of the governor. The director is exempt from the merit system provisions of chapter 19A. The governor shall set the salary of the director within the range established by the general assembly.

Sec. 33. Section 144.5, subsections 3 and 6, Code 1987, are amended to read as follows:  
3. Direct, supervise, and control the activities of ~~local registrars and deputy local registrars,~~ and the activities of clerks of the district court related to the operation of the vital statistics system and provide registrars with necessary postage.

6. Delegate functions and duties vested in the state registrar to officers, employees of the department, and to the ~~local~~ county registrars as the state registrar deems necessary or expedient.

Sec. 34. Section 144.9, unnumbered paragraph 1 and subsection 1, Code 1987, are amended to read as follows:

The clerk of the district court ~~shall be~~ is the county registrar and with respect to the county registrar's registration district shall:

1. Administer and enforce ~~the provisions of this chapter and the rules issued by the department, and exercise general supervision over the local and deputy local registrars in the county registrar's district.~~

Sec. 35. Section 144.12, Code 1987, is amended to read as follows:

144.12 FORMS UNIFORM.

In order to promote and maintain uniformity in the system of vital statistics, the forms of certificates, reports, and other returns, shall include as a minimum the items recommended by the federal agency responsible for national vital statistics, subject to approval and modification by the department. Forms shall be furnished by the department. The forms or other recording methods used by county and local registrars to record copies of records made under this chapter shall be prescribed by the department.

Sec. 36. Section 144.13, subsections 1 and 2, Code 1987, are amended to read as follows:

1. A certificate of birth for each live birth which occurs in this state shall be filed with the local county registrar of the district county in which the birth occurs within five days after the birth and shall be registered by the registrar if it has been completed and filed in accordance with this chapter; provided that. However, when a birth occurs in a moving conveyance, a birth certificate shall be filed in the district county in which the child was first removed from the conveyance.

2. When a birth occurs in an institution, the person in charge of the institution or the person's designated representative shall obtain the personal data, prepare the certificate, secure the signatures required by the certificate, and file the certificate with the local county registrar. The physician in attendance shall certify to the facts of birth and provide the medical information required by the certificate within three days after the birth.

Sec. 37. Section 144.13A, Code Supplement 1987, is amended to read as follows:

144.13A REGISTRATION FEE.

The local county registrar and state registrar shall charge the parent a ten dollar fee for the registration of a certificate of birth. If the person responsible for the filing of the certificate of birth under section 144.13 is not the parent, the person shall be entitled to collect the fee from the parent. The fee shall be remitted to the appropriate registrar. If the expenses of the birth are reimbursed under the medical assistance program established by chapter 249A, or paid for under the statewide indigent patient care program established by chapter 255, or paid for under the obstetrical and newborn indigent patient care program established by chapter 255A, or if the parent is indigent and unable to pay the expenses of the birth and no other means of payment is available to the parent, the registration fee is waived. If the person responsible for the filing of the certificate is not the parent, the person is discharged from the duty to collect and remit the fee under this section if the person has made a good faith effort to collect the fee from the parent. The fees collected by the local county registrar and state registrar shall be remitted to the treasurer of state for deposit in the general fund of the state. It is the intent of the general assembly that the funds generated from the registration fees be appropriated and used for primary and secondary child abuse prevention programs.

Sec. 38. Section 144.14, unnumbered paragraph 1, Code 1987, is amended to read as follows:

~~Whoever~~ A person who assumes the custody of a living infant of unknown parentage shall report on a form and in the manner prescribed by the state registrar within five days to the local county registrar of the district county in which the child was found, the following information:

Sec. 39. Section 144.17, subsection 2, Code 1987, is amended to read as follows:

2. That no record of birth of such that person can be found in the office of the state or local county custodian of birth records.

Sec. 40. Section 144.26, unnumbered paragraphs 1 and 2, Code 1987, are amended to read as follows:



A death certificate for each death which occurs in this state shall be filed with the local county registrar of the district county in which the death ~~occurred~~ occurs, within three days after the death and prior to final disposition, and shall be registered by the registrar if it has been completed and filed in accordance with this chapter. All information including the certifying physician's name shall be typewritten.

If the place of death is unknown, a death certificate shall be filed in the registration district county in which a dead body is found within three days after the body is found. If death occurs in a moving conveyance, a death certificate shall be filed in the registration district county in which the dead body was is first removed from the conveyance.

Sec. 41. Section 144.29, Code 1987, is amended to read as follows:

144.29 FETAL DEATHS.

A fetal death certificate for each fetal death which occurs in this state after a gestation period of twenty completed weeks or more shall be filed with the local county registrar of the district county in which the delivery of the dead fetus ~~occurred~~ occurs, within three days after delivery and prior to final disposition of the fetus ~~and~~. The certificate shall be registered if it has been completed and filed in accordance with this chapter.

If the place of delivery of a dead fetus is unknown, a fetal death certificate shall be filed in the registration district county in which a dead fetus ~~was~~ is found, within three days after the fetus is found. If a fetal death occurs in a moving conveyance, a fetal death certificate shall be filed in the registration district county in which the fetus ~~was~~ is first removed from the conveyance.

Sec. 42. Section 144.32, Code 1987, is amended to read as follows:

144.32 BURIAL-TRANSIT PERMIT.

The funeral director who first assumes custody of a dead body or fetus shall obtain a burial-transit permit prior to final disposition of the body or fetus and within seventy-two hours after death. When a person other than a funeral director assumes custody of a dead body or fetus, the person ~~shall be~~ is responsible for securing the permit required in this section. A burial-transit permit shall be issued by the local county registrar of the district county where the certificate of death or fetal death was filed, in accordance with the ~~requirements of~~ sections 144.26 to 144.31.

Sec. 43. Section 144.43, unnumbered paragraph 2, Code 1987, is amended to read as follows:

However, the following vital statistics may be inspected and copied as of right under chapter 22 when they are in the custody of a county ~~or of a local registrar~~:

Sec. 44. Section 169.14, subsections 1 and 8, Code 1987, are amended to read as follows:

1. The board, upon its own motion or upon a verified complaint in writing, may request the department of inspections and appeals to conduct an investigation of the charges contained in the complaint. The department of inspections and appeals shall report its findings to the board, and the board may issue an order fixing the time and place for hearing if a hearing is deemed warranted. A written notice of the time and place of the hearing, together with a statement of the charges, shall be served upon the licensee at least ten days before the hearing in the manner required for the service of notice of the commencement of an ordinary action.

8. ~~Judicial review of the~~ The board's action actions may be ~~sought~~ appealed to the department of inspections and appeals and judicial review may be sought in accordance with the terms of ~~chapter~~ chapters 10A and 17A.

Sec. 45. Section 175.7, subsection 2, Code 1987, is amended to read as follows:

2. The executive director shall advise the authority on matters relating to agricultural land and property and agricultural finance, and carry out all directives from the authority, and shall

hire and supervise the authority's staff pursuant to its directions and under the merit system provisions of chapter 19A, except that principal administrative assistants with responsibilities in beginning farm loan programs, accounting, mortgage loan processing, and investment portfolio management are exempt from ~~that chapter~~ the merit system.

Sec. 46. Section 175.22, subsection 4, Code 1987, is amended to read as follows:

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

Sec. 47. Section 175A.5, subsection 2, Code 1987, is amended to read as follows:

2. The executive director is a nonvoting ex officio member of the board, and shall advise the authority on matters relating to finance, carry out all directives from the authority, and hire and supervise the authority's staff pursuant to its directions and under the merit system provisions of chapter 19A, except that principal administrative assistants with responsibilities in operating loan programs, accounting, and processing of applications for interest reduction are exempt from ~~that chapter~~ the merit system.

Sec. 48. Section 175A.13, subsection 2, Code 1987, is amended to read as follows:

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

Sec. 49. Section 220.2, subsection 1, unnumbered paragraph 2, Code Supplement 1987, is amended to read as follows:

A title guaranty division is created within the authority. The powers of the division as relating to the issuance of title guaranties ~~shall be~~ are vested in and shall be exercised by a division board of five members appointed by the governor subject to confirmation by the senate. The membership of the board shall include an attorney, an abstractor, a real estate broker, a representative of a mortgage-lender, and a representative of the housing development industry. The executive director of the authority shall appoint a an attorney as director of the title guaranty division who ~~shall be an attorney~~ and shall serve as an ex officio member of the board. The appointment of and compensation for the division director ~~shall be~~ is exempt from the merit system provisions of chapter 19A.

Sec. 50. Section 220.6, subsection 2, Code 1987, is amended to read as follows:

2. The executive director shall advise the authority on matters relating to housing and housing finance, carry out all directives from the authority, and hire and supervise the authority's staff pursuant to its directions and under the merit system provisions of chapter 19A, except that principal administrative assistants with responsibilities in housing development, accounting, mortgage loan processing, and investment portfolio management ~~shall be~~ are exempt from the merit system.

Sec. 51. Section 220.31, subsection 4, Code 1987, is amended to read as follows:

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

Sec. 52. Section 235.3, subsections 3 and 4, Code 1987, are amended to read as follows:

3. ~~Make such Adopt rules and regulations as may be necessary or advisable for the supervision of the private child-caring agencies or their officers thereof which the state director administrator is empowered to license, inspect and supervise.~~

4. ~~Supervise and inspect private institutions for the care of dependent, neglected, and delinquent children, and to make reports regarding the same the institutions.~~

Sec. 53. Section 235A.15, subsection 3, Code Supplement 1987, is amended to read as follows:

3. Access to unfounded child abuse information is authorized only to those persons identified in subsection 2, paragraph "a", paragraph "b", subparagraphs (2) and (5), and paragraph "e e", subparagraph (2).

Sec. 54. Section 256.9, subsection 4, Code Supplement 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 the merit system provisions of chapter 19A and shall be employed pursuant are subject to section 256.10.

Sec. 55. Section 273.13, Code 1987, is amended to read as follows:

**273.13 ADMINISTRATIVE EXPENDITURES.**

During the budget year beginning July 1, 1989, and the three succeeding budget years, the board of directors of an area education agency in which the administrative expenditures as a percent of the area education agency's operating fund for a base year exceed ~~eight~~ five percent shall reduce its administrative expenditures to five percent of the area education agency's operating fund. During each of the four years, the board of directors shall reduce administrative expenditures ~~of by~~ twenty-five percent of the reduction in administrative expenditure required by this section. Thereafter, the administrative expenditures shall not exceed ~~eight~~ five percent of the operating fund. Annually, the board of directors shall certify to the department of ~~public instruction~~ education the amounts of the area education agency's expenditures and its operating fund. ~~Base year and budget year~~ For the purposes of this section, "base year" and "budget year" mean base year and budget year the same as defined in section 442.6. For the purposes of this section, and "administrative expenditures" means expenditures for executive administration.

Sec. 56. Section 279.45, Code 1987, is amended to read as follows:

**279.45 ADMINISTRATIVE EXPENDITURES.**

For the budget year beginning July 1, 1989, and each of the following three budget years, the board of directors of a school district in which the administrative expenditures as a percent of the school district's operating fund for a base year exceed five percent, shall reduce its administrative expenditures so that they are one-half percent less as a percent of the school district's operating fund than they were for the base year. However, a school district is not required to reduce its administrative expenditures below ~~eight~~ five percent of its operating fund. Thereafter, a school district shall not increase the percent of its administrative expenditures compared to its operating fund. Annually, the board of directors shall certify to the department of education the amounts of the school district's administrative expenditures and its operating fund. ~~Base year and budget year~~ For the purposes of this section, "base year" and "budget year" mean base year and budget year the same as defined in section 442.6. For the purposes of this section, and "administrative expenditures" means expenditures for executive administration.

Sec. 57. Section 280A.15, subsection 2, Code 1987, is amended to read as follows:

2. ~~Each~~ A candidate for member of the board of directors of a merged area shall be nominated by a petition signed by not less than fifty eligible electors of the director district from which the member is to be elected. The petition shall state the number of the director district from which the candidate seeks election, and the candidate's name and status as an eligible elector of the director district. Signers of the petition, in addition to signing their names, shall show their residence, including street and number if any, the school district in which they reside, and the date they signed the petition. ~~Each nomination paper shall have appended to it an affidavit of an eligible elector other than the candidate in substantially the form provided in section 43.17, except as to party affiliation.~~ The petition shall include the affidavit of the candidate being nominated, stating the candidate's name and residence, and that the individual is a candidate, is eligible for the office sought, and if elected will qualify for the office.

Sec. 58. Section 280B.6, subsection 1, Code 1987, is amended to read as follows:

1. Certificates may be sold at public sale ~~as provided by chapter 75~~ or at private sale at par, premium, or discount at the discretion of the board of directors. ~~However, chapter 76 Chapter 75 does not apply to the issuance of these certificates.~~

Sec. 59. Section 282.2, Code 1987, is amended to read as follows:  
282.2 OFFSETTING TAX.

The parent or guardian whose child or ward attends school in any a district of which the ~~child or ward parent or guardian~~ is not a resident shall be allowed to deduct the amount of school tax paid by the parent or guardian in said district from the amount of tuition required to be paid.

Sec. 60. Section 303.88, subsection 4, Code 1987, is amended to read as follows:

4. ~~Accept gifts, contributions, endowments, bequests, or other funds moneys available for all or any of the purposes of the division. Interest earned on the gifts, contributions, endowments, bequests, or other moneys accepted under this subsection shall be credited to the fund or funds to which the gifts, contributions, endowments, bequests, or other moneys have been deposited, and is available for all or any of the purposes of the division.~~

Sec. 61. Section 304.3, subsections 2 and 4, Code 1987, are amended to read as follows:

2. ~~The executive director of the Iowa state historical department~~ director of the department of cultural affairs.

4. ~~The state comptroller~~ director of revenue and finance.

Sec. 62. Section 304.3, Code 1987, is amended by adding the following new subsection as subsection 5 and renumbering the present subsections 5 through 7 as subsections 6 through 8:  
NEW SUBSECTION. 5. The director of the department of management.

Sec. 63. Section 307.48, unnumbered paragraph 1, Code 1987, is amended to read as follows:

~~An employee under the supervision of the department's administrator of highways and subject to chapter 19A department who is was hired on or after July 1 by the state highway commission on or before June 30, 1971, is not entitled to longevity pay. However, this section does not apply to an employee under the supervision of the department's administrator of highways and subject to chapter 19A who was employed prior to July 1, 1971, and whose employment continued after June 30, 1971. An employee under the supervision of the department's administrator of highways and subject to chapter 19A eligible for longevity pay under this section whose employment is terminated on or after July 1, 1971, if reemployed under the supervision of by the department's administrator of highways department, forfeits any right the employee may have had to longevity pay.~~

Sec. 64. Section 308.9, subsection 1, Code 1987, is amended to read as follows:

1. When, as a result of its investigations and studies, the state transportation commission, in co-operation with the ~~state conservation commission~~ department of natural resources, finds that there may be a need in the future for the development and construction or reconstruction of segments of the great river road, and when the state transportation commission determines that in order to prevent conflicting costly economic development on areas of lands to be available for the great river road when needed for ~~such~~ future development, there is need to establish and to inform the public of the approximate location and widths of new or improved segments of the great river road to be needed, the state transportation commission may proceed to establish ~~such~~ the location and the approximate widths in the manner provided in this section. The state transportation commission shall give notice and hold a public hearing on the matter in a convenient place in the area to be affected by the proposed improvement of the great river road. The state transportation commission shall consider and evaluate the testimony presented at the public hearing and it shall make a study and prepare a map showing the location of the proposed new or reconstructed segment of the great river road and the approximate widths of right of way needed. ~~There shall be shown on such~~ The map shall show the existing roadway and the property lines and record owners of lands to be needed. The approval of ~~such~~ the map shall be recorded by reference in the state transportation commission's minutes, and a notice of ~~such~~ the action and a copy of the map showing the lands or interest in the lands needed in any county shall be filed in the office of the county recorder of ~~such~~ that county. Notice of the action and of the filing shall be published once in a newspaper of general circulation in ~~such~~ the county, and within sixty days following the filing, notice of the filing shall be served ~~in~~ by registered mail on the owners of record on the date of filing and on the functional classification board of the county. Using the same procedures for approval, notice and publications, and notice to the affected record owners, the state transportation commission may, ~~from time to time~~, amend the map.

Sec. 65. Section 321.23, subsection 4, Code 1987, is amended to read as follows:

4. ~~Any~~ A vehicle which does not meet the equipment requirements of this chapter due to the particular use for which it is designed or intended, may be registered by the department upon payment of appropriate fees and after inspection and certification by the department that the vehicle is not in an unsafe condition ~~and will not endanger any person~~. A person is not required to have a certificate of title to register a vehicle under this subsection. If the owner elects to have a certificate of title issued for the vehicle, a fee of ten dollars shall be paid by the person making the application upon issuance of a certificate of title. If the department's inspection reveals that ~~that~~ the vehicle may be safely operated only under certain conditions or on certain types of roadways, the department may restrict the registration to limit operation of the vehicle to the appropriate conditions or roadways. This subsection ~~shall~~ does not apply to snowmobiles as defined in section 321G.1. Section 321.382 does not apply to a vehicle registered under this subsection which is operated exclusively by a handicapped person who has obtained a special identification device as provided in section 601E.6, ~~providing~~ if the special identification device is carried in the vehicle and shown to ~~any~~ a peace officer on request.

Sec. 66. Section 321.89, subsection 4, unnumbered paragraph 2, Code Supplement 1987, is amended to read as follows:

The director of ~~revenue and finance~~ transportation shall establish by rule a claims procedure to be followed by police authorities in obtaining expenses and costs from the fund.

Sec. 67. Section 321A.3, subsection 4, Code Supplement 1987, is amended to read as follows:

4. The abstract of operating record provided under this section shall designate which speeding violations occurring on or after July 1, 1986, but before May 12, 1987, are for violations of ten

miles per hour or less over the legal speed limit in speed zones that have a legal speed limit equal to or greater than thirty-five miles per hour but not greater than fifty-five miles per hour. For speeding violations occurring on or after May 12, 1987, the abstract provided under this section shall designate which speeding violations are for ten miles per hour or less over the legal speed limit in speed zones that have a legal speed limit equal to or greater than thirty-five miles per hour but not greater than fifty-five miles per hour.

Sec. 68. Section 323.1, subsection 10, Code 1987, is amended to read as follows:

10. "Commission Department" means the Iowa state ~~commeree~~ commission department of inspections and appeals.

Sec. 69. Section 331.502, subsection 12, Code Supplement 1987, is amended by striking the subsection.

Sec. 70. Section 331.556, Code 1987, is amended to read as follows:

331.556 LOSS OF FUNDS — REPLACEMENT.

1. A loss of funds in the custody of a treasurer resulting from an act of omission or commission for which the treasurer is responsible, except a loss covered by the treasurer's bond or a loss which occurs while the funds are deposited in an authorized depository, shall be replaced by the several counties of the state as provided in this section.

2. The auditor of state shall determine the amount of loss to be replaced after a complete examination of the accounts of the treasurer of the county where the loss has occurred. The auditor of state shall file a written report of the examination with the state ~~comptroller~~ director of management.

3. When the loss which is to be replaced has been determined by the auditor of state, the state ~~comptroller~~ director of management shall apportion the loss among the counties of the state, including the county in which the loss has occurred, in the proportion which the taxable property of each county bears to the total taxable property of all counties of the state. The written apportionment shall be filed in the office of state ~~comptroller~~ with the department of management. The state ~~comptroller~~ director of management shall certify to each treasurer the amount of the loss which has been apportioned to the various counties.

4. Upon receipt of the certification from the state ~~comptroller~~ director of management, each treasurer, except the treasurer of the county where the loss occurred, shall charge the general fund of the county with the amount apportioned to the county and remit the amount to the state ~~comptroller~~ director of revenue and finance. The amount apportioned to a county shall draw interest at the rate of one percent per month after thirty days from the date when the treasurer received the certification of the apportionment from the state ~~comptroller~~ director of management.

5. If the amount apportioned to a county is not paid, the default shall be reported by the state ~~comptroller~~ director of management to the director of revenue and finance who shall levy upon the taxable property of the delinquent county a tax sufficient to raise the apportionment, a penalty of twenty-five percent of the apportionment, and interest. The tax levy shall be transmitted to the auditor of the delinquent county who shall include the levy on the next tax list of the county. The tax shall be collected and remitted to the state ~~comptroller~~ director of revenue and finance.

6. The treasurer of state shall credit the funds received under this section to a separate fund in the state treasury. The treasurer of state shall pay the reimbursement funds to the county where the loss occurred by warrant issued by the state ~~comptroller~~ director of revenue and finance.

Sec. 71. Section 411.22, subsection 1, paragraph a, Code 1987, is amended to read as follows:

a. The retirement system shall be indemnified out of the recovery of damages to the extent of benefit payments made by the retirement system, with legal interest, except that the plaintiff member's attorney fees are ~~not indemnifiable~~ may be first allowed by the district court.

Sec. 72. Section 421.16, Code 1987, is amended to read as follows:

421.16 EXPENSES.

The director, deputy directors, secretary, and assistants shall be are entitled to receive from the state their actual necessary expenses while traveling on the business of the department; ~~such. The expenditures to shall be sworn to by the party who incurred the expense, and approved by the director, and allowed by the state comptroller. Provided, however, that~~ However, no such expense shall be allowed the director, deputy directors, secretary, or employees of the department while in the city of Des Moines or traveling between their homes and the city of Des Moines.

Sec. 73. Section 421.31, subsection 8, Code 1987, is amended by striking the subsection and inserting in lieu thereof the following:

8. INTEREST OF THE PERMANENT SCHOOL FUND. To transfer the interest of the permanent school fund to the credit of the first in the nation in education foundation as provided in section 302.1A.

Sec. 74. Section 421.45, Code 1987, is amended to read as follows:

421.45 CANCELLATION OF STATE WARRANTS.

The director of the department of revenue and finance, as of March 31, June 30, September 30, and December 31 of each year shall cancel and request the treasurer of state to stop payment on all state warrants which have been outstanding and unredeemed by the state treasurer for ~~one year~~ six months or longer.

Sec. 75. Section 444.7, Code 1987, is amended to read as follows:

444.7 EXCESSIVE TAX PROHIBITED.

It is ~~hereby made~~ a simple misdemeanor for the board of supervisors to authorize, or the county auditor to carry upon the tax lists for any year, an amount of tax for ~~any a~~ a public purpose in excess of the amount certified or authorized as provided by law. ~~The state comptroller department of management shall prescribe and furnish the county auditors forms and instructions to aid them in determining the legality and authorized amount of tax levies. In the case of an excessive levy, it shall be the duty of the~~ The county auditor to shall reduce it an excessive levy to the maximum amount authorized by law, and in any event not in excess of the amount certified; and in case of an illegal levy the county auditor shall not enter or carry any a tax on the tax lists for such an illegal levy.

Sec. 76. Section 463.6, Code 1987, is amended to read as follows:

463.6 EXTENDING PAYMENT OF ASSESSMENTS.

~~In case~~ If no appeal is taken to the issuance of ~~said~~ bonds, as provided by chapter 23, the board may extend the time of payment of ~~said~~ the unpaid assessment or ~~any an~~ an installment or installments ~~thereof of~~ it as requested in the petition and may issue drainage refunding bonds, or, in case of an appeal, the board may issue ~~such the~~ such the bonds in accordance with the decision of the ~~state comptroller appeal board~~ provided said the assessments, installment, or installments ~~thereof~~ have not been entered on the delinquent tax lists and have not been previously extended.

Sec. 77. Section 474.10, Code 1987, is amended to read as follows:

474.10 GENERAL COUNSEL.

The board shall employ a competent attorney to serve as its general counsel, and assistants to the general counsel as it finds necessary for the full and efficient discharge of its duties. The

general counsel is the attorney for, and legal advisor of, the board and is exempt from the merit system provisions of chapter 19A. Assistants to the general counsel are subject to the merit system provisions of chapter 19A. The general counsel or an assistant to the general counsel shall provide the necessary legal advice to the board in all matters and represent the board in all actions instituted in a state or federal court challenging the validity of any a rule or order of the board. The existence of a fact which disqualifies a person from election or from acting as a utilities board member disqualifies the person from employment as general counsel or assistant general counsel. The general counsel shall devote full time to the duties of the office. During employment the counsel shall not be a member of a political committee, contribute to a political campaign fund other than through the income tax checkoff for contributions to the Iowa election campaign fund and the presidential election campaign fund, participate in a political campaign, or be a candidate for a political office.

Sec. 78. Section 516B.3, subsection 1, Code Supplement 1987, is amended to read as follows:

1. The commissioner shall require that insurance companies transacting business in this state not consider speeding violations occurring on or after July 1, 1986, but before May 12, 1987, which are for speeding violations for ten miles per hour or less over the legal speed limit in speed zones that have a legal speed limit greater than thirty-five miles per hour or speeding violations occurring on or after May 12, 1987, which are for speeding violations for ten miles per hour or less over the legal speed limit in speed zones that have a legal speed limit equal to or greater than thirty-five miles per hour but not greater than fifty-five miles per hour for the purpose of establishing rates for motor vehicle insurance charged by the insurer and shall require that insurance companies not cancel or refuse to renew any such policy for such violations. In any twelve-month period, this section applies only to the first two such violations which occur.

Sec. 79. Section 534.401, subsections 2, 3, and 4, Code 1987, are amended to read as follows:

2. GENERAL SUPERVISORY POWER. The supervisor superintendent has general supervision over all supervised organizations.

The supervisor superintendent may, with the approval of the auditor of state, appoint examiners and assistants necessary to properly execute the duties of the office. Any An examiner so appointed shall have had at least one year of actual experience as examiner, officer, or employee, of a savings and loan association. Such The examiners' salaries shall be fixed by the auditor of state superintendent subject to the approval of the comptroller director of management and governor, which salaries shall be commensurate with that those in the range of other employees as prescribed by certain classifications in accordance with their experience and qualifications. In addition such the examiners shall be reimbursed for their actual and necessary expense.

Before entering upon their duties, the supervisor of savings and loan associations superintendent and each examiner appointed by the supervisor superintendent shall take an oath of office and shall each give bond to the state, signed by a responsible surety company, in the penal sum of two thousand dollars, conditioned upon faithful and impartial discharge of the person's duty and on proper accounting for all funds and other valuables which may come into the person's hands. Such The bonds shall be approved by and filed with the auditor of state, together with oaths of office of such officer the officers.

The supervisor shall have the right to pass superintendent may adopt further regulations rules deemed necessary to enable savings and loan associations to properly carry on the activities authorized under this chapter and which are not inconsistent with the provisions of this chapter.

3. DUTIES. The supervisor superintendent shall, at least once each year, examine or cause examination and audit to be made into of the affairs of every association subject to this chapter. If an association is insured under the provisions of Title IV of the National Housing Act



(48 Stat. L. 1246, 12 U.S.C., ch 13), as now or hereafter amended, the supervisor superintendent may, in lieu of such examination and audit accept any an examination or audit made by the federal savings and loan insurance corporation. Any such An association may, in lieu of such examination and audit by the supervisor superintendent, at the option of the supervisor superintendent be audited by a certified public accountant, or by a public accountant qualified and licensed to practice accountancy under the provisions of the Code of Iowa. At least two copies of each examination or audit report, signed and verified by the accountant making it, shall promptly be filed with the supervisor superintendent. Whenever When, in the judgment of the supervisor superintendent, the condition of any an association renders it necessary or expedient to make an extra examination or audit or to devote any extraordinary attention to its affairs, the supervisor superintendent shall cause such work to be done. A copy of every examination or audit report shall be furnished to the association examined, exclusive of confidential comments made by the examiner, and a copy of every report and comments and any other information pertaining to an association may be furnished to the federal home loan bank board, federal home loan bank, and federal savings and loan insurance corporation. A copy of such an examination or audit report shall be presented to the board of directors at its next regular or special meeting, and their action thereon on it shall be recorded in the minutes, and two certified copies of such the minutes shall be transmitted to the supervisor superintendent.

4. SUPERVISOR'S SUPERINTENDENT'S ANNUAL REPORT. The supervisor of savings and loan associations shall superintendent, as of December 31 of each year, shall prepare and publish a report showing in general terms the condition of all savings and loan associations doing business in this state, and containing such other general information as in the supervisor's superintendent's judgment shall seem seems desirable. Such The reports shall also list the names of all examiners and other assistants employed by the supervisor superintendent, together with the their respective salaries and expenses, and shall list all receipts from savings and loan associations, and shall show all expenditures made on account of the supervision and examination of such the associations.

Sec. 80. Section 534.403, Code 1987, is amended to read as follows:  
534.403 EXAMINATIONS.

1. SUPERVISOR'S SUPERINTENDENT'S AUTHORITY — EXAMINATIONS. The supervisor superintendent and examiners shall have full access to all books and papers of an association which relate to its business, and to books, records, and papers kept by an officer, director, agent, or employee relating to, or upon which any record of its business is kept, and may summon witnesses and administer oaths or affirmations, in the examination of the directors, officers, agents, or employees of any such an association, or any other person, in relation to its affairs, transactions, and condition, and may require and compel the production of records, books, papers, contracts, or other documents by court order, if not voluntarily produced.

2. EXPENSES, PER DIEM, VACATION AND SICK LEAVE. Where If the examination is made under the provisions of section 534.401, subsection 3, each examiner shall file with the auditor of state superintendent an itemized, certified, and sworn voucher of the examiner's expense for the time such the examiner is actually engaged in such an examination. On the fifteenth and last days of each month each examiner shall file in triplicate with the auditor of state superintendent a certified statement of the actual days engaged in such examination examinations. The salaries shall be included in a semimonthly biweekly payroll. Upon approval of the auditor of state superintendent, the director of revenue and finance is authorized to issue warrants for the payment of said the vouchers, and salaries, including a prorated amount for vacation and sick leave, from the savings and loan revolving fund. Repayment to the state shall be made as provided by section 534.408, subsection 4. Savings and loan examiners shall

be paid salaries at rates commensurate with, and shall be reimbursed for meals and lodging at the same rate as, that which is received by federal examiners operating under the federal home loan bank board.

3. RECORD REQUIRED. A record of ~~such~~ each examination shall be kept in the ~~auditor's~~ ~~superintendent's~~ office, showing in detail as to each association all matters connected with the conduct of the business, its financial standing, and everything touching its solvency, plan of business, and integrity.

~~Such~~ ~~The~~ examinations and reports, and other information connected ~~therewith~~ ~~with~~ ~~them~~, shall be kept confidential in the office of the ~~auditor of state and the supervisor of savings and loan associations~~ ~~superintendent~~, and ~~shall~~ ~~are~~ not be subject to publication or disclosure to others except as in this chapter provided. However, any evidence of felonious acts on the part of the officers, directors, or employees of ~~such~~ an association may be referred by the ~~office of the auditor of state~~ ~~superintendent~~ to proper authorities. Members of ~~such~~ associations, other than their officers and directors, ~~shall~~ ~~are~~ not be entitled to inspection of any such records or information, and ~~shall~~ ~~are~~ not be entitled to any information relative to the names of the members of ~~any~~ an association, or the amounts invested by them, as disclosed in the ~~auditor's~~ ~~superintendent's~~ office, or in the records of ~~any~~ ~~such~~ an association.

4. REVOCATION OF AUTHORITY. If ~~any~~ ~~such~~ an association ~~refuse~~ ~~refuses~~ to submit to ~~such~~ examination, the ~~auditor~~ ~~superintendent~~ shall revoke its certificate of authority.

Sec. 81. Section 534.405, Code 1987, is amended to read as follows:

534.405 CONSERVATORSHIP — OPERATION — TERMINATION.

If the ~~supervisor~~ ~~superintendent~~, as a result of any examination or from ~~any~~ a report made to the ~~supervisor~~ ~~shall~~ ~~find~~ ~~superintendent~~ finds that ~~any~~ a savings and loan association is violating the ~~provisions~~ a provision of its certificate of incorporation, or bylaws, or the laws of this state, or of the United States, or ~~any~~ a lawful order of the ~~supervisor~~ ~~superintendent~~, or is conducting its business in an unsafe manner, the ~~supervisor~~ ~~superintendent~~ may by an order, direct discontinuance of ~~such~~ the violation or unsafe practice, and conformance with all requirements of law. ~~No~~ A conservator shall ~~not~~ be appointed for a solvent association where ~~such~~ if a violation or unsafe practice can be corrected otherwise. If ~~any~~ ~~such~~ an association ~~shall~~ ~~refuse~~ ~~refuses~~ or ~~neglect~~ ~~neglects~~ to comply with ~~such~~ the order within the time specified ~~therein~~ in it, or if it ~~shall~~ ~~appear~~ ~~appears~~ to the ~~supervisor~~ ~~superintendent~~ that ~~any~~ ~~such~~ an association is in an unsafe condition or is conducting its business in an unsafe manner, or if the ~~supervisor~~ ~~shall~~ ~~find~~ ~~superintendent~~ finds that an impairment of capital exists to such extent that it threatens loss to the members, or if ~~any~~ an association refuses to submit its books, papers, and accounts to the inspection of the ~~supervisor~~ ~~superintendent~~ or the ~~supervisor's~~ ~~superintendent's~~ representative, the ~~supervisor~~ ~~superintendent~~, by written order signed by the ~~supervisor~~ and the ~~auditor of state~~ ~~superintendent~~, may appoint a conservator to take charge of the association and manage its business until the ~~supervisor~~ ~~shall~~ ~~superintendent~~ ~~permit~~ ~~permits~~ the board of directors to resume management of the business or ~~shall~~ ~~reorganize~~ ~~reorganizes~~ the association, or until a receiver ~~shall~~ ~~be~~ ~~is~~ appointed to liquidate its affairs. ~~Any~~ A conservator so appointed ~~shall~~ ~~has~~, subject to approval of the ~~supervisor~~ and ~~auditor of state~~ ~~superintendent~~, have all the rights, powers, and privileges possessed by the officers, board of directors, and members of the association. The conservator shall not retain special counsel or other experts, or incur any expenses other than normal operating expenses, or liquidate assets, except in the ordinary course of operations. The directors and officers shall remain in office and the employees shall remain in their respective positions, but the ~~super-~~ ~~visor~~ ~~superintendent~~ may remove any director, officer, or employee. While the association is in the charge of a conservator, members of ~~such~~ the association shall continue to make payments to the association in accordance with the terms and ~~conditions~~ of their contracts and

the conservator, in the conservator's discretion, may permit members to withdraw as such in the ordinary course of business, or under, and subject to such rules and regulations as the supervisor superintendent may prescribe and the. The conservator shall have power to may accept savings but any such savings thereon received by the conservator may be segregated if the supervisor superintendent shall so order orders in writing and if so ordered such savings shall are not be subject to offset and shall not be used to liquidate any an indebtedness of such the association existing at the time the conservator was appointed for it, or any subsequent indebtedness incurred for the purpose of liquidating the indebtedness of such the association existing at the time such a conservator was appointed. All expenses of the association during such conservatorship shall be paid by the association. The appointment of a conservator shall be evidenced by the supervisor superintendent issuing a certificate, signed by the supervisor and by the auditor of state superintendent, delivered to the president, or the vice president, or to at least three members of the board of directors of the association, certifying that a conservator has been appointed pursuant to this section. Within six months from the date upon which the conservator shall take takes charge of an association, the supervisor superintendent shall determine whether or not the supervisor shall to restore the management of the association to the board of directors. Such The determination shall be evidenced by the supervisor's superintendent's certificate under the seal of the office, delivered to the president, or vice president, or to the board of directors of the association, that the conservator forthwith is redelivering the management of the association to the board of directors of the association then in office. After the management of the association shall have been redelivered to the board of directors of an association, the association shall thenceforth be managed and operated as though no conservator had been appointed. At any time prior to the redelivery of the management to the board of directors, the supervisor superintendent shall determine whether such the association shall be required to reorganize. Such That determination shall be evidenced by a certificate, signed by the supervisor, and by the auditor of state superintendent, under the seal of the office, delivered to an executive officer of the association, stating that unless the association reorganize reorganizes under the laws of this state within a period of sixty days from the date of such the certificate, or within such further time as the supervisor shall approve superintendent approves, the supervisor superintendent shall proceed to liquidate the association. If the association has the insurance protection provided by Title IV of the National Housing Act [48 Stat. L. 1246, 12 U.S.C., ch 13], as now or hereafter amended, a signed and sealed copy of each order and certificate mentioned in this section shall be promptly sent by the supervisor superintendent by registered mail to the federal savings and loan insurance corporation, Washington, D.C. If the association is insured by the federal savings and loan insurance corporation, that corporation shall be named receiver if the supervisor and auditor have superintendent has determined the need for a receivership.

Sec. 82. Section 534.406, Code 1987, is amended to read as follows:  
534.406 RECEIVERSHIP.

When any If a building and loan or savings and loan association is conducting its business illegally, or in violation of its articles of incorporation or bylaws, or is practicing deception upon its members or the public, or is pursuing a plan of business that is injurious to the interest of its members, or if its affairs are in an unsafe condition, the auditor of state superintendent shall notify the directors of the association, and, if they fail to put its affairs upon a safe basis, the auditor superintendent shall advise the attorney general, who shall take the necessary steps to wind up its affairs in the manner provided by law. In the proceedings a receiver may be appointed by the court and the proceedings shall be the exclusive liquidation or insolvency proceeding and a receiver shall not be appointed in any other proceedings.

Sec. 83. Section 534.407, Code 1987, is amended to read as follows:

**534.407 REVOCATION OF CERTIFICATE.**

If a certificate of authority to do business ~~shall have~~ has been issued to ~~any an~~ association, and it ~~shall violate~~ violates any of the provisions of this chapter, the ~~auditor of state~~ superintendent may revoke ~~the same~~ the certificate.

Sec. 84. Section 534.408, subsections 2 through 7, Code Supplement 1987, are amended to read as follows:

2. **INCORPORATION FEE.** Simultaneously with the filing with the ~~supervisor~~ superintendent of a certificate of incorporation, the corporation shall pay an incorporation fee of one hundred dollars.

3. **CHANGE OF LOCATION OR CHANGE OF NAME.** ~~There~~ A fee of fifty dollars shall accompany each application to the ~~supervisor~~ superintendent for ~~leave~~ permission to change the location of the home office or to change the name of the association ~~a fee of fifty dollars~~.

4. **SUPERVISION AND EXAMINATION FEE.** At the time of filing its annual report each association shall pay to the ~~auditor of state~~, superintendent an annual filing fee of fifty dollars. The ~~supervisor~~ superintendent shall assess against ~~any an~~ association the actual and necessary expenses incidental to ~~any~~ examinations, or to supervision, or to ~~any~~ a special audit made pursuant to an order of the ~~supervisor~~ superintendent acting under authority of this chapter. The annual assessment to each association shall also include a fair proportion of the cost of administration of the savings and loan division.

5. **MERGER FEE.** At the time of filing with the ~~supervisor~~ any superintendent a merger agreement, the association proposing to ~~so~~ merge shall submit ~~therewith~~ a fee of one hundred fifty dollars, which fee shall be paid in equal parts by the associations which are parties to the proposed merger.

6. **FOR REORGANIZATION, TRANSFER OF ASSETS, AND DISSOLUTION.** ~~There~~ A fee of fifty dollars shall accompany ~~every~~ a proposed plan of reorganization, ~~every~~ a proposal for the transfer of assets in bulk, and ~~every~~ a certificate of dissolution, filed with the ~~supervisor~~ superintendent for approval, ~~a fee of fifty dollars~~.

7. **FOR APPROVAL OF SUPERVISOR SUPERINTENDENT.** The ~~supervisor is authorized~~ superintendent, in the ~~supervisor's~~ superintendent's discretion, ~~to may~~ charge a fee of not exceeding ten dollars upon each application for the ~~supervisor's~~ superintendent's approval, as provided by this chapter.

Sec. 85. Section 534.511, subsection 8, Code 1987, is amended to read as follows:

8. **CERTIFICATION.** The superintendent of ~~savings and loan associations~~ shall prepare a certificate of merger upon the occurrence of all of the events stated in subsections 3, 4, 5, 6, and 7. This certificate shall include the name of the surviving association, federal association, or bank and the effective date of the merger. The original certificate shall be filed with the secretary of state. The superintendent shall provide a certified copy of the certificate to any person upon payment of a five dollar fee. A certified copy of this certificate ~~shall be~~ is sufficient proof of the merger for purposes of establishing the liability for debts or the ownership of assets as provided in section 534.512, subsections 1 and 2. An association involved in a merger may transfer assets or receive assets under the plan of merger only after the certificate of merger has been issued by the superintendent.

Sec. 86. Section 534.515, subsections 3 through 13, Code 1987, are amended to read as follows:

3. **DEPOSIT OF SECURITIES.** ~~No such~~ An unincorporated building and loan association shall be ~~permitted to not~~ carry on its business within this state unless it ~~shall~~ first deposit deposits with the ~~auditor of state~~ superintendent at least fifty thousand dollars of first mortgages and negotiable notes in the same amount secured ~~thereby upon~~ by real estate in the state, bearing interest at a rate not less than five percent per annum, which ~~said~~ mortgages shall ~~in no case~~ not exceed one-half the actual value of the real estate upon which they are taken.

4. ADDITIONAL DEPOSITS. The auditor of state shall have power and authority to superintendent may require that such a further amount of such securities shall be deposited with the auditor superintendent as in the auditor's superintendent's judgment may thereafter be is necessary to protect the members of such the building and loan association, or the persons making periodical payments thereto to it.

5. SECURITIES HELD IN TRUST. The notes, mortgages, and securities so deposited with the auditor of state shall superintendent, with all interest and accumulations thereon on them, shall be held in trust by the auditor superintendent for the purpose of fulfilling and carrying out all contracts made by such building and loan associations with the their members thereof, and with the persons making periodical payments thereto to them.

6. APPROVAL — CERTIFICATE OF AUTHORITY. If the executive council approves the plan or method of business of any such a building and loan association, it shall endorse its approval upon the statement of the resources and liabilities and plan of business presented to it, and such the statement shall thereupon be filed in the office of the auditor of state superintendent, who shall issue a certificate to such the building and loan association to transact business within the state, if such the association has deposited with the auditor superintendent the mortgages and securities required by the other provisions of this chapter.

7. OFFICERS TO GIVE BONDS — APPROVAL. Every An officer of such a building and loan association who signs or endorses checks, or handles any of the funds or securities thereof of the association, shall give such bond or fidelity insurance for the faithful performance of the officer's duty in such a sum as the auditor of state superintendent may require, and no such officer shall be deemed is qualified to enter upon the duties of the office until the officer's bond is approved by, and deposited with, the auditor of state superintendent. And any such The bond may be increased or additional sureties required by the auditor of state whenever superintendent if in the auditor's superintendent's judgment it becomes necessary to protect the interest of the association or its members, or persons making periodical payments of money thereto to it.

8. EXAMINATION. The auditor of state superintendent may at any time the auditor may see superintendent deems proper make, or cause to be made, an examination of any such a building and loan association, or the auditor superintendent may call upon it for a report of its condition upon any given day which has passed, as often as four times each year, which report shall contain the information hereinafter required in this section.

9. EXPENSE OF EXAMINATION. The expense of making such an examination shall be paid by the building and loan association, and if made by the auditor superintendent in person the auditor superintendent shall be paid the auditor's superintendent's necessary expenses only; if made by an examiner designated by the auditor superintendent, the examiner shall receive not to exceed twenty-five dollars a day for the time employed by the auditor superintendent, and the examiners's examiner's necessary expenses.

10. ANNUAL REPORTS. On or before the first day of February of each year, every such building and loan association shall file with the auditor of state superintendent its annual report in writing for the year ending on the thirty-first day of December preceding, giving a complete statement in detail of all of its receipts from all sources, and all disbursements made during such the year, arranged and itemized as may be required by the auditor of state superintendent. Such The report shall also show the number of members or persons making periodical payments to such the association, the number and amount of loans made to such the persons, the interest received therefrom from them, the number and amounts of mortgages, contracts, or other securities held by the association, the actual cash value of the real estate securing such the mortgages or contracts, the salary paid to each of its officers during the preceding year, the assets and liability liabilities of the association at the end of the year, and any other matters which in the judgment of the auditor of state may be superintendent are

required to give the ~~auditor~~ superintendent full information as to the business transacted by ~~such~~ the building and loan association.

11. FAILURE TO FURNISH REPORTS. If ~~any~~ such a building and loan association ~~shall fail~~ fails or ~~refuse~~ refuses to furnish the ~~auditor of state~~ superintendent the report required in subsection 10, the officers or persons conducting the business of ~~such~~ the building and loan association shall forfeit the sum of twenty-five dollars for each day that ~~such~~ the report is withheld, and the ~~auditor of state~~ superintendent may maintain an action, jointly or severally, against them in the name of the state to recover ~~such~~ that penalty, and the ~~same~~ penalty shall be paid into the state treasury when recovered by the ~~auditor~~ superintendent.

12. CRIMINAL OFFENSES. If any officer or agent of any such building and loan association, or any person conducting the business thereof, shall knowingly and willfully swear falsely to any statement in regard to any matter in this chapter required to be made under oath, the person shall be guilty of perjury and punished accordingly. And if any officer, agent or employee of any such association, or any person transacting the business thereof, shall issue, utter, or offer to utter, any warrant, check, order, or promise to pay of such association, or shall sign, transfer, cancel, or surrender any note, bond, draft, mortgage, or other evidence of indebtedness belonging to such association, or shall demand, collect, or receive any money from any member or other person in the name of such association without being authorized so to do, the person shall be guilty of a fraudulent practice; or if any such officer, agent, or employee of such association, or any person transacting the business thereof, shall embezzle, convert to the person's own use, or shall use or pledge for the person's own benefit or purpose, any moneys, securities, credits, or other property belonging to the association, the person shall be guilty of theft; or if the person shall knowingly solicit, transact, or attempt to transact any business for any such association which has not procured and does not hold the certificate of authority from the ~~auditor of state~~ superintendent to transact business in this state as provided ~~herein~~ in this section, the person shall be guilty of a serious misdemeanor; or if the person shall knowingly make, or cause to be made, any false entries in the books of the association, or shall, with intent to deceive any person making an examination of such association, as herein provided, exhibit to the person making the examination any false entry, paper, or statement, the person shall be guilty of a fraudulent practice.

13. REVOCATION OF CERTIFICATE — RECEIVER. If any such building and loan association holding a certificate of authority to transact business within this state issued by the ~~auditor~~ superintendent as ~~herein~~ provided in this chapter, shall violate any of the provisions of this chapter, or shall fail to deposit with the ~~auditor of state~~ superintendent such further amount of mortgages or securities as the ~~auditor~~ superintendent may require under this chapter, the ~~auditor of state~~ superintendent shall at once revoke ~~such~~ the certificate and notify the executive council of ~~the~~ its revocation ~~thereof~~; and under the direction of the executive council, application shall be made by the attorney general to the proper court for the appointment of a receiver to wind up the affairs of the association; ~~and in such~~. In the proceedings the amount due from the borrowing members or persons making periodical payments upon contracts or mortgages given by them, shall be ascertained in the manner provided in section 534.405; and the amount owing upon ~~such~~ mortgages or contracts from members of the association or persons making periodical payments ~~thereto~~ to it, shall be treated and considered as due and payable within a reasonable time, to be fixed by the court after the appointment of a receiver.

Sec. 87. Section 534.602, subsections 1 and 2, Code 1987, are amended to read as follows:

1. DOMESTIC COMPANIES — BONDS — CUSTODY. The officers and employees of ~~any~~ a domestic association who sign or endorse checks or handle any funds or securities of ~~such~~ an association shall give ~~such~~ bonds or fidelity insurance as the board of directors may require; and no such officer shall be deemed qualified to enter upon the duties of the office until the

officer's bond is approved by the board of directors and by the ~~auditor of state superintendent~~. ~~Such~~ The bonds shall be deposited and filed with the ~~auditor of state superintendent~~. ~~Such~~ The associations may in connection with obtaining ~~such~~ bonds or insurance acquire and hold membership in mutual insurance or bonding companies. No such bond shall be terminated or canceled because of failure to pay premium or for any other cause until after ten days' written notice to the ~~supervisor superintendent~~ of intention to cancel ~~such the~~ bond.

2. ADDITIONAL BONDS. All such bonds shall be increased or additional securities required by the board of directors or the ~~auditor of state superintendent~~ when it becomes necessary to protect the interests of the association or its members.

Sec. 88. Section 534.701, Code 1987, is amended to read as follows:  
534.701 STATE RECIPROCIITY.

When by the laws of any other state, territory, country, or nation, or by the decision or rulings of the appropriate and proper officers thereof, any greater taxes, fines, penalties, licenses, fees, deposits of money or other securities, or other obligations or prohibitions, are demanded of building and loan or savings and loan associations of this state, as a condition to be complied with before doing business or granting loans in that state, so long as such laws continue in force, the same requirements, obligations, and prohibitions of whatever kind shall be imposed on all building and loan or savings and loan associations of such other state, territory, country, or nation doing business in this state, and upon their agents. ~~It is hereby made the duty of the auditor of state to~~ The superintendent shall enforce the provisions of this section.

Sec. 89. Section 534.702, subsections 2 through 8, Code Supplement 1987, are amended to read as follows:

2. APPROVAL BY ~~SUPERVISOR SUPERINTENDENT~~ — CERTIFICATE OF AUTHORITY. If upon receipt of the report the ~~supervisor superintendent~~ finds from a review of the report that the association is properly managed, that its financial condition is satisfactory, and that its business is conducted upon a safe and reliable plan and one equitable to its members, the ~~supervisor superintendent~~ shall issue a like certificate of authority, signed by the ~~auditor of state superintendent~~ as in the case of domestic associations.

3. CONDITIONS ATTENDING APPROVAL. A foreign association shall not be authorized to do business in this state if the foreign association's articles of incorporation are not found by the ~~supervisor superintendent~~ to be in substantial compliance with the laws of this state, and affording equal security and protection to its members.

4. DEPOSIT BY FOREIGN ASSOCIATION. Before the ~~supervisor superintendent~~ issues a certificate to a foreign association, it shall deposit with the ~~auditor of state superintendent~~ two hundred fifty thousand dollars, either in cash, or bonds of the United States or of the state of Iowa, or of a county or municipal corporation of the state, or notes secured by first mortgages on real estate, or a like amount in other security which is satisfactory to the ~~auditor of state superintendent~~.

The foreign association may collect and use the interest on any securities so deposited as long as it fulfills its obligations and complies with this chapter. Upon the approval of the ~~auditor superintendent~~, it may also exchange the securities for other securities of equal value.

5. LIABILITY OF DEPOSIT. The deposit made with the ~~auditor of state superintendent~~ shall be held as security for all claims of resident members of the state against ~~said the~~ association, and ~~shall be is~~ liable for all judgments or decrees thereon, and subject to ~~the~~ their payment of the same.

6. ~~AUDITOR OF STATE SUPERINTENDENT AS PROCESS AGENT~~. ~~Such~~ The foreign associations shall also file with the ~~auditor of this state superintendent~~ a duly authorized copy of a resolution adopted by the board of directors of ~~such the~~ association, stipulating and agreeing that, if any legal process or notice affecting ~~such the~~ association ~~be is~~ served on the said

state auditor superintendent, and a copy thereof be mailed, postage prepaid, by the party procuring and issuing the same it, or the party's attorney, to said the association, addressed to its home office, then such service and mailing of such process or notice shall have has the same effect as personal service on said the association within this state.

7. MANNER OF SERVICE. When proceedings have been commenced against, or affecting any a foreign building and loan or savings and loan association, as contemplated in subsection 6, and notice has been served upon the auditor of the state superintendent, the same notice shall be by duplicate copies, one of which shall be filed in the auditor's superintendent's office, and the other mailed by the auditor superintendent, postage prepaid, to the home office of such the association.

8. AMENDMENT TO ARTICLES. Within ten days after the adoption of an amendment to its articles of incorporation or bylaws, a foreign association shall file a duly certified copy of the amendment with the supervisor superintendent.

Sec. 90. Section 534.703, Code 1987, is amended to read as follows:

534.703 FEES — FOREIGN ASSOCIATIONS.

Foreign building and loan or savings and loan associations shall pay to the auditor of state superintendent the following fees, which shall be paid by the auditor superintendent into the state treasury: For each an application to do business in this state, two hundred dollars; for each a certificate of authority and each or an annual renewal thereof of a certificate, one hundred dollars; for filing each an annual statement of the assets of the association as shown by the statement filed, amounts to fifty thousand dollars or less, six dollars; if more than fifty thousand dollars and less than one hundred thousand dollars, ten dollars; if more than one hundred thousand dollars or more and less than two hundred fifty thousand dollars, twenty dollars; if more than two hundred fifty thousand dollars or more, and less than five hundred thousand dollars, forty dollars; if more than five hundred thousand dollars or more and less than one million dollars, sixty dollars; and if more than one million dollars or more, one hundred dollars.

Sec. 91. Section 534.705, subsection 1, unnumbered paragraph 1, Code 1987, is amended to read as follows:

All associations doing business in this state shall, on or before the first day of February of each year, file with the auditor of state superintendent a detailed report and financial statement of their business for the year ending the thirty-first day of December next preceding, and such the report shall be verified by the president and secretary or by three directors of the association, and such report shall show:

Sec. 92. Section 534.705, subsection 3, Code 1987, is amended to read as follows:

3. VIOLATIONS. If an association shall fail or refuse fails or refuses to furnish the auditor of state superintendent the report required in subsections 1 and 2 it shall forfeit the sum of twenty-five dollars for every day such the report shall be is withheld and the auditor of state superintendent may maintain an action in the name of the state to recover such that penalty and the same penalty shall be paid into the treasury of the state.

Sec. 93. Section 544.7, subsection 4, paragraph c, Code 1987, is amended to read as follows:

c. As an annuity to a widow spouse or representative of a deceased partner,

Sec. 94. Section 562B.15, Code 1987, is amended to read as follows:

562B.15 LANDLORD TO DELIVER POSSESSION OF MOBILE HOME SPACE.

At the commencement of the term the landlord shall deliver possession of the mobile home space to the tenant in compliance with the rental agreement and section 562B.16. The landlord may bring an action for possession against any a person wrongfully in possession and may recover the damages provided in section ~~562B.31~~ 562B.30, subsection 2.



Sec. 95. Section 601K.2, unnumbered paragraph 2, Code 1987, is amended to read as follows:

The governor shall appoint the administrators of each of the divisions subject to confirmation by the senate. Each administrator shall serve at the pleasure of the governor and is exempt from the merit system provisions of chapter 19A. The governor shall set the salary of the division ~~directors~~ administrators within the ranges set by the general assembly.

Sec. 96. Section 601K.36, Code 1987, is amended to read as follows:

**601K.36 ADMINISTRATOR.**

The administrator shall serve as executive officer of the commission and ~~be~~ is exempt from the merit system provisions of chapter 19A. The administrator ~~shall be~~ is responsible to the commission and, pursuant to section 601K.2, with the approval of the commission shall employ and supervise the commission's staff and be responsible for implementing policy set by the commission. The administrator shall carry out programs and policies as determined by the commission.

Sec. 97. Section 602.8102, subsection 4, Code Supplement 1987, is amended to read as follows:

4. Upon the death of a judge or magistrate of the district court, give written notice to the ~~state comptroller department of management and the department of revenue and finance~~ of the date of death. The clerk shall also give written notice of the death of a justice of the supreme court, ~~or~~ a judge of the court of appeals, or a judge or magistrate of the district court who resides in the clerk's county to the state commissioner of elections, as provided in section 46.12.

Sec. 98. Section 674.13, Code 1987, is amended to read as follows:

**674.13 FURTHER CHANGE BARRED.**

~~No~~ A person shall not change the person's name more than once under the provisions of this chapter unless just cause is shown. However, ~~a person may change in a decree dissolving a person's marriage, the person's name may be changed back to the name appearing on the person's original birth certificate after each decree dissolving a marriage is entered, or a person may request a name change to a legal name previously acquired in a former marriage.~~

Sec. 99. Section 805.1, subsection 8, Code Supplement 1987, is amended to read as follows:

8. A peace officer shall issue a citation in lieu of arrest to a person under eighteen years of age accused of ~~violating~~ committing a simple misdemeanor under the provisions of chapter 106, 106A, 109, 109A, 110, 110A, 110B, 111, 321, or 321G, a violation of a county or municipal curfew or traffic ordinance, or a violation of section 123.47, and shall not detain or confine the person in a facility regulated under chapter 356 or 356A.

Sec. 100. Section 903.1, subsection 3, Code Supplement 1987, is amended to read as follows:

3. A person under eighteen years of age convicted of a simple misdemeanor under chapter 106, 106A, 109, 109A, 110, 110A, 110B, 111, 321, or 321G, or a violation of a county or municipal curfew or traffic ordinance, or a violation of section 123.47, may be required to pay a fine, not to exceed one hundred dollars, as fixed by the court, or may be required to perform community service as ordered by the court.

Sec. 101. 1986 Iowa Acts, chapter 1245, section 1526, is amended to read as follows:

**SEC. 1526. TRANSITION — TERMS.** The terms of all persons serving on the board of parole on June 30, 1986, expire on that date. Notwithstanding the four-year term specified in section ~~1511 of this Act~~ 904A.1, appointments of the new members shall be as follows:

1. One full-time and one part-time member to serve from July 1, 1986, to ~~June~~ April 30, 1988.
2. One full-time and one part-time member to serve from July 1, 1986, to ~~June~~ April 30, 1989.

3. One member to serve from July 1, 1986, to ~~June~~ April 30, 1990. Thereafter, all appointments shall be for four-year terms beginning and ending as provided in section 69.19.

Sec. 102. Sections 135.43, 135.44, 144.6 through 144.8, 144.10, and 144.11, Code 1987, are repealed.

Sec. 103. Sections 67 and 78 of this Act, being deemed of immediate importance, take effect upon its enactment.

Approved May 4, 1988

---

## CHAPTER 1159

### ANNUITY CONTRACT PREMIUMS TAX

*S.F. 2338*

**AN ACT** relating to the deduction of premiums received in connection with annuity contracts in computing the gross amount of premiums for purpose of the state gross premiums tax, requiring related reports by the commissioner of insurance, and providing applicable and effective dates.

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

Section 1. Section 432.1, subsection 1, Code 1987, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** In determining the gross amount of premiums to be taxed, there shall be excluded all consideration received in connection with an annuity contract, whether or not such contract is qualified or exempt under the federal Internal Revenue Code as now or hereafter amended, and all premiums returned to policyholders or annuitants during the preceding calendar year, except cash surrender values, and all dividends that, during said year, have been paid in cash or applied in reduction of premiums or left to accumulate to the credit of policyholders or annuitants.

Sec. 2. Section 505.8, Code 1987, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** The commissioner shall do the following:

1. By July 1, 1988, prepare a report on the level of Iowa investments of Iowa domestic and nondomestic insurance companies.

2. By September 1, 1988, prepare a plan of action outlining the alternatives and incentives for increasing in-state investments of domestic and nondomestic insurance companies.

3. By July 1, 1989, prepare a report on the number of new jobs added, new companies that have moved to or established subsidiaries in the state, and the approximate amount of tax revenues resulting from the expanded deduction of premiums for all annuity contracts in computing the premiums tax under section 432.1, subsection 1.

4. On an annual basis, prepare a report identifying the premium volume of nonqualified insurance annuities issued by domestic insurance companies doing at least a volume of five million dollars per annum, and relating that to projections for increased volume of such sales.

5. The reports prepared under subsections 1, 2, and 3 shall, upon completion, be forwarded to the members of the house standing committee on small business and commerce and the house standing committee on ways and means and to members of the senate standing committee on commerce and the senate standing committee on ways and means.