

Sec. 22. Section 421.8A, Code 1989, is repealed.

Sec. 23. Section 422.64, Code 1989, is repealed.

Sec. 24. Section 422.63A, Code Supplement 1989, is repealed.

Sec. 25. Section 4 of this Act is applicable to payments of taxes, penalties, interest, or fees made on or after July 1, 1990.

Sec. 26. Section 14 of this Act is retroactively applicable to July 1, 1985.

Sec. 27. Section 8 of this Act is applicable retroactively to January 1, 1990, for taxes due and payable before January 1, 1990, and unpaid on that date and for all taxes due on or after January 1, 1990.

Sec. 28. Sections 11 and 20 of this Act are retroactively applicable to January 1, 1988, for decedents dying on or after that date.

Sec. 29.

Section 6 of this Act applies retroactively to tax years beginning in the 1985 and 1986 calendar years.

Sec. 30.

Section 24 of this Act applies retroactively to January 1, 1990, for tax years beginning on or after that date.

Sec. 31.

Section 22 of this Act takes effect January 1, 1991, for assessments made on or after that date.

Approved May 2, 1990

CHAPTER 1233

SUBSTANTIVE CODE CORRECTIONS

H.F. 2313

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, and remove ambiguities.

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

Section 1. Section 49.7, Code Supplement 1989, is amended to read as follows:

49.7 WHEN REPRECINCTING REQUIRED.

Each county board of supervisors and city council shall make any changes in precinct boundaries necessary to comply with sections 49.3, 49.4 and 49.5 not earlier than July 1 nor later than November 15 of the year immediately following each year in which the federal decennial census is taken, unless the general assembly by joint resolution establishes different dates for compliance with these sections. Any or all of the publications required by section 49.11 may be made after November 15 if necessary. Each county board and city council shall notify the state commissioner and the commissioner ~~whenever~~ when the boundaries of election precincts are changed, and shall provide a map delineating the new boundary lines. Each county board and city council shall certify to the state commissioner the populations of the new election precincts or retained election precincts as determined under the latest federal decennial

census. Upon failure of a county board or city council to make the required changes by the dates specified by this section, as determined by the state commissioner, the state commissioner shall make or cause to be made the necessary changes as soon as possible, and shall assess to the county or city, as the case may be, the expenses incurred in so doing. The state commissioner may request the services of personnel of and materials available to the legislative service bureau to assist the state commissioner in making any required changes in election precinct boundaries which become the state commissioner's responsibility.

Sec. 2. Section 56.6, subsection 3, paragraph i, Code Supplement 1989, is amended by striking the paragraph.

Sec. 3. NEW SECTION. 56.31 REPORTING OF HONORARIA.

1. The commission shall adopt rules requiring the filing of periodic reports by officeholders showing all honoraria received during the reporting period.

2. The rules shall require that:

- a. Holders of statewide office must file reports with the state commissioner of elections.
- b. Holders of the office of state senator must file reports with the secretary of the senate.
- c. Holders of the office of state representative must file reports with the chief clerk of the house of representatives.

d. Holders of county and other offices must file reports with the county commissioner of elections.

3. The reports shall be available for public inspection.

Sec. 4. Section 99B.1, subsection 18, Code Supplement 1989, is amended to read as follows:

18. "Net receipts" means gross receipts less amounts awarded as prizes and less state and local sales tax paid upon the gross receipts. Reasonable expenses, charges, fees, taxes other than the state and local sales tax, and deductions allowed by the department shall not exceed thirty twenty-five percent of net receipts.

Sec. 5. Section 99D.13, subsection 2, Code Supplement 1989, is amended to read as follows:

2. Winnings from each racetrack forfeited under subsection 1 shall escheat to the state and to the extent appropriated by the general assembly shall be used by the department of agriculture and land stewardship to administer sections 99D.22 and 99D.27. The remainder shall be paid over to the commission to pay all or part of the cost of drug testing at the tracks. To the extent the remainder paid over to the commission, less the cost of drug testing, is from unclaimed winnings from harness racing meets, the remainder shall be used as provided in subsection 3. To the extent the remainder paid over to the commission, less the cost of drug testing, is from unclaimed winnings from tracks licensed for dog or horse races, the commission, at least quarterly on an annual basis, shall remit one-third of the amount to the treasurer of the city in which the racetrack is located, one-third of the amount to the treasurer of the county in which the racetrack is located, and one-third of the amount to the racetrack from which it was forfeited. If the racetrack is not located in a city, then one-third shall be deposited as provided in chapter 556. The amount received by the racetrack under this subsection shall be used only for retiring the debt of the racetrack facilities and for capital improvements to the racetrack facilities.

Sec. 6. Section 136C.3, subsection 2, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Establish minimum training standards including continuing education requirements, and administer examinations and disciplinary procedures for operators of radiation machines and users of radioactive materials. A state of Iowa license to practice medicine, osteopathy, chiropractic, podiatry, dentistry, dental hygiene, or veterinary medicine, or licensure as a physician assistant pursuant to chapter 148C, or certification by the board of dental examiners in dental radiography, or by the board of podiatry examiners in podiatric radiology, or enrollment in a program or course of study approved by the Iowa department of public health which includes the application of radiation to humans satisfies the minimum training standards for operation of radiation machines only.

Sec. 7. Section 204.401, subsection 1, paragraph b, subparagraph (5), Code Supplement 1989, is amended to read as follows:

(5) Not more than ten grams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD).

Sec. 8. Section 232.141, subsection 3, paragraph c, Code Supplement 1989, is amended to read as follows:

c. Costs incurred under subsection 2 which are not paid by the county under paragraphs "a" and "b" shall be reimbursed by the state. A county shall apply for reimbursement to the judicial department of inspections and appeals which shall prescribe rules and forms to implement this subsection.

Sec. 9. Section 275.23A, subsection 3, Code Supplement 1989, is amended to read as follows:

3. The school board shall notify the state commissioner of elections and the county commissioner of elections of each county in which a portion of the school district is located ~~whenever~~ when the boundaries of director districts are changed. The board shall provide the commissioners with maps showing the new boundaries and shall also certify to the state commissioner the populations of the new director districts as determined under the latest federal decennial census. If, following a federal decennial census a school district elects not to redraw director districts under this section, the school board shall so certify to the state commissioner of elections, and the school board shall also certify to the state commissioner the populations of the retained director districts as determined under the latest federal decennial census. Upon failure of a district board to make the required changes by the dates established under this section as determined by the state commissioner of elections, the state commissioner of elections shall make or cause to be made the necessary changes as soon as possible, and shall assess any expenses incurred to the school district. The state commissioner of elections may request the services of personnel of and materials available to the legislative service bureau to assist the state commissioner in making any required boundary changes.

Sec. 10. Section 282.18, Code Supplement 1989, is amended to read as follows:

282.18 OPEN ENROLLMENT.

For the school year commencing July 1, 1989, and each succeeding school year, a parent or guardian residing in a school district may enroll the parent's or guardian's child in a public school in another school district in the manner provided in this section.

By September 15 of the preceding school year the parent or guardian shall informally notify the district of residence, and not later than November 1 of the preceding school year, the parent or guardian shall send notification to the district of residence and to the department of education on forms prescribed by the department of education that the parent or guardian intends to enroll the parent's or guardian's child in a public school in another school district. The parent or guardian shall describe the reason that exists for enrollment in the receiving district that is not present in the district of residence. The board of the district of residence shall transmit a copy of the form to the receiving school district within five days after its receipt. During the 1990-1991 school year, if the board of the district of residence determines that transmission of the request will result in a loss of greater than five percent of the district's certified enrollment for the previous year, the board of the district of residence may deny the request for the 1990-1991 school year. During the 1991-1992 school year, if the board of the district of residence determines that transmission of the request will result in a loss of greater than ten percent of the district's certified enrollment for the previous year, the board of the district of residence may deny the request for the 1991-1992 school year. If, however, a failure to transmit a request will result in enrollment of students pupils from the same nuclear family in different school districts, the request shall be transmitted to the receiving district for enrollment. The board of each school district shall adopt a policy relating to the order in which requests for enrollment in other districts shall be considered. The board of the receiving school district shall enroll the pupil in a school in the receiving district for the following school year unless the receiving district does not have classroom space for the pupil. In all districts involved

with volunteer or court-ordered desegregation, minority and nonminority ~~student~~ pupil ratios shall be maintained according to the desegregation plan or order. The superintendent of a district subject to volunteer or court-ordered desegregation may deny a request for transfer under this section if the superintendent finds that enrollment or release of a pupil will adversely affect the district's implementation of the desegregation order or plan. If, however, a transfer request would facilitate a voluntary or court-ordered desegregation plan, the district shall give priority to granting the request over other requests. A parent or guardian, whose request has been denied because of a desegregation order or plan, may appeal the decision of the superintendent to the board of the district in which the request was denied. The board may either uphold or overturn the superintendent's decision. A decision of the board to uphold the denial of the request is subject to appeal under section 290.1.

Each district shall provide notification to the parent or guardian relating to the transmission or denial of the request. A district of residence shall provide for notification of transmission or denial to a parent or guardian within three days of board action on the request. A receiving district shall provide notification to a parent or guardian, within fifteen days of receipt of the request, of whether the ~~child~~ pupil will be enrolled in that district or whether the request is to be denied.

A request under this section is for a period of not less than four years unless the pupil will graduate, the pupil's family moves to another school district, or the parent or guardian petitions the receiving district for permission to enroll the ~~child~~ pupil in a different district, which may include the district of residence, within the four-year period. If the parent or guardian requests permission of the receiving district to enroll the ~~child~~ pupil in a different district within the four-year period, the receiving district school board may transmit a copy of the request to the other school district within five days of the receipt of the request. The new receiving district shall enroll the pupil in a school in the district unless there is insufficient classroom space in the district or unless enrollment of the pupil would adversely affect court ordered or voluntary desegregation orders affecting a district. A denial of a request to change district enrollment within the four-year period ~~shall be~~ is subject to appeal under section 290.1.

The board of directors of the district of residence shall pay to the receiving district the lower district cost per pupil of the two districts, plus any moneys received for the pupil as a result of non-English speaking weighting under section 442.4, subsection 6, for each school year. The district of residence shall also transmit the phase III moneys allocated to the district for the full-time equivalent attendance of the pupil, who is the subject of the request, to the receiving district specified in the request for transfer. If a request filed under this section is for a child requiring special education under chapter 281, the request to transfer to the other district shall only be granted if the receiving district maintains a special education instructional program which is appropriate to meet the child's educational needs and the enrollment of the child in the receiving district's program would not cause the size of the class in that special education instructional program in the receiving district to exceed the maximum class size in rules adopted by the state board of education for that program. For ~~pupils~~ children requiring special education, the board of directors of the district of residence shall pay to the receiving district the actual costs incurred in providing the appropriate special education. Quarterly payments shall be made to the receiving district. If the transfer of a pupil from one district to another results in a transfer from one area education agency to another, the sending district shall forward a copy of the request to the sending district's area education agency. The receiving district shall forward a copy of the request to the receiving district's area education agency. Any moneys received by the area education agency of the sending district for the ~~child~~ pupil who is the subject of the request shall be forwarded to the receiving district's area education agency. Notwithstanding section 285.1 relating to transportation of nonresident pupils, the parent or guardian is responsible for transporting the pupil without reimbursement to and from a point on a regular school bus route of the receiving district. A receiving district shall not send school vehicles into the district of residence of the pupil using the open enrollment option under this section, for the purpose of transporting the pupil to and from school in the

receiving district. If the child pupil meets the economic eligibility requirements, established under the federal National School Lunch and Child Nutrition Acts, 42 U.S.C. § 1751-1785, for free or reduced price lunches, the sending district ~~shall be~~ is responsible for providing transportation or paying the pro rata cost of the transportation to a parent or guardian for transporting the child pupil to and from a point on a regular school bus route of a contiguous receiving district unless the cost of providing transportation or the pro rata cost of the transportation to a parent or guardian exceeds the average transportation cost per pupil transported for the previous school year in the district. If the cost exceeds the average transportation cost per pupil transported for the previous school year, the sending district shall only be responsible for that average per pupil amount. A sending district which provides transportation for a child pupil to a contiguous receiving district under this paragraph may withhold from the district cost per pupil amount, that is to be paid to the receiving district, an amount which represents the average or pro rata cost per pupil for transportation, whichever is less.

A child pupil, whose parent or guardian has submitted a request to enroll the child pupil in a public school in another district, shall, if the request has resulted in the enrollment of the child pupil in the other district, attend school in the other district which is the subject of the request. This requirement ~~shall~~ does not apply, however, if the child's pupil's family moves out of the district of residence.

Every school district shall adopt a policy which defines the term "insufficient classroom space" for that district.

The board of directors of a school district subject to volunteer or court-ordered desegregation may vote not to participate in open enrollment under this section during the school year commencing July 1, 1990, and ending June 30, 1991. If a district chooses not to participate in open enrollment under this paragraph, the district shall develop a policy for implementation of open enrollment in the district for that following school year. The policy shall contain objective criteria for determining when a request would adversely impact the desegregation order or plan and criteria for prioritizing requests that do not have an adverse impact on the order or plan.

A student pupil who attends a grade in grades nine through twelve in a school district other than the district of residence is not eligible to participate in interscholastic athletic contests and athletic competitions during the first year of enrollment under this section except for an interscholastic sport in which the district of residence and the other school district jointly participate or unless the sport in which the student pupil wishes to participate is not offered in the district of residence. However, a pupil who has paid tuition and attended school, or has attended school pursuant to a mutual agreement between the two districts, in a district other than the pupil's district of residence for at least one school year prior to ~~the effective date of this Act March 10, 1989,~~ shall be is eligible to participate in interscholastic athletic contests and athletic competitions under this section, but only as a member of a team from the district that student pupil had attended.

A student who has been paying tuition and attending school on or before ~~March 25, 1989,~~ in a district other than the student's district of residence shall be permitted to attend school in the district where the student has been paying tuition, during the 1989-1990 school year, by filing a request to use the open enrollment option under this section by ~~August 1, 1989.~~

If a student has been paying tuition and attending an accredited nonpublic school during the 1988-1989 school year, which is located in a public school district other than the student's public school district of residence, and the nonpublic school discontinues the grade or school which the student would have attended during the 1989-1990 school year, after June 30, 1988, but before August 1, 1989, the student shall be permitted to attend a public school, located within the public school district where the nonpublic school was located, during the 1989-1990 school year if the receiving public school district agrees to accept the student and the student's parent or guardian files a request to use the open enrollment option under this section by August 1, 1989. The public school district where the nonpublic school was located shall count the student in the September 1989 enrollment count.

A student, whose district of residence, for the purposes of school attendance, changes by August 1, 1989, shall be permitted to attend school during the 1989-1990 school year in the district in which the student attended during the 1988-1989 school year if a request to use the open enrollment option under this section is filed by August 1, 1989.

If a ~~child~~ pupil, for which a request to transfer has been filed with a district, has been suspended or expelled in the district, the receiving district named in the request may refuse the request to transfer until the ~~child~~ pupil has been reinstated in the sending district.

A laboratory school under chapter 265 ~~shall be~~ is exempt from the provisions of this section.

The director of the department of education shall recommend rules to the state board of education for the orderly implementation of this section. The state board shall adopt rules as needed for the implementation of this section.

Sec. 11. Section 282.26, unnumbered paragraph 2, Code 1989, is amended to read as follows:

The state board of regents and the ~~department state~~ board of education may by rule permit such students to attend any institution of higher learning under their jurisdiction. Credit earned in any such course at a junior college, college, or university may be applied toward credit for high school graduation. ~~No public~~ Public school funds shall not be expended for payment of tuition or other costs for such attendance at any a college or university, unless such the payment is expressly permitted or required by law.

Sec. 12. Section 307.25, subsection 4, Code 1989, is amended to read as follows:

4. Administer the ~~provisions of~~ chapters ~~322A, 325, 327, 327A, 327B, 328, 329 and 330.~~

Sec. 13. Section 307.26, subsection 10, Code 1989, is amended to read as follows:

10. Administer the ~~provisions of~~ chapters ~~327D to 327C~~ through 327H.

Sec. 14. Section 307.27, Code 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 6. Administer the regulation of motor vehicle franchisers pursuant to chapter 322A.

NEW SUBSECTION. 7. Administer the regulation of motor vehicle certificated carriers pursuant to chapter 325.

NEW SUBSECTION. 8. Administer the regulation of motor vehicle truck operators pursuant to chapter 327.

NEW SUBSECTION. 9. Administer the registration of interstate commerce commission authority of motor carriers pursuant to chapter 327B.

Sec. 15. Section 307B.3, subsection 8, Code 1989, is amended by striking the subsection.

Sec. 16. Section 321.37, unnumbered paragraph 2, Code 1989, is amended by striking the unnumbered paragraph.

Sec. 17. Section 321.122, subsection 4, unnumbered paragraphs 2 and 3, Code 1989, are amended by striking the unnumbered paragraphs.

Sec. 18. Section 321.466, subsection 4, Code 1989, is amended to read as follows:

4. The registered gross weight of ~~any~~ a vehicle or combination of vehicles may also be increased by installing and using a ~~properly registered~~ an auxiliary axle or axles, and the combined registered gross weight of ~~such~~ the vehicle and auxiliary axle or axles shall determine the total registered gross weight ~~thereof~~. ~~No~~ An auxiliary axle ~~may~~ shall not be used to convert a single axle to a tandem axle unless equipped with a device to equalize the load carried by the single axle and the ~~said~~ auxiliary axle when in tandem and when in motion or when standing, and the load transmitted to the highway by either the single axle or the auxiliary axle shall not exceed that permitted for any a single axle, nor shall the load transmitted to the highway when in tandem and when in motion or when standing, exceed that permitted for any a tandem axle.

Sec. 19. Section 321E.16, Code 1989, is amended to read as follows:

321E.16 VIOLATIONS — PENALTIES.

Any person who is convicted of a violation of any provision of this chapter or of rules adopted under section 321E.15, other than length, height, width, or weight allowed by any permit issued under this chapter shall be punished by a fine of ~~not less than~~ one hundred dollars for the first conviction, two hundred fifty dollars for a second conviction within a twelve-month period, and five hundred dollars for a third conviction within a twelve-month period. The fine for violation of the length, height, width, and weight allowed by permit shall be based upon the difference between the actual length, height, width, and weight of the vehicle and load and the maximum allowable by permit and in accordance with section 321.482 for violations of length, height, or width limitations and sections 321.482 and 321.463 for violation of weight limitations. If a vehicle with indivisible load traveling under permit is found to be in violation of weight limitations, the vehicle operator shall be allowed a reasonable amount of time to remove any ice, mud, snow, and other weight attributable to climatic conditions accumulated along the route prior to application of the penalties prescribed in sections 321.463 and 321.482. The department shall adopt rules to require peace officer escorts for permit holders convicted for the third time in a twelve-month period of violating a provision of this chapter or a provision of rules adopted pursuant to section 321E.15.

Sec. 20. Section 321J.2, subsection 3, Code 1989, is amended to read as follows:

3. No conviction for, deferred judgment for, or plea of guilty to, a violation of this section which occurred more than six years prior to the date of the violation charged shall be considered in determining that the violation charged is a second, third, or subsequent offense. For the purpose of determining if a violation charged is a second, third, or subsequent offense, deferred judgments pursuant to section 907.3 for violations of this section and convictions or the equivalent of deferred judgments for violations in any other states under statutes substantially corresponding to this section shall be counted as previous offenses. The courts shall judicially notice the statutes of other states which define offenses substantially equivalent to the one defined in this section and can therefore be considered corresponding statutes. Each previous violation on which conviction or deferral of judgment was entered prior to the date of the violation charged shall be considered and counted as a separate previous offense without regard to whether each was complete as to commission and conviction or deferral of judgment following or prior to any other previous violation.

Sec. 21. Section 321J.10, subsection 1, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Refusal to consent to a test under section 321J.6 does not prohibit the withdrawal of a specimen for chemical testing pursuant to a search warrant issued in the investigation of a suspected violation of section 707.5 or 707.6A if all of the following grounds exist:

Sec. 22. Section 325.26, unnumbered paragraph 1, Code 1989, is amended to read as follows:

~~No~~ A certificate shall ~~not~~ be issued until ~~and~~ after the applicant ~~shall have~~ has filed with the ~~authority department~~ an insurance policy, ~~policies~~, surety bond, or certificate of insurance, in form to be approved by the ~~authority department~~, issued by ~~some company, association, reciprocal or interinsuranc~~ an insurer authorized to do business in this state. The minimum limits of liability of ~~any policies~~ a policy or surety bond shall, for each motor vehicle ~~thereby covered, be~~ are as follows:

Sec. 23. Section 331.101, subsection 8, Code 1989, is amended to read as follows:

8. "Clerk" means the clerk of the district court or a deputy clerk designated ~~by the clerk of the district court~~ the clerk's designee.

Sec. 24. Section 331.209, subsection 5, Code Supplement 1989, is amended to read as follows:

5. Each county board shall notify the state commissioner of elections ~~whenever~~ when the boundaries of supervisor districts are changed, ~~and~~ shall provide a map delineating the new boundary lines, and shall certify to the state commissioner of elections the populations of the new supervisor districts as determined under the latest federal decennial census. Upon failure

of a county board to make the required changes by the dates specified by this section as determined by the state commissioner of elections, the state commissioner of elections shall make or cause to be made the necessary changes as soon as possible, and shall assess to the county the expenses incurred in so doing. The state commissioner of elections may request the services of personnel and materials available to the legislative service bureau to assist the state commissioner in making any required changes in supervisor district boundaries which become the state commissioner's responsibility.

Sec. 25. Section 331.424, subsection 1, paragraph m, Code 1989, is amended to read as follows:

m. The maintenance and operation of the courts, including but not limited to the salary and expenses of the clerk of the district court, ~~deputy clerks~~ and other employees of the clerk's office, and bailiffs, ~~establishment and operation of a public defender's office~~, court costs if the prosecution fails or if the costs cannot be collected from the person liable, costs and expenses of prosecution under section 189A.17, salaries and expenses of juvenile court officers under chapter 602, court-ordered costs in domestic abuse cases under section 236.5, the county's expense for confinement of prisoners under chapter 356A, temporary assistance to the county attorney, county contributions to a retirement system for bailiffs, reimbursement for judicial magistrates under section 602.6501, claims filed under section 622.93, interpreters' fees under section 622B.7, uniform citation and complaint supplies under section 805.6, and costs of prosecution under section 815.13.

Sec. 26. Section 331.555, subsection 4, Code 1989, is amended to read as follows:

4. The treasurer shall make a complete settlement with the county semiannually and when the treasurer leaves office as provided in ~~sections 452.6 and section~~ section 452.7.

Sec. 27. Section 423.4, subsection 10, Code 1989, is amended to read as follows:

10. Vehicles registered or operated under chapter 326 and used substantially in interstate commerce, section 423.5 notwithstanding. For purposes of this subsection, "substantially in interstate commerce" means that a minimum of twenty-five percent of the miles operated by the vehicle accrues in states other than Iowa. This subsection applies only to vehicles which are registered for a gross weight of thirteen tons or more.

For purposes of this subsection, trailers and semitrailers registered or operated under chapter 326 are deemed to be used substantially in interstate commerce and to be registered for a gross weight of thirteen tons or more.

Sec. 28. Section 441.10, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

Immediately after the appointment of the assessor, and at other times as the conference board directs, one or more deputy assessors may be appointed by the assessor. Each appointment shall be made from either the list of eligible candidates provided by the director of revenue and finance, which shall contain only the names of those persons who achieve a score of seventy percent or greater on the examination administered by the director of revenue and finance, or the list of candidates eligible for appointment as city or county assessor. Examinations for the position of deputy assessor shall be conducted in the same manner as examinations for the position of city or county assessor. ~~The applicable provisions of section 441.5 regarding the register of names shall also apply to the list of eligible candidates established under the provisions of this section.~~

Sec. 29. Section 441.11, Code 1989, is amended to read as follows:

441.11 INCUMBENT DEPUTY ASSESSORS.

The director of revenue and finance shall grant a restricted certificate to any deputy assessor holding office as of January 1, 1976. A deputy assessor possessing such a certificate shall be considered eligible to remain in the deputy's present position. To become eligible for another deputy assessor position, a deputy assessor presently holding office is required to obtain certification as provided for in section 441.5 and 441.10.

Sec. 30. Section 452.10, unnumbered paragraph 2, Code 1989, is amended to read as follows:

Evidences of indebtedness which are obligations of or guaranteed by the United States of America or any of its agencies include investments, ~~which are authorized by the treasurer of state under this section,~~ in an unincorporated investment company or investment trust registered under the federal Investment Company Act of 1940, 15 U.S.C. § 80a, the portfolio of which is limited to such United States government obligations and to repurchase agreements fully collateralized by the United States government obligations if the investment company or investment trust takes delivery of the collateral either directly or through an authorized custodian.

Sec. 31. Section 455A.8, subsections 1 and 2, Code Supplement 1989, are amended to read as follows:

1. The Brushy Creek recreation trails advisory board shall be organized within the parks and preserves division of the department and shall be composed of ~~nine~~ ten members including the following: the director of the department or the director's designee who shall serve as a nonvoting ex officio member, the park ranger responsible for the Brushy Creek recreation area, a member of the state advisory board for preserves established under chapter 111B, a person appointed by the governor, and six persons appointed by the legislative council. Each person appointed by the governor or legislative council must actively participate in recreational trail activities such as hiking, an equestrian sport, or a winter sport at the Brushy Creek recreation area. The voting members shall elect a chairperson at the board's first meeting each year.

2. Each voting member of the board shall serve three years, and shall be eligible for reappointment. However, the park ranger responsible for Brushy Creek shall be replaced by the ranger's successor. ~~The, and the~~ person representing the state advisory board for preserves shall serve at the pleasure of the board. The members, other than the director or the director's designee and the park ranger, are entitled to actual expenses incurred in performance of the duties of the board. A majority of voting members constitutes a quorum, and the affirmative vote of a majority present is necessary for any action taken by the board, except that a lesser number may adjourn a meeting. A vacancy in the membership of the board does not impair the rights of a quorum to exercise all rights and perform all duties of the board. The board shall meet as required, but at least twice a year. The board shall meet upon call of the chairperson, or upon written request of three members of the board. Written notice of the time and place of the meeting shall be given to each member.

Sec. 32. Section 514F.1, Code Supplement 1989, is amended to read as follows:

514F.1 UTILIZATION AND COST CONTROL REVIEW COMMITTEES.

The boards of examiners under chapters 148, 149, 150, 150A, 151, and 152, ~~and 153~~ shall establish utilization and cost control review committees of licensees under the respective chapters, selected from licensees who have practiced in Iowa for at least the previous five years, or shall accredit and designate other utilization and cost control organizations as utilization and cost control committees under this section, for the purposes of utilization review of the appropriateness of levels of treatment and of giving opinions as to the reasonableness of charges for diagnostic or treatment services of licensees. Persons governed by the various chapters of Title XX of the Code and self-insurers for health care benefits to employees may utilize the services of the utilization and cost control review committees upon the payment of a reasonable fee for the services, to be determined by the respective boards of examiners. The respective boards of examiners under chapters 148, 149, 150, 150A, 151, and 152, ~~and 153~~ shall adopt rules necessary and proper for the implementation of this section pursuant to chapter 17A. It is the intent of this general assembly that conduct of the utilization and cost control review committees authorized under this section shall be exempt from challenge under federal or state antitrust laws or other similar laws in regulation of trade or commerce.

Sec. 33. Section 516A.1, unnumbered paragraph 2, Code 1989, is amended to read as follows:

However, the named insured may reject all of such coverage, or reject the uninsured motor vehicle ~~or~~ (hit-and-run motor vehicle) coverage, or reject the underinsured motor vehicle coverage, by written rejections signed by the named insured. If rejection is made on a form or document furnished by an insurance company or insurance agent, it shall be on a separate sheet of paper which contains only the rejection and information directly related to it. Such coverage need not be provided in or supplemental to a renewal policy if the named insured has rejected the coverage in connection with a policy previously issued to the named insured by the same insurer.

Sec. 34. Section 523D.6, subsection 2, paragraph b, Code Supplement 1989, is amended to read as follows:

b. Within three business days after the execution of a contract to provide continuing care or senior adult congregate living services, or ~~at~~ after the time of the transfer of any money or other property to a provider by or on behalf of a prospective resident, whichever occurs first.

Sec. 35. Section 601J.5, subsection 3, paragraph a, Code Supplement 1989, is amended to read as follows:

a. If the activities that are not in compliance with section 601J.4 are funded with state or federal funds which are administered by the state and can be used by agencies or organizations that are in compliance with section 601J.4, then upon notice by the department, the director of revenue and finance shall not permit the expenditure of ten percent of the funds during the fiscal year ~~1986~~ immediately following the notice, an additional twenty percent of funds during the following year, an additional thirty percent during the third year, and the remaining funds in the fourth year that the activities remain in noncompliance. Any funds retained by the director of revenue and finance shall be ~~distributed~~ returned to the originating state agency for redistribution to agencies and organizations eligible to receive the funds for transportation purposes.

Sec. 36. Section 602.6106, Code 1989, is amended to read as follows:

602.6106 SESSIONS NOT AT COUNTY SEATS — EFFECT — DUTY OF CLERK.

When court is held at a place that is not the county seat, all of the provisions of the Code relating to district courts are applicable, except as follows: All proceedings in the court have, within the territory over which the court has jurisdiction, the same force and effect as though ordered in the court at the county seat, but transcripts of judgments and decrees, levies of writs of attachment upon real estate, mechanics' liens, lis pendens, sales of real estate, redemption, satisfaction of judgments and mechanics' liens, and dismissals or decrees in lis pendens, together with all other matters affecting titles to real estate, shall be certified by the ~~deputy clerk~~ clerk's designee to the clerk of district court at the county seat who shall immediately enter them upon the records at the county seat.

Sec. 37. Section 607A.3, subsection 1, Code 1989, is amended to read as follows:

1. "Clerk" means clerk of the district court, ~~deputy clerk~~, or the clerk's designee.

Sec. 38. Section 633.26, Code 1989, is amended to read as follows:

633.26 CLERK NOT TO PREPARE REPORTS.

~~No~~ A clerk, ~~deputy~~, of the district court or employee of the clerk shall not act as attorney for a fiduciary, or make or assist in making, drafting, or filling out any report of any fiduciary or any other report to be filed in the clerk's office.

Sec. 39. Section 691.6, subsection 3, Code 1989, is amended to read as follows:

3. To adopt rules pursuant to chapter 17A, and subject to the approval of the commissioner of public safety, regarding the manner and techniques to be employed while conducting autopsies; the nature, character, and extent of investigations to be made in cases of homicide or suspected homicide necessary to allow a medical examiner to render a full and complete analysis and report; the format and matters to be contained in all reports rendered by medical examiners; and all other things necessary to carry out this ~~chapter~~ section. All county medical examiners and peace officers are subject to the rules.

Sec. 40. Section 694.1, subsection 2, Code 1989, is amended to read as follows:

2. ~~Was, or is, in the company of another person~~ Is missing under circumstances indicating that the ~~missing~~ person's safety may be in danger.

Sec. 41. Section 713.3, Code 1989, is amended to read as follows:

713.3 BURGLARY IN THE FIRST DEGREE.

A person commits burglary in the first degree if, while perpetrating a burglary, the person has in the person's possession an explosive or incendiary device or material, or a dangerous weapon, or intentionally or recklessly inflicts ~~physical~~ bodily injury on any person. Burglary in the first degree is a class "B" felony.

Sec. 42. Section 730.5, subsection 2, Code 1989, is amended to read as follows:

2. Except as provided in subsection 7, an employer shall not require or request employees or applicants for employment to submit to a drug test as a condition of employment, preemployment, promotion, or change in status of employment. An employer shall not request, require, or conduct random or blanket drug testing of employees. However, this section does not apply to preemployment drug tests authorized for peace officers or correctional officers of the state, or to drug tests required under federal statutes, or as required under section 391, subpart H of the federal motor carrier safety regulations adopted by the United States department of transportation, or to drug tests conducted pursuant to a nuclear regulatory commission policy statement, or to drug tests conducted to determine if an employee is ineligible to receive workers' compensation under section 85.16, subsection 2.

Sec. 43. Section 801.4, subsection 11, Code Supplement 1989, is amended to read as follows:

11. "Complaint" means a statement in writing, under oath or affirmation, made before a magistrate or district court clerk or clerk's ~~deputy~~ designee as the case may be, of the commission of a public offense, and accusing someone ~~thereof of committing the public offense~~. A complaint shall be substantially in the form provided in the Iowa rules of criminal procedure.

Sec. 44. Section 815.1, Code 1989, is amended to read as follows:

815.1 COSTS PAYABLE BY STATE IN SPECIAL CASES.

All costs and fees incurred in a parole revocation proceeding or in a criminal case brought against an inmate of a state institution for a crime committed while confined in the institution, or for a crime committed by the inmate while placed outside the walls or confines of the institution under the control and direction of a warden, supervisor, officer, or employee of the institution, or for a crime committed by the inmate during an escape or other unauthorized departure from the institution or from the control of a warden, supervisor, officer, or employee of the institution, or from wherever the inmate may have been placed by authorized personnel of the institution, are waived if the prosecution fails, or if the person liable to pay the costs and fees cannot pay the costs and fees. An award of attorney fees to a court-appointed attorney incurred in these cases shall be paid out of the state treasury from the general fund if the prosecution fails or if the person liable to pay the attorney fees cannot pay them. The facts shall be certified by the clerk of the district court under the clerk's seal of office to the director of ~~revenue and finance inspections and appeals~~, including a statement of the amount of fees or costs incurred, approved by the presiding judge in writing. When a conviction is rendered and the court orders restitution for costs of the prosecution, the inmate, work releasee, or parolee shall make restitution to the general fund pursuant to section 910.2.

Sec. 45. Section 815.11, Code 1989, is amended to read as follows:

815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.

Costs incurred under sections 814.9, 814.10, 814.11, 815.4, 815.5, 815.6, 815.7, 815.10, or the rules of criminal procedure on behalf of an indigent shall be paid from funds appropriated by the general assembly to the ~~supreme court~~ department of inspections and appeals for those purposes.

Sec. 46. Section 904A.1, Code Supplement 1989, is amended to read as follows:
904A.1 BOARD OF PAROLE.

The board of parole is created to consist of five members. Each member, except the chairperson, shall be compensated on a day-to-day basis. Each member shall serve a term of four years beginning July 1 and ending as provided by section 69.19, except for members appointed to fill vacancies who shall serve for the balance of the unexpired term. The terms shall be staggered. The chairperson of the board shall be a full-time, salaried member of the board. A majority of the members of the board constitutes a quorum to transact business.

Sec. 47. Section 452.6, Code 1989, is repealed.

Approved May 2, 1990

CHAPTER 1234

INSURANCE REGULATION

H.F. 2320

AN ACT relating to the regulation of insurers, insurance, and annuity contracts, including fire and casualty insurance, altering the method of filing rates subject to the approval of the commissioner of insurance, except for workers' compensation liability insurance rates, providing special effective dates, and authorizing civil penalties.

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

Section 1. Section 296.7, Code Supplement 1989, is amended by striking the section and inserting in lieu thereof the following:

296.7 INDEBTEDNESS FOR INSURANCE AUTHORIZED — TAX LEVY.

1. A school district or merged area school corporation may contract indebtedness and issue general obligation bonds or enter into insurance agreements obligating the school district or corporation to make payments beyond its current budget year for one or more of the following mechanisms to protect the school district or corporation from tort liability, loss of property, environmental hazards, or any other risk associated with the operation of the school district or corporation:

- a. To procure or provide for a policy of insurance.
- b. To provide a self-insurance program.
- c. To establish and maintain a local government risk pool.

However, this subsection does not apply to an insurance program described in subsection 3.

2. For purposes of subsection 1, an employee benefit plan which includes a specific or aggregate excess loss coverage or a program that self-insures only a per-employee or per-family deductible for each year and which transfers the risk remaining beyond this deductible is not a self-insurance program, but is instead an insurance program. As used in this section, an "employee benefit plan" includes, but is not limited to benefits for hospital and surgical, medical expense, major medical, dental, prescription drug, disability, or life insurance costs or benefits.

3. A school district, providing an insurance program as described in subsection 2, shall not contract indebtedness and issue general obligation bonds or enter into insurance agreements obligating the school district to make payments beyond its current budget year for that employee benefit plan. A school district may, however, apply to the school budget review committee for relief if necessitated by the expenses in the school district's insurance program as described in subsection 2.