

Sec. 2. Section 372.13, subsection 5, Code 1993, is amended to read as follows:

5. The council shall determine its own rules and maintain records of its proceedings. City records and documents, or accurate reproductions, shall be kept for at least five years except that:

a. Ordinances, resolutions, council proceedings, records and documents, or accurate reproductions, relating to the issuance of public bonds or obligations shall be kept for at least eleven years following the final maturity of the bonds or obligations. Thereafter, such records, documents, and reproductions may be destroyed, preserving confidentiality as necessary. Records and documents pertaining to the transfer of ownership of bonds shall be kept as provided in section 76.10.

b. Ordinances, resolutions, council proceedings, records and documents, or accurate reproductions, relating to real property transactions shall be maintained permanently. However, ordinances, resolutions, council proceedings, and records and documents relating to real property transactions or bond issues or accurate reproductions of those ordinances, resolutions, council proceedings, and records and documents relating to real property transactions or bond issues, shall be maintained permanently.

Sec. 3. Section 614.1, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 13. PUBLIC BONDS OR OBLIGATIONS. Those founded on the cancellation, transfer, redemption, or replacement of public bonds or obligations by an issuer, trustee, transfer agent, registrar, depository, paying agent, or other agent of the public bonds or obligations, within eleven years of the cancellation, transfer, redemption, or replacement of the public bonds or obligations.

Approved May 3, 1993

CHAPTER 90

HOUSING FACILITIES FOR PERSONS WITH CERTAIN DISABILITIES

H.F. 584

AN ACT relating to housing facilities for persons with certain disabilities.

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

Section 1. **NEW SECTION. 504C.1 HOUSING – PERSONS WITH PHYSICAL DISABILITIES.**

1. For the purposes of this chapter, “physical disability” means a physical impairment that results in significant functional limitations in one or more areas of major life activity and in the need for specialized care, treatment, or training services of extended duration.

2. Individuals with physical disabilities may form nonprofit corporations pursuant to chapter 504A for the sole purpose of establishing homes for persons with disabilities which are intended to serve two to five residents who are members of the nonprofit corporation.

3. A nonprofit corporation formed under this section may do any of the following:

a. Design, modify, or construct a specific housing facility to provide appropriate services and support to the residents of the specific housing facility. Local requirements shall not be more restrictive than the rules adopted for a family home, as defined in section 335.25 or 414.22, and the state building code requirements for single-family or multiple-family housing.

b. Contract for or employ staff for personal attendant needs and for the management and operation of the housing facility.

c. Purchase, modify, maintain, and operate transportation services for the use of the housing facility residents.

4. Residents of housing facilities established under this chapter shall be eligible to apply for or continue to receive funding provided through federal, state, and county funding sources, and assets of the members of the nonprofit corporation used in the establishment, management, and operation of the housing facility, including but not limited to provision of services to the residents of the facility, shall not be considered in determining a resident's eligibility for funding provided through sources otherwise available to the resident.

Sec. 2. Section 335.25, subsection 3, Code 1993, is amended to read as follows:

3. Notwithstanding the optional provision in section 335.1 and any other provision of this chapter to the contrary, a county, county board of supervisors, or a county zoning commission shall consider a family home a residential use of property for the purposes of zoning and shall treat a family home as a permitted use in all residential zones or districts, including all single-family residential zones or districts, of the county. A county, county board of supervisors, or a county zoning commission shall not require that a family home, its owner, or operator obtain a conditional use permit, special use permit, special exception, or variance. However, a new family home shall not be located within one-fourth of a mile from another family home new family homes owned or operated by public or private agencies shall be disbursed through the residential zones and districts and shall not be located within contiguous areas equivalent in size to city block areas. Section 135C.23, subsection 2 shall apply to all residents of a family home.

Sec. 3. NEW SECTION. 335.32 HOMES FOR PERSONS WITH PHYSICAL DISABILITIES.

A county board of supervisors or county zoning commission shall consider a home for persons with physical disabilities a family home, as defined in section 335.25, for the purposes of zoning, in accordance with chapter 135L.*

Sec. 4. Section 414.22, subsection 3, Code 1993, is amended to read as follows:

3. Notwithstanding any provision of this chapter to the contrary, a city, city council, or city zoning commission shall consider a family home a residential use of property for the purposes of zoning and shall treat a family home as a permitted use in all residential zones or districts, including all single-family residential zones or districts, of the city. A city, city council, or city zoning commission shall not require that a family home, its owner, or operator obtain a conditional use permit, special use permit, special exception, or variance. However, a new family home shall not be located within one-fourth of a mile from another family home new family homes owned and operated by public or private agencies shall be disbursed throughout the residential zones and districts and shall not be located within contiguous city block areas. Section 135C.23, subsection 2 shall apply to all residents of a family home.

Sec. 5. NEW SECTION. 414.30 HOMES FOR PERSONS WITH PHYSICAL DISABILITIES.

A city council or city zoning commission shall consider a home for persons with physical disabilities a family home, as defined in section 414.22, for purposes of zoning in accordance with chapter 135L.*

Sec. 6. FEDERAL WAIVER. The department of human services shall, if necessary, request a waiver from the secretary of the United States department of health and human services to permit the continuation of medical and other assistance eligibility to residents of a housing facility for persons with physical disabilities.

Approved May 3, 1993

*Chapter 504C probably intended

CHAPTER 91**ALCOHOLIC BEVERAGE CONTROL***H.F. 633*

***AN ACT** relating to the approval, disapproval, suspension, or revocation of liquor control licenses, wine permits, or beer permits, the imposition of civil penalties, and the appeal of the actions of local authorities or the administrator of the alcoholic beverages division regarding liquor control licenses, wine permits, and beer permits, the appropriation of moneys collected through civil penalties, the removal of certain restrictions on the sale of alcoholic beverages, and providing for other properly related matters.

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

Section 1. Section 123.3, subsection 26, paragraphs c and e, Code 1993, are amended to read as follows:

c. ~~Is Notwithstanding paragraph "e", the applicant is a citizen of the United States and a resident of this state, or licensed to do business in this state in the case of a corporation. Notwithstanding paragraph "f e," in the case of a partnership, only one general partner need be a resident of this state.~~

e. ~~If such person is a corporation, partnership, association, club, or hotel or motel the The requirements of this subsection shall apply to each the following:~~

(1) ~~Each of the officers, directors, and partners of such person, and to any.~~

(2) ~~A person who directly or indirectly owns or controls ten percent or more of any class of stock of such person or.~~

(3) ~~A person who directly or indirectly has an interest of ten percent or more in the ownership or profits of such person. For the purposes of this provision, an individual and the individual's spouse shall be regarded as one person.~~

Sec. 2. Section 123.16, subsection 2, paragraph b, Code 1993, is amended by striking the paragraph.

Sec. 3. Section 123.19, subsection 4, Code 1993, is amended to read as follows:

4. Any violation of the requirements of this section, except subsection 3, shall subject the violator to the general penalties provided in this chapter and in addition thereto shall be to the general penalties, is grounds for suspension or revocation of the certificate of compliance, after notice and hearing before the division hearing board administrator. Willful failure to comply with requirements which may be imposed under subsection 3 shall be is grounds for suspension or revocation of the certificate of compliance only. Decisions of the hearing board concerning such suspension or revocation shall be binding upon all parties.

Sec. 4. Section 123.24, subsection 2, paragraphs a and b, Code 1993, are amended to read as follows:

a. The division may accept from a class "E" liquor control licensee a cashier's check which shows the licensee is the remitter or a check issued by the licensee in payment of alcoholic liquor. If a check is subsequently dishonored, the division shall cause a notice of nonpayment and penalty to be served upon the class "E" liquor control licensee or upon any person in charge of the licensed premises. The notice shall state that if payment or satisfaction for the dishonored check is not made within ten days of the service of notice, the licensee's liquor control license shall may be suspended under section 123.39. The notice of nonpayment and penalty shall be in a form prescribed by the administrator, and shall be sent by certified mail.

b. If upon notice and hearing under section 123.39 and pursuant to the provisions of chapter 17A concerning a contested case hearing, the administrator determines that the class "E" liquor control licensee failed to satisfy the obligation for which the check was issued within ten days after the notice of nonpayment and penalty was served on the licensee as provided in paragraph "a" of this subsection, the administrator shall may suspend the licensee's class "E" liquor control license for not less than three days but not more than thirty a period not to exceed ten days.