

S Judiciary 5/26 Do. Pass 3/27 (p. 926)

JAN 16 1986

Place On Calendar

HOUSE FILE 2065
BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

(Formerly House Study Bill 500)

Passed House, Date 3-26-86 (p. 1013) Passed Senate, Date 5-2-86 (p. 1545)
Vote: Ayes 93 Nays 0 Vote: Ayes 44 Nays 0
Approved May 29, 1986

A BILL FOR

- 1 An Act relating to nonsubstantive Code corrections.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2065

S-5781

- 1 Amend House File 2065 as passed by the House as
- 2 follows:
- 3 1. Page 16, line 22, by striking the words and
- 4 figure "and 327F.38" and inserting in lieu thereof the
- 5 words and figure ", 327F.38, and 601H.5".

S-5781 Filed April 29, 1986

BY BRUNER

s/o under Justice Bill 11 5/2 (p. 1545)

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1 Section 1. Section 18.97, subsections 13 and 14, Code
2 Supplement 1985, are amended by striking the subsections.

3 Sec. 2. Section 18.100, Code 1985, is amended to read as
4 follows:

5 18.100 EXCHANGE.

6 The volumes delivered to the state law library shall be
7 used for the purpose of effecting exchange with other states,
8 foreign countries, and provinces, for similar reports. All
9 books received in such exchange shall become a part of the
10 state library.

11 Sec. 3. Section 69.3, Code Supplement 1985, is amended to
12 read as follows:

13 69.3 POSSESSION OF OFFICE.

14 When a vacancy occurs in a public office, possession shall
15 be taken of the office room, ~~the~~ books, papers, and all things
16 pertaining to the office, to be held until the qualification
17 of a successor, as follows:

18 1. Of the office of the county auditor, by the county
19 treasurer; ~~of.~~

20 2. Of the county treasurer, by the county auditor; ~~of.~~

21 3. Of any of the state officers, by the governor, or, in
22 the absence or inability of the governor at the time of the
23 occurrence, as follows:

24 a. Of the secretary of state, by the treasurer of state;
25 ~~of.~~

26 b. Of the auditor of state, by the secretary of state; ~~of.~~

27 c. Of the treasurer of state, by the secretary of state
28 and auditor of state, who shall make an inventory of the money
29 and warrants in the office, sign ~~them~~ the inventory, and
30 transmit ~~the inventory~~ it to the governor; and the secretary
31 of state shall take the keys of the safe and desks, after
32 depositing the books, papers, money and warrants in them, and
33 the auditor of state shall take the key to the office room.

34 Sec. 4. Section 80.39, subsection 1, Code Supplement 1985,
35 is amended to read as follows:

1 1. Personal property, except for ~~property-subject-to~~
2 ~~forfeiture~~, motor vehicles subject to sale pursuant to section
3 321.89, and seizable or forfeitable property subject to
4 disposition pursuant to chapter 809A, which personal property
5 is found or seized by, turned in to, or otherwise lawfully
6 comes into the possession of the department of public safety
7 and which the department does not own, shall be disposed of
8 pursuant to this section. If by examining the property the
9 owner or lawful custodian of the property is known or can be
10 readily ascertained, the department shall notify the owner or
11 custodian by certified mail directed to the owner's or
12 custodian's last known address, as to the location of the
13 property. If the identity or address of the owner cannot be
14 determined, notice by one publication in a newspaper of
15 general circulation in the area where the property was found
16 is sufficient notice. Publication A published notice may
17 contain multiple items.

18 Sec. 5. Section 111.11, subsection 2, Code 1985, is
19 amended by striking the subsection.

20 Sec. 6. Section 123.19, subsection 2, Code Supplement
21 1985, is amended to read as follows:

22 2. At the time of applying for a certificate of
23 compliance, each applicant shall file with the department the
24 name and address of its authorized agent for service of
25 process which shall remain effective until changed for
26 another, and a list of names and addresses of all
27 representatives, employees, or attorneys whom ~~they-may-have~~
28 the applicant has appointed in the state of Iowa to represent
29 them it for any purpose. The listing of ~~such-representatives,~~
30 ~~employees,-or-attorneys~~ shall be amended from time to time by
31 the certificate holder as necessary to keep such the listing
32 current with the department.

33 Sec. 7. Section 123.34, subsection 3, Code Supplement
34 1985, is amended to read as follows:

35 3. The fee for a fourteen-day liquor license, wine permit,

1 or beer permit is ~~one-quarter~~ one quarter of the annual fee
2 for that class of liquor license, wine permit, or beer permit.
3 The fee for the privilege to sell on the two Sundays in the
4 fourteen-day period is twenty percent of the price of the
5 fourteen-day liquor license, wine permit, or beer permit.

6 Sec. 8. Section 154.3, subsection 7, Code Supplement 1985,
7 is amended to read as follows:

8 7. ~~Persons~~ A person licensed in any state as an
9 optometrist prior to January 1, 1986, who ~~apply~~ applies to be
10 a therapeutically certified optometrist shall also be required
11 to qualify as a certified licensed optometrist as defined in
12 subsections 2, 3, and 4.

13 Sec. 9. Section 155.26, Code Supplement 1985, is amended
14 to read as follows:

15 155.26 POSSESSION OF PRESCRIPTION DRUGS -- SERIOUS
16 MISDEMEANOR -- EXCEPTIONS.

17 1. A person found in possession of a drug or medicine
18 limited by law to dispensation by a prescription, unless the
19 drug or medicine was so lawfully dispensed, is guilty of a
20 serious misdemeanor. ~~This-section~~

21 2. Subsection 1 does not apply to a licensed pharmacy,
22 licensed wholesaler, physician, veterinarian, dentist,
23 podiatrist, or therapeutically certified optometrist, or to a
24 nurse acting under the direction of a physician, or to the
25 board of pharmacy examiners, its officers, agents, inspectors,
26 and representatives, ~~nor or~~ to a common carrier or messenger
27 when transporting such a drug or medicine in the same unbroken
28 package in which the drug or medicine was delivered to that
29 person for transportation.

30 3. ~~This-section~~ Subsection 1 does not apply to the
31 possession by a certified licensed optometrist or
32 therapeutically certified optometrist of those diagnostic or
33 therapeutic agents which are authorized for use by certified
34 licensed optometrists or therapeutically certified
35 optometrists pursuant to section 154.1. The dispensing by

1 pharmacists to certified licensed optometrists or
2 therapeutically certified optometrists of those diagnostic or
3 therapeutic agents which are authorized for their use pursuant
4 to section 154.1 ~~shall-be~~ is permitted.

5 Sec. 10. Section 220.6, subsection 4, Code 1985, is
6 amended by striking the subsection.

7 Sec. 11. Section 234.9, Code Supplement 1985, is amended
8 to read as follows:

9 234.9 COUNTY BOARD OF SOCIAL WELFARE.

10 The board of supervisors of each county shall appoint a
11 county board of social welfare, which shall consist of three
12 members in counties of less than thirty-three thousand
13 population, not more than two of whom shall belong to the same
14 political party, and both sexes shall be represented. The
15 county board shall consist of five members in counties of more
16 ~~than~~ thirty-three thousand or more population, not more than
17 three of whom shall belong to the same political party, and
18 both sexes shall be represented. At the discretion of the
19 board of supervisors one or more of the members may be chosen
20 from the membership of the board of supervisors. Annually the
21 board of supervisors shall appoint the members of the county
22 board who shall serve for one year and until their successors
23 are appointed. If a vacancy occurs in the membership of the
24 county board, other than by the expiration of a term, a member
25 shall be appointed to fill the vacancy for the unexpired term.
26 All appointments shall be made a part of the regular
27 proceedings of the board of supervisors and shall be filed
28 with the county auditor and with the state director.

29 Sec. 12. Section 236.3, unnumbered paragraph 2, Code
30 Supplement 1985, is amended to read as follows:

31 If the plaintiff files an affidavit stating that the
32 plaintiff does not have sufficient funds to pay the cost of
33 filing and service, the petition shall be filed and service
34 shall be made without payment of costs. If a petition is
35 filed and service is made without payment of costs, the court

1 shall determine at the hearing if the payment of costs would
2 prejudice the ~~person's~~ plaintiff's financial ability to
3 provide economic necessities for the plaintiff or the
4 plaintiff's dependents. If the court finds that the payment
5 of costs would not prejudice the ~~person's~~ plaintiff's
6 financial ability to provide economic necessities for the
7 plaintiff or the plaintiff's dependents, the court may order
8 the plaintiff to pay the costs of filing and service.
9 However, in making the determinations, the court shall not
10 consider funds no longer available to the plaintiff as a
11 result of the commencement of the action.

12 Sec. 13. Section 250.16, Code Supplement 1985, is amended
13 to read as follows:

14 250.16 MARKERS FOR GRAVES.

15 The county commission of veteran affairs may furnish a
16 suitable and appropriate metal marker, at a cost not exceeding
17 fifteen dollars each, for the grave of each honorably
18 discharged person, who served in the military or naval forces
19 of the United States during any war, including World War I at
20 any time between April 6, 1917, and November 11, 1918, both
21 dates inclusive, World War II at any time between December 7,
22 1941, and December 31, 1946, both dates inclusive, the Korean
23 Conflict at any time between June 25, 1950, and January 31,
24 1955, both dates inclusive, and the Vietnam Conflict at any
25 time between August 5, 1964, and May 7, 1975, both dates
26 inclusive, and who is buried within the limits of the ~~township~~
27 ~~or-municipality~~ county, to be placed at the individual's grave
28 to permanently mark and designate the grave for memorial
29 purposes. The expenses shall be paid from any funds raised as
30 provided in this chapter.

31 Sec. 14. Section 259.3, Code 1985, is amended to read as
32 follows:

33 259.3 STATE AGENCY.

34 The state board of public instruction constituting the
35 state board for vocational education is hereby designated as

1 the state board for the purpose of co-operating with the
2 secretary of ~~health, education, and welfare~~ education in
3 carrying out the provisions and the purposes of ~~said the~~
4 federal ~~Act~~ acts cited in sections 259.1 and 259.2, providing
5 for the vocational rehabilitation of persons disabled in
6 industry or otherwise and is hereby designated to discharge
7 the duties and exercise the powers ~~hereinafter~~ set forth in
8 this chapter.

9 Sec. 15. Section 259.4, subsections 1, 3, and 13, Code
10 1985, are amended to read as follows:

11 1. Co-operate with the secretary of ~~health, education, and~~
12 ~~welfare~~ education in the administration of ~~said Act of~~
13 ~~Congress~~ the federal acts cited in section 259.1.

14 3. Appoint ~~such~~ assistants as ~~may be~~ necessary to
15 administer ~~the provisions of~~ this chapter and ~~said Act of~~
16 ~~Congress~~ the federal acts cited in section 259.1 in this state
17 and fix the compensation of such persons.

18 13. Make ~~such~~ rules and ~~regulations~~ as ~~may be~~ necessary
19 for the administration of this chapter and ~~said Act of~~
20 ~~Congress~~ the federal acts cited in section 259.1 within this
21 state.

22 Sec. 16. Section 259.5, Code 1985, is amended to read as
23 follows:

24 259.5 PLAN OF CO-OPERATION.

25 It ~~shall be~~ is the duty of the state board for vocational
26 education and the state labor commissioner and the state
27 industrial commissioner as administrator of the workers'
28 compensation law to formulate a plan of co-operation in
29 accordance with ~~the provisions of~~ this chapter and ~~said Act of~~
30 ~~Congress~~ such the federal acts cited in section 259.1. The
31 plan ~~to become~~ shall be effective when approved by the
32 governor of the state.

33 Sec. 17. Section 275.16, unnumbered paragraph 2, Code
34 Supplement 1985, is amended to read as follows:

35 Votes of each member of an area education agency board in

1 attendance shall be weighted so that the total number of votes
2 eligible to be cast by members of each board in attendance
3 shall be equal. However, if the joint boards cast a tie vote
4 and are unable to agree to a decision fixing the boundaries
5 for the proposed school corporation or to a decision to
6 dismiss the petition, the time during which actions must be
7 taken under section 275.15 shall be extended from ~~five~~ ten
8 days to fifteen days after the conclusion of the hearing under
9 section 275.15, and the joint board shall reconvene not less
10 than ten and not more than fifteen days after the conclusion
11 of the hearing. At the hearing the joint board shall
12 reconsider its action and if a tie vote is again cast it is a
13 decision granting the petition and changing the plans of any
14 and all of the agency boards affected by the petition and
15 fixing the boundaries for the proposed school corporation.
16 The agency administrator shall at once publish the decision in
17 the same newspaper in which the original notice was published.

18 Sec. 18. Section 281.9, subsection 1, paragraph d, Code
19 Supplement 1985, is amended to read as follows:

20 d. Children requiring special education who are severely
21 handicapped or who have multiple handicaps are assigned to a
22 weighting of four and four-tenths for the school year
23 commencing July 1, 1975.

24 Sec. 19. Section 321.1, subsection 43, unnumbered
25 paragraph 1, Code Supplement 1985, is amended to read as
26 follows:

27 43. "Chauffeur" means a person who operates a motor
28 vehicle, including a school bus, in the transportation of
29 persons for wages, compensation, or hire, or a person who
30 operates a truck tractor, road tractor, or any motor truck
31 which is required to be registered at a gross weight
32 classification exceeding five tons, or any such motor vehicle
33 exempt from registration which would be within the gross
34 weight classification if not so exempt. A person is not a
35 chauffeur when the operation of the motor vehicle by the owner

1 or operator is occasional and merely incidental to the owner
2 owner's or operator's principal business.

3 Sec. 20. Section 321.104, subsections 3, 4, and 5, Code
4 Supplement 1985, are amended to read as follows:

5 3. ~~A person who fails~~ To fail to surrender a certificate
6 of title, registration card, or registration plates upon
7 cancellation, suspension, or revocation of the certificate or
8 registration by the department and notice as prescribed in
9 this chapter.

10 4. ~~Any person whoever shall~~ To purport to sell or transfer
11 a motor vehicle, trailer, or semitrailer without delivering to
12 the purchaser or transferee thereof a certificate of title or
13 a manufacturer's or importer's certificate thereto duly
14 assigned to such the purchaser or transferee as provided in
15 this chapter.

16 5. ~~Any person whoever shall~~ To violate any of the other
17 provisions of this chapter or any lawful rules promulgated
18 adopted pursuant to the ~~provisions of~~ this chapter.

19 Sec. 21. Section 331.421, subsection 2, Code 1985, is
20 amended to read as follows:

21 2. "Rural county services" means the services which are
22 primarily intended to benefit those persons residing in the
23 county outside of incorporated city areas, including secondary
24 road services, but excluding services financed by other
25 statutory funds.

26 Sec. 22. Section 331.423, subsection 2, Code 1985, is
27 amended to read as follows:

28 2. For rural county services, three dollars and ninety-
29 five cents per thousand dollars of the assessed value of
30 taxable property in the county outside of incorporated city
31 areas.

32 Sec. 23. Section 403.17, subsection 9, Code Supplement
33 1985, is amended to read as follows:

34 9. "Blighted area" means an area of a municipality within
35 which the local governing body of the municipality determines

1 that ~~by-reason-of~~ the presence of a substantial number of
2 slum, deteriorated, or deteriorating structures, defective or
3 inadequate street layout, faulty lot layout in relation to
4 size, adequacy, accessibility, or usefulness, insanitary or
5 unsafe conditions, deterioration of site or other
6 improvements, diversity of ownership, tax or special
7 assessment delinquency exceeding the fair value of the land,
8 defective or unusual conditions of title, or the existence of
9 conditions which endanger life or property by fire and other
10 causes, or any combination of these factors, substantially
11 impairs or arrests the sound growth of a municipality, retards
12 the provision of housing accommodations or constitutes an
13 economic or social liability and is a menace to the public
14 health, safety, or welfare in its present condition and use.
15 A disaster area referred to in section 403.5, subsection 7,
16 constitutes a "blighted area".

17 Sec. 24. Section 421.17, subsection 25, paragraph e, Code
18 Supplement 1985, is amended to read as follows:

19 e. Upon notice of entitlement to a refund or rebate the
20 clerk shall send written notification to the debtor of the
21 clerk's assertion of its rights to all or a portion of the
22 debtor's refund or rebate and the entitlement to recover the
23 debt through the setoff procedure, the basis of the assertion,
24 the opportunity to request that a joint income tax refund or
25 rebate be divided between spouses, and the debtor's
26 opportunity to give written notice of intent to contest the
27 amount of the claim. The clerk shall send a copy of the
28 notice to the department.

29 Sec. 25. Section 422.62, Code Supplement 1985, is amended
30 to read as follows:

31 422.62 DUE AND DELINQUENT DATES.

32 The franchise tax is due and payable on the first day
33 following the end of the taxable year of each financial
34 institution, and is delinquent after the last day of the
35 fourth month following the due date or forty-five days after

1 the due date of the federal tax return, excluding extensions
2 of time to file, whichever is the later. Every financial
3 institution shall file a return as prescribed by the director
4 on or before the delinquency date. ~~This section is effective
5 for all taxable years ending on or after January 17, 1970. As
6 to fiscal years ending prior to May 9, 1970, the time for
7 filing a return is extended to the last day of the fourth
8 month following that date.~~

9 Sec. 26. Section 422.73, subsection 2, unnumbered
10 paragraph 2, Code Supplement 1985, is amended by striking the
11 unnumbered paragraph.

12 Sec. 27. Section 450.3, unnumbered paragraph 1, Code
13 Supplement 1985, is amended to read as follows:

14 The tax hereby imposed shall be collected upon the net
15 market value and shall go into the general fund of the state
16 to be determined as herein provided, of any property passing
17 as follows:

18 Sec. 28. Section 453.25, unnumbered paragraph 2, Code
19 Supplement 1985, is amended to read as follows:

20 The funds shall be used to receive and ~~disperse~~ disburse
21 moneys pursuant to section 453.23, subsection 3, paragraph
22 "d".

23 Sec. 29. Section 455B.171, subsections 26 and 28, Code
24 Supplement 1985, are amended to read as follows:

25 26. "Reconstruction" of a water well means replacement or
26 removal of all or a portion of the casing of a the water well.

27 28. "Construction" of a water well means the physical act
28 or process of making a the water well including, but not
29 limited to, siting, excavation, construction, and the
30 installation of equipment and materials necessary to maintain
31 and operate the well.

32 Sec. 30. Section 508B.1, subsection 5, Code Supplement
33 1985, is amended to read as follows:

34 5. "Policyholder" means a person, determined by the mutual
35 company, who is ~~to be~~ the holder of a policy or annuity

1 contract for the purposes of section 508B.3, subsection 1, 2,
2 or 3.

3 Sec. 31. Section 508B.2, unnumbered paragraph 2, Code
4 Supplement 1985, is amended to read as follows:

5 A plan of conversion may provide that a mutual company may
6 convert into a domestic stock company, convert and merge, or
7 convert and consolidate with a domestic stock company, as
8 provided in chapter 491 or 496A, whichever is applicable.
9 However, the mutual company is not required to comply with
10 sections 491.102 through 491.105 or sections 496A.68 through
11 496A.70 relating to approval or of merger or consolidation
12 plans by boards of directors and shareholders, if at the time
13 of approval of the plan of conversion the board of directors
14 approves the merger or consolidation and if at the time of
15 approval of the plan by policyholders as provided in section
16 508B.6, the policyholders approve the merger or consolidation.
17 This chapter supersedes any conflicting provisions of chapters
18 521 and 521A. A mutual company may convert, merge, or
19 consolidate as part of a plan of conversion in which a
20 majority or all of the common shares of the stock company are
21 acquired by another corporation, which may be a corporation
22 organized for that purpose, or in which the new stock company
23 consolidates with a stock company to form another stock
24 company.

25 Sec. 32. Section 508B.9, unnumbered paragraph 1, Code
26 Supplement 1985, is amended to read as follows:

27 When the commissioner approves and the policyholders
28 approve the conversion plan as provided in this chapter, the
29 commissioner shall issue a new certificate of authority to the
30 reorganized company effective on the date specified in the
31 plan. The reorganized company is a continuation of the mutual
32 life insurance company and the conversion shall not annul or
33 modify any of the mutual company's existing suits, contracts,
34 or liabilities except as provided in the approved conversion
35 plan. All rights, franchises, and interests of the mutual

1 company in and to property, assets, and other interests shall
2 be transferred to and shall vest in the reorganized company
3 and the reorganized company shall assume all obligations and
4 liabilities of the mutual company.

5 Sec. 33. Section 508B.15, Code Supplement 1985, is amended
6 to read as follows:

7 508B.15 DUTIES OF SECRETARY OF STATE.

8 After approval of the conversion plan by the commissioner
9 and the policyholders, the secretary of state shall accept for
10 filing a verified copy of the amended articles of
11 incorporation.

12 Sec. 34. Section 536.13, subsection 1, paragraph a, Code
13 Supplement 1985, is amended to read as follows:

14 a. Classify regulated loans by a regulation rule according
15 to a system of differentiation which will reasonably
16 distinguish the classes of loans for the purposes of this
17 chapter.

18 Sec. 35. Section 554.9404, subsection 1, Code Supplement
19 1985, is amended to read as follows:

20 1. If a financing statement covering consumer goods is
21 filed on or after January 1, 1975, then within one month or
22 within ten days following written demand by the debtor after
23 there is no outstanding secured obligation and no commitment
24 to make advances, incur obligations, or otherwise give value,
25 the secured party must file with each filing officer with whom
26 the financing statement was filed, a termination statement to
27 the effect that the secured party no longer claims a security
28 interest under the financing statement, which shall be
29 identified by file number. If a financing statement covering
30 farm products is filed, then within sixty days, or within ten
31 days following written demand by the debtor, after there is no
32 outstanding secured objection obligation and no commitment to
33 make advances, incur obligations, or otherwise give value, the
34 secured party shall file with each filing officer with whom
35 the financing statement was filed, a termination statement to

1 the effect that the secured party no longer claims a security
2 interest under the financing statement, which shall be
3 identified by file number. In other cases ~~whenever~~ if there
4 is no outstanding secured obligation and no commitment to make
5 advances, incur obligations, or otherwise give value, the
6 secured party must on written demand by the debtor send the
7 debtor, for each filing officer with whom the financing
8 statement was filed, a termination statement to the effect
9 that the secured party no longer claims a security interest
10 under the financing statement, which shall be identified by
11 file number. A termination statement signed by a person other
12 than the secured party of record must be accompanied by a
13 separate written statement of assignment signed by the secured
14 party of record complying with section 554.9405, subsection 2,
15 including payment of the required fee. If the affected
16 secured party fails to file ~~such~~ a termination statement as
17 required by this subsection, or to send such a termination
18 statement within ten days after proper demand ~~therefor~~ for it,
19 the affected secured party ~~shall be~~ is liable to the debtor
20 for one hundred dollars, and in addition for any loss caused
21 to the debtor by ~~such~~ the failure.

22 Sec. 36. Section 557A.11, subsection 1, paragraph a,
23 subparagraph 4, Code Supplement 1985, is amended to read as
24 follows:

25 (4) The filing of this document with the commission does
26 not constitute approval of the sale or lease, or offer for
27 sale or lease, by the state, commission, or any officer
28 thereof, or indicate that the state, commission, or any
29 officer thereof has in any way passed upon the merits of the
30 offering."

31 Sec. 37. Section 649.5, Code 1985, is amended to read as
32 follows:

33 649.5 DEMAND FOR QUITCLAIM --ATTORNEY'S FEES.

34 If a party, twenty days or more before bringing suit to
35 quiet a title to real estate, ~~shall request~~ requests of the

1 person holding an apparent adverse interest or right therein
2 the execution of a quitclaim deed thereto, and ~~shall~~ also
3 tender tenders to the person one dollar and twenty-five cents
4 to cover the expense of the execution and delivery of the
5 deed, and if the person ~~shall-refuse~~ refuses or neglect
6 neglects to comply therewith, the filing of a disclaimer of
7 interest or right shall not avoid the costs in an action
8 afterwards brought, and the court may, in its discretion, if
9 the plaintiff succeeds, tax assess, in addition to the
10 ordinary costs of court, an attorney's fee for plaintiff's
11 attorney, not exceeding twenty-five dollars if there is but a
12 single tract not exceeding forty acres in extent, or a single
13 lot in a city, involved, and forty dollars, if but a single
14 tract exceeding forty acres and not more than eighty acres;
15 in. In cases in which two or more tracts are included that
16 may not be embraced in one description, or single tracts
17 covering more than eighty acres, or two or more city lots, a
18 reasonable fee may be taxed assessed, not exceeding, however,
19 proportionately, those hereinbefore provided for in this
20 section.

21 Sec. 38. Section 650.16, Code 1985, is amended to read as
22 follows:

23 650.16 COSTS.

24 The costs in the proceeding shall be taxed assessed as the
25 court ~~shall-think~~ deems just, and shall be a lien on the land
26 or interest therein owned by the party or parties against whom
27 they are taxed assessed, so far as such land is involved in
28 the proceeding.

29 Sec. 39. Section 651.4, Code 1985, is amended to read as
30 follows:

31 651.4 COSTS ATTENDING TRANSCRIPT.

32 The costs of making and recording such transcript shall be
33 taxed assessed as part of the costs in the case.

34 Sec. 40. Section 663.44, unnumbered paragraph 1, Code
35 1985, is amended to read as follows:

1 If the plaintiff is discharged, the costs shall be taxed
2 assessed to the defendant, unless the defendant is an officer
3 holding the plaintiff in custody under a commitment, or under
4 other legal process, in which case the costs shall be taxed
5 assessed to the county. If the plaintiff's application is
6 refused, the costs shall be taxed assessed against the
7 plaintiff, and, in the discretion of the court, against the
8 person who filed the petition in the plaintiff's behalf.

9 Sec. 41. Section 656.2, subsection 1, paragraph d, Code
10 1985, is amended to read as follows:

11 d. Specify the amount of attorney fees claimed by the
12 vendee vendor pursuant to section 656.7 and state that payment
13 of the attorney fees is not required to comply with the notice
14 and prevent forfeiture.

15 Sec. 42. Section 692.15, unnumbered paragraph 1, Code
16 1985, is amended to read as follows:

17 When it comes to the attention of a sheriff, police
18 department, or other law enforcement agency that a public
19 offense has been committed in its jurisdiction, it shall be
20 the duty of the law enforcement agency to report information
21 concerning such crimes to the bureau on a form to be furnished
22 by the bureau not more than thirty-five days from the time the
23 crime first comes to the attention of such law enforcement
24 agency. These reports shall be used to generate crime
25 statistics. The bureau shall submit statistics to the
26 governor, legislature and crime-commission criminal and
27 juvenile justice planning agency on a quarterly and yearly
28 basis.

29 Sec. 43. Section 714.22, subsections 1 and 2, Code
30 Supplement 1985, are amended to read as follows:

31 1. File a bond or a bond is filed on their behalf by a
32 parent corporation with the commissioner of public instruction
33 as required by section 714.187-~~subsection-2~~.

34 2. File an annual sworn statement, or such statement is
35 filed on their behalf by a parent corporation, certified by a

1 certified public accountant, showing all assets and
 2 liabilities of the trade or vocational school and the assets
 3 of a any parent corporation. The statement shall show the
 4 trade or vocational school's net worth, or the net worth of
 5 the parent corporation, to be not less than five times the
 6 amount of the bond required by section 714.187-subsection-2.
 7 ~~In-the-event-that~~ If a parent corporation files such the
 8 statement or its net worth is included ~~therein~~ in the
 9 statement to comply with this subsection, ~~such the~~ parent
 10 corporation shall appoint a registered agent and otherwise be
 11 is subject to section 714.18, subsection 2 and ~~shall-be~~ is
 12 liable for the breach of any contract or agreement with
 13 students as well as liable for any fraud in connection
 14 ~~therewith~~ with the contract or agreement or for any violation
 15 of section 714.16 by ~~such the~~ trade or vocational school or
 16 any of its agents or salespersons.

17 Sec. 44. Section 805.6, subsection 6, Code Supplement
 18 1985, is amended by striking the subsection.

19 Sec. 45. Section 816.3, Code 1985, is amended by adding
 20 the following new unnumbered paragraph preceding subsection 1:

21 NEW UNNUMBERED PARAGRAPH. A prosecution is not barred:

22 Sec. 46. Sections 322.26 and 327F.38, Code 1985, are
 23 repealed.

24 EXPLANATION

25 This bill makes numerous nonsubstantive amendments to
 26 correct references, grammar, word choice, and sentence
 27 arrangement, substitute consistent language, and strike
 28 temporary references.

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*Rec'd
2065*

HSB 500
Judiciary & Law Enforcement *MWB*

SENATE/HOUSE FILE 2065
BY (PROPOSED COMMITTEE ON
JUDICIARY [JUDICIARY AND
LAW ENFORCEMENT] BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to nonsubstantive Code corrections.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 18.97, subsections 13 and 14, Code
2 Supplement 1985, are amended by striking the subsections.

3 Sec. 2. Section 18.100, Code 1985, is amended to read as
4 follows:

5 18.100 EXCHANGE.

6 The volumes delivered to the state law library shall be
7 used for the purpose of effecting exchange with other states,
8 foreign countries and provinces, for similar reports. All
9 books received in such exchange shall become a part of the
10 state library.

11 Sec. 3. Section 69.3, Code Supplement 1985, is amended to
12 read as follows:

13 69.3 POSSESSION OF OFFICE.

14 When a vacancy occurs in a public office, possession shall
15 be taken of the office room, ~~the~~ books, papers, and all things
16 pertaining to the office, to be held until the qualification
17 of a successor, as follows:

18 1. Of the office of the county auditor, by the county
19 treasurer~~;-of.~~

20 2. Of the county treasurer, by the county auditor~~;-of.~~

21 3. Of any of the state officers, by the governor, or, in
22 the absence or inability of the governor at the time of the
23 occurrence, as follows:

24 a. Of the secretary of state, by the treasurer of state~~;-~~
25 of.

26 b. Of the auditor of state, by the secretary of state~~;-of.~~

27 c. Of the treasurer of state, by the secretary of state
28 and auditor of state, who shall make an inventory of the money
29 and warrants in the office, sign them the inventory, and
30 transmit ~~the inventory~~ it to the governor~~;-~~, and the secretary
31 of state shall take the keys of the safe and desks, after
32 depositing the books, papers, money and warrants in them, and
33 the auditor of state shall take the key to the office room.

34 Sec. 4. Section 80.39, subsection 1, Code Supplement 1985,
35 is amended to read as follows:

1 1. Personal property, except for property-subject-to
2 forfeiture, motor vehicles subject to sale pursuant to section
3 321.89, and seizable or forfeitable property subject to
4 disposition pursuant to chapter 809A, which personal property
5 is found or seized by, turned in to, or otherwise lawfully
6 comes into the possession of the department of public safety
7 and which the department does not own, shall be disposed of
8 pursuant to this section. If by examining the property the
9 owner or lawful custodian of the property is known or can be
10 readily ascertained, the department shall notify the owner or
11 custodian by certified mail directed to the owner's or
12 custodian's last known address, as to the location of the
13 property. If the identity or address of the owner cannot be
14 determined, notice by one publication in a newspaper of
15 general circulation in the area where the property was found
16 is sufficient notice. ~~Publication~~ A published notice may
17 contain multiple items.

18 Sec. 5. Section 111.11, subsection 2, Code 1985, is
19 amended by striking the subsection.

20 Sec. 6. Section 123.19, subsection 2, Code Supplement
21 1985, is amended to read as follows:

22 2. At the time of applying for a certificate of
23 compliance, each applicant shall file with the department the
24 name and address of its authorized agent for service of
25 process which shall remain effective until changed for
26 another, and a list of names and addresses of all
27 representatives, employees, or attorneys whom ~~they may have~~
28 the applicant has appointed in the state of Iowa to represent
29 them ~~it~~ for any purpose. The listing ~~of such representatives,~~
30 ~~employees, or attorneys~~ shall be amended from time to time by
31 the certificate holder as necessary to keep ~~such~~ the listing
32 current with the department.

33 Sec. 7. Section 123.34, subsection 3, Code Supplement
34 1985, is amended to read as follows:

35 3. The fee for a fourteen-day liquor license, wine permit,

1 or beer perm.^c is one-quarter one quarter of the annual fee
2 for that class of liquor license, wine permit, or beer permit.
3 The fee for the privilege to sell on the two Sundays in the
4 fourteen-day period is twenty percent of the price of the
5 fourteen-day liquor license, wine permit, or beer permit.

6 Sec. 8. Section 154.3, subsection 7, Code Supplement 1985,
7 is amended to read as follows:

8 7. ~~Persons~~ A person licensed in any state as an
9 optometrist prior to January 1, 1986, who ~~apply~~ applies to be
10 a therapeutically certified optometrist shall also be required
11 to qualify as a certified licensed optometrist as defined in
12 subsections 2, 3, and 4.

13 Sec. 9. Section 155.26, Code Supplement 1985, is amended
14 to read as follows:

15 155.26 POSSESSION OF PRESCRIPTION DRUGS -- SERIOUS
16 MISDEMEANOR -- EXCEPTIONS.

17 1. A person found in possession of a drug or medicine
18 limited by law to dispensation by a prescription, unless the
19 drug or medicine was so lawfully dispensed, is guilty of a
20 serious misdemeanor. ~~This-section~~

21 2. Subsection 1 does not apply to a licensed pharmacy,
22 licensed wholesaler, physician, veterinarian, dentist,
23 podiatrist, or therapeutically certified optometrist, or to a
24 nurse acting under the direction of a physician, or to the
25 board of pharmacy examiners, its officers, agents, inspectors,
26 and representatives, nor or to a common carrier or messenger
27 when transporting such a drug or medicine in the same unbroken
28 package in which the drug or medicine was delivered to that
29 person for transportation.

30 3. ~~This-section~~ Subsection 1 does not apply to the
31 possession by a certified licensed optometrist or
32 therapeutically certified optometrist of those diagnostic or
33 therapeutic agents which are authorized for use by certified
34 licensed optometrists or therapeutically certified
35 optometrists pursuant to section 154.1. The dispensing by

1 pharmacists to certified licensed optometrists or
2 therapeutically certified optometrists of those diagnostic or
3 therapeutic agents which are authorized for their use pursuant
4 to section 154.1 ~~shall be~~ is permitted.

5 Sec. 10. Section 220.6, subsection 4, Code 1985, is
6 amended by striking the subsection.

7 Sec. 11. Section 234.9, Code Supplement 1985, is amended
8 to read as follows:

9 234.9 COUNTY BOARD OF SOCIAL WELFARE.

10 The board of supervisors of each county shall appoint a
11 county board of social welfare, which shall consist of three
12 members in counties of less than thirty-three thousand
13 population, not more than two of whom shall belong to the same
14 political party, and both sexes shall be represented. The
15 county board shall consist of five members in counties of more
16 than thirty-three thousand or more population, not more than
17 three of whom shall belong to the same political party, and
18 both sexes shall be represented. At the discretion of the
19 board of supervisors one or more of the members may be chosen
20 from the membership of the board of supervisors. Annually the
21 board of supervisors shall appoint the members of the county
22 board who shall serve for one year and until their successors
23 are appointed. If a vacancy occurs in the membership of the
24 county board, other than by the expiration of a term, a member
25 shall be appointed to fill the vacancy for the unexpired term.
26 All appointments shall be made a part of the regular
27 proceedings of the board of supervisors and shall be filed
28 with the county auditor and with the state director.

29 Sec. 12. Section 236.3, unnumbered paragraph 2, Code
30 Supplement 1985, is amended to read as follows:

31 If the plaintiff files an affidavit stating that the
32 plaintiff does not have sufficient funds to pay the cost of
33 filing and service, the petition shall be filed and service
34 shall be made without payment of costs. If a petition is
35 filed and service is made without payment of costs, the court

1 shall determine at the hearing if the payment of costs would
2 prejudice the person's plaintiff's financial ability to
3 provide economic necessities for the plaintiff or the
4 plaintiff's dependents. If the court finds that the payment
5 of costs would not prejudice the person's plaintiff's
6 financial ability to provide economic necessities for the
7 plaintiff or the plaintiff's dependents, the court may order
8 the plaintiff to pay the costs of filing and service.

9 However, in making the determinations, the court shall not
10 consider funds no longer available to the plaintiff as a
11 result of the commencement of the action.

12 Sec. 13. Section 250.16, Code Supplement 1985, is amended
13 to read as follows:

14 250.16 MARKERS FOR GRAVES.

15 The county commission of veteran affairs may furnish a
16 suitable and appropriate metal marker, at a cost not exceeding
17 fifteen dollars each, for the grave of each honorably
18 discharged person, who served in the military or naval forces
19 of the United States during any war, including World War I at
20 any time between April 6, 1917, and November 11, 1918, both
21 dates inclusive, World War II at any time between December 7,
22 1941, and December 31, 1946, both dates inclusive, the Korean
23 Conflict at any time between June 25, 1950, and January 31,
24 1955, both dates inclusive, and the Vietnam Conflict at any
25 time between August 5, 1964, and May 7, 1975, both dates
26 inclusive, and who is buried within the limits of the township
27 or-municipality county, to be placed at the individual's grave
28 to permanently mark and designate the grave for memorial
29 purposes. The expenses shall be paid from any funds raised as
30 provided in this chapter.

31 Sec. 14. Section 259.3, Code 1985, is amended to read as
32 follows:

33 259.3 STATE AGENCY.

34 The state board of public instruction constituting the
35 state board for vocational education is hereby designated as

1 the state board for the purpose of co-operating with the
2 secretary of ~~health, education, and welfare~~ education in
3 carrying out the provisions and the purposes of ~~said the~~
4 federal Act acts cited in sections 259.1 and 259.2, providing
5 for the vocational rehabilitation of persons disabled in
6 industry or otherwise and is hereby designated to discharge
7 the duties and exercise the powers hereinafter set forth in
8 this chapter.

9 Sec. 15. Section 259.4, subsections 1, 3, and 13, Code
10 1985, are amended to read as follows:

11 1. Co-operate with the secretary of ~~health, education, and~~
12 ~~welfare~~ education in the administration of ~~said Act of~~
13 ~~Congress~~ the federal acts cited in section 259.1.

14 3. Appoint such assistants as ~~may be~~ necessary to
15 administer the provisions of this chapter and ~~said Act of~~
16 ~~Congress~~ the federal acts cited in section 259.1 in this state
17 and fix the compensation of such persons.

18 13. Make such rules and regulations as ~~may be~~ necessary
19 for the administration of this chapter and ~~said Act of~~
20 ~~Congress~~ the federal acts cited in section 259.1 within this
21 state.

22 Sec. 16. Section 259.5, Code 1985, is amended to read as
23 follows:

24 259.5 PLAN OF CO-OPERATION.

25 It ~~shall be~~ is the duty of the state board for vocational
26 education and the state labor commissioner and the state
27 industrial commissioner as administrator of the workers'
28 compensation law to formulate a plan of co-operation in
29 accordance with the provisions of this chapter and ~~said Act of~~
30 ~~Congress~~, such the federal acts cited in section 259.1. The
31 plan ~~to become~~ shall be effective when approved by the
32 governor of the state.

33 Sec. 17. Section 275.16, unnumbered paragraph 2, Code
34 Supplement 1985, is amended to read as follows:

35 Votes of each member of an area education agency board in

1 attendance shall be weighted so that the total number of votes
2 eligible to be cast by members of each board in attendance
3 shall be equal. However, if the joint boards cast a tie vote
4 and are unable to agree to a decision fixing the boundaries
5 for the proposed school corporation or to a decision to
6 dismiss the petition, the time during which actions must be
7 taken under section 275.15 shall be extended from five ten
8 days to fifteen days after the conclusion of the hearing under
9 section 275.15, and the joint board shall reconvene not less
10 than ten and not more than fifteen days after the conclusion
11 of the hearing. At the hearing the joint board shall
12 reconsider its action and if a tie vote is again cast it is a
13 decision granting the petition and changing the plans of any
14 and all of the agency boards affected by the petition and
15 fixing the boundaries for the proposed school corporation.
16 The agency administrator shall at once publish the decision in
17 the same newspaper in which the original notice was published.

18 Sec. 18. Section 281.9, subsection 1, paragraph d, Code
19 Supplement 1985, is amended to read as follows:

20 d. Children requiring special education who are severely
21 handicapped or who have multiple handicaps are assigned to a
22 weighting of four and four-tenths for the school year
23 commencing July 1, 1975.

24 Sec. 19. Section 321.1, subsection 43, unnumbered
25 paragraph 1, Code Supplement 1985, is amended to read as
26 follows:

27 43. "Chauffeur" means a person who operates a motor
28 vehicle, including a school bus, in the transportation of
29 persons for wages, compensation, or hire, or a person who
30 operates a truck tractor, road tractor, or any motor truck
31 which is required to be registered at a gross weight
32 classification exceeding five tons, or any such motor vehicle
33 exempt from registration which would be within the gross
34 weight classification if not so exempt. A person is not a
35 chauffeur when the operation of the motor vehicle by the owner

1 or operator is occasional and merely incidental to the owner
2 owner's or operator's principal business.

3 Sec. 20. Section 321.104, subsections 3, 4, and 5, Code
4 Supplement 1985, are amended to read as follows:

5 3. ~~A person who fails~~ To fail to surrender a certificate
6 of title, registration card, or registration plates upon
7 cancellation, suspension, or revocation of the certificate or
8 registration by the department and notice as prescribed in
9 this chapter.

10 4. ~~Any person who shall~~ To purport to sell or transfer
11 a motor vehicle, trailer, or semitrailer without delivering to
12 the purchaser or transferee thereof a certificate of title or
13 a manufacturer's or importer's certificate thereto duly
14 assigned to such the purchaser or transferee as provided in
15 this chapter.

16 5. ~~Any person who shall~~ To violate any of the other
17 provisions of this chapter or any lawful rules promulgated
18 adopted pursuant to the provisions of this chapter.

19 Sec. 21. Section 331.421, subsection 2, Code 1985, is
20 amended to read as follows:

21 2. "Rural county services" means the services which are
22 primarily intended to benefit those persons residing in the
23 county outside of incorporated city areas, including secondary
24 road services, but excluding services financed by other
25 statutory funds.

26 Sec. 22. Section 331.423, subsection 2, Code 1985, is
27 amended to read as follows:

28 2. For rural county services, three dollars and ninety-
29 five cents per thousand dollars of the assessed value of
30 taxable property in the county outside of incorporated city
31 areas.

32 Sec. 23. Section 403.17, subsection 9, Code Supplement
33 1985, is amended to read as follows:

34 9. "Blighted area" means an area of a municipality within
35 which the local governing body of the municipality determines

1 that ~~by-reason-of~~ the presence of a substantial number of
2 slum, deteriorated, or deteriorating structures, defective or
3 inadequate street layout, faulty lot layout in relation to
4 size, adequacy, accessibility, or usefulness, insanitary or
5 unsafe conditions, deterioration of site or other
6 improvements, diversity of ownership, tax or special
7 assessment delinquency exceeding the fair value of the land,
8 defective or unusual conditions of title, or the existence of
9 conditions which endanger life or property by fire and other
10 causes, or any combination of these factors, substantially
11 impairs or arrests the sound growth of a municipality, retards
12 the provision of housing accommodations or constitutes an
13 economic or social liability and is a menace to the public
14 health, safety, or welfare in its present condition and use.
15 A disaster area referred to in section 403.5, subsection 7,
16 constitutes a "blighted area".

17 Sec. 24. Section 421.17, subsection 25, paragraph e, Code
18 Supplement 1985, is amended to read as follows:

19 e. Upon notice of entitlement to a refund or rebate the
20 clerk shall send written notification to the debtor of the
21 clerk's assertion of its rights to all or a portion of the
22 debtor's refund or rebate and the entitlement to recover the
23 debt through the setoff procedure, the basis of the assertion,
24 the opportunity to request that a joint income tax refund or
25 rebate be divided between spouses, and the debtor's
26 opportunity to give written notice of intent to contest the
27 amount of the claim. The clerk shall send a copy of the
28 notice to the department.

29 Sec. 25. Section 422.62, Code Supplement 1985, is amended
30 to read as follows:

31 422.62 DUE AND DELINQUENT DATES.

32 The franchise tax is due and payable on the first day
33 following the end of the taxable year of each financial
34 institution, and is delinquent after the last day of the
35 fourth month following the due date or forty-five days after

1 the due date of the federal tax return, excluding extensions
2 of time to file, whichever is the later. Every financial
3 institution shall file a return as prescribed by the director
4 on or before the delinquency date. ~~This section is effective~~
5 ~~for all taxable years ending on or after January 1, 1970. As~~
6 ~~to fiscal years ending prior to May 9, 1970, the time for~~
7 ~~filing a return is extended to the last day of the fourth~~
8 ~~month following that date.~~

9 Sec. 26. Section 422.73, subsection 2, unnumbered
10 paragraph 2, Code Supplement 1985, is amended by striking the
11 unnumbered paragraph.

12 Sec. 27. Section 450.3, unnumbered paragraph 1, Code
13 Supplement 1985, is amended to read as follows:

14 The tax hereby imposed shall be collected upon the net
15 market value and shall go into the general fund of the state
16 to be determined as herein provided, of any property passing
17 as follows:

18 Sec. 28. Section 453.25, unnumbered paragraph 2, Code
19 Supplement 1985, is amended to read as follows:

20 The funds shall be used to receive and ~~disperse~~ disburse
21 moneys pursuant to section 453.23, subsection 3, paragraph
22 "d".

23 Sec. 29. Section 455B.171, subsections 26 and 28, Code
24 Supplement 1985, are amended to read as follows:

25 26. "Reconstruction" of a water well means replacement or
26 removal of all or a portion of the casing of a the water well.

27 28. "Construction" of a water well means the physical act
28 or process of making a the water well including, but not
29 limited to, siting, excavation, construction, and the
30 installation of equipment and materials necessary to maintain
31 and operate the well.

32 Sec. 30. Section 508B.1, subsection 5, Code Supplement
33 1985, is amended to read as follows:

34 5. "Policyholder" means a person, determined by the mutual
35 company, who is ~~to be~~ the holder of a policy or annuity

1 contract for the purposes of section 508B.3, subsection 1, 2,
2 or 3.

3 Sec. 31. Section 508B.9, unnumbered paragraph 1, Code
4 Supplement 1985, is amended to read as follows:

5 When the commissioner approves and the policyholders
6 approve the conversion plan as provided in this chapter, the
7 commissioner shall issue a new certificate of authority to the
8 reorganized company effective on the date specified in the
9 plan. The reorganized company is a continuation of the mutual
10 life insurance company and the conversion shall not annul or
11 modify any of the mutual company's existing suits, contracts,
12 or liabilities except as provided in the approved conversion
13 plan. All rights, franchises, and interests of the mutual
14 company in and to property, assets, and other interests shall
15 be transferred to and shall vest in the reorganized company
16 and the reorganized company shall assume all obligations and
17 liabilities of the mutual company.

18 Sec. 32. Section 508B.15, Code Supplement 1985, is amended
19 to read as follows: state.

20 After approval of the conversion plan by the commissioner
21 and the policyholders, the secretary of state shall accept for
22 filing a verified copy of the amended articles of
23 incorporation.

24 Sec. 33. Section 536.13, subsection 1, paragraph a, Code
25 Supplement 1985, is amended to read as follows:

26 a. Classify regulated loans by a regulation rule according
27 to a system of differentiation which will reasonably
28 distinguish the classes of loans for the purposes of this
29 chapter.

30 Sec. 34. Section 554.9404, subsection 1, Code Supplement
31 1985, is amended to read as follows:

32 1. If a financing statement covering consumer goods is
33 filed on or after January 1, 1975, then within one month or
34 within ten days following written demand by the debtor after
35 there is no outstanding secured obligation and no commitment

1 to make advances, incur obligations, or otherwise give value,
2 the secured party must file with each filing officer with whom
3 the financing statement was filed, a termination statement to
4 the effect that the secured party no longer claims a security
5 interest under the financing statement, which shall be
6 identified by file number. If a financing statement covering
7 farm products is filed, then within sixty days, or within ten
8 days following written demand by the debtor, after there is no
9 outstanding secured ~~objection~~ obligation and no commitment to
10 make advances, incur obligations, or otherwise give value, the
11 secured party shall file with each filing officer with whom
12 the financing statement was filed, a termination statement to
13 the effect that the secured party no longer claims a security
14 interest under the financing statement, which shall be
15 identified by file number. In other cases whenever if there
16 is no outstanding secured obligation and no commitment to make
17 advances, incur obligations, or otherwise give value, the
18 secured party must on written demand by the debtor send the
19 debtor, for each filing officer with whom the financing
20 statement was filed, a termination statement to the effect
21 that the secured party no longer claims a security interest
22 under the financing statement, which shall be identified by
23 file number. A termination statement signed by a person other
24 than the secured party of record must be accompanied by a
25 separate written statement of assignment signed by the secured
26 party of record complying with section 554.9405, subsection 2,
27 including payment of the required fee. If the affected
28 secured party fails to file ~~such~~ a termination statement as
29 required by this subsection, or to send such a termination
30 statement within ten days after proper demand ~~therefor~~ for it,
31 the affected secured party ~~shall-be~~ is liable to the debtor
32 for one hundred dollars, and in addition for any loss caused
33 to the debtor by ~~such~~ the failure.

34 Sec. 35. Section 557A.11, subsection 1, paragraph a,
35 subparagraph 4, Code Supplement 1985, is amended to read as

1 follows:

2 (4) The filing of this document with the commission does
3 not constitute approval of the sale or lease, or offer for
4 sale or lease, by the state, commission, or any officer
5 thereof, or indicate that the state, commission, or any
6 officer thereof has in any way passed upon the merits of the
7 offering."

8 Sec. 36. Section 602.8102, Code Supplement 1985, is
9 amended by adding the following new subsection:

10 NEW SUBSECTION. 29A. Hold as a public record a list of
11 the names and addresses of persons licensed as real estate
12 salespersons and brokers and the names of persons whose
13 licenses were suspended or revoked during the year reported as
14 provided in section 117.42.

15 Sec. 37. Section 649.5, Code 1985, is amended to read as
16 follows:

17 649.5 DEMAND FOR QUITCLAIM --ATTORNEY'S FEES.

18 If a party, twenty days or more before bringing suit to
19 quiet a title to real estate, ~~shall-request~~ requests of the
20 person holding an apparent adverse interest or right therein
21 the execution of a quitclaim deed thereto, and ~~shall~~ also
22 tender tenders to the person one dollar and twenty-five cents
23 to cover the expense of the execution and delivery of the
24 deed, and if the person ~~shall-refuse~~ refuses or neglect
25 neglects to comply therewith, the filing of a disclaimer of
26 interest or right shall not avoid the costs in an action
27 afterwards brought, and the court may, in its discretion, if
28 the plaintiff succeeds, tax charge, in addition to the
29 ordinary costs of court, an attorney's fee for plaintiff's
30 attorney, not exceeding twenty-five dollars if there is but a
31 single tract not exceeding forty acres in extent, or a single
32 lot in a city, involved, and forty dollars, if but a single
33 tract exceeding forty acres and not more than eighty acres;
34 in. In cases in which two or more tracts are included that
35 may not be embraced in one description, or single tracts

1 covering more than eighty acres, or two or more city lots, a
2 reasonable fee may be taxed charged, not exceeding, however,
3 proportionately, those hereinbefore provided for in this
4 section.

5 Sec. 38. Section 650.16, Code 1985, is amended to read as
6 follows:

7 650.16 COSTS.

8 The costs in the proceeding shall be taxed charged as the
9 court ~~shall think~~ thinks just, and shall be a lien on the land
10 or interest therein owned by the party or parties against whom
11 they are taxed charged, so far as such land is involved in the
12 proceeding.

13 Sec. 39. Section 651.4, Code 1985, is amended to read as
14 follows:

15 651.4 COSTS ATTENDING TRANSCRIPT.

16 The costs of making and recording such transcript shall be
17 taxed charged as part of the costs in the case.

18 Sec. 40. Section 663.44, unnumbered paragraph 1, Code
19 1985, is amended to read as follows:

20 If the plaintiff is discharged, the costs shall be taxed
21 charged to the defendant, unless the defendant is an officer
22 holding the plaintiff in custody under a commitment, or under
23 other legal process, in which case the costs shall be taxed
24 charged to the county. If the plaintiff's application is
25 refused, the costs shall be taxed charged against the
26 plaintiff, and, in the discretion of the court, against the
27 person who filed the petition in the plaintiff's behalf.

28 Sec. 41. Section 656.2, subsection 1, paragraph d, Code
29 1985, is amended to read as follows:

30 d. Specify the amount of attorney fees claimed by the
31 vendee vendor pursuant to section 656.7 and state that payment
32 of the attorney fees is not required to comply with the notice
33 and prevent forfeiture.

34 Sec. 42. Section 692.15, unnumbered paragraph 1, Code
35 1985, is amended to read as follows:

1 When it comes to the attention of a sheriff, police
2 department, or other law enforcement agency that a public
3 offense has been committed in its jurisdiction, it shall be
4 the duty of the law enforcement agency to report information
5 concerning such crimes to the bureau on a form to be furnished
6 by the bureau not more than thirty-five days from the time the
7 crime first comes to the attention of such law enforcement
8 agency. These reports shall be used to generate crime
9 statistics. The bureau shall submit statistics to the
10 governor, legislature and crime-commission criminal and
11 juvenile justice planning agency on a quarterly and yearly
12 basis.

13 Sec. 43. Section 714.22, subsections 1 and 2, Code
14 Supplement 1985, are amended to read as follows:

15 1. File a bond or a bond is filed on their behalf by a
16 parent corporation with the commissioner of public instruction
17 as required by section 714.187-~~subsection-2~~.

18 2. File an annual sworn statement, or such statement is
19 filed on their behalf by a parent corporation, certified by a
20 certified public accountant, showing all assets and
21 liabilities of the trade or vocational school and the assets
22 of a any parent corporation. The statement shall show the
23 trade or vocational school's net worth, or the net worth of
24 the parent corporation, to be not less than five times the
25 amount of the bond required by section 714.187-~~subsection-2~~.
26 ~~In-the-event-that~~ If a parent corporation files such the
27 statement or its net worth is included therein in the
28 statement to comply with this subsection, such the parent
29 corporation shall appoint a registered agent and otherwise be
30 is subject to section 714.18, subsection 2 and ~~shall-be~~ is
31 liable for the breach of any contract or agreement with
32 students as well as liable for any fraud in connection
33 therewith with the contract or agreement or for any violation
34 of section 714.16 by such the trade or vocational school or
35 any of its agents or salespersons.

1 Sec. 44. Section 805.6, subsection 6, Code Supplement
2 1985, is amended by striking the subsection.

3 Sec. 45. Section 812.4, Code 1985, is amended to read as
4 follows:

5 812.4 CESSATION OF CRIMINAL PROSECUTION.

6 If, upon hearing conducted by the court, the accused is
7 found to be incapacitated in the manner described in section
8 812.3, no further proceedings shall be taken under the
9 complaint or indictment until the accused's capacity is
10 restored, and, if the accused's release will endanger the
11 public peace or safety, the court must order the accused
12 committed to the custody of the department of ~~human-services~~
13 corrections.

14 Sec. 46. Section 812.5, Code Supplement 1985, is amended
15 to read as follows:

16 812.5 EFFECT OF RESTORATION OF MENTAL CAPACITY.

17 If the accused is committed to the department of ~~human~~
18 ~~services~~ corrections, after the expiration of a period not to
19 exceed six months, the court shall upon hearing review the
20 confinement and determine whether there is a substantial
21 probability the accused will regain capacity within a
22 reasonable time. If not, the state shall be directed to
23 institute civil commitment proceedings. When it thereafter
24 appears that the accused can effectively assist in the
25 accused's defense, the department shall give notice to the
26 sheriff and county attorney of the proper county of such fact,
27 and the sheriff, without delay, shall receive and hold the
28 accused in custody until the accused is brought to trial or
29 judgment, as the case may be, or is legally discharged, the
30 expense for conveying and returning the accused, or any other,
31 to be paid in the first instance by the county from which the
32 accused is sent, but such county may recover the same from
33 another county or municipal body required to provide for or
34 maintain the accused elsewhere, and the sheriff shall be
35 allowed for the sheriff's services the same fees as are

1 allowed for conveying persons to institutions under section
2 331.655.

3 Sec. 47. Section 816.3, Code 1985, is amended by adding
4 the following new unlettered paragraph:

5 NEW UNLETTERED PARAGRAPH. A prosecution is not barred:

6 Sec. 48. Sections 322.26 and 327F.38, Code 1985, are
7 repealed.

8 EXPLANATION

9 This bill makes numerous nonsubstantive amendments to
10 correct references, grammar, word choice, and sentence
11 arrangement, substitute consistent language and strike
12 temporary references.

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HOUSE FILE 2065

AN ACT
RELATING TO NONSUBSTANTIVE CODE CORRECTIONS.

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

Section 1. Section 18.97, subsections 13 and 14, Code Supplement 1985, are amended by striking the subsections.

Sec. 2. Section 18.100, Code 1985, is amended to read as follows:

18.100 EXCHANGE.

The volumes delivered to the state law library shall be used for the purpose of effecting exchange with other states, foreign countries, and provinces, for similar reports. All books received in such exchange shall become a part of the state library.

Sec. 3. Section 69.3, Code Supplement 1985, is amended to read as follows:

69.3 POSSESSION OF OFFICE.

When a vacancy occurs in a public office, possession shall be taken of the office room, the books, papers, and all things pertaining to the office, to be held until the qualification of a successor, as follows:

1. Of the office of the county auditor, by the county treasurer; of

2. Of the county treasurer, by the county auditor; of

3. Of any of the state officers, by the governor, or, in the absence or inability of the governor at the time of the occurrence, as follows:

a. Of the secretary of state, by the treasurer of state; of

b. Of the auditor of state, by the secretary of state; of

c. Of the treasurer of state, by the secretary of state and auditor of state, who shall make an inventory of the money and warrants in the office, sign them the inventory, and transmit the inventory it to the governor, and the secretary of state shall take the keys of the safe and desks, after depositing the books, papers, money and warrants in them, and the auditor of state shall take the key to the office room.

Sec. 4. Section 80.39, subsection 1, Code Supplement 1985, is amended to read as follows:

1. Personal property, except for property-subject-to forfeiture; motor vehicles subject to sale pursuant to section 321.89; and seizable or forfeitable property subject to disposition pursuant to chapter 809A, which personal property is found or seized by, turned in to, or otherwise lawfully comes into the possession of the department of public safety and which the department does not own, shall be disposed of pursuant to this section. If by examining the property the owner or lawful custodian of the property is known or can be readily ascertained, the department shall notify the owner or custodian by certified mail directed to the owner's or custodian's last known address, as to the location of the property. If the identity or address of the owner cannot be determined, notice by one publication in a newspaper of general circulation in the area where the property was found is sufficient notice. Publication A published notice may contain multiple items.

Sec. 5. Section 111.11, subsection 2, Code 1985, is amended by striking the subsection.

Sec. 6. Section 123.19, subsection 2, Code Supplement 1985, is amended to read as follows:

2. At the time of applying for a certificate of compliance, each applicant shall file with the department the name and address of its authorized agent for service of process which shall remain effective until changed for another, and a list of names and addresses of all representatives, employees, or attorneys whom they may have the applicant has appointed in the state of Iowa to represent

them ~~it~~ for any purpose. The listing of ~~such representatives, employees, or attorneys~~ shall be amended from time to time by the certificate holder as necessary to keep ~~such the~~ listing current with the department.

Sec. 7. Section 123.34, subsection 3, Code Supplement 1985, is amended to read as follows:

3. The fee for a fourteen-day liquor license, wine permit, or beer permit is ~~one-quarter~~ one quarter of the annual fee for that class of liquor license, wine permit, or beer permit. The fee for the privilege to sell on the two Sundays in the fourteen-day period is twenty percent of the price of the fourteen-day liquor license, wine permit, or beer permit.

Sec. 8. Section 154.3, subsection 7, Code Supplement 1985, is amended to read as follows:

7. Persons ~~A person~~ licensed in any state as an optometrist prior to January 1, 1986, who ~~apply~~ applies to be a therapeutically certified optometrist shall also be required to qualify as a certified licensed optometrist as defined in subsections 2, 3, and 4.

Sec. 9. Section 155.26, Code Supplement 1985, is amended to read as follows:

155.26 POSSESSION OF PRESCRIPTION DRUGS -- SERIOUS MISDEMEANOR -- EXCEPTIONS.

1. A person found in possession of a drug or medicine limited by law to dispensation by a prescription, unless the drug or medicine was so lawfully dispensed, is guilty of a serious misdemeanor. ~~This section~~

2. Subsection 1 does not apply to a licensed pharmacy, licensed wholesaler, physician, veterinarian, dentist, podiatrist, or therapeutically certified optometrist, or to a nurse acting under the direction of a physician, or to the board of pharmacy examiners, its officers, agents, inspectors, and representatives, ~~nor~~ or to a common carrier or messenger when transporting such a drug or medicine in the same unbroken package in which the drug or medicine was delivered to that person for transportation.

3. ~~This section~~ Subsection 1 does not apply to the possession by a certified licensed optometrist or therapeutically certified optometrist of those diagnostic or therapeutic agents which are authorized for use by certified licensed optometrists or therapeutically certified optometrists pursuant to section 154.1. The dispensing by pharmacists to certified licensed optometrists or therapeutically certified optometrists of those diagnostic or therapeutic agents which are authorized for their use pursuant to section 154.1 ~~shall be~~ is permitted.

Sec. 10. Section 220.6, subsection 4, Code 1985, is amended by striking the subsection.

Sec. 11. Section 234.9, Code Supplement 1985, is amended to read as follows:

234.9 COUNTY BOARD OF SOCIAL WELFARE.

The board of supervisors of each county shall appoint a county board of social welfare, which shall consist of three members in counties of less than thirty-three thousand population, not more than two of whom shall belong to the same political party, and both sexes shall be represented. The county board shall consist of five members in counties of ~~more than thirty-three thousand~~ or more population, not more than three of whom shall belong to the same political party, and both sexes shall be represented. At the discretion of the board of supervisors one or more of the members may be chosen from the membership of the board of supervisors. Annually the board of supervisors shall appoint the members of the county board who shall serve for one year and until their successors are appointed. If a vacancy occurs in the membership of the county board, other than by the expiration of a term, a member shall be appointed to fill the vacancy for the unexpired term. All appointments shall be made a part of the regular proceedings of the board of supervisors and shall be filed with the county auditor and with the state director.

Sec. 12. Section 236.3, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

If the plaintiff files an affidavit stating that the plaintiff does not have sufficient funds to pay the cost of filing and service, the petition shall be filed and service shall be made without payment of costs. If a petition is filed and service is made without payment of costs, the court shall determine at the hearing if the payment of costs would prejudice the person's plaintiff's financial ability to provide economic necessities for the plaintiff or the plaintiff's dependents. If the court finds that the payment of costs would not prejudice the person's plaintiff's financial ability to provide economic necessities for the plaintiff or the plaintiff's dependents, the court may order the plaintiff to pay the costs of filing and service. However, in making the determinations, the court shall not consider funds no longer available to the plaintiff as a result of the commencement of the action.

Sec. 13. Section 250.16, Code Supplement 1985, is amended to read as follows:

250.16 MARKERS FOR GRAVES.

The county commission of veteran affairs may furnish a suitable and appropriate metal marker, at a cost not exceeding fifteen dollars each, for the grave of each honorably discharged person, who served in the military or naval forces of the United States during any war, including World War I at any time between April 6, 1917, and November 11, 1918, both dates inclusive, World War II at any time between December 7, 1941, and December 31, 1946, both dates inclusive, the Korean Conflict at any time between June 25, 1950, and January 31, 1955, both dates inclusive, and the Vietnam Conflict at any time between August 5, 1964, and May 7, 1975, both dates inclusive, and who is buried within the limits of the township or municipality county, to be placed at the individual's grave to permanently mark and designate the grave for memorial purposes. The expenses shall be paid from any funds raised as provided in this chapter.

Sec. 14. Section 259.3, Code 1985, is amended to read as follows:

259.3 STATE AGENCY.

The state board of public instruction constituting the state board for vocational education is hereby designated as the state board for the purpose of co-operating with the secretary of health, education, and welfare education in carrying out the provisions and the purposes of said the federal Act acts cited in sections 259.1 and 259.2, providing for the vocational rehabilitation of persons disabled in industry or otherwise and is hereby designated to discharge the duties and exercise the powers hereinafter set forth in this chapter.

Sec. 15. Section 259.4, subsections 1, 3, and 13, Code 1985, are amended to read as follows:

1. Co-operate with the secretary of health, education, and welfare education in the administration of said Act of Congress the federal acts cited in section 259.1.

3. Appoint such assistants as may be necessary to administer the provisions of this chapter and said Act of Congress the federal acts cited in section 259.1 in this state and fix the compensation of such persons.

13. Make such rules and regulations as may be necessary for the administration of this chapter and said Act of Congress the federal acts cited in section 259.1 within this state.

Sec. 16. Section 259.5, Code 1985, is amended to read as follows:

259.5 PLAN OF CO-OPERATION.

It shall be is the duty of the state board for vocational education and the state labor commissioner and the state industrial commissioner as administrator of the workers' compensation law to formulate a plan of co-operation in accordance with the provisions of this chapter and said Act of Congress such the federal acts cited in section 259.1. The plan to become shall be effective when approved by the governor of the state.

Sec. 17. Section 275.16, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

Votes of each member of an area education agency board in attendance shall be weighted so that the total number of votes eligible to be cast by members of each board in attendance shall be equal. However, if the joint boards cast a tie vote and are unable to agree to a decision fixing the boundaries for the proposed school corporation or to a decision to dismiss the petition, the time during which actions must be taken under section 275.15 shall be extended from ~~five~~ ten days to fifteen days after the conclusion of the hearing under section 275.15, and the joint board shall reconvene not less than ten and not more than fifteen days after the conclusion of the hearing. At the hearing the joint board shall reconsider its action and if a tie vote is again cast it is a decision granting the petition and changing the plans of any and all of the agency boards affected by the petition and fixing the boundaries for the proposed school corporation. The agency administrator shall at once publish the decision in the same newspaper in which the original notice was published.

Sec. 18. Section 281.9, subsection 1, paragraph d, Code Supplement 1985, is amended to read as follows:

d. Children requiring special education who are severely handicapped or who have multiple handicaps are assigned to a weighting of four and four-tenths for the school year commencing July 1, 1975.

Sec. 19. Section 321.1, subsection 43, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

43. "Chauffeur" means a person who operates a motor vehicle, including a school bus, in the transportation of persons for wages, compensation, or hire, or a person who operates a truck tractor, road tractor, or any motor truck which is required to be registered at a gross weight classification exceeding five tons, or any such motor vehicle exempt from registration which would be within the gross weight classification if not so exempt. A person is not a chauffeur when the operation of the motor vehicle by the owner or operator is occasional and merely incidental to the owner's or operator's principal business.

Sec. 20. Section 321.104, subsections 3, 4, and 5, Code Supplement 1985, are amended to read as follows:

3. ~~A person who fails~~ To fail to surrender a certificate of title, registration card, or registration plates upon cancellation, suspension, or revocation of the certificate or registration by the department and notice as prescribed in this chapter.

4. ~~Any person who ever shall~~ To purport to sell or transfer a motor vehicle, trailer, or semitrailer without delivering to the purchaser or transferee thereof a certificate of title or a manufacturer's or importer's certificate thereto duly assigned to ~~such~~ the purchaser or transferee as provided in this chapter.

5. ~~Any person who ever shall~~ To violate any of the other provisions of this chapter or any lawful rules promulgated ~~adopted~~ pursuant to the provisions of this chapter.

Sec. 21. Section 331.421, subsection 2, Code 1985, is amended to read as follows:

2. "Rural county services" means the services which are primarily intended to benefit those persons residing in the county outside of incorporated city areas, including secondary road services, but excluding services financed by other statutory funds.

Sec. 22. Section 331.423, subsection 2, Code 1985, is amended to read as follows:

2. For rural county services, three dollars and ninety-five cents per thousand dollars of the assessed value of taxable property in the county outside of incorporated city areas.

Sec. 23. Section 403.17, subsection 9, Code Supplement 1985, is amended to read as follows:

9. "Blighted area" means an area of a municipality within which the local governing body of the municipality determines that ~~by reason of~~ the presence of a substantial number of slum, deteriorated, or deteriorating structures, defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, insanitary or

unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of these factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, or welfare in its present condition and use. A disaster area referred to in section 403.5, subsection 7, constitutes a "blighted area".

Sec. 24. Section 421.17, subsection 25, paragraph e, Code Supplement 1985, is amended to read as follows:

e. Upon notice of entitlement to a refund or rebate the clerk shall send written notification to the debtor of the clerk's assertion of its rights to all or a portion of the debtor's refund or rebate and the entitlement to recover the debt through the setoff procedure, the basis of the assertion, the opportunity to request that a joint income tax refund or rebate be divided between spouses, and the debtor's opportunity to give written notice of intent to contest the amount of the claim. The clerk shall send a copy of the notice to the department.

Sec. 25. Section 422.62, Code Supplement 1985, is amended to read as follows:

422.62 DUE AND DELINQUENT DATES.

The franchise tax is due and payable on the first day following the end of the taxable year of each financial institution, and is delinquent after the last day of the fourth month following the due date or forty-five days after the due date of the federal tax return, excluding extensions of time to file, whichever is the later. Every financial institution shall file a return as prescribed by the director on or before the delinquency date. ~~This section is effective for all taxable years ending on or after January 1, 1978. As to fiscal years ending prior to May 9, 1978, the time for~~

~~filing a return is extended to the last day of the fourth month following that date.~~

Sec. 26. Section 422.73, subsection 2, unnumbered paragraph 2, Code Supplement 1985, is amended by striking the unnumbered paragraph.

Sec. 27. Section 450.3, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

The tax hereby imposed shall be collected upon the net market value and shall go into the general fund of the state to be determined as herein provided, of any property passing as follows:

Sec. 28. Section 453.25, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

The funds shall be used to receive and disperse ~~disburse~~ moneys pursuant to section 453.23, subsection 3, paragraph "d".

Sec. 29. Section 455B.171, subsections 26 and 28, Code Supplement 1985, are amended to read as follows:

26. "Reconstruction" of a water well means replacement or removal of all or a portion of the casing of a the water well.

28. "Construction" of a water well means the physical act or process of making a the water well including, but not limited to, siting, excavation, construction, and the installation of equipment and materials necessary to maintain and operate the well.

Sec. 30. Section 508B.1, subsection 5, Code Supplement 1985, is amended to read as follows:

5. "Policyholder" means a person, determined by the mutual company, who is to be the holder of a policy or annuity contract for the purposes of section 508B.3, subsection 1, 2, or 3.

Sec. 31. Section 508B.2, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

A plan of conversion may provide that a mutual company may convert into a domestic stock company, convert and merge, or convert and consolidate with a domestic stock company, as provided in chapter 491 or 496A, whichever is applicable.

However, the mutual company is not required to comply with sections 491.102 through 491.105 or sections 496A.68 through 496A.70 relating to approval or of merger or consolidation plans by boards of directors and shareholders, if at the time of approval of the plan of conversion the board of directors approves the merger or consolidation and if at the time of approval of the plan by policyholders as provided in section 508B.6, the policyholders approve the merger or consolidation. This chapter supersedes any conflicting provisions of chapters 521 and 521A. A mutual company may convert, merge, or consolidate as part of a plan of conversion in which a majority or all of the common shares of the stock company are acquired by another corporation, which may be a corporation organized for that purpose, or in which the new stock company consolidates with a stock company to form another stock company.

Sec. 32. Section 508B.9, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

When the commissioner approves and the policyholders approve the conversion plan as provided in this chapter, the commissioner shall issue a new certificate of authority to the reorganized company effective on the date specified in the plan. The reorganized company is a continuation of the mutual life insurance company and the conversion shall not annul or modify any of the mutual company's existing suits, contracts, or liabilities except as provided in the approved conversion plan. All rights, franchises, and interests of the mutual company in and to property, assets, and other interests shall be transferred to and shall vest in the reorganized company and the reorganized company shall assume all obligations and liabilities of the mutual company.

Sec. 33. Section 508B.15, Code Supplement 1985, is amended to read as follows:

508B.15 DUTIES OF SECRETARY OF STATE.

After approval of the conversion plan by the commissioner and the policyholders, the secretary of state shall accept for filing a verified copy of the amended articles of incorporation.

Sec. 34. Section 536.13, subsection 1, paragraph a, Code Supplement 1985, is amended to read as follows:

a. Classify regulated loans by a regulation rule according to a system of differentiation which will reasonably distinguish the classes of loans for the purposes of this chapter.

Sec. 35. Section 554.9404, subsection 1, Code Supplement 1985, is amended to read as follows:

1. If a financing statement covering consumer goods is filed on or after January 1, 1975, then within one month or within ten days following written demand by the debtor after there is no outstanding secured obligation and no commitment to make advances, incur obligations, or otherwise give value, the secured party must file with each filing officer with whom the financing statement was filed, a termination statement to the effect that the secured party no longer claims a security interest under the financing statement, which shall be identified by file number. If a financing statement covering farm products is filed, then within sixty days, or within ten days following written demand by the debtor, after there is no outstanding secured objection obligation and no commitment to make advances, incur obligations, or otherwise give value, the secured party shall file with each filing officer with whom the financing statement was filed, a termination statement to the effect that the secured party no longer claims a security interest under the financing statement, which shall be identified by file number. In other cases whenever if there is no outstanding secured obligation and no commitment to make advances, incur obligations, or otherwise give value, the secured party must on written demand by the debtor send the debtor, for each filing officer with whom the financing statement was filed, a termination statement to the effect that the secured party no longer claims a security interest under the financing statement, which shall be identified by file number. A termination statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured

party of record complying with section 554.9405, subsection 2, including payment of the required fee. If the affected secured party fails to file such a termination statement as required by this subsection, or to send such a termination statement within ten days after proper demand therefor for it, the affected secured party ~~shall be~~ is liable to the debtor for one hundred dollars, and in addition for any loss caused to the debtor by ~~such~~ the failure.

Sec. 36. Section 557A.11, subsection 1, paragraph a, subparagraph 4, Code Supplement 1985, is amended to read as follows:

(4) The filing of this document with the commission does not constitute approval of the sale or lease, or offer for sale or lease, by the state, commission, or any officer thereof, or indicate that the state, commission, or any officer thereof has in any way passed upon the merits of the offering."

Sec. 37. Section 649.5, Code 1985, is amended to read as follows:

649.5 DEMAND FOR QUITCLAIM -- ATTORNEY'S FEES.

If a party, twenty days or more before bringing suit to quiet a title to real estate, ~~shall request~~ requests of the person holding an apparent adverse interest or right therein the execution of a quitclaim deed thereto, and ~~shall~~ also tender tenders to the person one dollar and twenty-five cents to cover the expense of the execution and delivery of the deed, and if the person ~~shall refuse~~ refuses or ~~neglect~~ neglects to comply therewith, the filing of a disclaimer of interest or right shall not avoid the costs in an action afterwards brought, and the court may, in its discretion, if the plaintiff succeeds, tax assess, in addition to the ordinary costs of court, an attorney's fee for plaintiff's attorney, not exceeding twenty-five dollars if there is but a single tract not exceeding forty acres in extent, or a single lot in a city, involved, and forty dollars, if but a single tract exceeding forty acres and not more than eighty acres; and in cases in which two or more tracts are included that

may not be embraced in one description, or single tracts covering more than eighty acres, or two or more city lots, a reasonable fee may be taxed assessed, not exceeding, however, proportionately, those ~~hereinbefore~~ provided for in this section.

Sec. 38. Section 650.16, Code 1985, is amended to read as follows:

650.16 COSTS.

The costs in the proceeding shall be taxed assessed as the court ~~shall think~~ deems just, and shall be a lien on the land or interest therein owned by the party or parties against whom they are taxed assessed, so far as such land is involved in the proceeding.

Sec. 39. Section 651.4, Code 1985, is amended to read as follows:

651.4 COSTS ATTENDING TRANSCRIPT.

The costs of making and recording such transcript shall be taxed assessed as part of the costs in the case.

Sec. 40. Section 663.44, unnumbered paragraph 1, Code 1985, is amended to read as follows:

If the plaintiff is discharged, the costs shall be taxed assessed to the defendant, unless the defendant is an officer holding the plaintiff in custody under a commitment, or under other legal process, in which case the costs shall be taxed assessed to the county. If the plaintiff's application is refused, the costs shall be taxed assessed against the plaintiff, and, in the discretion of the court, against the person who filed the petition in the plaintiff's behalf.

Sec. 41. Section 656.2, subsection 1, paragraph d, Code 1985, is amended to read as follows:

d. Specify the amount of attorney fees claimed by the vendee vendor pursuant to section 656.7 and state that payment of the attorney fees is not required to comply with the notice and prevent forfeiture.

Sec. 42. Section 692.15, unnumbered paragraph 1, Code 1985, is amended to read as follows:

When it comes to the attention of a sheriff, police department, or other law enforcement agency that a public offense has been committed in its jurisdiction, it shall be the duty of the law enforcement agency to report information concerning such crimes to the bureau on a form to be furnished by the bureau not more than thirty-five days from the time the crime first comes to the attention of such law enforcement agency. These reports shall be used to generate crime statistics. The bureau shall submit statistics to the governor, legislature and crime-commission criminal and juvenile justice planning agency on a quarterly and yearly basis.

Sec. 43. Section 714.22, subsections 1 and 2, Code Supplement 1985, are amended to read as follows:

1. File a bond or a bond is filed on their behalf by a parent corporation with the commissioner of public instruction as required by section 714.18~~-subsection-2~~.

2. File an annual sworn statement, or such statement is filed on their behalf by a parent corporation, certified by a certified public accountant, showing all assets and liabilities of the trade or vocational school and the assets of a any parent corporation. The statement shall show the trade or vocational school's net worth, or the net worth of the parent corporation, to be not less than five times the amount of the bond required by section 714.18~~-subsection-2~~. ~~In the event that~~ if a parent corporation files such the statement or its net worth is included therein in the statement to comply with this subsection, such the parent corporation shall appoint a registered agent and otherwise be is subject to section 714.18, subsection 2 and ~~shall be~~ is liable for the breach of any contract or agreement with students as well as liable for any fraud in connection ~~therewith~~ with the contract or agreement or for any violation of section 714.16 by such the trade or vocational school or any of its agents or salespersons.

Sec. 44. Section 805.6, subsection 6, Code Supplement 1985, is amended by striking the subsection.

Sec. 45. Section 816.3, Code 1985, is amended by adding the following new unnumbered paragraph preceding subsection 1: NEW UNNUMBERED PARAGRAPH. A prosecution is not barred:

Sec. 46. Sections 322.26 and 327E.38, Code 1985, are repealed.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2065, Seventy-first General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 29, 1986

TERRY E. BRANSTAD
Governor