

JAN 16 1986

Place On Calendar

HOUSE FILE 2066  
BY COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

(Formerly House Study Bill 505)

Passed House, Date 3-27-86 (p. 1063) Passed Senate, Date 4-10-86 (P. 1173)

Vote: Ayes 74 Nays 17 Vote: Ayes 50 Nays 0

Approved May 29, 1986

**A BILL FOR**

1 An Act relating to Code corrections which adjust and correct  
2 earlier omissions and inaccuracies, remove inconsistencies,  
3 and reflect current practices.

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

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HF 2066

1 Section 1. Section 14.21, unnumbered paragraph 2, Code  
2 Supplement 1985, is amended to read as follows:

3 The Code editor shall cause to be compiled, indexed, and  
4 published in loose-leaf form the Iowa court rules, which shall  
5 consist of all rules ~~of-civil-procedure, rules-of-criminal~~  
6 ~~procedure, rules-of-appellate-procedure, and supreme-court~~  
7 rules prescribed by the supreme court. The Code editor, in  
8 consultation with the superintendent of printing, shall cause  
9 to be printed and distributed supplements to the compilation  
10 on or before the effective date of either new rules, or  
11 amendments to or the repeal of existing rules. All expenses  
12 incurred by the Code editor under this paragraph shall be  
13 defrayed under section 14.22. There shall be established a  
14 price for the compilation of rules, and a separate price for  
15 each supplement. The price of the compilation and of  
16 supplements shall represent the costs of compiling and  
17 indexing, the amounts charged for printing and distribution,  
18 and a cost for labor determined jointly by the legislative  
19 council ~~and-rules-review-committee~~ in consultation with the  
20 state printer. On request a single copy of each compilation  
21 and of each supplement shall be distributed free of charge to  
22 each of the persons or agencies referred to in section 18.97,  
23 subsections 1, 2, 5, 6, 7, 8 and 16.

24 Sec. 2. Section 17.22, unnumbered paragraph 1, Code 1985,  
25 is amended to read as follows:

26 The publications listed in this section shall be sold at a  
27 price to be established by dividing the total cost of  
28 printing, binding, distribution, and paper stock by the total  
29 number printed of each edition, and increasing the figure  
30 obtained by an amount, which represents all or any portion of  
31 compilation and editing labor costs, to be determined by the  
32 legislative council ~~and-rules-review-committee~~ in consultation  
33 with the state printer.

34 Sec. 3. Section 117.42, Code 1985, is amended to read as  
35 follows:

1 117.42 LIST OF LICENSEES.

2 The commission shall at least annually prepare a list of  
3 the names and addresses of all licensees licensed by it under  
4 ~~the provisions of~~ this chapter, and of all persons whose  
5 licenses have been suspended or revoked within one year;  
6 together with ~~such~~ other information relative to the  
7 enforcement of ~~the provisions of~~ this chapter as it may deem  
8 deems of interest to the public. ~~One of such lists shall be~~  
9 ~~mailed to the clerk of the district court in each county of~~  
10 ~~the state and shall be held by said clerk of the district~~  
11 ~~court as a public record.~~ Such The lists shall also be mailed  
12 by the commission to any person in this state upon request.

50957

13 Sec. 4. Section 179.6, Code Supplement 1985, is amended to  
14 read as follows:

15 179.6 RECORDS OF PRODUCERS, FIRST PURCHASERS.

16 Every producer shipping milk to a first purchaser outside  
17 of Iowa who is not by agreement with the commission collecting  
18 the tax imposed by this chapter, and every first purchaser  
19 within the state, and every producer distributing milk  
20 directly to the consumer, shall keep a complete and accurate  
21 record of all milk produced or purchased by the person during  
22 the period for which an excise tax levy is imposed under this  
23 chapter. The records shall be in the form and contain the  
24 information prescribed by the commission, shall be preserved  
25 by the person charged with their making for a period of two  
26 years, and shall be offered or submitted for inspection at any  
27 time upon written or oral request by the commission or its  
28 duly authorized agent or employee.

29 Sec. 5. Section 179.7, Code Supplement 1985, is amended to  
30 read as follows:

31 179.7 RETURNS FILED WITH COMMISSION.

32 Every person charged by this chapter or by agreement with  
33 the commission with the keeping of records provided for in  
34 this chapter shall at the times the commission may by rule  
35 require, file with the commission a return on forms to be

1 prescribed and furnished by the commission. Producers shall  
2 state the quantity of milk produced. First purchasers shall  
3 state the quantity of milk handled, bottled, processed,  
4 distributed, delivered to, or purchased by the person from the  
5 producers of dairy products or their agents in the state, and  
6 ~~as a result of a referendum~~. Returns shall contain other  
7 information as the commission may require, and shall be made  
8 in triplicate, one copy of which shall be for the files of the  
9 person making the return, one copy available at the office of  
10 the person for the use of the person's patrons, and the  
11 original filed with the commission.

5562 >

12 Sec. 6. Section 422.27, subsection 1, Code Supplement  
13 1985, is amended to read as follows:

14 1. A final account of a personal representative, as  
15 defined in section 450.1, shall not be allowed by any court  
16 until thirty days after written notice is given to the  
17 department of the proposed discharge of the personal  
18 representative and unless the account shows, and the judge of  
19 the court finds, that all taxes imposed by this division upon  
20 the personal representative, which have become payable, have  
21 been paid, and that all taxes which may become due are secured  
22 by bond, deposit or otherwise. The certificate of the  
23 director and the receipt for the amount of the tax certified  
24 shall be conclusive as to the payment of the tax to the extent  
25 of the certificate.

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26 Sec. 7. Section 710.10, subsection 1, Code Supplement  
27 1985, is amended to read as follows:

28 1. A person commits a class "D" felony when, without  
29 authority and with the intent to commit an illegal act upon  
30 the child, the person entices away a minor child.

31 Sec. 8. Section 719.4, subsection 3, Code 1985, is amended  
32 to read as follows:

33 3. A person who has been committed to an institution under  
34 the control of the Iowa department of corrections, or to a  
35 jail or correctional institution, who knowingly and

1 voluntarily ~~leaves~~ is absent from a place where the person is  
2 required to be, commits a serious misdemeanor.

51367

3 Sec. 9. Section 815.1, Code 1985, is amended to read as  
4 follows:

5 815.1 COSTS PAYABLE BY STATE IN SPECIAL CASES.

6 All costs and fees, ~~including any award of attorney fees to~~  
7 ~~a court appointed attorney,~~ incurred in any a parole  
8 revocation proceedings proceeding or in any a criminal case  
9 brought against an inmate of any a state institution for a  
10 crime committed while confined in such the institution, or for  
11 a crime committed by such the inmate while placed outside the  
12 walls or confines of the institution under the control and  
13 direction of a warden, supervisor, officer, or employee  
14 thereof of the institution, or for a crime committed by such  
15 the inmate during an escape or other unauthorized departure  
16 from such the institution or from the control of a warden,  
17 supervisor, officer, or employee thereof, of the institution,  
18 or from wherever the said inmate may have been placed by  
19 authorized personnel ~~thereof, shall be paid out of the state~~  
20 ~~treasury from the general fund in case~~ of the institution, are  
21 waived if the prosecution fails, or ~~where such if the person~~  
22 liable to pay the costs and fees, ~~including an award of~~  
23 ~~attorney fees to a court appointed attorney,~~ cannot be made  
24 ~~from the person liable to pay the same, the~~ costs and fees.  
25 An award of attorney fees to a court appointed attorney  
26 incurred in these cases shall be paid out of the state  
27 treasury from the general fund if the prosecution fails or if  
28 the person liable to pay the attorney fees cannot pay them.  
29 The facts being shall be certified by the clerk of the  
30 district court under the clerk's seal of office to the state  
31 comptroller, including a statement of the amount of fees or  
32 costs incurred, ~~such statement to be~~ approved by the presiding  
33 judge in writing ~~appended thereto or endorsed thereon.~~

34 EXPLANATION

35 The bill makes the following Code corrections:

1 Section 14.21. Simplifies the description of court rules  
2 to be published, and removes reference to participation by the  
3 administrative rules review committee in determining costs of  
4 the court rules, to reflect current practice.

5 Section 17.22. Removes reference to participation by the  
6 administrative rules review committee in determining costs of  
7 the Iowa Code, supplement, session laws, journals, bills, and  
8 administrative code and bulletin, to reflect current practice.

9 Section 117.42. Removes the requirement for filing lists  
10 of real estate licenses with the clerk of the district court,  
11 which is no longer listed in the clerk's duties under section  
12 602.8102.

13 Section 179.6. Adds a more accurate term applicable to  
14 records kept by first purchasers.

15 Section 179.7. Deletes a phrase which was overlooked in  
16 the 1985 amendment which struck the words "during the col-  
17 lection period prescribed in section 179.5, subsection 1 ...".

18 Section 422.27. Defines "personal representative" in this  
19 income tax provision by reference to the definition in the  
20 inheritance tax chapter; it includes trustees as well as  
21 executors and administrators. The shift to the term "personal  
22 representative" in the 1985 amendment does not appear to be  
23 intended to exclude trustees.

24 Section 710.10. "Child" is defined in section 702.5 as  
25 under the age of fourteen while "minor" means under eighteen.  
26 This section on enticing away uses "child" throughout except  
27 at the end of subsection 1, and that reference is changed here.

28 Section 719.4. Restores terminology similar to that in the  
29 1983 Code as preferable to terminology ("leaves") substituted  
30 in 1985 as part of the gender project.

31 Section 815.1. Brings this section into conformity with  
32 court reorganization and with section 602.8105(1)(j) as  
33 amended in 1985, by providing that fees which were paid by the  
34 state will be waived, except the fees for court-appointed  
35 attorneys.

H-5136

1 Amend House File 2066 as follows:

2 1. Page 4, by inserting after line 2 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 809A.13, subsection 4,  
5 paragraph b, Code Supplement 1985, is amended to read  
6 as follows:

7 b. A weapon or ammunition shall be deposited with  
8 the department of public safety to be disposed of in  
9 accordance with the rules of the department. All  
10 weapons or ammunition may be held for use in law  
11 enforcement, testing, or comparison by the  
12 criminalistics laboratory, or destroyed. Ammunition  
13 and firearms which are not illegal and are not  
14 offensive weapons as defined by section 724.1 may be  
15 sold by the department as provided in section 809A.21.

16 Sec. \_\_\_\_\_. NEW SECTION. 809A.21 SALE OF CERTAIN  
17 AMMUNITION AND FIREARMS.

18 Ammunition and firearms which are not illegal and  
19 which are not offensive weapons as defined by section  
20 724.1 may be sold by the department of public safety  
21 at public auction. The sale of ammunition or firearms  
22 pursuant to this section shall be made only to  
23 federally-licensed firearms dealers or to persons who  
24 have a permit to purchase the firearms. Persons who  
25 have not obtained a permit may bid on firearms at the  
26 public auction. However, persons who bid without a  
27 permit must post a fifty percent of purchase price  
28 deposit with the commissioner of public safety on any  
29 winning bid. No transfer of firearms may be made to a  
30 person bidding without a permit until such time as the  
31 person has obtained a permit. If the person is unable  
32 to produce a permit within two weeks from the date of  
33 the auction, the person shall forfeit the fifty  
34 percent deposit to the department of public safety.  
35 All proceeds of a public auction pursuant to this  
36 section, less department expenses reasonably incurred,  
37 shall be deposited in the general fund of the state.  
38 The department of public safety shall be reimbursed  
39 from the proceeds for the reasonable expenses incurred  
40 in selling the property at the auction."

41 2. By renumbering as necessary.

H-5136 FILED FEBRUARY 20, 1986 BY JAY of Appanoose

*Adopted 3/27 (p. 1063)*

## HOUSE FILE 2066

H-5527

1 Amend House File 2066 as follows:

2 1. Page 3, by inserting after line 25 the  
3 following:

4 "Sec. 7. Section 602.8105, subsection 1, paragraph  
5 s, Code Supplement 1985, is amended by striking the  
6 paragraph."

7 2. By renumbering as necessary.

H-5527 FILED MARCH 24, 1986

*Adopted 3/27 (p. 1062)*

BY CONNORS of Polk  
JAY of Appanoose

HOUSE FILE 2066

H-5095

1 Amend House File 2066 as follows:

2 1. Page 2, by inserting after line 12 the  
3 following:

4 "Sec. 4. Section 148A.1, unnumbered paragraph 1,  
5 Code 1985, is amended to read as follows:

6 As used in this chapter, physical therapy is that  
7 branch of science that deals with the evaluation and  
8 treatment of human capabilities and impairments.

9 Physical therapy uses the affective effective  
10 properties of physical agents including, but not  
11 limited to, mechanical devices, heat, cold, air,  
12 light, water, electricity, and sound, and therapeutic  
13 exercises, and rehabilitative procedures to prevent,  
14 correct, minimize, or alleviate a physical impairment.  
15 Physical therapy includes the interpretation of  
16 performances, tests, and measurements, the  
17 establishment and modification of physical therapy  
18 programs, treatment planning, consultative services,  
19 instructions to the patients, and the administration  
20 and supervision attendant to physical therapy  
21 facilities. Physical therapy evaluation of  
22 biomechanics may be rendered by a physical therapist  
23 without a prescription or referral from a physician or  
24 dentist. Physical therapy treatment shall be rendered  
25 by a physical therapist only under prescription or  
26 referral from a physician, podiatrist, or dentist, or  
27 referral from a chiropractor."

28 2. By renumbering as necessary.

H-5095 FILED FEBRUARY 13, 1986 BY JAY of Appanoose

*Adopted 3/27 (p. 1061)*

## HOUSE FILE 2066

H-5562

Amend House File 2066 as follows:

1. Page 1, by inserting after line 33, the following:

"Sec. \_\_\_\_ . Section 48.30, Code 1985, is amended to read as follows:

48.30 NOTIFICATION OF CHANGES IN REGISTRATION.

The clerk of the district court shall promptly notify the county commissioner of registration of changes of name and of convictions of ~~infamous-crimes~~ or felonies, as defined in section 701.7, of legal declarations of incompetence made after a proceeding held pursuant to section 229.27, and of diagnosis of severe or profound mental retardation of persons of voting age. The clerk of the district court shall also notify the county commissioner of registration of the restoration of citizenship of a person who has been convicted of ~~an-infamous-crime-or~~ a felony and of the finding that a person is of good mental health. The notice will not restore voter registration. The county commissioner of registration shall notify the person whose citizenship has been restored or who has been declared to be in good mental health that the person's registration to vote was canceled and the person must register again to become a qualified elector.

Sec. \_\_\_\_ . Section 48.31, subsection 4, Code 1985, is amended to read as follows:

4. The clerk of district court sends notification of an elector's conviction of ~~an-infamous-crime-or~~ a felony, as defined in section 701.7."

2. Page 3, by inserting after line 11, the following:

"Sec. \_\_\_\_ . Section 277.29, Code 1985, is amended to read as follows:

277.29 VACANCIES.

Failure to elect at the proper election or to appoint within the time fixed by law or the failure of the officer elected or appointed to qualify within the time prescribed by law; the incumbent ceasing for any reason to be a resident of the district or removing residence from the subdistrict; the resignation or death of incumbent or of the officer-elect; the removal of the incumbent from, or forfeiture of, the office, or the decision of a competent tribunal declaring the office vacant; the conviction of incumbent of ~~an-infamous-crime~~ a felony, as defined in section 701.7, or of any public offense involving the violation of the incumbent's oath of office, shall constitute a vacancy."

3. By numbering and renumbering as necessary.

H-5562 FILED MARCH 26, 1986 BY JAY of Appanoose

*Adopted 3/27/86 (p. 1061)*

HOUSE FILE 2066

H-5572

1 Amend House File 2066 as follows:

2 1. Page 3, by inserting after line 25 the  
3 following:

4 "Sec \_\_\_\_ . Section 422.45, subsection 2, Code  
5 Supplement 1985, is amended to read as follows:

6 2. The gross receipts from the sales, furnishing,  
7 or service of transportation service except the rental  
8 of recreational vehicles, or recreational boats, or  
9 and except the rental of motor vehicles subject to  
10 registration which are registered for a gross weight  
11 of thirteen tons or less for a period of sixty days or  
12 less."

BY CHAPMAN of Linn

H-5572 FILED MARCH 27, 1986

JAY of Appanoose

ADOPTED (p.1063)

2/21 Do Pass 3/28 (p. 931)  
" 4/1 Amend (5583) Do Pass 4/3 (p. 1045)

HOUSE FILE 2066  
BY COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

(As Amended and Passed by the House March 27, 1986)

Passed House, Date 5-1-86 (p. 1975) Passed Senate, Date 4-10-86 (p. 1173)

Vote: Ayes 62 Nays 31 Vote: Ayes 50 Nays 0

Approved May 29, 1986  
Repassed Senate 5-2-86 (p. 1656)

34-9

A BILL FOR

1 An Act relating to Code corrections which adjust and correct  
2 earlier omissions and inaccuracies, remove inconsistencies,  
3 and reflect current practices.

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

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House Amendments \_\_\_\_\_

1 Section 1. Section 14.21, unnumbered paragraph 2, Code  
2 Supplement 1985, is amended to read as follows:

3 The Code editor shall cause to be compiled, indexed, and  
4 published in loose-leaf form the Iowa court rules, which shall  
5 consist of all rules ~~of-civil-procedure, rules-of-criminal~~  
6 ~~procedure, rules-of-appellate-procedure, and supreme-court~~  
7 rules prescribed by the supreme court. The Code editor, in  
8 consultation with the superintendent of printing, shall cause  
9 to be printed and distributed supplements to the compilation  
10 on or before the effective date of either new rules, or  
11 amendments to or the repeal of existing rules. All expenses  
12 incurred by the Code editor under this paragraph shall be  
13 defrayed under section 14.22. There shall be established a  
14 price for the compilation of rules, and a separate price for  
15 each supplement. The price of the compilation and of  
16 supplements shall represent the costs of compiling and  
17 indexing, the amounts charged for printing and distribution,  
18 and a cost for labor determined jointly by the legislative  
19 council ~~and-rules-review-committee~~ in consultation with the  
20 state printer. On request a single copy of each compilation  
21 and of each supplement shall be distributed free of charge to  
22 each of the persons or agencies referred to in section 18.97,  
23 subsections 1, 2, 5, 6, 7, 8 and 16.

24 Sec. 2. Section 17.22, unnumbered paragraph 1, Code 1985,  
25 is amended to read as follows:

26 The publications listed in this section shall be sold at a  
27 price to be established by dividing the total cost of  
28 printing, binding, distribution, and paper stock by the total  
29 number printed of each edition, and increasing the figure  
30 obtained by an amount, which represents all or any portion of  
31 compilation and editing labor costs, to be determined by the  
32 legislative council ~~and-rules-review-committee~~ in consultation  
33 with the state printer.

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34 Sec. 3. Section 48.30, Code 1985, is amended to read as  
35 follows:

1 48.30 NOTIFICATION OF CHANGES IN REGISTRATION.

2 The clerk of the district court shall promptly notify the  
3 county commissioner of registration of changes of name and of  
4 convictions of infamous-crimes-or felonies, as defined in  
5 section 701.7, of legal declarations of incompetence made  
6 after a proceeding held pursuant to section 229.27, and of  
7 diagnosis of severe or profound mental retardation of persons  
8 of voting age. The clerk of the district court shall also  
9 notify the county commissioner of registration of the  
10 restoration of citizenship of a person who has been convicted  
11 of an-infamous-crime-or a felony and of the finding that a  
12 person is of good mental health. The notice will not restore  
13 voter registration. The county commissioner of registration  
14 shall notify the person whose citizenship has been restored or  
15 who has been declared to be in good mental health that the  
16 person's registration to vote was canceled and the person must  
17 register again to become a qualified elector.

18 Sec. 4. Section 48.31, subsection 4, Code 1985, is amended  
19 to read as follows:

20 4. The clerk of district court sends notification of an  
21 elector's conviction of an-infamous-crime-or a felony, as  
22 defined in section 701.7.

23 Sec. 5. Section 117.42, Code 1985, is amended to read as  
24 follows:

25 117.42 LIST OF LICENSEES.

26 The commission shall at least annually prepare a list of  
27 the names and addresses of all licensees licensed by it under  
28 the-provisions-of this chapter, and of all persons whose  
29 licenses have been suspended or revoked within one year;  
30 together with such other information relative to the  
31 enforcement of the-provisions-of this chapter as it may deem  
32 deems of interest to the public. One-of-such-lists-shall-be  
33 mailed-to-the-clerk-of-the-district-court-in-each-county-of  
34 the-state-and-shall-be-held-by-said-clerk-of-the-district  
35 court-as-a-public-record. Such The lists shall also be mailed

1 by the commission to any person in this state upon request.

2 Sec. 6. Section 148A.1, unnumbered paragraph 1, Code 1985,  
3 is amended to read as follows:

4 As used in this chapter, physical therapy is that branch of  
5 science that deals with the evaluation and treatment of human  
6 capabilities and impairments. Physical therapy uses the  
7 affective effective properties of physical agents including,  
8 but not limited to, mechanical devices, heat, cold, air,  
9 light, water, electricity, and sound, and therapeutic  
10 exercises, and rehabilitative procedures to prevent, correct,  
11 minimize, or alleviate a physical impairment. Physical  
12 therapy includes the interpretation of performances, tests,  
13 and measurements, the establishment and modification of  
14 physical therapy programs, treatment planning, consultative  
15 services, instructions to the patients, and the administration  
16 and supervision attendant to physical therapy facilities.  
17 Physical therapy evaluation of biomechanics may be rendered by  
18 a physical therapist without a prescription or referral from a  
19 physician or dentist. Physical therapy treatment shall be  
20 rendered by a physical therapist only under prescription or  
21 referral from a physician, podiatrist, or dentist, or referral  
22 from a chiropractor.

23 Sec. 7. Section 179.6, Code Supplement 1985, is amended to  
24 read as follows:

25 179.6 RECORDS OF PRODUCERS, FIRST PURCHASERS.

26 Every producer shipping milk to a first purchaser outside  
27 of Iowa who is not by agreement with the commission collecting  
28 the tax imposed by this chapter, and every first purchaser  
29 within the state, and every producer distributing milk  
30 directly to the consumer, shall keep a complete and accurate  
31 record of all milk produced or purchased by the person during  
32 the period for which an excise tax levy is imposed under this  
33 chapter. The records shall be in the form and contain the  
34 information prescribed by the commission, shall be preserved  
35 by the person charged with their making for a period of two

1 years, and shall be offered or submitted for inspection at any  
 2 time upon written or oral request by the commission or its  
 3 duly authorized agent or employee.

4 Sec. 8. Section 179.7, Code Supplement 1985, is amended to  
 5 read as follows:

6 179.7 RETURNS FILED WITH COMMISSION.

7 Every person charged by this chapter or by agreement with  
 8 the commission with the keeping of records provided for in  
 9 this chapter shall at the times the commission may by rule  
 10 require, file with the commission a return on forms to be  
 11 prescribed and furnished by the commission. Producers shall  
 12 state the quantity of milk produced. First purchasers shall  
 13 state the quantity of milk handled, bottled, processed,  
 14 distributed, delivered to, or purchased by the person from the  
 15 producers of dairy products or their agents in the state, ~~and~~  
 16 ~~as-a-result-of-a-referendum~~. Returns shall contain other  
 17 information as the commission may require, and shall be made  
 18 in triplicate, one copy of which shall be for the files of the  
 19 person making the return, one copy available at the office of  
 20 the person for the use of the person's patrons, and the  
 21 original filed with the commission.

5583 >

22 Sec. 9. Section 277.29, Code 1985, is amended to read as  
 23 follows:

24 277.29 VACANCIES.

25 Failure to elect at the proper election or to appoint  
 26 within the time fixed by law or the failure of the officer  
 27 elected or appointed to qualify within the time prescribed by  
 28 law; the incumbent ceasing for any reason to be a resident of  
 29 the district or removing residence from the subdistrict; the  
 30 resignation or death of incumbent or of the officer-elect; the  
 31 removal of the incumbent from, or forfeiture of, the office,  
 32 or the decision of a competent tribunal declaring the office  
 33 vacant; the conviction of incumbent of an-infamous-crime a  
 34 felony, as defined in section 701.7, or of any public offense  
 35 involving the violation of the incumbent's oath of office,

5651, 1 shall constitute a vacancy.  
5583, 5584 >

2 Sec. 10. Section 422.27, subsection 1, Code Supplement  
3 1985, is amended to read as follows:

4 1. A final account of a personal representative, as  
5 defined in section 450.1, shall not be allowed by any court  
6 until thirty days after written notice is given to the  
7 department of the proposed discharge of the personal  
8 representative and unless the account shows, and the judge of  
9 the court finds, that all taxes imposed by this division upon  
10 the personal representative, which have become payable, have  
11 been paid, and that all taxes which may become due are secured  
12 by bond, deposit or otherwise. The certificate of the  
13 director and the receipt for the amount of the tax certified  
14 shall be conclusive as to the payment of the tax to the extent  
15 of the certificate.

16 Sec. 11. Section 422.45, subsection 2, Code Supplement  
17 1985, is amended to read as follows:

18 2. The gross receipts from the sales, furnishing, or  
19 service of transportation service except the rental of  
20 recreational vehicles, or recreational boats, or and except  
21 the rental of motor vehicles subject to registration which are  
22 registered for a gross weight of thirteen tons or less for a  
23 period of sixty days or less.

24 Sec. 12. Section 602.8105, subsection 1, paragraph s, Code  
25 Supplement 1985, is amended by striking the paragraph.

5620, 5583 >  
5671 >  
26 Sec. 13. Section 710.10, subsection 1, Code Supplement  
27 1985, is amended to read as follows:

28 1. A person commits a class "D" felony when, without  
29 authority and with the intent to commit an illegal act upon  
30 the child, the person entices away a minor child.

31 Sec. 14. Section 719.4, subsection 3, Code 1985, is  
32 amended to read as follows:

33 3. A person who has been committed to an institution under  
34 the control of the Iowa department of corrections, or to a  
35 jail or correctional institution, who knowingly and

1 voluntarily ~~leaves~~ is absent from a place where the person is  
2 required to be, commits a serious misdemeanor.

558

3 Sec. 15. Section 809A.13, subsection 4, paragraph b, Code  
4 Supplement 1985, is amended to read as follows:

5 b. A weapon or ammunition shall be deposited with the  
6 department of public safety to be disposed of in accordance  
7 with the rules of the department. All weapons or ammunition  
8 may be held for use in law enforcement, testing, or comparison  
9 by the criminalistics laboratory, or destroyed. Ammunition  
10 and firearms which are not illegal and are not offensive  
11 weapons as defined by section 724.1 may be sold by the  
12 department as provided in section 809A.21.

13 Sec. 16. NEW SECTION. 809A.21 SALE OF CERTAIN AMMUNITION  
14 AND FIREARMS.

15 Ammunition and firearms which are not illegal and which are  
16 not offensive weapons as defined by section 724.1 may be sold  
17 by the department of public safety at public auction. The  
18 sale of ammunition or firearms pursuant to this section shall  
19 be made only to federally-licensed firearms dealers or to  
20 persons who have a permit to purchase the firearms. Persons  
21 who have not obtained a permit may bid on firearms at the  
22 public auction. However, persons who bid without a permit  
23 must post a fifty percent of purchase price deposit with the  
24 commissioner of public safety on any winning bid. No transfer  
25 of firearms may be made to a person bidding without a permit  
26 until such time as the person has obtained a permit. If the  
27 person is unable to produce a permit within two weeks from the  
28 date of the auction, the person shall forfeit the fifty  
29 percent deposit to the department of public safety. All  
30 proceeds of a public auction pursuant to this section, less  
31 department expenses reasonably incurred, shall be deposited in  
32 the general fund of the state. The department of public  
33 safety shall be reimbursed from the proceeds for the  
34 reasonable expenses incurred in selling the property at the  
35 auction.

1 Sec. 17. Section 815.1, Code 1985, is amended to read as  
2 follows:

3 815.1 COSTS PAYABLE BY STATE IN SPECIAL CASES.

4 All costs and fees, ~~including any award of attorney fees to~~  
5 ~~a court appointed attorney,~~ incurred in any a parole  
6 revocation ~~proceedings~~ proceeding or in any a criminal case  
7 brought against an inmate of any a state institution for a  
8 crime committed while confined in ~~such~~ the institution, or for  
9 a crime committed by ~~such~~ the inmate while placed outside the  
10 walls or confines of the institution under the control and  
11 direction of a warden, supervisor, officer, or employee  
12 ~~thereof~~ of the institution, or for a crime committed by ~~such~~  
13 ~~the~~ inmate during an escape or other unauthorized departure  
14 from ~~such~~ the institution or from the control of a warden,  
15 supervisor, officer, or employee ~~thereof,~~ of the institution,  
16 or from wherever the ~~said~~ inmate may have been placed by  
17 authorized personnel ~~thereof,~~ ~~shall be paid out of the state~~  
18 ~~treasury from the general fund in case~~ of the institution, are  
19 waived if the prosecution fails, or where such if the person  
20 liable to pay the costs and fees, ~~including an award of~~  
21 ~~attorney fees to a court appointed attorney,~~ cannot be made  
22 ~~from the person liable to~~ pay the ~~same,~~ the costs and fees.  
23 An award of attorney fees to a court appointed attorney  
24 incurred in these cases shall be paid out of the state  
25 treasury from the general fund if the prosecution fails or if  
26 the person liable to pay the attorney fees cannot pay them.  
27 The facts being shall be certified by the clerk of the  
28 district court under the clerk's seal of office to the state  
29 comptroller, including a statement of the amount of fees or  
30 costs incurred, ~~such statement to be~~ approved by the presiding  
31 judge in writing ~~appended thereto or endorsed thereon.~~

32  
33  
34  
35

HOUSE FILE 2066

S-5583

1 Amend House File 2066 as amended and passed by the  
2 House, as follows:

3 1. Page 1, by inserting after line 33 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 41.1, subsection 10, paragraph  
6 b, Code 1985, is amended to read as follows:

7 b. Pocahontas county, except Cummins, Powhatan,  
8 Des Moines, Roosevelt, Garfield, Clinton, and Lake  
9 townships."

10 2. Page 4, by inserting after line 21 the  
11 following:

12 "Sec. \_\_\_\_\_. Section 232.75, Code 1985, is amended  
13 by adding the following new subsection:

14 NEW SUBSECTION. 3. A person who reports or causes  
15 to be reported to the department of human services  
16 false information regarding an alleged act of child  
17 abuse, knowing that the information is false or that  
18 the act did not occur, commits a simple misdemeanor."

19 3. Page 5, by inserting after line 1 the  
20 following:

21 "Sec. \_\_\_\_\_. Section 321.236, subsection 1,  
22 unnumbered paragraph 2, Code Supplement 1985, is  
23 amended to read as follows:

24 Parking meter and overtime parking violations which  
25 are denied shall be charged and proceed before a court  
26 the same as other traffic violations and court costs  
27 shall be assessed as provided in section 805.6,  
28 subsection 1, paragraph "a" for parking violation  
29 cases. Parking violations which are admitted:"

30 4. Page 5, by inserting after line 25 the  
31 following:

32 "Sec. \_\_\_\_\_. Section 708.7, subsection 5, Code 1985,  
33 is amended by striking the subsection."

34 5. Page 6, by inserting after line 2 the  
35 following:

36 "Sec. \_\_\_\_\_. Section 805.6, subsection 1, paragraph  
37 "a", unnumbered paragraph 1, Code Supplement 1985, is  
38 amended to read as follows:

39 The commissioner of public safety and the state  
40 conservation director, acting jointly, shall adopt a  
41 uniform, combined citation and complaint which shall  
42 be used for charging all traffic violations in Iowa  
43 under state law or local regulation or ordinance, and  
44 which shall be used for charging all other violations  
45 which are designated by section 805.8 to be scheduled  
46 violations. The court costs in cases of parking  
47 violation-cases violations which are denied, and  
48 charged and collected pursuant to section 321.236,  
49 subsection 1, are eight dollars per court appearance.  
50 The court costs in scheduled violation cases where a

- 1 court appearance is not required are ten dollars. The  
2 court costs in scheduled violation cases where a court  
3 appearance is required are fifteen dollars. This  
4 subsection does not prevent the charging of any of  
5 those violations by information, by private complaint  
6 filed under chapter 804, or by a simple notice of fine  
7 where permitted by section 321.236, subsection 1.  
8 Each uniform citation and complaint shall be serially  
9 numbered and shall be in quintuplicate, and the  
10 officer shall deliver the original and a copy to the  
11 court where the defendant is to appear, two copies to  
12 the defendant, and a copy to the law enforcement  
13 agency of the officer. The court shall forward the  
14 copy of the uniform citation and complaint in  
15 accordance with section 321.207 when applicable."  
16 6. By renumbering as necessary.

S-5583 Filed April 3, 1986

BY COMM. ON JUDICIARY, DOYLE, CHAIR

*Adopted as amended by 5607 4/10/86 (j. 1172)*

HOUSE FILE 2066

S-5584

1 Amend House File 2066 as amended, passed and  
2 reprinted by the Senate as follows:

3 1. Page 5, by inserting after line 1 the  
4 following:

5 "Sec. \_\_\_\_ . Section 331.401, subsection 3, Code  
6 1985, is amended to read as follows:

7 3. The board shall not pay bounties on crows,  
8 rattlesnakes, foxes, or wolves other than coyotes, but  
9 may pay a reasonable bounty on any gopher."

S-5584 Filed April 3, 1986 BY COLTON

*W/D 4/10 (j. 1172)*

HOUSE FILE 2066

S-5607

1 Amend the amendment, S-5583, to House File 2066, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, line 49, by inserting after the word  
5 "appearance" the following: ", regardless of the  
6 number of parking violations considered at that court  
7 appearance".

S-5607 Filed April 4, 1986

BY MANN, COLEMAN

*Adopted 4/10 (j. 1172)*

S-5675

1 Amend House File 2066 as amended, passed, and  
2 reprinted by the House as follows:

3 1. Page 5, by inserting after line 25 the  
4 following:

5 "Sec. \_\_\_\_ . NEW SECTION. 631.17 PROHIBITED  
6 PRACTICES.

7 1. The district court, after due notice and  
8 hearing, may bar a person from appearing on the  
9 person's own behalf in any court governed by this  
10 chapter on a cause of action purchased by or assigned  
11 for collection to that person for any of the  
12 following:

13 a. Falsely holding oneself out as an attorney at  
14 law.

15 b. Repeatedly filing claims for costs allowed  
16 under section 625.22 which have been found by the  
17 court to have been exaggerated or without merit.

18 c. A pattern of conduct in violation of article 7  
19 of chapter 537.

20 2. A person barred pursuant to subsection 1 shall  
21 not derive any benefit, directly or indirectly, from  
22 any case brought pursuant to this chapter within the  
23 purview of the order of bar issued by the district  
24 court.

25 3. The district court shall dismiss any pending  
26 case based on a cause of action purchased or assigned  
27 for collection brought on the person's own behalf by a  
28 person barred pursuant to subsection 1, and shall  
29 assess the costs against that person.

30 4. The district court shall dismiss any case  
31 subsequently brought directly or indirectly by a  
32 person subject to a bar pursuant to subsection 1 in  
33 violation of that subsection and shall assess all  
34 costs to that person, and the court shall assess a  
35 further civil fine of one hundred dollars against that  
36 person for each such case dismissed.

37 5. The district court shall retain jurisdiction  
38 over a person barred pursuant to subsection 1 and may  
39 punish violations of the court's order of bar as a  
40 matter of criminal contempt."

41 2. Page 7, by inserting after line 31 the  
42 following:

43 "Sec. \_\_\_\_ . Section 631.17, as enacted by this Act,  
44 being deemed of immediate importance, takes effect  
45 from and after the publication of this Act in the Iowa  
46 City Press-Citizen, a newspaper published in Iowa  
47 City, Iowa, and in the Audubon News-Advocate, a  
48 newspaper published in Audubon, Iowa."

49 3. By renumbering as necessary.

50 4. Title page, line 3, by inserting after the

1 word "practices" the following: ", and providing  
2 penalties and an effective date".

S-5675 Filed April 10, 1986 ADOPTED  
BY SMALL

(p. 1173)

HOUSE FILE 2066

S-5671

1 Amend House File 2066 as amended, passed and  
2 reprinted by the House as follows:

3 1. Page 5, by inserting after line 25, the  
4 following:

5 "Sec. \_\_\_\_\_. Section 625.22, unnumbered paragraph 2,  
6 Code 1985, is amended to read as follows:

7 In an action against the maker to recover payment  
8 on a dishonored check or draft, as defined in section  
9 554.3104, the plaintiff, if successful, may recover,  
10 in addition to all other costs or surcharges provided  
11 by law, all court costs incurred, including a  
12 reasonable attorney's fee, or ~~an individual's~~ cost to  
13 the payee of processing a small claims recovery such  
14 as lost time and transportation costs from the maker  
15 of the check or draft. Any such additional charges  
16 shall be determined by the court. If the defendant is  
17 successful in the action and the court determines the  
18 action was frivolous, the court may award the  
19 defendant reasonable attorney's fees."

S-5671 Filed April 10, 1986 Withdrawn (p. 1173)  
BY MANN

S-5620

- 1 Amend House File 2066 as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 5, by inserting after line 25, the  
 4 following:  
 5 "Sec. \_\_\_\_ . Section 642.22, Code Supplement 1985,  
 6 is amended by adding the following new subsection:  
 7 NEW SUBSECTION. 3. Expiration of the execution  
 8 does not affect a garnishee's duties and liabilities  
 9 respecting property already withheld pursuant to the  
 10 garnishment."  
 11 2. By renumbering as necessary.

S-5620 Filed April 7, 1986

BY DOYLE

*Adopted 4/10/86 (p. 1173)*

HOUSE FILE 2066

S-5651

- 1 Amend House File 2066 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 5, by inserting after line 1, the  
 4 following:  
 5 "Sec. \_\_\_\_ . Section 327H.18, Code 1985, is amended  
 6 to read as follows:  
 7 327H.18 RAILROAD ASSISTANCE FUND ESTABLISHED.  
 8 There is established a railroad assistance fund in  
 9 the office of the treasurer of state. Moneys in this  
 10 fund shall be expended for providing assistance for  
 11 the restoration, conservation, and improvement and  
 12 construction of railroad main lines, branch lines,  
 13 switching yards and sidings. Any unencumbered funds  
 14 appropriated by the general assembly for branch line  
 15 railroad assistance shall be deposited in the railroad  
 16 assistance fund. However, not more than twenty  
 17 percent of the funds appropriated to the railroad  
 18 assistance fund from the general fund of the state in  
 19 any fiscal year shall be used for restoration,  
 20 conservation, and improvement and construction of  
 21 railroad main lines, switching yards and sidings. Any  
 22 moneys received by the department by agreements,  
 23 grants, gifts, or other means from individuals,  
 24 companies, business entities, cities or counties for  
 25 the purposes of this section shall be credited to the  
 26 railroad assistance fund."

S-5651 Filed April 9, 1986

BY WELSH

*Adopted 4/16/86 (p. 1172)*

HOUSE FILE 2066

S-5663

- 1 Amend the amendment S-5584 to House File 2066 as  
 2 amended, passed, and reprinted by the House as  
 3 follows:  
 4 1. Page 1, line 9, by inserting after the word  
 5 "gopher" the following: "if a study commission headed  
 6 by Bill Murray and Milo Colton deems such action is  
 7 necessary. The report of the commission is due  
 8 November 5, 1986".

S-5663 Filed April 9, 1986 BY LIND

*Placed 6/6 4/10 (p. 1172)*

## SENATE AMENDMENT TO HOUSE FILE 2066

H-5822

1 Amend House File 2066 as amended and passed by the  
2 House, as follows:

3 1. Page 1, by inserting after line 33 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 41.1, subsection 10, paragraph  
6 b, Code 1985, is amended to read as follows:

7 b. Pocahontas county, except Cummins, Powhatan,  
8 Des Moines, Roosevelt, Garfield, Clinton, and Lake  
9 townships."

10 2. Page 4, by inserting after line 21 the  
11 following:

12 "Sec. \_\_\_\_\_. Section 232.75, Code 1985, is amended  
13 by adding the following new subsection:

14 NEW SUBSECTION. 3. A person who reports or causes  
15 to be reported to the department of human services  
16 false information regarding an alleged act of child  
17 abuse, knowing that the information is false or that  
18 the act did not occur, commits a simple misdemeanor."

19 3. Page 5, by inserting after line 1 the  
20 following:

21 "Sec. \_\_\_\_\_. Section 321.236, subsection 1,  
22 unnumbered paragraph 2, Code Supplement 1985, is  
23 amended to read as follows:

24 Parking meter and overtime parking violations which  
25 are denied shall be charged and proceed before a court  
26 the same as other traffic violations and court costs  
27 shall be assessed as provided in section 805.6,  
28 subsection 1, paragraph "a" for parking violation  
29 cases. Parking violations which are admitted:"

30 4. Page 5, by inserting after line 1, the  
31 following:

32 "Sec. \_\_\_\_\_. Section 327H.18, Code 1985, is amended  
33 to read as follows:

34 327H.18 RAILROAD ASSISTANCE FUND ESTABLISHED.

35 There is established a railroad assistance fund in  
36 the office of the treasurer of state. Moneys in this  
37 fund shall be expended for providing assistance for  
38 the restoration, conservation, and improvement and  
39 construction of railroad main lines, branch lines,  
40 switching yards and sidings. Any unencumbered funds  
41 appropriated by the general assembly for branch line  
42 railroad assistance shall be deposited in the railroad  
43 assistance fund. However, not more than twenty  
44 percent of the funds appropriated to the railroad  
45 assistance fund from the general fund of the state in  
46 any fiscal year shall be used for restoration,  
47 conservation, and improvement and construction of  
48 railroad main lines, switching yards and sidings. Any  
49 moneys received by the department by agreements,  
50 grants, gifts, or other means from individuals,

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1 companies, business entities, cities or counties for  
2 the purposes of this section shall be credited to the  
3 railroad assistance fund."

4 5. Page 5, by inserting after line 25 the  
5 following:

6 "Sec. \_\_\_\_ . NEW SECTION. 631.17 PROHIBITED  
7 PRACTICES.

8 1. The district court, after due notice and  
9 hearing, may bar a person from appearing on the  
10 person's own behalf in any court governed by this  
11 chapter on a cause of action purchased by or assigned  
12 for collection to that person for any of the  
13 following:

14 a. Falsely holding oneself out as an attorney at  
15 law.

16 b. Repeatedly filing claims for costs allowed  
17 under section 625.22 which have been found by the  
18 court to have been exaggerated or without merit.

19 c. A pattern of conduct in violation of article 7  
20 of chapter 537.

21 2. A person barred pursuant to subsection 1 shall  
22 not derive any benefit, directly or indirectly, from  
23 any case brought pursuant to this chapter within the  
24 purview of the order of bar issued by the district  
25 court.

26 3. The district court shall dismiss any pending  
27 case based on a cause of action purchased or assigned  
28 for collection brought on the person's own behalf by a  
29 person barred pursuant to subsection 1, and shall  
30 assess the costs against that person.

31 4. The district court shall dismiss any case  
32 subsequently brought directly or indirectly by a  
33 person subject to a bar pursuant to subsection 1 in  
34 violation of that subsection and shall assess all  
35 costs to that person, and the court shall assess a  
36 further civil fine of one hundred dollars against that  
37 person for each such case dismissed.

38 5. The district court shall retain jurisdiction  
39 over a person barred pursuant to subsection 1 and may  
40 punish violations of the court's order of bar as a  
41 matter of criminal contempt."

42 6. Page 5, by inserting after line 25, the  
43 following:

44 "Sec. \_\_\_\_ . Section 642.22, Code Supplement 1985,  
45 is amended by adding the following new subsection:

46 NEW SUBSECTION. 3. Expiration of the execution  
47 does not affect a garnishee's duties and liabilities  
48 respecting property already withheld pursuant to the  
49 garnishment."

50 7. Page 5, by inserting after line 25 the

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1 following:

2 "Sec. \_\_\_\_\_. Section 708.7, subsection 5, Code 1985,  
3 is amended by striking the subsection."

4 8. Page 6, by inserting after line 2 the  
5 following:

6 "Sec. \_\_\_\_\_. Section 805.6, subsection 1, paragraph  
7 "a", unnumbered paragraph 1, Code Supplement 1985, is  
8 amended to read as follows:

9 The commissioner of public safety and the state  
10 conservation director, acting jointly, shall adopt a  
11 uniform, combined citation and complaint which shall  
12 be used for charging all traffic violations in Iowa  
13 under state law or local regulation or ordinance, and  
14 which shall be used for charging all other violations  
15 which are designated by section 805.8 to be scheduled  
16 violations. The court costs in cases of parking  
17 violation-cases violations which are denied, and  
18 charged and collected pursuant to section 321.236,  
19 subsection 1, are eight dollars per court appearance,  
20 regardless of the number of parking violations  
21 considered at that court appearance. The court costs  
22 in scheduled violation cases where a court appearance  
23 is not required are ten dollars. The court costs in  
24 scheduled violation cases where a court appearance is  
25 required are fifteen dollars. This subsection does  
26 not prevent the charging of any of those violations by  
27 information, by private complaint filed under chapter  
28 804, or by a simple notice of fine where permitted by  
29 section 321.236, subsection 1. Each uniform citation  
30 and complaint shall be serially numbered and shall be  
31 in quintuplicate, and the officer shall deliver the  
32 original and a copy to the court where the defendant  
33 is to appear, two copies to the defendant, and a copy  
34 to the law enforcement agency of the officer. The  
35 court shall forward the copy of the uniform citation  
36 and complaint in accordance with section 321.207 when  
37 applicable."

6090 38 9. Page 7, by inserting after line 31 the  
39 following:

6092 40 "Sec. \_\_\_\_\_. Section 631.17, as enacted by this Act,  
41 being deemed of immediate importance, takes effect  
42 from and after the publication of this Act in the Iowa  
43 City Press-Citizen, a newspaper published in Iowa  
44 City, Iowa, and in the Audubon News-Advocate, a  
45 newspaper published in Audubon, Iowa."

6100 46 10. Title page, line 3, by inserting after the  
47 word "practices" the following: ", and providing  
48 penalties and an effective date".

49 11. By renumbering, relettering, or redesignating  
50 and correcting internal references as necessary.

H-5822 FILED APRIL 14, 1986

RECEIVED FROM THE SENATE

*Adopted as amended by 6073, 6075, 6076, 6077, 6078, 6083, 6090, 6092A, 6100  
5/1 (p. 1972)*

## HOUSE FILE 2066

H-6073

Amend the Senate amendment, H-5822, to House File 2066 as amended, passed, and reprinted by the House as follows:

1. Page 3, by inserting after line 39 the following:

"Sec. \_\_\_\_\_. 1986 Iowa Acts, Senate File 2175, section 215, is amended by striking the section and inserting in lieu thereof the following:

Sec. 215. Section 19A.14, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

19A.14 MERIT APPEALS.

1. EMPLOYEE DISCIPLINE. A merit system employee, excluding any employee covered under a collective bargaining agreement which provides otherwise, who is discharged, suspended, demoted, or otherwise reduced in pay, except during the employee's probationary period, may appeal to the appointing authority for a review of the action. If not satisfied, the employee may, within thirty calendar days following the date of the discharge, suspension, demotion, or reduction in pay, file an appeal with the public employment relations board for hearing. The employee has the right to a hearing closed to the public, but the employee may request a public hearing. The hearing shall otherwise be conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act. Decisions rendered shall be based upon a standard of just cause. If the public employment relations board finds that the action taken by the appointing authority was for political, religious, racial, national origin, sex, age, or other reasons not constituting just cause, the employee may be reinstated without loss of pay or benefits for the elapsed period or the public employment relations board may fashion other appropriate remedies. Decisions by the public employment relations board constitute final agency action.

2. EMPLOYEE GRIEVANCES. A merit system employee, excluding any employee covered under a collective bargaining agreement which provides otherwise, who has exhausted all available steps of the uniform grievance procedure of the department of personnel may, within thirty calendar days following the date a decision was received or should have been received by the employee at the second step of the grievance procedure, file an appeal with the director. The director may grant the relief sought, and that decision constitutes final agency action. However, if the director does not

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1 grant the relief sought, the employee may, within  
2 thirty calendar days following the date of filing of  
3 the appeal, file the appeal with the public employment  
4 relations board for hearing. The hearing shall be  
5 conducted in accordance with the rules of the public  
6 employment relations board and the Iowa administrative  
7 procedure Act. Decisions rendered shall be based upon  
8 a standard of substantial compliance with this chapter  
9 and the rules of the department of personnel.

10 Decisions by the public employment relations board  
11 constitute final agency action.

12 Sec. \_\_\_\_\_. 1986 Iowa Acts, Senate File 2175,  
13 section 229, is amended by striking the section and  
14 inserting in lieu thereof the following:

15 Sec. 229. Section 20.1, Code 1985, is amended by  
16 adding the following new unnumbered paragraph:

17 NEW UNNUMBERED PARAGRAPH. The general assembly  
18 declares that the purposes of the public employment  
19 relations board established by this chapter are to  
20 implement the provisions of this chapter and  
21 adjudicate and conciliate employment-related cases  
22 involving the state of Iowa and other public employers  
23 and employee organizations. For these purposes the  
24 powers and duties of the board include but are not  
25 limited to the following:

26 1. Determining appropriate bargaining units and  
27 conducting representation elections.

28 2. Adjudicating prohibited practice complaints and  
29 fashioning appropriate remedial relief for violations  
30 of this chapter.

31 3. Adjudicating and serving as arbitrators  
32 regarding state merit system grievances and, upon  
33 joint request, grievances arising under collective  
34 bargaining agreements between public employers and  
35 certified employee organizations.

36 4. Providing mediators, fact-finders, and  
37 arbitrators to resolve impasses in negotiations.

38 5. Collecting and disseminating information  
39 concerning the wages, hours, and other conditions of  
40 employment of public employees.

41 6. Assisting the attorney general in the  
42 preparation of legal briefs and the presentation of  
43 oral arguments in the district court and the supreme  
44 court in cases affecting the board.

45 Sec. \_\_\_\_\_. 1986 Iowa Acts, Senate File 2175,  
46 section 655, is amended by striking the section.

47 Sec. \_\_\_\_\_. Section 467D.2, subsection 1, Code 1985,  
48 as amended by 1986 Iowa Acts, Senate File 2175,  
49 section 662, is amended to read as follows:

50 1. "Watershed-planning Water resource district"

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means one of the six watershed-planning water resource  
districts established by section 467D.3.

Sec. \_\_\_\_\_. Section 467D.3, unnumbered paragraph 1,  
Code 1985, as amended by 1986 Iowa Acts, Senate File  
2175, section 664, is amended to read as follows:

In furtherance of the policy set forth in section  
467D.1, the entire area of the state of Iowa shall be  
divided into six watershed-planning water resource  
districts, and the same are hereby established as  
political subdivisions of the state of Iowa, as  
follows:

Sec. \_\_\_\_\_. Section 15.104, subsection 2, as enacted  
by 1986 Iowa Acts, Senate File 2175, section 804, is  
amended to read as follows:

2. Prepare a five-year strategic plan for state  
economic growth to implement the specific  
comprehensive goals, objectives, and policies of the  
state. All other state agencies involved in economic  
development activities shall annually submit to the  
board for its review and potential inclusion in the  
strategic plan their specific strategic plans and  
programs. The five-year strategic plan for state  
economic growth shall be updated annually.

Sec. \_\_\_\_\_. Section 15.108, subsection 7, the second  
paragraph c and paragraphs d through g, as enacted by  
1986 Iowa Acts, Senate File 2175, section 808, are  
amended to read as follows:

d. If determined necessary by the board, provide  
training for bank loan officers to increase their  
level of expertise in regard to business loans.

e. To the extent feasible, cooperate with the  
department of employment services to establish a  
program to educate existing employers and new or  
potential employers on the rates and workings of the  
state unemployment compensation program and the state  
workers' compensation program.

f. Study the feasibility of reducing the total  
number of state licenses, permits, and certificates  
required to conduct small businesses.

g. Encourage and assist small businesses to  
obtain state contracts and subcontracts by cooperating  
with the directors of purchasing in the department of  
general services, the state board of regents, and the  
department of transportation in performing the  
following functions:

(1) Developing a uniform small business vendor  
application form which can be adopted by all agencies  
and departments of state government to identify small  
businesses and targeted small businesses which desire  
to sell goods and services to the state. This form

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1 shall also contain information which can be used to  
2 determine certification as a targeted small business  
3 pursuant to paragraph "c", subparagraph (4).

4 (2) Compiling and maintaining a comprehensive  
5 source list of small businesses.

6 (3) Assuring that responsible small businesses are  
7 solicited on each suitable purchase.

8 (4) Assisting small businesses in complying with  
9 the procedures for bidding and negotiating for  
10 contracts.

11 (5) Simplifying procurement specifications and  
12 terms in order to increase the opportunities for small  
13 business participation.

14 (6) When economically feasible, dividing total  
15 purchases into tasks or quantities to permit maximum  
16 small business participation.

17 (7) Preparing timely forecasts of repetitive  
18 contracting requirements by dollar volume and types of  
19 contracts to enhance the participation of responsible  
20 small businesses in the public purchasing process.

21 (8) Developing a mechanism to measure and monitor  
22 the amount of participation by small businesses in  
23 state procurement.

24 g h. In addition, the department may establish a  
25 small business advisory council to:

26 (1) Advise and consult with the board and the  
27 department with respect to matters which are of  
28 concern to small business.

29 (2) Submit recommendations to the board relating  
30 to actual or proposed activities concerning small  
31 business.

32 (3) Submit recommendations for legislative or  
33 administrative actions.

34 (4) Review and monitor small business programs and  
35 agencies in order to determine their effectiveness and  
36 whether they complement or compete with each other,  
37 and to coordinate the delivery of programs and  
38 services aimed at small business.

39 (5) Initiate special small business economic  
40 studies as deemed necessary, including but not limited  
41 to analyses of trends and growth opportunities  
42 relative to small business.

43 (6) Provide other information or perform other  
44 duties which would be of assistance to small business.

45 Sec. \_\_\_\_ . 1986 Iowa Acts, Senate File 2175,  
46 section 817, is amended by striking the section and  
47 inserting in lieu thereof the following:

48 Sec. 817. NEW SECTION. 15.252 PURPOSE.

49 The purpose of this part is to establish through  
50 the regional satellite centers, as stated in chapter

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28.101, a statewide network of regional offices to  
 2 help coordinate job training programs with statewide,  
 3 regional, and local economic development initiatives,  
 4 and to promote the economic growth of this state.

5 Sec. \_\_\_\_\_. 1986 Iowa Acts, Senate File 2175,  
 6 section 913, is amended by striking the section and  
 7 inserting in lieu thereof the following:

8 Sec. 913. Section 86.24, Code 1985, is amended by  
 9 adding the following new subsection:

10 NEW SUBSECTION. 5. The decision of the industrial  
 11 commissioner is final agency action and an appeal of  
 12 the decision shall be made directly to the supreme  
 13 court.

14 Sec. \_\_\_\_\_. 1986 Iowa Acts, Senate File 2175, is  
 15 amended by adding the following after section 913:

16 Sec. \_\_\_\_\_. Section 86.26, Code 1985, is amended to  
 17 read as follows:

18 86.26 JUDICIAL REVIEW.

19 Judicial review of decisions or orders of the  
 20 industrial commissioner may-be-sought-in-accordance  
 21 with-the-terms-of-chapter-17A.-Notwithstanding-the  
 22 terms-of shall not be to the district court but shall  
 23 be made directly to the supreme court, notwithstanding  
 24 chapter 17A, petitions The Iowa administrative  
 25 procedure Act. Petitions for judicial review may-be  
 26 filed-in-the-district-court-of-the-county-in-which-the  
 27 hearing-under-section-86-17-was-held shall be filed  
 28 with the clerk of the supreme court as are other  
 29 actions for appeal or review. Such-a-review  
 30 proceeding-shall-be-accorded-priority-over-other  
 31 matters-pending-before-the-district-court. The  
 32 supreme court may transfer the action to the court of  
 33 appeals.

34 Sec. \_\_\_\_\_. Section 86.29, Code 1985, is amended to  
 35 read as follows:

36 86.29 THE JUDICIAL REVIEW PETITION.

37 Notwithstanding-chapter-17A,-in-a In the petition  
 38 for judicial review of a final-agency decision of the  
 39 industrial commissioner in a contested case under this  
 40 chapter or chapter 85, 85A, 85B, or 87, the opposing  
 41 party shall be named the respondent, and the agency  
 42 shall not be named as a respondent.

43 Sec. \_\_\_\_\_. Section 86.32, Code 1985, is amended to  
 44 read as follows:

45 86.32 COSTS OF JUDICIAL REVIEW.

46 In proceedings for judicial review of compensation  
 47 cases the clerk of the supreme court shall charge no  
 48 fee for any service rendered except the filing fee and  
 49 docketing fees and transcript fees when the transcript  
 50 of a-judgment the contested case proceeding is

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1 required. The taxation of costs on judicial review  
2 shall be in the discretion of the supreme court.

3 Sec. \_\_\_\_ . Section 86.39, Code 1985, is amended to  
4 read as follows:

5 86.39 FEES -- APPROVAL -- LIEN.

6 All fees or claims for legal, medical, hospital,  
7 and burial services rendered under this chapter and  
8 chapters 85, 85A, 85B, and 87 ~~shall be~~ are subject to  
9 the approval of the industrial commissioner, and no  
10 lien for such service ~~shall be~~ is enforceable without  
11 the approval of the amount ~~thereof~~ of the lien by the  
12 industrial commissioner. For services rendered in the  
13 district court ~~and or appellate courts~~ court, the  
14 attorney's fee ~~shall be~~ is subject to the approval of  
15 a judge of the district court.

16 Sec. \_\_\_\_ . Section 86.42, Code 1985, is amended to  
17 read as follows:

18 86.42 JUDGMENT BY DISTRICT COURT ON AWARD.

19 Any party in interest may present a certified copy  
20 of an order or decision of the commissioner, from  
21 which a timely petition for judicial review has not  
22 been filed or if judicial review has been filed, which  
23 has not had execution or enforcement stayed as  
24 provided in section 17A.19, subsection 5, or an order  
25 or decision of a deputy commissioner from which a  
26 timely appeal has not been taken within the agency and  
27 which has become final by the passage of time as  
28 provided by rule and section 17A.15, or an agreement  
29 for settlement approved by the commissioner, and all  
30 papers in connection therewith, to the district court  
31 ~~where judicial review of the agency action may be~~  
32 commenced of the county in which the hearing under  
33 section 86.17 was held, of Polk county, or of the  
34 county in which the petitioner resides or has its  
35 principal place of business. The court shall render a  
36 decree or judgment and cause the clerk to notify the  
37 parties. The decree or judgment, in the absence of a  
38 petition for judicial review or if judicial review has  
39 been commenced, in the absence of a stay of execution  
40 or enforcement of the decision or order of the  
41 industrial commissioner, or in the absence of an act  
42 of any party which prevents a decision of a deputy  
43 industrial commissioner from becoming final, has the  
44 same effect and in all proceedings in relation thereto  
45 is the same as though rendered in a suit duly heard  
46 and determined by the court.

47 Sec. \_\_\_\_ . Section 303.1C, subsection 2, as enacted  
48 by 1986 Iowa Acts, Senate File 2175, section 1303, is  
49 amended by adding the following new lettered  
50 paragraph:

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NEW LETTERED PARAGRAPH. i. Buy or receive by other means historical materials including, but not limited to, artifacts, art, books, manuscripts, and images. Such materials are not personal property under section 18.12 and shall be received and cared for under the rules of the department. The historical division may sell or otherwise dispose of those materials according to the rules of the department and be credited for any revenues credited by the disposal less the costs incurred.

Sec. \_\_\_\_ . 1986 Iowa Acts, Senate File 2175, section 1308, is repealed.

Sec. \_\_\_\_ . Section 303.16, as enacted by 1986 Iowa Acts, Senate File 2175, section 1314, is amended by adding the following new subsections:

NEW SUBSECTION. 3. The following persons are eligible to receive historical resource grants and loans:

a. County and city governments that are certified local governments by the historic preservation officer.

b. Nonprofit corporations.

c. Private corporations and businesses.

d. Individuals.

NEW SUBSECTION. 4. Grants and loans may be made for the following categories of purposes:

a. Acquisition and development of historical properties.

b. Preservation and conservation of historical properties.

c. Interpretation of historical resources.

Not less than twenty percent nor more than fifty percent of the funds in a single grant cycle shall be allocated to any one category.

NEW SUBSECTION. 5. Grants and loans are subject to the following restrictions:

a. Grants shall not be given to or received by any state agency, institution or its representative or agent.

b. Grants or loan funds shall not be used to support operating expenses or programs as defined by the department's rules.

c. Grant or loan funds shall not be used to support publications, public relations, or marketing expenses.

d. Grant or loan funds shall not support or partially support salaries or benefits of anyone employed directly by the recipient. This restriction does not prohibit the recipient from contracting with individuals for specific work of limited duration,

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1 under federal internal revenue service guidelines for  
2 contract work.

3 e. Not more than fifty thousand dollars or twenty  
4 percent of the annual appropriation, whichever is  
5 more, shall be granted to recipients within any single  
6 county in any given grant cycle.

7 f. Not more than twenty-five thousand dollars or  
8 ten percent of the annual appropriation, whichever is  
9 more, may be granted or loaned to any single recipient  
10 within a single fiscal year.

11 g. Grants or loans under this program may be given  
12 only after review by the state historical board.

13 h. All grant or loan funds must be expended by  
14 employing individuals or businesses located within the  
15 state of Iowa.

16 NEW SUBSECTION. 6. For each dollar of grant funds  
17 the following recipients must provide the following  
18 matching cash and in kind resources:

19 a. For county and city governments and nonprofit  
20 corporations, fifty cents of which at least twenty-  
21 five cents must be in cash.

22 b. For other private corporations and businesses,  
23 one dollar of which at least seventy-five cents must  
24 be in cash.

25 c. For individuals, seventy-five cents of which at  
26 least fifty cents must be in cash.

27 NEW SUBSECTION. 7. The department may use twenty-  
28 five thousand dollars for administration of the grant  
29 and loan program.

30 NEW SUBSECTION. 8. a. The department may  
31 establish a historical resource revolving loan fund  
32 composed of any money appropriated by the general  
33 assembly for that purpose, and of any other moneys  
34 available to and obtained or accepted by the  
35 department from the federal government or private  
36 sources for placement in that fund. Each loan made  
37 under this section shall be for a period not to exceed  
38 ten years, shall bear interest at a rate determined by  
39 the state historical board, and shall be repayable to  
40 the revolving loan fund in equal yearly installments  
41 due March 1 of each year the loan is in effect. The  
42 interest rate upon loans for which payment is  
43 delinquent shall accelerate immediately to the current  
44 legal usury limit. Applicants shall be eligible for  
45 no more than twenty-five thousand dollars in loans  
46 outstanding at any time under this program.

47 b. The department may:

48 (1) Contract, sue and be sued, and promulgate  
49 administrative rules necessary to carry out the  
50 provisions of this section, but the department shall

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not in any manner directly or indirectly pledge the credit of the state of Iowa.

(2) Authorize payment from the revolving loan fund, from fees and from any income received by investments of money in the fund for costs, commissions, attorney fees and other reasonable expenses related to and necessary for making and protecting direct loans under this section, and for the recovery of moneys loaned or the management of property acquired in connection with such loans.

Sec. \_\_\_\_ . 1986 Iowa Acts, Senate File 2175, section 1489, is repealed.

Sec. \_\_\_\_ . Section 297.26, Code 1985, as amended by 1986 Iowa Acts, Senate File 2175, section 1984, is amended to read as follows:

297.26 SALE BY DEPARTMENT.

Any school building or any school site, the title of which is vested in the state of Iowa by reason of it having been provided by state mining camp funds for schools in mining camps, shall be sold by the department when the department director of education determines it is no longer needed for school purposes.

Sec. \_\_\_\_ . 1986 Iowa Acts, Senate File 2175, section 1992, is amended by striking the section and inserting the following:

Sec. 1992. Sections 19.16 and 29A.59, Code 1985, are repealed.

Sec. \_\_\_\_ . Notwithstanding section 4.8, the provisions of this Act which amend 1986 Iowa Acts, Senate File 2175, or which amend provisions added, amended, or repealed by 1986 Iowa Acts, Senate File 2175, prevail over Senate File 2175 and are contingent upon the enactment of Senate File 2175.

Sec. \_\_\_\_ . 1986, Iowa Acts, Senate File 2175, section 2046, is amended by striking the section and inserting the following:

Sec. 2046. Section 421.31, subsection 3, in its requirement that the government's accounts be in accordance with generally accepted accounting principles, takes effect with the fiscal year beginning July 1, 1992.

The governor, auditor of state and the department of management shall phase in the implementation of generally accepted accounting principles, as defined by the governmental accounting standards board, which includes fund reclassifications, revenue recognition, and recognition of all appropriate liabilities beginning with the fiscal year beginning July 1, 1987.

The fiscal impact to the state general fund of implementing fund reclassifications, and recognizing

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1 additional liabilities shall be phased in according to  
 2 the following schedule for the fiscal years beginning  
 3 July 1:

4	1987	ten percent
5	1988	twenty percent
6	1989	forty percent
7	1990	sixty percent
8	1991	eighty percent
9	1992	one hundred percent

10 Sec. \_\_\_\_ . 1986 Iowa Acts, Senate File 2175,  
 11 section 2065, is amended by adding the following new  
 12 unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. The validity of  
 14 any official administrative or judicial pleading,  
 15 claim, rate filing, motion, information, or other  
 16 official document filed prior to the effective date  
 17 of this Act shall not be affected by any statutory  
 18 name changes made in this Act or by any administrative  
 19 rule name changes made pursuant to this Act, and refileing  
 20 of any such document shall not be required.

21 Sec. \_\_\_\_ . In sections 455.223, 455B.280, 467A.3,  
 22 467A.7, 467A.13, 467A.53, 467B.1, 467B.2, 467B.3, 467B.5,  
 23 467B.10, 467D.2, 467D.3, 467D.4, 467D.5, 467D.6, 467D.7,  
 24 467D.8, 467D.10, 467D.11, 467D.12, 467D.13, 467D.14, 467D.15,  
 25 467D.16, 467D.17, 467D.18, 467D.19, 467D.21, 467D.22, 467D.23,  
 26 467D.24, Code 1985, and section 467D.20, Code Supplement  
 27 1985, the Code editor may change references to the  
 28 "conservancy districts" and "conservancy district" to "water  
 29 resource districts" and "water resource district".

H-6073 FILED APRIL 30, 1986 BY LLOYD-JONES of Johnson

~~Adopted~~ as amended by 6091B S/I (p. 1959)

Last. Reconsidered  
 Adopted (p. 1970)

## HOUSE FILE 2066

H-6075

1 Amend the Senate amendment H-5822 to House File  
2 2066 as amended, passed, and reprinted by the House as  
3 follows:

4 1. Page 1, by inserting after line 11 the  
5 following:

6 "Sec. \_\_\_\_\_. Section 192A.13, unnumbered paragraph  
7 1, Code 1985, is amended to read as follows:

8 No processor or distributor shall give, offer to  
9 give, furnish, finance, or otherwise make available  
10 any free goods to any person, directly or indirectly,  
11 in connection with the sale of dairy products or to  
12 any other person doing business with such person, or  
13 give, offer to give, furnish, finance, or otherwise  
14 make available any payments, gifts, or grants of  
15 anything of value to any retailer. ~~Nothing in this~~  
16 ~~section shall~~ However, this section does not prevent  
17 the use in advertisements or otherwise of "cents-off"  
18 purchase price coupons or "refund" coupons or the  
19 redeeming of the coupons from a retailer, and does not  
20 prevent transactions with retailers of any of the  
21 following:"

22 2. Page 1, by inserting after line 20 the  
23 following:

24 "Sec. \_\_\_\_\_. Section 321.1, subsection 40, Code 1985  
25 Supplement 1985, is amended by adding the following  
26 new unnumbered paragraphs:

27 NEW UNNUMBERED PARAGRAPH. "Final Stage  
28 Manufacturer" means a person who performs such  
29 manufacturing operations on an incomplete vehicle that  
30 it becomes a completed vehicle. A final stage  
31 manufacturer shall furnish to the department a  
32 document which identifies that the vehicle was  
33 incomplete prior to that manufacturing operation. The  
34 identification shall include the name of the  
35 incomplete vehicle manufacturer, the date of  
36 manufacture, and the vehicle identification number to  
37 ascertain that the document applies to a particular  
38 incomplete vehicle.

39 NEW UNNUMBERED PARAGRAPH. "Incomplete Vehicle"  
40 means an assemblage, as a minimum, consisting of a  
41 frame and chassis structure, power train, steering  
42 system, suspension system, and braking system, to the  
43 extent that those systems are to be a part of the  
44 completed vehicle, that requires further manufacturing  
45 operations, other than the addition of readily  
46 attachable equipment, components, or minor finishing  
47 operations."

48 3. Page 2, by striking line 3 and inserting the  
49 following: "railroad assistance fund.

50 Sec. \_\_\_\_\_. Section 331.756, subsection 5, Code

1 Supplement 1985, is amended by adding the following  
2 new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. If professional  
4 collection services are procured, the county attorney  
5 shall enter on the appropriate record of the clerk of  
6 the district court an indication of the satisfaction  
7 of each obligation to the full extent of all moneys  
8 collected in satisfaction of that obligation,  
9 including all fees and compensation retained by the  
10 collection service incident to the collection and not  
11 paid into the office of the clerk.

12 Sec. \_\_\_\_\_. Section 422.7, subsection 18, paragraph  
13 a, Code Supplement 1985, is amended to read as  
14 follows:

15 a. A handicapped individual domiciled in this  
16 state at the time of the hiring who meets any of the  
17 following conditions:"

18 \_\_\_\_\_. Page 5, by inserting after line 15 the  
19 following:

20 "Sec. \_\_\_\_\_. Section 422.35, subsection 7, paragraph  
21 a, Code 1985, is amended to read as follows:

22 a. A handicapped individual domiciled in this  
23 state at the time of the hiring who meets any of the  
24 following conditions:"

25 \_\_\_\_\_. Page 5, by inserting after line 23 the  
26 following:

27 "Sec. \_\_\_\_\_. Section 467A.62, subsection 2, Code  
28 1985, is amended by striking the subsection.

29 Sec. \_\_\_\_\_. Section 565A.2, subsection 1, paragraph  
30 c, Code 1985, is amended to read as follows:

31 c. If the subject of the gift is money, by paying  
32 or delivering it to a broker or a bank for credit to  
33 an account in the name of the donor, another adult  
34 person or a bank with fiduciary powers, ~~following~~  
35 ~~followed~~, in substance, by the words: "as custodian  
36 for ..... (Name of minor) under the Iowa Uniform  
37 Gifts to Minors Act"."

38 4. Page 3, by inserting after line 37 the  
39 following:

40 "\_\_\_\_\_. Page 6, by striking lines 3 and 4 and  
41 inserting the following:

42 "Sec. \_\_\_\_\_. Section 809.13, subsection 5, paragraph  
43 b, as enacted by 1986 Iowa Acts, House File 2460,  
44 section 15, is amended to read as follows:"

45 \_\_\_\_\_. Page 6, line 12, by striking the figure  
46 "809A.21" and inserting the following: "809.21".

47 \_\_\_\_\_. Page 6, line 13, by striking the figure  
48 "809A.21" and inserting the following: "809.21"."

49 5. Page 3, by striking lines 46 through 48 and  
50 inserting the following:

1 "\_\_\_\_\_. Title page, by striking line 3 and  
2 inserting the following: "and reflect or alter  
3 current practices, and providing penalties and an  
4 effective date.""

5 6. By renumbering as necessary.

*Adopted as amended by 6082*

*5/1 (p.1951)*

*Page 2 line 49 thru page 3, line 5 placed o/o (p.1972)*

## HOUSE FILE 2066

H-6077

Amend the Senate amendment, H-5822, to House File 2066, as amended, passed and reprinted by the House as follows:

1. Page 1, by inserting after line 29 the following:

"    . Page 5, by inserting after line 1 the following:

"Sec.     . Section 325.26, subsection 1, Code 1985, as amended by Senate File 505, is amended to read as follows:

1. Passenger motor carriers.

a. To cover the assured's legal liability as a motor carrier operating a motor vehicle with a seating capacity of ~~sixteen~~ fifteen persons or less for bodily injury or death resulting therefrom as a result of any one accident or other cause, twenty-five thousand dollars for any recovery by one person and subject to the limit for one person, one hundred fifty thousand dollars for more than one person.

b. To cover the assured's legal liability as a motor carrier operating a motor vehicle with a seating capacity of ~~sixteen~~ fifteen persons or less for damage to or destruction of any property other than that of or in charge of the assured, as a result of any one accident or other cause, ten thousand dollars.

c. To cover the assured's legal liability as a motor carrier operating a motor vehicle with a seating capacity of ~~sixteen~~ fifteen persons or less for loss of or damage to property of passengers as a result of any one accident or any other cause, one thousand dollars.

d. Unless the authority department determines, after an investigation and hearing, and adopts rules based on that determination, that lesser levels of financial responsibility will protect the public interest, a regular route motor carrier of passengers and a charter carrier operating a motor vehicle with a seating capacity of sixteen or more persons shall have the minimum levels of financial responsibility established under 49 U.S.C. § 10927(a)(1).

e. A common carrier of passengers coming under this chapter, furnishing satisfactory proofs as to the carrier's solvency and financial ability to cover the assured's legal liability as provided for in this chapter and make payments to persons entitled thereto as a result of that legal liability, or depositing with the authority department surety satisfactory to it as guarantee for such payments, is relieved of the provisions of this section requiring liability insurance, surety bond or certificate of insurance;

Two

but shall, from time to time, furnish additional proof of solvency and financial ability to pay as required by the authority department."

H-6076

1 Amend the Senate amendment, H-5822, to House File  
2 2066 as amended, passed, and reprinted as follows:

3 1. Page 3, by inserting after line 37 the  
4 following:

5 "\_\_\_\_\_. Page 7, by inserting after line 31 the  
6 following:

7 "Sec. \_\_\_\_\_. The Code editor shall codify as a  
8 separate division of chapter 99E, 1985 Iowa Acts,  
9 chapter 33, sections 301 through 303, as amended by  
10 the Acts of the Seventy-first General Assembly, 1985  
11 and 1986 Sessions. In the codification required under  
12 this section the Code editor has those powers and  
13 duties specified in section 14.13."

H-6076 FILED APRIL 30, 1986 BY CONNOLLY of Dubuque

*Adopted 5/1 (p.1954)*

HOUSE FILE 2066

H-6078

1 Amend the Senate amendment, H-5822, to House File  
2 2066 as amended, passed and reprinted by the House as  
3 follows:

4 1. Page 3, by inserting after line 37 the  
5 following:

6 "\_\_\_\_\_. Page 7, by inserting after line 31 the  
7 following:

8 "Sec. \_\_\_\_\_. 1985 Iowa Acts, Senate File 2175, is  
9 amended by adding the following:

10 Sec. 2073. Notwithstanding that section 803 of  
11 this Act specifies that the number of voting members  
12 of the Iowa economic development board shall be nine,  
13 for the period beginning July 1, 1986 and ending April  
14 30, 1987 the number of voting members shall be eleven  
15 consisting of the nine members of the Iowa development  
16 commission whose terms were not scheduled to expire by  
17 July 1, 1986, the secretary of agriculture, and one  
18 member appointed by the governor."

BY HANSON of Delaware

SWARTZ of Marshall

H-6078 FILED APRIL 30, 1986 GRONINGA of Cerro Gordo

*Adopted 5/1 (p.1954)*  
*Reconsidered, amended (6098) & Adopted (p.1912)*

HOUSE FILE 2066

H-6079

1 Amend the Senate amendment, H-5822, to House File  
2 2066, as amended, passed and reprinted by the Senate  
3 as follows:

4 1. Page 3, by inserting after line 37 the  
5 following:

6 "\_\_\_\_\_. Page 7, by inserting after line 31 the  
7 following:

8 "Sec. \_\_\_\_\_. Section 79.19, as enacted by 1986 Iowa  
9 Acts, Senate File 2175, section 234, is repealed."

10 2. Page 3, by inserting after line 37 the  
11 following:

12 "\_\_\_\_\_. Page 7, by inserting after line 31 the  
13 following:

14 "Sec. \_\_\_\_\_. Section 79.37, as enacted by 1986 Iowa  
15 Acts, Senate File 2175, section 240, is repealed."

16 3. By renumbering as necessary.

H-6079 FILED APRIL 30, 1986 BY WELDEN of Hardin

*w/d 5/1 (p.1971)*

## HOUSE FILE 2066

H-6081

1 Amend the Senate amendment, H-5822, to House File  
2 2066 as amended, passed, and reprinted by the House as  
3 follows:

4 1. Page 3, by inserting after line 39 the  
5 following:

6 "Sec. \_\_\_\_ . 1986 Iowa Acts, Senate File 2175,  
7 section 215, is amended by striking the section and  
8 inserting in lieu thereof the following:

9 Sec. 215. Section 19A.14, Code 1985, is amended by  
10 striking the section and inserting in lieu thereof the  
11 following:

12 19A.14 MERIT APPEALS.

13 1. EMPLOYEE DISCIPLINE. A merit system employee,  
14 excluding any employee covered under a collective  
15 bargaining agreement which provides otherwise, who is  
16 discharged, suspended, demoted, or otherwise reduced  
17 in pay, except during the employee's probationary  
18 period, may appeal to the appointing authority for a  
19 review of the action. If not satisfied, the employee  
20 may, within thirty calendar days following the date of  
21 the discharge, suspension, demotion, or reduction in  
22 pay, file an appeal with the public employment  
23 relations board for hearing. The employee has the  
24 right to a hearing closed to the public, but the  
25 employee may request a public hearing. The hearing  
26 shall otherwise be conducted in accordance with the  
27 rules of the public employment relations board and the  
28 Iowa administrative procedure Act. Decisions rendered  
29 shall be based upon a standard of just cause. If the  
30 public employment relations board finds that the  
31 action taken by the appointing authority was for  
32 political, religious, racial, national origin, sex,  
33 age, or other reasons not constituting just cause, the  
34 employee may be reinstated without loss of pay or  
35 benefits for the elapsed period or the public  
36 employment relations board may fashion other  
37 appropriate remedies. Decisions by the public  
38 employment relations board constitute final agency  
39 action.

40 2. EMPLOYEE GRIEVANCES. A merit system employee,  
41 excluding any employee covered under a collective  
42 bargaining agreement which provides otherwise, who has  
43 exhausted all available steps of the uniform grievance  
44 procedure of the department of personnel may, within  
45 thirty calendar days following the date a decision was  
46 received or should have been received by the employee  
47 at the second step of the grievance procedure, file an  
48 appeal with the director. The director may grant the  
49 relief sought, and that decision constitutes final  
50 agency action. However, if the director does not

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1 grant the relief sought, the employee may, within  
2 thirty calendar days following the date of filing of  
3 the appeal, file the appeal with the public employment  
4 relations board for hearing. The hearing shall be  
5 conducted in accordance with the rules of the public  
6 employment relations board and the Iowa administrative  
7 procedure Act. Decisions rendered shall be based upon  
8 a standard of substantial compliance with this chapter  
9 and the rules of the department of personnel.

10 Decisions by the public employment relations board  
11 constitute final agency action.

12 Sec. \_\_\_\_ . 1986 Iowa Acts, Senate File 2175,  
13 section 229, is amended by striking the section and  
14 inserting in lieu thereof the following:

15 Sec. 229. Section 20.1, Code 1985, is amended by  
16 adding the following new unnumbered paragraph:

17 NEW UNNUMBERED PARAGRAPH. The general assembly  
18 declares that the purposes of the public employment  
19 relations board established by this chapter are to  
20 implement the provisions of this chapter and  
21 adjudicate and conciliate employment-related cases  
22 involving the state of Iowa and other public employers  
23 and employee organizations. For these purposes the  
24 powers and duties of the board include but are not  
25 limited to the following:

26 1. Determining appropriate bargaining units and  
27 conducting representation elections.

28 2. Adjudicating prohibited practice complaints and  
29 fashioning appropriate remedial relief for violations  
30 of this chapter.

31 3. Adjudicating and serving as arbitrators  
32 regarding state merit system grievances and, upon  
33 joint request, grievances arising under collective  
34 bargaining agreements between public employers and  
35 certified employee organizations.

36 4. Providing mediators, fact-finders, and  
37 arbitrators to resolve impasses in negotiations.

38 5. Collecting and disseminating information  
39 concerning the wages, hours, and other conditions of  
40 employment of public employees.

41 6. Assisting the attorney general in the  
42 preparation of legal briefs and the presentation of  
43 oral arguments in the district court and the supreme  
44 court in cases affecting the board.

45 Sec. \_\_\_\_ . 1986 Iowa Acts, Senate File 2175,  
46 section 655, is amended by striking the section.

47 Sec. \_\_\_\_ . Section 467D.2, subsection 1, Code 1985,  
48 as amended by 1986 Iowa Acts, Senate File 2175,  
49 section 662, is amended to read as follows:

50 1. "Watershed-planning Water resource district"

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1 means one of the six watershed-planning water resource  
2 districts established by section 467D.3.

3 Sec. \_\_\_\_\_. Section 467D.3, unnumbered paragraph 1,  
4 Code 1985, as amended by 1986 Iowa Acts, Senate File  
5 2175, section 664, is amended to read as follows:

6 In furtherance of the policy set forth in section  
7 467D.1, the entire area of the state of Iowa shall be  
8 divided into six watershed-planning water resource  
9 districts, and the same are hereby established as  
10 political subdivisions of the state of Iowa, as  
11 follows:

12 Sec. \_\_\_\_\_. Section 15.104, subsection 2, as enacted  
13 by 1986 Iowa Acts, Senate File 2175, section 804, is  
14 amended to read as follows:

15 2. Prepare a five-year strategic plan for state  
16 economic growth to implement the specific  
17 comprehensive goals, objectives, and policies of the  
18 state. All other state agencies involved in economic  
19 development activities shall annually submit to the  
20 board for its review and potential inclusion in the  
21 strategic plan their specific strategic plans and  
22 programs. The five-year strategic plan for state  
23 economic growth shall be updated annually.

24 Sec. \_\_\_\_\_. Section 15.108, subsection 7, the second  
25 paragraph c and paragraphs d through g, as enacted by  
26 1986 Iowa Acts, Senate File 2175, section 808, are  
27 amended to read as follows:

28 c d. If determined necessary by the board, provide  
29 training for bank loan officers to increase their  
30 level of expertise in regard to business loans.

31 d e. To the extent feasible, cooperate with the  
32 department of employment services to establish a  
33 program to educate existing employers and new or  
34 potential employers on the rates and workings of the  
35 state unemployment compensation program and the state  
36 workers' compensation program.

37 e f. Study the feasibility of reducing the total  
38 number of state licenses, permits, and certificates  
39 required to conduct small businesses.

40 f g. Encourage and assist small businesses to  
41 obtain state contracts and subcontracts by cooperating  
42 with the directors of purchasing in the department of  
43 general services, the state board of regents, and the  
44 department of transportation in performing the  
45 following functions:

46 (1) Developing a uniform small business vendor  
47 application form which can be adopted by all agencies  
48 and departments of state government to identify small  
49 businesses and targeted small businesses which desire  
50 to sell goods and services to the state. This form

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1 shall also contain information which can be used to  
2 determine certification as a targeted small business  
3 pursuant to paragraph "c", subparagraph (4).

4 (2) Compiling and maintaining a comprehensive  
5 source list of small businesses.

6 (3) Assuring that responsible small businesses are  
7 solicited on each suitable purchase.

8 (4) Assisting small businesses in complying with  
9 the procedures for bidding and negotiating for  
10 contracts.

11 (5) Simplifying procurement specifications and  
12 terms in order to increase the opportunities for small  
13 business participation.

14 (6) When economically feasible, dividing total  
15 purchases into tasks or quantities to permit maximum  
16 small business participation.

17 (7) Preparing timely forecasts of repetitive  
18 contracting requirements by dollar volume and types of  
19 contracts to enhance the participation of responsible  
20 small businesses in the public purchasing process.

21 (8) Developing a mechanism to measure and monitor  
22 the amount of participation by small businesses in  
23 state procurement.

24 g h. In addition, the department may establish a  
25 small business advisory council to:

26 (1) Advise and consult with the board and the  
27 department with respect to matters which are of  
28 concern to small business.

29 (2) Submit recommendations to the board relating  
30 to actual or proposed activities concerning small  
31 business.

32 (3) Submit recommendations for legislative or  
33 administrative actions.

34 (4) Review and monitor small business programs and  
35 agencies in order to determine their effectiveness and  
36 whether they complement or compete with each other,  
37 and to coordinate the delivery of programs and  
38 services aimed at small business.

39 (5) Initiate special small business economic  
40 studies as deemed necessary, including but not limited  
41 to analyses of trends and growth opportunities  
42 relative to small business.

43 (6) Provide other information or perform other  
44 duties which would be of assistance to small business.

45 Sec. \_\_\_\_ . 1986 Iowa Acts, Senate File 2175,  
46 section 817, is amended by striking the section and  
47 inserting in lieu thereof the following:

48 Sec. 817. NEW SECTION. 15.252 PURPOSE.

49 The purpose of this part is to establish through  
50 the regional satellite centers, as stated in chapter

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1 28.101, a statewide network of regional offices to  
2 help coordinate job training programs with statewide,  
3 regional, and local economic development initiatives,  
4 and to promote the economic growth of this state.

5 Sec. \_\_\_\_\_. Section 303.1C, subsection 2, as enacted  
6 by 1986 Iowa Acts, Senate File 2175, section 1303, is  
7 amended by adding the following new lettered  
8 paragraph:

9 NEW LETTERED PARAGRAPH. i. Buy or receive by  
10 other means historical materials including, but not  
11 limited to, artifacts, art, books, manuscripts, and  
12 images. Such materials are not personal property  
13 under section 18.12 and shall be received and cared  
14 for under the rules of the department. The historical  
15 division may sell or otherwise dispose of those  
16 materials according to the rules of the department and  
17 be credited for any revenues credited by the disposal  
18 less the costs incurred.

19 Sec. \_\_\_\_\_. 1986 Iowa Acts, Senate File 2175,  
20 section 1308, is repealed.

21 Sec. \_\_\_\_\_. Section 303.16, as enacted by 1986 Iowa  
22 Acts, Senate File 2175, section 1314, is amended by  
23 adding the following new subsections:

24 NEW SUBSECTION. 3. The following persons are  
25 eligible to receive historical resource grants and  
26 loans:

27 a. County and city governments that are certified  
28 local governments by the historic preservation  
29 officer.

30 b. Nonprofit corporations.

31 c. Private corporations and businesses.

32 d. Individuals.

33 NEW SUBSECTION. 4. Grants and loans may be made  
34 for the following categories of purposes:

35 a. Acquisition and development of historical  
36 properties.

37 b. Preservation and conservation of historical  
38 properties.

39 c. Interpretation of historical resources.

40 Not less than twenty percent nor more than fifty  
41 percent of the funds in a single grant cycle shall be  
42 allocated to any one category.

43 NEW SUBSECTION. 5. Grants and loans are subject  
44 to the following restrictions:

45 a. Grants shall not be given to or received by any  
46 state agency, institution or its representative or  
47 agent.

48 b. Grants or loan funds shall not be used to  
49 support operating expenses or programs as defined by  
50 the department's rules.

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1 c. Grant or loan funds shall not be used to  
2 support publications, public relations, or marketing  
3 expenses.

4 d. Grant or loan funds shall not support or  
5 partially support salaries or benefits of anyone  
6 employed directly by the recipient. This restriction  
7 does not prohibit the recipient from contracting with  
8 individuals for specific work of limited duration,  
9 under federal internal revenue service guidelines for  
10 contract work.

11 e. Not more than fifty thousand dollars or twenty  
12 percent of the annual appropriation, whichever is  
13 more, shall be granted to recipients within any single  
14 county in any given grant cycle.

15 f. Not more than twenty-five thousand dollars or  
16 ten percent of the annual appropriation, whichever is  
17 more, may be granted or loaned to any single recipient  
18 within a single fiscal year.

19 g. Grants or loans under this program may be given  
20 only after review by the state historical board.

21 h. All grant or loan funds must be expended by  
22 employing individuals or businesses located within the  
23 state of Iowa.

24 NEW SUBSECTION. 6. For each dollar of grant funds  
25 the following recipients must provide the following  
26 matching cash and in kind resources:

27 a. For county and city governments and nonprofit  
28 corporations, fifty cents of which at least twenty-  
29 five cents must be in cash.

30 b. For other private corporations and businesses,  
31 one dollar of which at least seventy-five cents must  
32 be in cash.

33 c. For individuals, seventy-five cents of which at  
34 least fifty cents must be in cash.

35 NEW SUBSECTION. 7. The department may use twenty-  
36 five thousand dollars for administration of the grant  
37 and loan program.

38 NEW SUBSECTION. 8. a. The department may  
39 establish a historical resource revolving loan fund  
40 composed of any money appropriated by the general  
41 assembly for that purpose, and of any other moneys  
42 available to and obtained or accepted by the  
43 department from the federal government or private  
44 sources for placement in that fund. Each loan made  
45 under this section shall be for a period not to exceed  
46 ten years, shall bear interest at a rate determined by  
47 the state historical board, and shall be repayable to  
48 the revolving loan fund in equal yearly installments  
49 due March 1 of each year the loan is in effect. The  
50 interest rate upon loans for which payment is

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1 delinquent shall accelerate immediately to the current  
2 legal usury limit. Applicants shall be eligible for  
3 no more than twenty-five thousand dollars in loans  
4 outstanding at any time under this program.

5 b. The department may:

6 (1) Contract, sue and be sued, and promulgate  
7 administrative rules necessary to carry out the  
8 provisions of this section, but the department shall  
9 not in any manner directly or indirectly pledge the  
10 credit of the state of Iowa.

11 (2) Authorize payment from the revolving loan  
12 fund, from fees and from any income received by  
13 investments of money in the fund for costs,  
14 commissions, attorney fees and other reasonable  
15 expenses related to and necessary for making and  
16 protecting direct loans under this section, and for  
17 the recovery of moneys loaned or the management of  
18 property acquired in connection with such loans.

19 Sec. \_\_\_\_\_. 1986 Iowa Acts, Senate File 2175,  
20 section 1489, is repealed.

21 Sec. \_\_\_\_\_. Section 297.26, Code 1985, as amended by  
22 1986 Iowa Acts, Senate File 2175, section 1984, is  
23 amended to read as follows:

24 297.26 SALE BY DEPARTMENT.

25 Any school building or any school site, the title  
26 of which is vested in the state of Iowa by reason of  
27 it having been provided by state mining camp funds for  
28 schools in mining camps, shall be sold by the  
29 department when the department director of education  
30 determines it is no longer needed for school purposes.

31 Sec. \_\_\_\_\_. 1986 Iowa Acts, Senate File 2175,  
32 section 1992, is amended by striking the section and  
33 inserting the following:

34 Sec. 1992. Sections 19.16 and 29A.59, Code 1985,  
35 are repealed.

36 Sec. \_\_\_\_\_. Notwithstanding section 4.8, the  
37 provisions of this Act which amend 1986 Iowa Acts,  
38 Senate File 2175, or which amend provisions added,  
39 amended, or repealed by 1986 Iowa Acts, Senate File  
40 2175, prevail over Senate File 2175 and are contingent  
41 upon the enactment of Senate File 2175.

42 Sec. \_\_\_\_\_. 1986, Iowa Acts, Senate File 2175,  
43 section 2046, is amended by striking the section and  
44 inserting the following:

45 Sec. 2046. Section 421.31, subsection 3, in its  
46 requirement that the government's accounts be in  
47 accordance with generally accepted accounting  
48 principles, takes effect with the fiscal year  
49 beginning July 1, 1992.

50 The governor, auditor of state and the department

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1 of management shall phase in the implementation of  
 2 generally accepted accounting principles, as defined  
 3 by the governmental accounting standards board, which  
 4 includes fund reclassifications, revenue recognition,  
 5 and recognition of all appropriate liabilities  
 6 beginning with the fiscal year beginning July 1, 1987.

7 The fiscal impact to the state general fund of  
 8 implementing fund reclassifications, and recognizing  
 9 additional liabilities shall be phased in according to  
 10 the following schedule for the fiscal years beginning  
 11 July 1:

12	1987	ten percent
13	1988	twenty percent
14	1989	forty percent
15	1990	sixty percent
16	1991	eighty percent
17	1992	one hundred percent

18 Sec. \_\_\_\_ . 1986 Iowa Acts, Senate File 2175,  
 19 section 2065, is amended by adding the following new  
 20 unnumbered paragraph:

21 NEW UNNUMBERED PARAGRAPH. The validity of  
 22 any official administrative or judicial pleading,  
 23 claim, rate filing, motion, information, or other  
 24 official document filed prior to the effective date  
 25 of this Act shall not be affected by any statutory  
 26 name changes made in this Act or by any administrative  
 27 rule name changes made pursuant to this Act, and refileing  
 28 of any such document shall not be required.

29 Sec. \_\_\_\_ . In sections 455.223, 455B.280, 467A.3,  
 30 467A.7, 467A.13, 467A.53, 467B.1, 467B.2, 467B.3, 467B.5,  
 31 467B.10, 467D.2, 467D.3, 467D.4, 467D.5, 467D.6, 467D.7,  
 32 467D.8, 467D.10, 467D.11, 467D.12, 467D.13, 467D.14, 467D.15,  
 33 467D.16, 467D.17, 467D.18, 467D.19, 467D.21, 467D.22, 467D.23,  
 34 467D.24, Code 1985, and section 467D.20, Code Supplement  
 35 1985, the Code editor may change references to the  
 36 "conservancy districts" and "conservancy district" to "water  
 37 resource districts" and "water resource district".

H-6081 FILED APRIL 30, 1986 BY CHAPMAN of Linn

*Placed o/c 5/1 (p. 1970)*

## HOUSE FILE 2066

H-6080

1 Amend the Senate amendment H-5822 to House File  
 2 2066 as amended, passed and reprinted by the House as  
 3 follows:

4 1. Page 2, by inserting after line 5, the following:  
 5 "Sec. \_\_\_\_ . 624.42 LIMITATION ON PUNITIVE AND  
 6 EXEMPLARY DAMAGES.

7 In a civil action for recovery of damages for  
 8 death of or injury to person or property, the court  
 9 shall not award an amount exceeding two hundred thousand  
 10 dollars for punitive or exemplary damages to or on behalf  
 11 of any one person."

H-6080 FILED APRIL 30, 1986 BY HALVORSON of Clayton

*Ruled not germane (p. 1953)*

## HOUSE FILE 2066

H-6088

1 Amend the Senate amendment, H-5822, to House File  
2 2066 as amended, passed and reprinted by the House as  
3 follows:

4 1. Page 1, by inserting after line 9 the  
5 following:

6 " ". Page 2, by inserting after line 22 the  
7 following:

8 "Sec.  . Section 98A.1, Code 1985, is amended by  
9 striking the section and inserting in lieu thereof the  
10 following:

11 98A.1 DEFINITIONS.

12 As used in this chapter unless the context  
13 otherwise requires:

14 1. "Smoking" means the carrying of or control over  
15 a lighted cigar, cigarette, pipe, or other lighted  
16 smoking equipment.

17 2. "Public place" means any enclosed indoor area  
18 used by the general public or serving as a place of  
19 work, including, but not limited to, restaurants with  
20 a seating capacity of thirty-two or more persons, all  
21 retail stores, offices containing two hundred or more  
22 square feet of floor space, including waiting rooms of  
23 two hundred or more square feet of floor space, and  
24 other commercial establishments; public conveyances  
25 with departures originating in this state; educational  
26 facilities; hospitals, clinics, nursing homes, and  
27 other health care and medical facilities; and  
28 auditoriums, elevators, theaters, libraries, art  
29 museums, concert halls, indoor arenas, and meeting  
30 rooms. "Public place" does not include a private,  
31 enclosed office occupied exclusively by smokers even  
32 though the office may be visited by nonsmokers, a room  
33 used primarily as the residence of students or other  
34 persons at an educational facility, a sleeping room in  
35 a motel or hotel, or any designated smoking area in a  
36 health care facility or hospital. The person in  
37 custody or control of the facility shall provide a  
38 sufficient number of rooms in which smoking is not  
39 permitted to accommodate all persons who desire such  
40 rooms.

41 3. "Public meeting" means a gathering in person of  
42 the members of a governmental body, whether an open or  
43 a closed session under chapter 21.

44 4. "Bar" means an establishment or portion of an  
45 establishment where one can purchase and consume  
46 alcoholic beverages as defined in section 123.3,  
47 subsection 8, but excluding any establishment or  
48 portion of the establishment having table and seating  
49 facilities for serving of meals to more than thirty-  
50 two people at one time and where, in consideration of

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1 payment, meals are served at tables to the public.

2 Sec. \_\_\_\_\_. Section 98A.2, Code 1985, is amended by  
3 striking the section and inserting in lieu thereof the  
4 following:

5 98A.2. PROHIBITION.

6 1. A person shall not smoke in a public place or  
7 in a public meeting except in a designated smoking  
8 area. This prohibition does not apply in cases in  
9 which an entire room or hall is used for a private  
10 social function and seating arrangements are under the  
11 control of the sponsor of the function and not of the  
12 proprietor or person in charge of the place. This  
13 prohibition does not apply to factories, warehouses,  
14 and similar places of work not usually frequented by  
15 the general public, except that an employee cafeteria  
16 in such place of work shall have a designated  
17 nonsmoking area.

18 2. Smoking areas may be designated by persons  
19 having custody or control of public places, except in  
20 places in which smoking is prohibited by the fire  
21 marshal or by other law, ordinance, or regulation.

22 3. Where smoking areas are designated, existing  
23 physical barriers and ventilation systems shall be  
24 used to minimize the toxic effect of smoke in adjacent  
25 nonsmoking areas. In the case of public places  
26 consisting of a single room, the provisions of this  
27 law shall be considered met if one side of the room is  
28 reserved and posted as a no-smoking area. No public  
29 place other than a bar shall be designated as a  
30 smoking area in its entirety. If a bar is designated  
31 as a smoking area in its entirety, this designation  
32 shall be posted conspicuously on all entrances  
33 normally used by the public.

34 4. Notwithstanding subsection 1 of this section,  
35 smoking is prohibited on elevators.

36 Sec. \_\_\_\_\_. Section 98A.3, Code 1985, is amended by  
37 striking the section and inserting in lieu thereof the  
38 following:

39 98A.3 RESPONSIBILITIES OF PROPRIETORS.

40 The person having custody or control of a public  
41 place or public meeting shall make reasonable efforts  
42 to prevent smoking in the public place or public  
43 meeting by:

44 1. Posting appropriate signs indicating no-smoking  
45 or smoking areas.

46 2. Arranging seating to provide smoke-free areas.

47 3. Asking smokers to refrain from smoking upon  
48 request of a person claiming discomfort from the smoke  
49 when the smoker is smoking in a designated no smoking  
50 area.

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Page Three

Sec. \_\_\_\_ . Section 98A.4, Code 1985, is amended to  
2 read as follows:

3 98A.4 ~~NO-SMOKING AREAS POSTED.~~

4 ~~The A person or persons~~ having custody or control  
5 of a ~~facility-in-which-smoking-is-prohibited-under~~  
6 ~~section-98A-2~~ public place or public meeting shall  
7 cause signs to be posted within ~~the-facility, or~~  
8 ~~within the area or appropriate areas~~ of the facility  
9 ~~where-the-prohibition-against-smoking-is-in-effect,~~  
10 ~~one-or-more-conspicuous-signs-bearing-the-words~~  
11 ~~"smoking-prohibited-by-law"-or-words-or-symbols-of~~  
12 ~~similar-effect~~ advising patrons of smoking and no-  
13 smoking areas. In addition the statement "Smoking  
14 prohibited except in designated areas" shall be  
15 conspicuously posted on all major entrances to the  
16 public place or public meeting.

17 Sec. \_\_\_\_ . Section 98A.5, Code 1985, is amended to  
18 read as follows:

19 98A.5 ENFORCEMENT OF SMOKING PROHIBITION.

20 ~~The A person in~~ having custody or control of a  
21 ~~facility-in-which-smoking-is-prohibited-under-section~~  
22 ~~98A-2~~ public place or public meeting, or an employee  
23 of any-such-facility a public place who is on duty  
24 therein at the public place or public meeting, who  
25 observes a person smoking in that-facility the public  
26 place or public meeting in violation of this chapter  
27 shall inform the person that smoking is prohibited by  
28 law in that-facility-or that area of-the-facility, as  
29 the-case-may-be.

30 Sec. \_\_\_\_ . Section 98A.6, Code 1985, is amended to  
31 read as follows:

32 98A.6 CIVIL PENALTY FOR VIOLATION.

33 A person who smokes in those areas ~~covered-by~~  
34 prohibited in section 98A.2, or who violates section  
35 98A.4, shall pay a civil fine-of-five-dollars-for-the  
36 first-violation-and-not-less-than-ten-nor-more-than  
37 one-hundred penalty not to exceed fifty dollars for  
38 each subsequent violation.

39 Judicial magistrates shall hear and determine  
40 violations of this chapter. The civil fins penalties  
41 paid pursuant to this chapter shall be deposited in  
42 the county treasury."

BY HAMMOND of Story  
ZIMMERMAN of Dallas

H-6088 FILED MAY 1, 1986  
NOT GERMANE (p. 1958)

HOUSE FILE 2066

H-6083

1 Amend the Senate Amendment, H-5822, to House File  
2 2066 as amended, passed, and reprinted by the House as  
3 follows:  
4 1. Page 2, by inserting after line 49 the  
5 following:  
6 "\_\_\_\_". Page 5, by inserting after line 25 the  
7 following:  
8 "Sec. \_\_\_\_". Section 657A.10, subsection 2, Code  
9 Supplement 1985, is amended to read as follows:  
10 2. The receiver appointed under this section  
11 chapter is not civilly or criminally liable for  
12 actions pursuant to this section chapter taken in good  
13 faith.""

H-6083 FILED MAY 1, 1986 BY HOLVECK of Polk  
ADOPTED (p. 1953)

HOUSE FILE 2066

H-6091

1 Amend amendment H-6073 to the Senate amendment  
2 H-5822 to House File 2066 as amended, passed and  
3 reprinted by the House as follows:  
4 1. Page 5, by inserting after line 4 the  
5 following:  
A 6 "Sec. \_\_\_\_". Section 79.19, as enacted by 1986 Iowa  
7 Acts, Senate File 2175, section 234, is repealed.""  
8 2. Page 5, by inserting before line 5 the  
9 following:  
B 10 "Sec. \_\_\_\_". Section 79.37, as enacted by 1986 Iowa  
11 Acts, Senate File 2175, section 240, is repealed.""  
12 3. By renumbering as necessary.

H-6091 FILED MAY 1, 1986 BY WELDEN of Hardin  
DIVISION A - LOST (p. 1959) DIVISION B - ADOPTED, RECONSIDERED - LOST (p. 1969)

HOUSE FILE 2066

H-6082

1 Amend amendment H-6075 to the Senate amendment  
2 H-5822 to House File 2066 as amended, passed, and  
3 reprinted by the House as follows:  
4 1. Page 1, lines 24 and 25, by striking the numeral  
5 and word "1985 Supplement" and inserting the word  
6 "Supplement".

H-6082 FILED MAY 1, 1986 BY JAY of Appanoose  
(adopted 5/1 (p. 1951))

HOUSE FILE 2066

H-6098

- 1 Amend amendment H-6078 to the Senate amendment
- 2 H-5822 to House File 2066 as amended, passed and
- 3 reprinted by the House as follows:
- 4 1. Page 1, line 8, by striking the numeral "1985"
- 5 and inserting the numeral "1986".

H-6098 FILED MAY 1, 1986 BY HANSON of Delaware  
ADOPTED BY UNANIMOUS CONSENT (p. 1972)

HOUSE FILE 2066

H-6090

1 Amend the Senate amendment, H-5822, to House File  
 2 2066 as amended, passed, and reprinted as follows:  
 3 1. Page 3, by inserting after line 37 the  
 4 following:  
 5 "\_\_\_\_. Page 7, by inserting after line 31 the  
 6 following:  
 7 "Sec. \_\_\_\_ . 1986 Iowa Acts, Senate File 2303,  
 8 section 7, is amended to read as follows:  
 9 SEC. 7. 1986 Iowa Acts, Senate File 2175, is  
 10 amended by adding after new section 15.256 the  
 11 following new section:  
 12 NEW SECTION. 15.257 EFFECTIVE DATE.  
 13 All Job Training Partnership Act of 1982, section  
 14 123 funds authorized for the fiscal year beginning  
 15 July 1, 1985 which have not been spent by the end of  
 16 the fiscal year shall be available for funding this  
 17 part for the fiscal year beginning July 1, 1986. The  
 18 provisions for funding this part in section 15.255,  
 19 except subsection subsections 1 and 6, shall be  
 20 implemented by July 1, 1987. Section 15.255,  
 21 subsections 1 and 6 take effect July 1, 1986."

H-6090 FILED MAY 1, 1986 BY JOCHUM of Dubuque  
ADOPTED (p. 1971)

HOUSE FILE 2066

H 6092

1 Amend the Senate amendment H-5822 to House File  
 2 2066 as amended, passed, and reprinted as follows:  
 A 3 1. Page 3, by striking lines 40 through 45.  
 E 4 2. Page 3, line 48, by striking the words "and  
 5 an effective date".

H-6092 FILED MAY 1, 1986 BY DODEREP of Johnson  
DIVISION A - ADOPTED, DIVISION B - WITHDRAWN  
(p. 1971) (p. 1971)

HOUSE FILE 2066

H-6100

1 Amend the Senate amendment H-5822 to House File  
 2 2066 as amended, passed and reprinted by the House  
 3 as follows:  
 4 1. Page 3, by striking lines 46 through 48,  
 5 and inserting the following:  
 6 "\_\_\_\_. Title page, by striking line 3 and  
 7 inserting the following: "and reflect or alter current  
 8 practices, and providing penalties."

H-6100 FILED MAY 1, 1986 BY McINTEE of Black Hawk  
ADOPTED BY UNANIMOUS CONSENT (p. 1972)

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2066

S-5937

1 Amend the Senate amendment H-5822 to House File  
2 2066 as amended, passed, and reprinted by the House as  
3 follows:

4 1. Page 1, by inserting after line 11 the  
5 following:

6 "Sec. \_\_\_\_\_. Section 192A.13, unnumbered paragraph  
7 1, Code 1985, is amended to read as follows:

8 No processor or distributor shall give, offer to  
9 give, furnish, finance, or otherwise make available  
10 any free goods to any person, directly or indirectly,  
11 in connection with the sale of dairy products or to  
12 any other person doing business with such person, or  
13 give, offer to give, furnish, finance, or otherwise  
14 make available any payments, gifts, or grants of  
15 anything of value to any retailer. ~~Nothing in this~~  
16 ~~section shall~~ However, this section does not prevent  
17 the use in advertisements or otherwise of "cents-off"  
18 purchase price coupons or "refund" coupons or the  
19 redeeming of the coupons from a retailer, and does not  
20 prevent transactions with retailers of any of the  
21 following:"

22 2. Page 1, by inserting after line 20 the  
23 following:

24 "Sec. \_\_\_\_\_. Section 321.1, subsection 40, Code  
25 Supplement 1985, is amended by adding the following  
26 new unnumbered paragraphs:

27 NEW UNNUMBERED PARAGRAPH. "Final Stage  
28 Manufacturer" means a person who performs such  
29 manufacturing operations on an incomplete vehicle that  
30 it becomes a completed vehicle. A final stage  
31 manufacturer shall furnish to the department a  
32 document which identifies that the vehicle was  
33 incomplete prior to that manufacturing operation. The  
34 identification shall include the name of the  
35 incomplete vehicle manufacturer, the date of  
36 manufacture, and the vehicle identification number to  
37 ascertain that the document applies to a particular  
38 incomplete vehicle.

39 NEW UNNUMBERED PARAGRAPH. "Incomplete Vehicle"  
40 means an assemblage, as a minimum, consisting of a  
41 frame and chassis structure, power train, steering  
42 system, suspension system, and braking system, to the  
43 extent that those systems are to be a part of the  
44 completed vehicle, that requires further manufacturing  
45 operations, other than the addition of readily  
46 attachable equipment, components, or minor finishing  
47 operations."

48 3. Page 1, by inserting after line 29 the  
49 following:

50 "\_\_\_\_\_. Page 5, by inserting after line 1 the

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1 following:

2 "Sec. \_\_\_\_\_. Section 325.26, subsection 1, Code  
3 1985, as amended by Senate File 505, is amended to  
4 read as follows:

5 1. Passenger motor carriers.

6 a. To cover the assured's legal liability as a  
7 motor carrier operating a motor vehicle with a seating  
8 capacity of ~~sixteen~~ fifteen persons or less for bodily  
9 injury or death resulting therefrom as a result of any  
10 one accident or other cause, twenty-five thousand  
11 dollars for any recovery by one person and subject to  
12 the limit for one person, one hundred fifty thousand  
13 dollars for more than one person.

14 b. To cover the assured's legal liability as a  
15 motor carrier operating a motor vehicle with a seating  
16 capacity of ~~sixteen~~ fifteen persons or less for damage  
17 to or destruction of any property other than that of  
18 or in charge of the assured, as a result of any one  
19 accident or other cause, ten thousand dollars.

20 c. To cover the assured's legal liability as a  
21 motor carrier operating a motor vehicle with a seating  
22 capacity of ~~sixteen~~ fifteen persons or less for loss  
23 of or damage to property of passengers as a result of  
24 any one accident or any other cause, one thousand  
25 dollars.

26 d. Unless the authority department determines,  
27 after an investigation and hearing, and adopts rules  
28 based on that determination, that lesser levels of  
29 financial responsibility will protect the public  
30 interest, a regular route motor carrier of passengers  
31 and a charter carrier operating a motor vehicle with a  
32 seating capacity of sixteen or more persons shall have  
33 the minimum levels of financial responsibility  
34 established under 49 U.S.C. § 10927(a)(1).

35 e. A common carrier of passengers coming under  
36 this chapter, furnishing satisfactory proofs as to the  
37 carrier's solvency and financial ability to cover the  
38 assured's legal liability as provided for in this  
39 chapter and make payments to persons entitled thereto  
40 as a result of that legal liability, or depositing  
41 with the authority department surety satisfactory to  
42 it as guarantee for such payments, is relieved of the  
43 provisions of this section requiring liability  
44 insurance, surety bond or certificate of insurance;  
45 but shall, from time to time, furnish additional proof  
46 of solvency and financial ability to pay as required  
47 by the authority department."

48 4. Page 2, by striking line 3 and inserting the  
49 following: ""railroad assistance fund.

50 Sec. \_\_\_\_\_. Section 331.756, subsection 5, Code

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1 Supplement 1985, is amended by adding the following  
2 new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. If professional  
4 collection services are procured, the county attorney  
5 shall enter on the appropriate record of the clerk of  
6 the district court an indication of the satisfaction  
7 of each obligation to the full extent of all moneys  
8 collected in satisfaction of that obligation,  
9 including all fees and compensation retained by the  
10 collection service incident to the collection and not  
11 paid into the office of the clerk.

12 Sec. \_\_\_\_\_. Section 422.7, subsection 18, paragraph  
13 a, Code Supplement 1985, is amended to read as  
14 follows:

15 a. A handicapped individual domiciled in this  
16 state at the time of the hiring who meets any of the  
17 following conditions:"

18 5. Page 5, by inserting after line 15 the  
19 following:

20 "Sec. \_\_\_\_\_. Section 422.35, subsection 7, paragraph  
21 a, Code 1985, is amended to read as follows:

22 a. A handicapped individual domiciled in this  
23 state at the time of the hiring who meets any of the  
24 following conditions:"

25 6. Page 5, by inserting after line 23 the  
26 following:

27 "Sec. \_\_\_\_\_. Section 467A.62, subsection 2, Code  
28 1985, is amended by striking the subsection.

29 Sec. \_\_\_\_\_. Section 565A.2, subsection 1, paragraph  
30 c, Code 1985, is amended to read as follows:

31 c. If the subject of the gift is money, by paying  
32 or delivering it to a broker or a bank for credit to  
33 an account in the name of the donor, another adult  
34 person or a bank with fiduciary powers, following  
35 followed, in substance, by the words: "as custodian  
36 for ..... (Name of minor) under the Iowa Uniform  
37 Gifts to Minors Act"."

38 7. Page 2, by inserting after line 49 the  
39 following:

40 "\_\_\_\_\_. Page 5, by inserting after line 25 the  
41 following:

42 "Sec. \_\_\_\_\_. Section 657A.10, subsection 2, Code  
43 Supplement 1985, is amended to read as follows:

44 2. The receiver appointed under this section  
45 chapter is not civilly or criminally liable for  
46 actions pursuant to this section chapter taken in good  
47 faith.""

48 8. Page 3, by inserting after line 37 the  
49 following:

50 "\_\_\_\_\_. Page 6, by striking lines 3 and 4 and

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1 inserting the following:  
2 "Sec. \_\_\_\_\_. Section 809.13, subsection 5, paragraph  
3 b, as enacted by 1986 Iowa Acts, House File 2460,  
4 section 15, is amended to read as follows:"  
5 9. Page 6, line 12, by striking the figure  
6 "809A.21" and inserting the following: "809.21".  
7 10. Page 6, line 13, by striking the figure  
8 "809A.21" and inserting the following: "809.21".  
9 11. Page 3, by inserting after line 37 the  
10 following:  
11 "\_\_\_\_\_. Page 7, by inserting after line 31 the  
12 following:  
13 "Sec. \_\_\_\_\_. 1986 Iowa Acts, Senate File 2175, is  
14 amended by adding the following:  
15 Sec. 2073. Notwithstanding that section 803 of  
16 this Act specifies that the number of voting members  
17 of the Iowa economic development board shall be nine,  
18 for the period beginning July 1, 1986 and ending April  
19 30, 1987 the number of voting members shall be eleven  
20 consisting of the nine members of the Iowa development  
21 commission whose terms were not scheduled to expire by  
22 July 1, 1986, the secretary of agriculture, and one  
23 member appointed by the governor."  
24 12. Page 3, by inserting after line 37 the  
25 following:  
26 "\_\_\_\_\_. Page 7, by inserting after line 31 the  
27 following:  
28 "Sec. \_\_\_\_\_. 1986 Iowa Acts, Senate File 2303,  
29 section 7, is amended to read as follows:  
30 SEC. 7. 1986 Iowa Acts, Senate File 2175, is  
31 amended by adding after new section 15.256 the  
32 following new section:  
33 NEW SECTION. 15.257 EFFECTIVE DATE.  
34 All Job Training Partnership Act of 1982, section  
35 123 funds authorized for the fiscal year beginning  
36 July 1, 1985 which have not been spent by the end of  
37 the fiscal year shall be available for funding this  
38 part for the fiscal year beginning July 1, 1986. The  
39 provisions for funding this part in section 15.255,  
40 except subsections 1 and 6, shall be  
41 implemented by July 1, 1987. Section 15.255,  
42 subsections 1 and 6 take effect July 1, 1986."  
43 13. Page 3, by inserting after line 37 the  
44 following:  
45 "\_\_\_\_\_. Page 7, by inserting after line 31 the  
46 following:  
47 "Sec. \_\_\_\_\_. The Code editor shall codify as a  
48 separate division of chapter 99E, 1985 Iowa Acts,  
49 chapter 33, sections 301 through 303, as amended by  
50 the Acts of the Seventy-first General Assembly, 1985

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1 and 1986 Sessions. In the codification required under  
2 this section the Code editor has those powers and  
3 duties specified in section 14.13."

4 14. Page 3, by inserting after line 39 the  
5 following:

6 "Sec. \_\_\_\_\_. 1986 Iowa Acts, Senate File 2175,  
7 section 215, is amended by striking the section and  
8 inserting in lieu thereof the following:

9 Sec. 215. Section 19A.14, Code 1985, is amended by  
10 striking the section and inserting in lieu thereof the  
11 following:

12 19A.14 MERIT APPEALS.

13 1. EMPLOYEE DISCIPLINE. A merit system employee,  
14 excluding any employee covered under a collective  
15 bargaining agreement which provides otherwise, who is  
16 discharged, suspended, demoted, or otherwise reduced  
17 in pay, except during the employee's probationary  
18 period, may appeal to the appointing authority for a  
19 review of the action. If not satisfied, the employee  
20 may, within thirty calendar days following the date of  
21 the discharge, suspension, demotion, or reduction in  
22 pay, file an appeal with the public employment  
23 relations board for hearing. The employee has the  
24 right to a hearing closed to the public, but the  
25 employee may request a public hearing. The hearing  
26 shall otherwise be conducted in accordance with the  
27 rules of the public employment relations board and the  
28 Iowa administrative procedure Act. Decisions rendered  
29 shall be based upon a standard of just cause. If the  
30 public employment relations board finds that the  
31 action taken by the appointing authority was for  
32 political, religious, racial, national origin, sex,  
33 age, or other reasons not constituting just cause, the  
34 employee may be reinstated without loss of pay or  
35 benefits for the elapsed period or the public  
36 employment relations board may fashion other  
37 appropriate remedies. Decisions by the public  
38 employment relations board constitute final agency  
39 action.

40 2. EMPLOYEE GRIEVANCES. A merit system employee,  
41 excluding any employee covered under a collective  
42 bargaining agreement which provides otherwise, who has  
43 exhausted all available steps of the uniform grievance  
44 procedure of the department of personnel may, within  
45 thirty calendar days following the date a decision was  
46 received or should have been received by the employee  
47 at the second step of the grievance procedure, file an  
48 appeal with the director. The director may grant the  
49 relief sought, and that decision constitutes final  
50 agency action. However, if the director does not

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1 grant the relief sought, the employee may, within  
2 thirty calendar days following the date of filing of  
3 the appeal, file the appeal with the public employment  
4 relations board for hearing. The hearing shall be  
5 conducted in accordance with the rules of the public  
6 employment relations board and the Iowa administrative  
7 procedure Act. Decisions rendered shall be based upon  
8 a standard of substantial compliance with this chapter  
9 and the rules of the department of personnel.

10 Decisions by the public employment relations board  
11 constitute final agency action.

12 Sec. \_\_\_\_\_. 1986 Iowa Acts, Senate File 2175,  
13 section 229, is amended by striking the section and  
14 inserting in lieu thereof the following:

15 Sec. 229. Section 20.1, Code 1985, is amended by  
16 adding the following new unnumbered paragraph:

17 NEW UNNUMBERED PARAGRAPH. The general assembly  
18 declares that the purposes of the public employment  
19 relations board established by this chapter are to  
20 implement the provisions of this chapter and  
21 adjudicate and conciliate employment-related cases  
22 involving the state of Iowa and other public employers  
23 and employee organizations. For these purposes the  
24 powers and duties of the board include but are not  
25 limited to the following:

26 1. Determining appropriate bargaining units and  
27 conducting representation elections.

28 2. Adjudicating prohibited practice complaints and  
29 fashioning appropriate remedial relief for violations  
30 of this chapter.

31 3. Adjudicating and serving as arbitrators  
32 regarding state merit system grievances and, upon  
33 joint request, grievances arising under collective  
34 bargaining agreements between public employers and  
35 certified employee organizations.

36 4. Providing mediators, fact-finders, and  
37 arbitrators to resolve impasses in negotiations.

38 5. Collecting and disseminating information  
39 concerning the wages, hours, and other conditions of  
40 employment of public employees.

41 6. Assisting the attorney general in the  
42 preparation of legal briefs and the presentation of  
43 oral arguments in the district court and the supreme  
44 court in cases affecting the board.

45 Sec. \_\_\_\_\_. 1986 Iowa Acts, Senate File 2175,  
46 section 655, is amended by striking the section.

47 Sec. \_\_\_\_\_. Section 467D.2, subsection 1, Code 1985,  
48 as amended by 1986 Iowa Acts, Senate File 2175,  
49 section 662, is amended to read as follows:

50 1. "Watershed-planning Water resource district"

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1 means one of the six watershed-planning water resource  
2 districts established by section 467D.3.

3 Sec. \_\_\_\_\_. Section 467D.3, unnumbered paragraph 1,  
4 Code 1985, as amended by 1986 Iowa Acts, Senate File  
5 2175, section 664, is amended to read as follows:

6 In furtherance of the policy set forth in section  
7 467D.1, the entire area of the state of Iowa shall be  
8 divided into six watershed-planning water resource  
9 districts, and the same are hereby established as  
10 political subdivisions of the state of Iowa, as  
11 follows:

12 Sec. \_\_\_\_\_. Section 15.104, subsection 2, as enacted  
13 by 1986 Iowa Acts, Senate File 2175, section 804, is  
14 amended to read as follows:

15 2. Prepare a five-year strategic plan for state  
16 economic growth to implement the specific  
17 comprehensive goals, objectives, and policies of the  
18 state. All other state agencies involved in economic  
19 development activities shall annually submit to the  
20 board for its review and potential inclusion in the  
21 strategic plan their specific strategic plans and  
22 programs. The five-year strategic plan for state  
23 economic growth shall be updated annually.

24 Sec. \_\_\_\_\_. Section 15.108, subsection 7, the second  
25 paragraph c and paragraphs d through g, as enacted by  
26 1986 Iowa Acts, Senate File 2175, section 808, are  
27 amended to read as follows:

28 c d. If determined necessary by the board, provide  
29 training for bank loan officers to increase their  
30 level of expertise in regard to business loans.

31 d e. To the extent feasible, cooperate with the  
32 department of employment services to establish a  
33 program to educate existing employers and new or  
34 potential employers on the rates and workings of the  
35 state unemployment compensation program and the state  
36 workers' compensation program.

37 e f. Study the feasibility of reducing the total  
38 number of state licenses, permits, and certificates  
39 required to conduct small businesses.

40 f g. Encourage and assist small businesses to  
41 obtain state contracts and subcontracts by cooperating  
42 with the directors of purchasing in the department of  
43 general services, the state board of regents, and the  
44 department of transportation in performing the  
45 following functions:

46 (1) Developing a uniform small business vendor  
47 application form which can be adopted by all agencies  
48 and departments of state government to identify small  
49 businesses and targeted small businesses which desire  
50 to sell goods and services to the state. This form

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1 shall also contain information which can be used to  
2 determine certification as a targeted small business  
3 pursuant to paragraph "c", subparagraph (4).

4 (2) Compiling and maintaining a comprehensive  
5 source list of small businesses.

6 (3) Assuring that responsible small businesses are  
7 solicited on each suitable purchase.

8 (4) Assisting small businesses in complying with  
9 the procedures for bidding and negotiating for  
10 contracts.

11 (5) Simplifying procurement specifications and  
12 terms in order to increase the opportunities for small  
13 business participation.

14 (6) When economically feasible, dividing total  
15 purchases into tasks or quantities to permit maximum  
16 small business participation.

17 (7) Preparing timely forecasts of repetitive  
18 contracting requirements by dollar volume and types of  
19 contracts to enhance the participation of responsible  
20 small businesses in the public purchasing process.

21 (8) Developing a mechanism to measure and monitor  
22 the amount of participation by small businesses in  
23 state procurement.

24 g h. In addition, the department may establish a  
25 small business advisory council to:

26 (1) Advise and consult with the board and the  
27 department with respect to matters which are of  
28 concern to small business.

29 (2) Submit recommendations to the board relating  
30 to actual or proposed activities concerning small  
31 business.

32 (3) Submit recommendations for legislative or  
33 administrative actions.

34 (4) Review and monitor small business programs and  
35 agencies in order to determine their effectiveness and  
36 whether they complement or compete with each other,  
37 and to coordinate the delivery of programs and  
38 services aimed at small business.

39 (5) Initiate special small business economic  
40 studies as deemed necessary, including but not limited  
41 to analyses of trends and growth opportunities  
42 relative to small business.

43 (6) Provide other information or perform other  
44 duties which would be of assistance to small business.

45 Sec. \_\_\_\_ . 1986 Iowa Acts, Senate File 2175,  
46 section 817, is amended by striking the section and  
47 inserting in lieu thereof the following:

48 Sec. 817. NEW SECTION. 15.252 PURPOSE.

49 The purpose of this part is to establish through  
50 the regional satellite centers, as stated in chapter

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1 28.101, a statewide network of regional offices to  
2 help coordinate job training programs with statewide,  
3 regional, and local economic development initiatives,  
4 and to promote the economic growth of this state.

5 Sec. \_\_\_\_ . 1986 Iowa Acts, Senate File 2175,  
6 section 913, is amended by striking the section and  
7 inserting in lieu thereof the following:

8 Sec. 913. Section 86.24, Code 1985, is amended by  
9 adding the following new subsection:

10 NEW SUBSECTION. 5. The decision of the industrial  
11 commissioner is final agency action and an appeal of  
12 the decision shall be made directly to the supreme  
13 court.

14 Sec. \_\_\_\_ . 1986 Iowa Acts, Senate File 2175, is  
15 amended by adding the following after section 913:

16 Sec. \_\_\_\_ . Section 86.26, Code 1985, is amended to  
17 read as follows:

18 86.26 JUDICIAL REVIEW.

19 Judicial review of decisions or orders of the  
20 industrial commissioner may-be-sought-in-accordance  
21 with-the-terms-of-chapter-17A.-Notwithstanding-the  
22 terms-of shall not be to the district court but shall  
23 be made directly to the supreme court, notwithstanding  
24 chapter 17A, petitions The Iowa administrative  
25 procedure Act. Petitions for judicial review may-be  
26 filed-in-the-district-court-of-the-county-in-which-the  
27 hearing-under-section-86-17-was-held shall be filed  
28 with the clerk of the supreme court as are other  
29 actions for appeal or review. Such-a-review  
30 proceeding-shall-be-accorded-priority-over-other  
31 matters-pending-before-the-district-court. The  
32 supreme court may transfer the action to the court of  
33 appeals.

34 Sec. \_\_\_\_ . Section 86.29, Code 1985, is amended to  
35 read as follows:

36 86.29 THE JUDICIAL REVIEW PETITION.

37 Notwithstanding-chapter-17A,-in-a In the petition  
38 for judicial review of a final-agency decision of the  
39 industrial commissioner in a contested case under this  
40 chapter or chapter 85, 85A, 85B, or 87, the opposing  
41 party shall be named the respondent, and the agency  
42 shall not be named as a respondent.

43 Sec. \_\_\_\_ . Section 86.32, Code 1985, is amended to  
44 read as follows:

45 86.32 COSTS OF JUDICIAL REVIEW.

46 In proceedings for judicial review of compensation  
47 cases the clerk of the supreme court shall charge no  
48 fee for any service rendered except the filing fee and  
49 docketing fees and transcript fees when the transcript  
50 of a-judgment the contested case proceeding is

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1 required. The taxation of costs on judicial review  
2 shall be in the discretion of the supreme court.

3 Sec. \_\_\_\_ . Section 86.39, Code 1985, is amended to  
4 read as follows:

5 86.39 FEES -- APPROVAL -- LIEN.

6 All fees or claims for legal, medical, hospital,  
7 and burial services rendered under this chapter and  
8 chapters 85, 85A, 85B, and 87 ~~shall be~~ are subject to  
9 the approval of the industrial commissioner, and no  
10 lien for such service ~~shall be~~ is enforceable without  
11 the approval of the amount ~~thereof~~ of the lien by the  
12 industrial commissioner. For services rendered in the  
13 district court ~~and or~~ appellate courts court, the  
14 attorney's fee ~~shall be~~ is subject to the approval of  
15 a judge of the district court.

16 Sec. \_\_\_\_ . Section 86.42, Code 1985, is amended to  
17 read as follows:

18 86.42 JUDGMENT BY DISTRICT COURT ON AWARD.

19 Any party in interest may present a certified copy  
20 of an order or decision of the commissioner, from  
21 which a timely petition for judicial review has not  
22 been filed or if judicial review has been filed, which  
23 has not had execution or enforcement stayed as  
24 provided in section 17A.19, subsection 5, or an order  
25 or decision of a deputy commissioner from which a  
26 timely appeal has not been taken within the agency and  
27 which has become final by the passage of time as  
28 provided by rule and section 17A.15, or an agreement  
29 for settlement approved by the commissioner, and all  
30 papers in connection therewith, to the district court  
31 ~~where judicial review of the agency action may be~~  
32 commenced of the county in which the hearing under  
33 section 86.17 was held, of Polk county, or of the  
34 county in which the petitioner resides or has its  
35 principal place of business. The court shall render a  
36 decree or judgment and cause the clerk to notify the  
37 parties. The decree or judgment, in the absence of a  
38 petition for judicial review or if judicial review has  
39 been commenced, in the absence of a stay of execution  
40 or enforcement of the decision or order of the  
41 industrial commissioner, or in the absence of an act  
42 of any party which prevents a decision of a deputy  
43 industrial commissioner from becoming final, has the  
44 same effect and in all proceedings in relation thereto  
45 is the same as though rendered in a suit duly heard  
46 and determined by the court.

47 Sec. \_\_\_\_ . Section 303.1C, subsection 2, as enacted  
48 by 1986 Iowa Acts, Senate File 2175, section 1303, is  
49 amended by adding the following new lettered  
50 paragraph:

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1 NEW LETTERED PARAGRAPH. i. -Buy or receive by  
2 other means historical materials including, but not  
3 limited to, artifacts, art, books, manuscripts, and  
4 images. Such materials are not personal property  
5 under section 18.12 and shall be received and cared  
6 for under the rules of the department. The historical  
7 division may sell or otherwise dispose of those  
8 materials according to the rules of the department and  
9 be credited for any revenues credited by the disposal  
10 less the costs incurred.

11 Sec. \_\_\_\_ . 1986 Iowa Acts, Senate File 2175,  
12 section 1308, is repealed.

13 Sec. \_\_\_\_ . Section 303.16, as enacted by 1986 Iowa  
14 Acts, Senate File 2175, section 1314, is amended by  
15 adding the following new subsections:

16 NEW SUBSECTION. 3. The following persons are  
17 eligible to receive historical resource grants and  
18 loans:

19 a. County and city governments that are certified  
20 local governments by the historic preservation  
21 officer.

22 b. Nonprofit corporations.

23 c. Private corporations and businesses.

24 d. Individuals.

25 NEW SUBSECTION. 4. Grants and loans may be made  
26 for the following categories of purposes:

27 a. Acquisition and development of historical  
28 properties.

29 b. Preservation and conservation of historical  
30 properties.

31 c. Interpretation of historical resources.

32 Not less than twenty percent nor more than fifty  
33 percent of the funds in a single grant cycle shall be  
34 allocated to any one category.

35 NEW SUBSECTION. 5. Grants and loans are subject  
36 to the following restrictions:

37 a. Grants shall not be given to or received by any  
38 state agency, institution or its representative or  
39 agent.

40 b. Grants or loan funds shall not be used to  
41 support operating expenses or programs as defined by  
42 the department's rules.

43 c. Grant or loan funds shall not be used to  
44 support publications, public relations, or marketing  
45 expenses.

46 d. Grant or loan funds shall not support or  
47 partially support salaries or benefits of anyone  
48 employed directly by the recipient. This restriction  
49 does not prohibit the recipient from contracting with  
50 individuals for specific work of limited duration,

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1 under federal internal revenue service guidelines for  
2 contract work.

3 e. Not more than fifty thousand dollars or twenty  
4 percent of the annual appropriation, whichever is  
5 more, shall be granted to recipients within any single  
6 county in any given grant cycle.

7 f. Not more than twenty-five thousand dollars or  
8 ten percent of the annual appropriation, whichever is  
9 more, may be granted or loaned to any single recipient  
10 within a single fiscal year.

11 g. Grants or loans under this program may be given  
12 only after review by the state historical board.

13 h. All grant or loan funds must be expended by  
14 employing individuals or businesses located within the  
15 state of Iowa.

16 NEW SUBSECTION. 6. For each dollar of grant funds  
17 the following recipients must provide the following  
18 matching cash and in kind resources:

19 a. For county and city governments and nonprofit  
20 corporations, fifty cents of which at least twenty-  
21 five cents must be in cash.

22 b. For other private corporations and businesses,  
23 one dollar of which at least seventy-five cents must  
24 be in cash.

25 c. For individuals, seventy-five cents of which at  
26 least fifty cents must be in cash.

27 NEW SUBSECTION. 7. The department may use twenty-  
28 five thousand dollars for administration of the grant  
29 and loan program.

30 NEW SUBSECTION. 8. a. The department may  
31 establish a historical resource revolving loan fund  
32 composed of any money appropriated by the general  
33 assembly for that purpose, and of any other moneys  
34 available to and obtained or accepted by the  
35 department from the federal government or private  
36 sources for placement in that fund. Each loan made  
37 under this section shall be for a period not to exceed  
38 ten years, shall bear interest at a rate determined by  
39 the state historical board, and shall be repayable to  
40 the revolving loan fund in equal yearly installments  
41 due March 1 of each year the loan is in effect. The  
42 interest rate upon loans for which payment is  
43 delinquent shall accelerate immediately to the current  
44 legal usury limit. Applicants shall be eligible for  
45 no more than twenty-five thousand dollars in loans  
46 outstanding at any time under this program.

47 b. The department may:

48 (1) Contract, sue and be sued, and promulgate  
49 administrative rules necessary to carry out the  
50 provisions of this section, but the department shall

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1 not in any manner directly or indirectly pledge the  
2 credit of the state of Iowa.

3 (2) Authorize payment from the revolving loan  
4 fund, from fees and from any income received by  
5 investments of money in the fund for costs,  
6 commissions, attorney fees and other reasonable  
7 expenses related to and necessary for making and  
8 protecting direct loans under this section, and for  
9 the recovery of moneys loaned or the management of  
10 property acquired in connection with such loans.

11 Sec. \_\_\_\_\_. 1986 Iowa Acts, Senate File 2175,  
12 section 1489, is repealed.

13 Sec. \_\_\_\_\_. Section 297.26, Code 1985, as amended by  
14 1986 Iowa Acts, Senate File 2175, section 1984, is  
15 amended to read as follows:

16 297.26 SALE BY DEPARTMENT.

17 Any school building or any school site, the title  
18 of which is vested in the state of Iowa by reason of  
19 it having been provided by state mining camp funds for  
20 schools in mining camps, shall be sold by the  
21 department when the department director of education  
22 determines it is no longer needed for school purposes.

23 Sec. \_\_\_\_\_. 1986 Iowa Acts, Senate File 2175,  
24 section 1992, is amended by striking the section and  
25 inserting the following:

26 Sec. 1992. Sections 19.16 and 29A.59, Code 1985,  
27 are repealed.

28 Sec. \_\_\_\_\_. Notwithstanding section 4.8, the  
29 provisions of this Act which amend 1986 Iowa Acts,  
30 Senate File 2175, or which amend provisions added,  
31 amended, or repealed by 1986 Iowa Acts, Senate File  
32 2175, prevail over Senate File 2175 and are contingent  
33 upon the enactment of Senate File 2175.

34 Sec. \_\_\_\_\_. 1986, Iowa Acts, Senate File 2175,  
35 section 2046, is amended by striking the section and  
36 inserting the following:

37 Sec. 2046. Section 421.31, subsection 3, in its  
38 requirement that the government's accounts be in  
39 accordance with generally accepted accounting  
40 principles, takes effect with the fiscal year  
41 beginning July 1, 1992.

42 The governor, auditor of state and the department  
43 of management shall phase in the implementation of  
44 generally accepted accounting principles, as defined  
45 by the governmental accounting standards board, which  
46 includes fund reclassifications, revenue recognition,  
47 and recognition of all appropriate liabilities  
48 beginning with the fiscal year beginning July 1, 1987.

49 The fiscal impact to the state general fund of  
50 implementing fund reclassifications, and recognizing

1 additional liabilities shall be-phased in according to  
2 the following schedule for the fiscal years beginning  
3 July 1:

4	1987	ten percent
5	1988	twenty percent
6	1989	forty percent
7	1990	sixty percent
8	1991	eighty percent
9	1992	one hundred percent

10 Sec. \_\_\_\_ . 1986 Iowa Acts, Senate File 2175,  
11 section 2065, is amended by adding the following new  
12 unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. The validity of  
14 any official administrative or judicial pleading,  
15 claim, rate filing, motion, information, or other  
16 official document filed prior to the effective date  
17 of this Act shall not be affected by any statutory  
18 name changes made in this Act or by any administrative  
19 rule name changes made pursuant to this Act, and refileing  
20 of any such document shall not be required.

21 Sec. \_\_\_\_ . In sections 455.223, 455B.280, 467A.3,  
22 467A.7, 467A.13, 467A.53, 467B.1, 467B.2, 467B.3, 467B.5,  
23 467B.10, 467D.2, 467D.3, 467D.4, 467D.5, 467D.6, 467D.7,  
24 467D.8, 467D.10, 467D.11, 467D.12, 467D.13, 467D.14, 467D.15,  
25 467D.16, 467D.17, 467D.18, 467D.19, 467D.21, 467D.22, 467D.23,  
26 467D.24, Code 1985, and section 467D.20, Code Supplement  
27 1985, the Code editor may change references to the  
28 "conservancy districts" and "conservancy district" to "water  
29 resource districts" and "water resource district".

30 15. Page 3, by striking lines 40 through 45.

31 16. Page 3, by striking lines 46 through 48 and  
32 inserting the following:

33 " \_\_\_\_ . Title page, by striking line 3 and inserting  
34 the following: "and reflect or alter current  
35 practices, and providing penalties."

36 17. By renumbering, relettering, or redesignating  
37 and correcting internal references as necessary.

S-5937 Filed May 1, 1986 REC'D FROM THE HOUSE

*Senate refused to concur 5/2 (p.1605)*

*Reconsidered and adopted (p.1606)*

now  
HF 2066

MWB  
HSB 505

Judiciary & Law Enforcement

SENATE/HOUSE FILE 2066  
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 Code corrections which adjust and correct  
2 earlier omissions and inaccuracies, remove inconsistencies,  
3 and reflect current practices.

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

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1 Section 1. Section 14.21, unnumbered paragraph 2, Code  
2 Supplement 1985, is amended to read as follows:

3 The Code editor shall cause to be compiled, indexed, and  
4 published in loose-leaf form the Iowa court rules, which shall  
5 consist of all rules ~~of-civil-procedure, rules-of-criminal~~  
6 ~~procedure, rules-of-appellate-procedure, and-supreme-court~~  
7 rules prescribed by the supreme court. The Code editor, in  
8 consultation with the superintendent of printing, shall cause  
9 to be printed and distributed supplements to the compilation  
10 on or before the effective date of either new rules, or  
11 amendments to or the repeal of existing rules. All expenses  
12 incurred by the Code editor under this paragraph shall be  
13 defrayed under section 14.22. There shall be established a  
14 price for the compilation of rules, and a separate price for  
15 each supplement. The price of the compilation and of  
16 supplements shall represent the costs of compiling and  
17 indexing, the amounts charged for printing and distribution,  
18 and a cost for labor determined jointly by the legislative  
19 council ~~and-rules-review-committee~~ in consultation with the  
20 state printer. On request a single copy of each compilation  
21 and of each supplement shall be distributed free of charge to  
22 each of the persons or agencies referred to in section 18.97,  
23 subsections 1, 2, 5, 6, 7, 8 and 16.

24 Sec. 2. Section 17.22, unnumbered paragraph 1, Code 1985,  
25 is amended to read as follows:

26 The publications listed in this section shall be sold at a  
27 price to be established by dividing the total cost of  
28 printing, binding, distribution, and paper stock by the total  
29 number printed of each edition, and increasing the figure  
30 obtained by an amount, which represents all or any portion of  
31 compilation and editing labor costs, to be determined by the  
32 legislative council ~~and-rules-review-committee~~ in consultation  
33 with the state printer.

34 Sec. 3. Section 117.42, Code 1985, is amended to read as  
35 follows:

1 117.42 LIST OF LICENSEES.

2 The commission shall at least annually prepare a list of  
3 the names and addresses of all licensees licensed by it under  
4 ~~the provisions of~~ this chapter, and of all persons whose  
5 licenses have been suspended or revoked within one year;  
6 together with such other information relative to the  
7 enforcement of ~~the provisions of~~ this chapter as it may deem  
8 deems of interest to the public. ~~One of such lists shall be~~  
9 ~~mailed to the clerk of the district court in each county of~~  
10 ~~the state and shall be held by said clerk of the district~~  
11 ~~court as a public record.~~ Such The lists shall also be mailed  
12 by the commission to any person in this state upon request.

13 Sec. 4. Section 179.6, Code Supplement 1985, is amended to  
14 read as follows:

15 179.6 RECORDS OF PRODUCERS, FIRST PURCHASERS.

16 Every producer shipping milk to a first purchaser outside  
17 of Iowa who is not by agreement with the commission collecting  
18 the tax imposed by this chapter, and every first purchaser  
19 within the state, and every producer distributing milk  
20 directly to the consumer, shall keep a complete and accurate  
21 record of all milk produced or purchased by the person during  
22 the period for which an excise tax levy is imposed under this  
23 chapter. The records shall be in the form and contain the  
24 information prescribed by the commission, shall be preserved  
25 by the person charged with their making for a period of two  
26 years, and shall be offered or submitted for inspection at any  
27 time upon written or oral request by the commission or its  
28 duly authorized agent or employee.

29 Sec. 5. Section 179.7, Code Supplement 1985, is amended to  
30 read as follows:

31 179.7 RETURNS FILED WITH COMMISSION.

32 Every person charged by this chapter or by agreement with  
33 the commission with the keeping of records provided for in  
34 this chapter shall at the times the commission may by rule  
35 require, file with the commission a return on forms to be

1 prescribed and furnished by the commission. Producers shall  
2 state the quantity of milk produced. First purchasers shall  
3 state the quantity of milk handled, bottled, processed,  
4 distributed, delivered to, or purchased by the person from the  
5 producers of dairy products or their agents in the state, and  
6 ~~as a result of a referendum~~. Returns shall contain other  
7 information as the commission may require, and shall be made  
8 in triplicate, one copy of which shall be for the files of the  
9 person making the return, one copy available at the office of  
10 the person for the use of the person's patrons, and the  
11 original filed with the commission.

12 Sec. 6. Section 422.27, subsection 1, Code Supplement  
13 1985, is amended to read as follows:

14 1. A final account of a personal representative, as  
15 defined in section 450.1, shall not be allowed by any court  
16 until thirty days after written notice is given to the  
17 department of the proposed discharge of the personal  
18 representative and unless the account shows, and the judge of  
19 the court finds, that all taxes imposed by this division upon  
20 the personal representative, which have become payable, have  
21 been paid, and that all taxes which may become due are secured  
22 by bond, deposit or otherwise. The certificate of the  
23 director and the receipt for the amount of the tax certified  
24 shall be conclusive as to the payment of the tax to the extent  
25 of the certificate.

26 Sec. 7. Section 710.10, subsection 1, Code Supplement  
27 1985, is amended to read as follows:

28 1. A person commits a class "D" felony when, without  
29 authority and with the intent to commit an illegal act upon  
30 the child, the person entices away a minor child.

31 Sec. 8. Section 719.4, subsection 3, Code 1985, is amended  
32 to read as follows:

33 3. A person who has been committed to an institution under  
34 the control of the Iowa department of corrections, or to a  
35 jail or correctional institution, who knowingly and

1 voluntarily ~~leaves~~ is absent from a place where the person is  
2 required to be, commits a serious misdemeanor.

3 Sec. 9. Section 815.1, Code 1985, is amended to read as  
4 follows:

5 815.1 COSTS PAYABLE BY STATE IN SPECIAL CASES.

6 All costs and fees, ~~including any award of attorney fees to~~  
7 ~~a court appointed attorney,~~ incurred in any a parole  
8 revocation proceedings proceeding or in any a criminal case  
9 brought against an inmate of any a state institution for a  
10 crime committed while confined in such the institution, or for  
11 a crime committed by such the inmate while placed outside the  
12 walls or confines of the institution under the control and  
13 direction of a warden, supervisor, officer, or employee  
14 thereof of the institution, or for a crime committed by such  
15 the inmate during an escape or other unauthorized departure  
16 from such the institution or from the control of a warden,  
17 supervisor, officer, or employee thereof, of the institution,  
18 or from wherever the said inmate may have been placed by  
19 authorized personnel thereof, shall be paid out of the state  
20 treasury from the general fund in case of the institution, are  
21 waived if the prosecution fails, or where such if the person  
22 liable to pay the costs and fees, including an award of  
23 attorney fees to a court appointed attorney, cannot be made  
24 from the person liable to pay the same, the costs and fees.  
25 An award of attorney fees to a court appointed attorney  
26 incurred in these cases shall be paid out of the state  
27 treasury from the general fund if the prosecution fails or if  
28 the person liable to pay the attorney fees cannot pay them.  
29 The facts being shall be certified by the clerk of the  
30 district court under the clerk's seal of office to the state  
31 comptroller, including a statement of the amount of fees or  
32 costs incurred, ~~such statement to be~~ approved by the presiding  
33 judge in writing ~~appended thereto or endorsed thereon.~~

34

#### EXPLANATION

35 The bill makes the following Code corrections:

1 Section 14.21. Simplifies the description of court rules  
2 to be published, and removes reference to participation by the  
3 administrative rules review committee in determining costs of  
4 the court rules, to reflect current practice.

5 Section 17.22. Removes reference to participation by the  
6 administrative rules review committee in determining costs of  
7 the Iowa Code, supplement, session laws, journals, bills, and  
8 administrative code and bulletin, to reflect current practice.

9 Section 117.42. Removes the requirement for filing lists  
10 of real estate licenses with the clerk of the district court,  
11 which is no longer listed in the clerk's duties under section  
12 602.8102.

13 Section 179.6. Adds a more accurate term applicable to  
14 records kept by first purchasers.

15 Section 179.7. Deletes a phrase which was overlooked in  
16 the 1985 amendment which struck the words "during the col-  
17 lection period prescribed in section 179.5, subsection 1 ...".

18 Section 422.27. Defines "personal representative" in this  
19 income tax provision by reference to the definition in the  
20 inheritance tax chapter; it includes trustees as well as  
21 executors and administrators. The shift to the term "personal  
22 representative" in the 1985 amendment does not appear to be  
23 intended to exclude trustees.

24 Section 710.10. "Child" is defined in section 702.5 as  
25 under the age of fourteen while "minor" means under eighteen.  
26 This section on enticing away uses "child" throughout except  
27 at the end of subsection 1, and that reference is changed here.

28 Section 719.4. Restores terminology similar to that in the  
29 1983 Code as preferable to terminology ("leaves") substituted  
30 in 1985 as part of the gender project.

31 Section 815.1. Brings this section into conformity with  
32 court reorganization and with section 602.8105(1)(j) as  
33 amended in 1985, by providing that fees which were paid by the  
34 state will be waived, except the fees for court-appointed  
35 attorneys.

HOUSE FILE 2066

AN ACT

RELATING TO CODE CORRECTIONS WHICH ADJUST AND CORRECT EARLIER OMISSIONS AND INACCURACIES, REMOVE INCONSISTENCIES, AND REFLECT OR ALTER CURRENT PRACTICES, AND PROVIDING PENALTIES.

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

Section 1. Section 14.21, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

The Code editor shall cause to be compiled, indexed, and published in loose-leaf form the Iowa court rules, which shall consist of all rules ~~of civil procedure, rules of criminal procedure, rules of appellate procedure, and supreme court rules prescribed by the supreme court.~~ The Code editor, in consultation with the superintendent of printing, shall cause to be printed and distributed supplements to the compilation on or before the effective date of either new rules, or amendments to or the repeal of existing rules. All expenses incurred by the Code editor under this paragraph shall be defrayed under section 14.22. There shall be established a price for the compilation of rules, and a separate price for each supplement. The price of the compilation and of supplements shall represent the costs of compiling and indexing, the amounts charged for printing and distribution, and a cost for labor determined jointly by the legislative council ~~and rules-review-committee~~ in consultation with the state printer. On request a single copy of each compilation and of each supplement shall be distributed free of charge to

each of the persons or agencies referred to in section 18.97, subsections 1, 2, 5, 6, 7, 8 and 16.

Sec. 2. Section 17.22, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The publications listed in this section shall be sold at a price to be established by dividing the total cost of printing, binding, distribution, and paper stock by the total number printed of each edition, and increasing the figure obtained by an amount, which represents all or any portion of compilation and editing labor costs, to be determined by the legislative council ~~and rules-review-committee~~ in consultation with the state printer.

Sec. 3. Section 41.1, subsection 10, paragraph b, Code 1985, is amended to read as follows:

b. Pocahontas county, except Cummins, Powhatan, Des Moines, Roosevelt, Garfield, Clinton, and Lake townships.

Sec. 4. Section 48.30, Code 1985, is amended to read as follows:

48.30 NOTIFICATION OF CHANGES IN REGISTRATION.

The clerk of the district court shall promptly notify the county commissioner of registration of changes of name and of convictions of ~~infamous-crimes-or felonies~~, as defined in section 701.7, of legal declarations of incompetence made after a proceeding held pursuant to section 229.27, and of diagnosis of severe or profound mental retardation of persons of voting age. The clerk of the district court shall also notify the county commissioner of registration of the restoration of citizenship of a person who has been convicted of ~~an-infamous-crime-or a felony~~ and of the finding that a person is of good mental health. The notice will not restore voter registration. The county commissioner of registration shall notify the person whose citizenship has been restored or who has been declared to be in good mental health that the person's registration to vote was canceled and the person must register again to become a qualified elector.

Sec. 5. Section 48.31, subsection 4, Code 1985, is amended to read as follows:

4. The clerk of district court sends notification of an elector's conviction of ~~an infamous-crime-or a felony, as defined in section 701.7.~~

Sec. 6. Section 117.42, Code 1985, is amended to read as follows:

117.42 LIST OF LICENSEES.

The commission shall at least annually prepare a list of the names and addresses of all licensees licensed by it under ~~the provisions of this chapter, and of all persons whose licenses have been suspended or revoked within one year; together with such other information relative to the enforcement of the provisions of this chapter as it may deem~~ deems of interest to the public. ~~One of such lists shall be mailed to the clerk of the district court in each county of the state and shall be held by said clerk of the district court as a public record.~~ Such The lists shall also be mailed by the commission to any person in this state upon request.

Sec. 7. Section 148A.1, unnumbered paragraph 1, Code 1985, is amended to read as follows:

As used in this chapter, physical therapy is that branch of science that deals with the evaluation and treatment of human capabilities and impairments. Physical therapy uses the effective ~~effective~~ properties of physical agents including, but not limited to, mechanical devices, heat, cold, air, light, water, electricity, and sound, and therapeutic exercises, and rehabilitative procedures to prevent, correct, minimize, or alleviate a physical impairment. Physical therapy includes the interpretation of performances, tests, and measurements, the establishment and modification of physical therapy programs, treatment planning, consultative services, instructions to the patients, and the administration and supervision attendant to physical therapy facilities. Physical therapy evaluation of biomechanics may be rendered by a physical therapist without a prescription or referral from a physician or dentist. Physical therapy treatment shall be rendered by a physical therapist only under prescription or referral from a physician, podiatrist, or dentist, or referral from a chiropractor.

Sec. 8. Section 179.6, Code Supplement 1985, is amended to read as follows:

179.6 RECORDS OF PRODUCERS, FIRST PURCHASERS.

Every producer shipping milk to a first purchaser outside of Iowa who is not by agreement with the commission collecting the tax imposed by this chapter, and every first purchaser within the state, and every producer distributing milk directly to the consumer, shall keep a complete and accurate record of all milk produced or purchased by the person during the period for which an excise tax levy is imposed under this chapter. The records shall be in the form and contain the information prescribed by the commission, shall be preserved by the person charged with their making for a period of two years, and shall be offered or submitted for inspection at any time upon written or oral request by the commission or its duly authorized agent or employee.

Sec. 9. Section 179.7, Code Supplement 1985, is amended to read as follows:

179.7 RETURNS FILED WITH COMMISSION.

Every person charged by this chapter or by agreement with the commission with the keeping of records provided for in this chapter shall at the times the commission may by rule require, file with the commission a return on forms to be prescribed and furnished by the commission. Producers shall state the quantity of milk produced. First purchasers shall state the quantity of milk handled, bottled, processed, distributed, delivered to, or purchased by the person from the producers of dairy products or their agents in the state, ~~and as a result of a referendum.~~ Returns shall contain other information as the commission may require, and shall be made in triplicate, one copy of which shall be for the files of the person making the return, one copy available at the office of the person for the use of the person's patrons, and the original filed with the commission.

Sec. 10. Section 192A.13, unnumbered paragraph 1, Code 1985, is amended to read as follows:

No processor or distributor shall give, offer to give, furnish, finance, or otherwise make available any free goods to any person, directly or indirectly, in connection with the sale of dairy products or to any other person doing business with such person, or give, offer to give, furnish, finance, or otherwise make available any payments, gifts, or grants of anything of value to any retailer. ~~Nothing-in-this-section shall~~ However, this section does not prevent the use in advertisements or otherwise of "cents-off" purchase price coupons or "refund" coupons or the redeeming of the coupons from a retailer, and does not prevent transactions with retailers-of any of the following:

Sec. 11. Section 232.75, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A person who reports or causes to be reported to the department of human services false information regarding an alleged act of child abuse, knowing that the information is false or that the act did not occur, commits a simple misdemeanor.

Sec. 12. Section 277.29, Code 1985, is amended to read as follows:

277.29 VACANCIES.

Failure to elect at the proper election or to appoint within the time fixed by law or the failure of the officer elected or appointed to qualify within the time prescribed by law; the incumbent ceasing for any reason to be a resident of the district or removing residence from the subdistrict; the resignation or death of incumbent or of the officer-elect; the removal of the incumbent from, or forfeiture of, the office, or the decision of a competent tribunal declaring the office vacant; the conviction of incumbent of an-infamous-crime a felony, as defined in section 701.7, or of any public offense involving the violation of the incumbent's oath of office, shall constitute a vacancy.

Sec. 13. Section 321.1, subsection 40, Code Supplement 1985, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. "Final Stage Manufacturer" means a person who performs such manufacturing operations on an incomplete vehicle that it becomes a completed vehicle. A final stage manufacturer shall furnish to the department a document which identifies that the vehicle was incomplete prior to that manufacturing operation. The identification shall include the name of the incomplete vehicle manufacturer, the date of manufacture, and the vehicle identification number to ascertain that the document applies to a particular incomplete vehicle.

NEW UNNUMBERED PARAGRAPH. "Incomplete Vehicle" means an assemblage, as a minimum, consisting of a frame and chassis structure, power train, steering system, suspension system, and braking system, to the extent that those systems are to be a part of the completed vehicle, that requires further manufacturing operations, other than the addition of readily attachable equipment, components, or minor finishing operations.

Sec. 14. Section 321.236, subsection 1, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

Parking meter and overtime parking violations which are denied shall be charged and proceed before a court the same as other traffic violations and court costs shall be assessed as provided in section 805.6, subsection 1, paragraph "a" for parking violation cases. Parking violations which are admitted:

Sec. 15. Section 325.26, subsection 1, Code 1985, as amended by Senate File 505, is amended to read as follows:

1. Passenger motor carriers.

a. To cover the assured's legal liability as a motor carrier operating a motor vehicle with a seating capacity of sixteen fifteen persons or less for bodily injury or death resulting therefrom as a result of any one accident or other cause, twenty-five thousand dollars for any recovery by one person and subject to the limit for one person, one hundred fifty thousand dollars for more than one person.

b. To cover the assured's legal liability as a motor carrier operating a motor vehicle with a seating capacity of ~~sixteen~~ fifteen persons or less for damage to or destruction of any property other than that of or in charge of the assured, as a result of any one accident or other cause, ten thousand dollars.

c. To cover the assured's legal liability as a motor carrier operating a motor vehicle with a seating capacity of ~~sixteen~~ fifteen persons or less for loss of or damage to property of passengers as a result of any one accident or any other cause, one thousand dollars.

d. Unless the authority department determines, after an investigation and hearing, and adopts rules based on that determination, that lesser levels of financial responsibility will protect the public interest, a regular route motor carrier of passengers and a charter carrier operating a motor vehicle with a seating capacity of sixteen or more persons shall have the minimum levels of financial responsibility established under 49 U.S.C. § 10927(a)(1).

e. A common carrier of passengers coming under this chapter, furnishing satisfactory proofs as to the carrier's solvency and financial ability to cover the assured's legal liability as provided for in this chapter and make payments to persons entitled thereto as a result of that legal liability, or depositing with the authority department surety satisfactory to it as guarantee for such payments, is relieved of the provisions of this section requiring liability insurance, surety bond or certificate of insurance; but shall, from time to time, furnish additional proof of solvency and financial ability to pay as required by the authority department.

Sec. 16. Section 327H.18, Code 1985, is amended to read as follows:

327H.18 RAILROAD ASSISTANCE FUND ESTABLISHED.

There is established a railroad assistance fund in the office of the treasurer of state. Moneys in this fund shall be expended for providing assistance for the restoration,

conservation, and improvement and construction of railroad main lines, branch lines, switching yards and sidings. Any unencumbered funds appropriated by the general assembly for branch line railroad assistance shall be deposited in the railroad assistance fund. However, not more than twenty percent of the funds appropriated to the railroad assistance fund from the general fund of the state in any fiscal year shall be used for restoration, conservation, and improvement and construction of railroad main lines, switching yards and sidings. Any moneys received by the department by agreements, grants, gifts, or other means from individuals, companies, business entities, cities or counties for the purposes of this section shall be credited to the railroad assistance fund.

Sec. 17. Section 331.756, subsection 5, Code Supplement 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If professional collection services are procured, the county attorney shall enter on the appropriate record of the clerk of the district court an indication of the satisfaction of each obligation to the full extent of all moneys collected in satisfaction of that obligation, including all fees and compensation retained by the collection service incident to the collection and not paid into the office of the clerk.

Sec. 18. Section 422.7, subsection 18, paragraph a, Code Supplement 1985, is amended to read as follows:

a. A handicapped individual domiciled in this state at the time of the hiring who meets any of the following conditions:

Sec. 19. Section 422.27, subsection 1, Code Supplement 1985, is amended to read as follows:

1. A final account of a personal representative, as defined in section 450.1, shall not be allowed by any court until thirty days after written notice is given to the department of the proposed discharge of the personal representative and unless the account shows, and the judge of the court finds, that all taxes imposed by this division upon the personal representative, which have become payable, have

been paid, and that all taxes which may become due are secured by bond, deposit or otherwise. The certificate of the director and the receipt for the amount of the tax certified shall be conclusive as to the payment of the tax to the extent of the certificate.

Sec. 20. Section 422.35, subsection 7, paragraph a, Code 1985, is amended to read as follows:

a. A handicapped individual domiciled in this state at the time of the hiring who meets any of the following conditions:

Sec. 21. Section 422.45, subsection 2, Code Supplement 1985, is amended to read as follows:

2. The gross receipts from the sales, furnishing, or service of transportation service except the rental of recreational vehicles, or recreational boats, or and except the rental of motor vehicles subject to registration which are registered for a gross weight of thirteen tons or less for a period of sixty days or less.

Sec. 22. Section 467A.62, subsection 2, Code 1985, is amended by striking the subsection.

Sec. 23. Section 565A.2, subsection 1, paragraph c, Code 1985, is amended to read as follows:

c. If the subject of the gift is money, by paying or delivering it to a broker or a bank for credit to an account in the name of the donor, another adult person or a bank with fiduciary powers, ~~following~~ followed, in substance, by the words: "as custodian for ..... (Name of minor) under the Iowa Uniform Gifts to Minors Act".

Sec. 24. Section 602.8105, subsection 1, paragraph s, Code Supplement 1985, is amended by striking the paragraph.

Sec. 25. NEW SECTION. 631.17 PROHIBITED PRACTICES.

1. The district court, after due notice and hearing, may bar a person from appearing on the person's own behalf in any court governed by this chapter on a cause of action purchased by or assigned for collection to that person for any of the following:

a. Falsely holding oneself out as an attorney at law.

b. Repeatedly filing claims for costs allowed under section 625.22 which have been found by the court to have been exaggerated or without merit.

c. A pattern of conduct in violation of article 7 of chapter 537.

2. A person barred pursuant to subsection 1 shall not derive any benefit, directly or indirectly, from any case brought pursuant to this chapter within the purview of the order of bar issued by the district court.

3. The district court shall dismiss any pending case based on a cause of action purchased or assigned for collection brought on the person's own behalf by a person barred pursuant to subsection 1, and shall assess the costs against that person.

4. The district court shall dismiss any case subsequently brought directly or indirectly by a person subject to a bar pursuant to subsection 1 in violation of that subsection and shall assess all costs to that person, and the court shall assess a further civil fine of one hundred dollars against that person for each such case dismissed.

5. The district court shall retain jurisdiction over a person barred pursuant to subsection 1 and may punish violations of the court's order of bar as a matter of criminal contempt.

Sec. 26. Section 642.22, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Expiration of the execution does not affect a garnishee's duties and liabilities respecting property already withheld pursuant to the garnishment.

Sec. 27. Section 657A.10, subsection 2, Code Supplement 1985, is amended to read as follows:

2. The receiver appointed under this section chapter is not civilly or criminally liable for actions pursuant to this section chapter taken in good faith.

Sec. 28. Section 708.7, subsection 5, Code 1985, is amended by striking the subsection.

Sec. 29. Section 710.10, subsection 1, Code Supplement 1985, is amended to read as follows:

1. A person commits a class "D" felony when, without authority and with the intent to commit an illegal act upon the child, the person entices away a minor child.

Sec. 30. Section 719.4, subsection 3, Code 1985, is amended to read as follows:

3. A person who has been committed to an institution under the control of the Iowa department of corrections, or to a jail or correctional institution, who knowingly and voluntarily leaves is absent from a place where the person is required to be, commits a serious misdemeanor.

Sec. 31. Section 805.6, subsection 1, paragraph a, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

The commissioner of public safety and the state conservation director, acting jointly, shall adopt a uniform, combined citation and complaint which shall be used for charging all traffic violations in Iowa under state law or local regulation or ordinance, and which shall be used for charging all other violations which are designated by section 805.8 to be scheduled violations. The court costs in cases of parking violation-cases violations which are denied, and charged and collected pursuant to section 321.236, subsection 1, are eight dollars per court appearance, regardless of the number of parking violations considered at that court appearance. The court costs in scheduled violation cases where a court appearance is not required are ten dollars. The court costs in scheduled violation cases where a court appearance is required are fifteen dollars. This subsection does not prevent the charging of any of those violations by information, by private complaint filed under chapter 804, or by a simple notice of fine where permitted by section 321.236, subsection 1. Each uniform citation and complaint shall be serially numbered and shall be in quintuplicate, and the officer shall deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant,

and a copy to the law enforcement agency of the officer. The court shall forward the copy of the uniform citation and complaint in accordance with section 321.207 when applicable.

Sec. 32. Section 809.13, subsection 5, paragraph b, as enacted by 1986 Iowa Acts, House File 2460, section 15, is amended to read as follows:

b. A weapon or ammunition shall be deposited with the department of public safety to be disposed of in accordance with the rules of the department. All weapons or ammunition may be held for use in law enforcement, testing, or comparison by the criminalistics laboratory, or destroyed. Ammunition and firearms which are not illegal and are not offensive weapons as defined by section 724.1 may be sold by the department as provided in section 809.21.

Sec. 33. NEW SECTION. 809.21 SALE OF CERTAIN AMMUNITION AND FIREARMS.

Ammunition and firearms which are not illegal and which are not offensive weapons as defined by section 724.1 may be sold by the department of public safety at public auction. The sale of ammunition or firearms pursuant to this section shall be made only to federally licensed firearms dealers or to persons who have a permit to purchase the firearms. Persons who have not obtained a permit may bid on firearms at the public auction. However, persons who bid without a permit must post a fifty percent of purchase price deposit with the commissioner of public safety on any winning bid. No transfer of firearms may be made to a person bidding without a permit until such time as the person has obtained a permit. If the person is unable to produce a permit within two weeks from the date of the auction, the person shall forfeit the fifty percent deposit to the department of public safety. All proceeds of a public auction pursuant to this section, less department expenses reasonably incurred, shall be deposited in the general fund of the state. The department of public safety shall be reimbursed from the proceeds for the reasonable expenses incurred in selling the property at the auction.

Sec. 34. Section 815.1, Code 1985, is amended to read as follows:

815.1 COSTS PAYABLE BY STATE IN SPECIAL CASES.

All costs and fees, ~~including any award of attorney fees to a court-appointed attorney~~, incurred in any a parole revocation proceedings proceeding or in any a criminal case brought against an inmate of any a state institution for a crime committed while confined in such the institution, or for a crime committed by such the inmate while placed outside the walls or confines of the institution under the control and direction of a warden, supervisor, officer, or employee thereof of the institution, or for a crime committed by such the inmate during an escape or other unauthorized departure from such the institution or from the control of a warden, supervisor, officer, or employee thereof of the institution, or from wherever the said inmate may have been placed by authorized personnel thereof, ~~shall be paid out of the state treasury from the general fund in case of the institution, are waived if the prosecution fails, or where such if the person liable to pay the costs and fees including an award of attorney fees to a court-appointed attorney, cannot be made from the person liable to pay the same, the costs and fees.~~ An award of attorney fees to a court-appointed attorney incurred in these cases shall be paid out of the state treasury from the general fund if the prosecution fails or if the person liable to pay the attorney fees cannot pay them. The facts being shall be certified by the clerk of the district court under the clerk's seal of office to the state comptroller, including a statement of the amount of fees or costs incurred, ~~such statement to be approved by the presiding judge in writing appended thereto or endorsed thereon.~~

Sec. 35. 1986 Iowa Acts, Senate File 2175, is amended by adding the following:

SEC. \_\_\_\_\_. Notwithstanding that section 803 of this Act specifies that the number of voting members of the Iowa economic development board shall be nine, for the period beginning July 1, 1986 and ending April 30, 1987 the number of

voting members shall be eleven consisting of the nine members of the Iowa development commission whose terms were not scheduled to expire by July 1, 1986, the secretary of agriculture, and one member appointed by the governor.

Sec. 36. 1986 Iowa Acts, Senate File 2303, section 7, is amended to read as follows:

SEC. 7. 1986 Iowa Acts, Senate File 2175, is amended by adding after new section 15.256 the following new section:

NEW SECTION. 15.257 EFFECTIVE DATE.

All Job Training Partnership Act of 1982, section 123 funds authorized for the fiscal year beginning July 1, 1985 which have not been spent by the end of the fiscal year shall be available for funding this part for the fiscal year beginning July 1, 1986. The provisions for funding this part in section 15.255, except subsection subsections 1 and 6, shall be implemented by July 1, 1987. Section 15.255, subsections 1 and 6 take effect July 1, 1986.

Sec. 37. The Code editor shall codify as a separate division of chapter 99E, 1985 Iowa Acts, chapter 33, sections 301 through 303, as amended by the Acts of the Seventy-first General Assembly, 1985 and 1986 Sessions. In the codification required under this section the Code editor has those powers and duties specified in section 14.13.

Sec. 38. 1986 Iowa Acts, Senate File 2175, section 215, is amended by striking the section and inserting in lieu thereof the following:

SEC. 215. Section 19A.14, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

19A.14 MERIT APPEALS.

1. EMPLOYEE DISCIPLINE. A merit system employee, excluding any employee covered under a collective bargaining agreement which provides otherwise, who is discharged, suspended, demoted, or otherwise reduced in pay, except during the employee's probationary period, may appeal to the appointing authority for a review of the action. If not satisfied, the employee may, within thirty calendar days

following the date of the discharge, suspension, demotion, or reduction in pay, file an appeal with the public employment relations board for hearing. The employee has the right to a hearing closed to the public, but the employee may request a public hearing. The hearing shall otherwise be conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act. Decisions rendered shall be based upon a standard of just cause. If the public employment relations board finds that the action taken by the appointing authority was for political, religious, racial, national origin, sex, age, or other reasons not constituting just cause, the employee may be reinstated without loss of pay or benefits for the elapsed period or the public employment relations board may fashion other appropriate remedies. Decisions by the public employment relations board constitute final agency action.

2. EMPLOYEE GRIEVANCES. A merit system employee, excluding any employee covered under a collective bargaining agreement which provides otherwise, who has exhausted all available steps of the uniform grievance procedure of the department of personnel may, within thirty calendar days following the date a decision was received or should have been received by the employee at the second step of the grievance procedure, file an appeal with the director. The director may grant the relief sought, and that decision constitutes final agency action. However, if the director does not grant the relief sought, the employee may, within thirty calendar days following the date of filing of the appeal, file the appeal with the public employment relations board for hearing. The hearing shall be conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act. Decisions rendered shall be based upon a standard of substantial compliance with this chapter and the rules of the department of personnel. Decisions by the public employment relations board constitute final agency action.

Sec. 39. 1986 Iowa Acts, Senate File 2175, section 229, is amended by striking the section and inserting in lieu thereof the following:

SEC. 229. Section 20.1, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The general assembly declares that the purposes of the public employment relations board established by this chapter are to implement the provisions of this chapter and adjudicate and conciliate employment-related cases involving the state of Iowa and other public employers and employee organizations. For these purposes the powers and duties of the board include but are not limited to the following:

1. Determining appropriate bargaining units and conducting representation elections.
2. Adjudicating prohibited practice complaints and fashioning appropriate remedial relief for violations of this chapter.
3. Adjudicating and serving as arbitrators regarding state merit system grievances and, upon joint request, grievances arising under collective bargaining agreements between public employers and certified employee organizations.
4. Providing mediators, fact finders, and arbitrators to resolve impasses in negotiations.
5. Collecting and disseminating information concerning the wages, hours, and other conditions of employment of public employees.
6. Assisting the attorney general in the preparation of legal briefs and the presentation of oral arguments in the district court and the supreme court in cases affecting the board.

Sec. 40. 1986 Iowa Acts, Senate File 2175, section 655, is amended by striking the section.

Sec. 41. Section 467D.2, subsection 1, Code 1985, as amended by 1986 Iowa Acts, Senate File 2175, section 662, is amended to read as follows:

1. "Watershed-planning water resource district" means one of the six watershed-planning water resource districts established by section 467D.3.

Sec. 42. Section 467D.3, unnumbered paragraph 1, Code 1985, as amended by 1986 Iowa Acts, Senate File 2175, section 664, is amended to read as follows:

In furtherance of the policy set forth in section 467D.1, the entire area of the state of Iowa shall be divided into six watershed-planning water resource districts, and the same are hereby established as political subdivisions of the state of Iowa, as follows:

Sec. 43. Section 15.104, subsection 2, as enacted by 1986 Iowa Acts, Senate File 2175, section 804, is amended to read as follows:

2. Prepare a five-year strategic plan for state economic growth to implement the specific comprehensive goals, objectives, and policies of the state. All other state agencies involved in economic development activities shall annually submit to the board for its review and potential inclusion in the strategic plan their specific strategic plans and programs. The five-year strategic plan for state economic growth shall be updated annually.

Sec. 44. Section 15.108, subsection 7, the second paragraph c and paragraphs d through g, as enacted by 1986 Iowa Acts, Senate File 2175, section 808, are amended to read as follows:

c d. If determined necessary by the board, provide training for bank loan officers to increase their level of expertise in regard to business loans.

d e. To the extent feasible, cooperate with the department of employment services to establish a program to educate existing employers and new or potential employers on the rates and workings of the state unemployment compensation program and the state workers' compensation program.

e f. Study the feasibility of reducing the total number of state licenses, permits, and certificates required to conduct small businesses.

f g. Encourage and assist small businesses to obtain state contracts and subcontracts by cooperating with the directors of purchasing in the department of general services, the state

board of regents, and the department of transportation in performing the following functions:

(1) Developing a uniform small business vendor application form which can be adopted by all agencies and departments of state government to identify small businesses and targeted small businesses which desire to sell goods and services to the state. This form shall also contain information which can be used to determine certification as a targeted small business pursuant to paragraph "c", subparagraph (4).

(2) Compiling and maintaining a comprehensive source list of small businesses.

(3) Assuring that responsible small businesses are solicited on each suitable purchase.

(4) Assisting small businesses in complying with the procedures for bidding and negotiating for contracts.

(5) Simplifying procurement specifications and terms in order to increase the opportunities for small business participation.

(6) When economically feasible, dividing total purchases into tasks or quantities to permit maximum small business participation.

(7) Preparing timely forecasts of repetitive contracting requirements by dollar volume and types of contracts to enhance the participation of responsible small businesses in the public purchasing process.

(8) Developing a mechanism to measure and monitor the amount of participation by small businesses in state procurement.

g h. In addition, the department may establish a small business advisory council to:

(1) Advise and consult with the board and the department with respect to matters which are of concern to small business.

(2) Submit recommendations to the board relating to actual or proposed activities concerning small business.

(3) Submit recommendations for legislative or administrative actions.

(4) Review and monitor small business programs and agencies in order to determine their effectiveness and whether they complement or compete with each other, and to coordinate the delivery of programs and services aimed at small business.

(5) Initiate special small business economic studies as deemed necessary, including but not limited to analyses of trends and growth opportunities relative to small business.

(6) Provide other information or perform other duties which would be of assistance to small business.

Sec. 45. 1986 Iowa Acts, Senate File 2175, section 817, is amended by striking the section and inserting in lieu thereof the following:

SEC. 817. NEW SECTION. 15.252 PURPOSE.

The purpose of this part is to establish through the regional satellite centers, as stated in chapter 28.101, a statewide network of regional offices to help coordinate job training programs with statewide, regional, and local economic development initiatives, and to promote the economic growth of this state.

Sec. 46. 1986 Iowa Acts, Senate File 2175, section 913, is amended by striking the section and inserting in lieu thereof the following:

SEC. 913. Section 86.24, Code 1985, is amended by adding the following new subsection:

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

Sec. 47. 1986 Iowa Acts, Senate File 2175, is amended by adding the following after section 913:

SEC. \_\_\_\_ . Section 86.26, Code 1985, is amended to read as follows:

86.26 JUDICIAL REVIEW.

Judicial review of decisions or orders of the industrial commissioner ~~may be sought in accordance with the terms of chapter 17A.~~ Notwithstanding the terms of shall not be to the district court but shall be made directly to the supreme court, notwithstanding chapter 17A, petitions the Iowa

administrative procedure Act. Petitions for judicial review may be filed in the district court of the county in which the hearing under section 86.17 was held shall be filed with the clerk of the supreme court as are other actions for appeal or review. Such a review proceeding shall be accorded priority over other matters pending before the district court. The supreme court may transfer the action to the court of appeals.

Sec. 48. Section 86.29, Code 1985, is amended to read as follows:

86.29 THE JUDICIAL REVIEW PETITION.

~~Notwithstanding chapter 17A, in a~~ In the petition for judicial review of a ~~final~~ agency decision of the industrial commissioner in a contested case under this chapter or chapter 85, 85A, 85B, or 87, the opposing party shall be named the respondent, and the agency shall not be named as a respondent.

Sec. 49. Section 86.32, Code 1985, is amended to read as follows:

86.32 COSTS OF JUDICIAL REVIEW.

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

Sec. 50. Section 86.39, Code 1985, is amended to read as follows:

86.39 FEES -- APPROVAL -- LIEN.

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

Sec. 51. Section 86.42, Code 1985, is amended to read as follows:

86.42 JUDGMENT BY DISTRICT COURT ON AWARD.

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

Sec. 52. Section 303.1C, subsection 2, as enacted by 1986 Iowa Acts, Senate File 2175, section 1303, is amended by adding the following new lettered paragraph:

**NEW LETTERED PARAGRAPH.** i. Buy or receive by other means historical materials including, but not limited to, artifacts, art, books, manuscripts, and images. Such materials are not personal property under section 18.12 and shall be received and cared for under the rules of the department. The historical division may sell or otherwise dispose of those materials according to the rules of the department and be

credited for any revenues credited by the disposal less the costs incurred.

Sec. 53. 1986 Iowa Acts, Senate File 2175, section 1308, is repealed.

Sec. 54. Section 303.16, as enacted by 1986 Iowa Acts, Senate File 2175, section 1314, is amended by adding the following new subsections:

**NEW SUBSECTION.** 3. The following persons are eligible to receive historical resource grants and loans:

- a. County and city governments that are certified local governments by the historic preservation officer.
- b. Nonprofit corporations.
- c. Private corporations and businesses.
- d. Individuals.

**NEW SUBSECTION.** 4. Grants and loans may be made for the following categories of purposes:

- a. Acquisition and development of historical properties.
- b. Preservation and conservation of historical properties.
- c. Interpretation of historical resources.

Not less than twenty percent nor more than fifty percent of the funds in a single grant cycle shall be allocated to any one category.

**NEW SUBSECTION.** 5. Grants and loans are subject to the following restrictions:

- a. Grants shall not be given to or received by any state agency, institution or its representative or agent.
- b. Grants or loan funds shall not be used to support operating expenses or programs as defined by the department's rules.
- c. Grant or loan funds shall not be used to support publications, public relations, or marketing expenses.
- d. Grant or loan funds shall not support or partially support salaries or benefits of anyone employed directly by the recipient. This restriction does not prohibit the recipient from contracting with individuals for specific work of limited duration, under federal internal revenue service guidelines for contract work.

e. Not more than fifty thousand dollars or twenty percent of the annual appropriation, whichever is more, shall be granted to recipients within any single county in any given grant cycle.

f. Not more than twenty-five thousand dollars or ten percent of the annual appropriation, whichever is more, may be granted or loaned to any single recipient within a single fiscal year.

g. Grants or loans under this program may be given only after review by the state historical board.

h. All grant or loan funds must be expended by employing individuals or businesses located within the state of Iowa.

NEW SUBSECTION. 6. For each dollar of grant funds the following recipients must provide the following matching cash and in kind resources:

a. For county and city governments and nonprofit corporations, fifty cents of which at least twenty-five cents must be in cash.

b. For other private corporations and businesses, one dollar of which at least seventy-five cents must be in cash.

c. For individuals, seventy-five cents of which at least fifty cents must be in cash.

NEW SUBSECTION. 7. The department may use twenty-five thousand dollars for administration of the grant and loan program.

NEW SUBSECTION. 8. a. The department may establish a historical resource revolving loan fund composed of any money appropriated by the general assembly for that purpose, and of any other moneys available to and obtained or accepted by the department from the federal government or private sources for placement in that fund. Each loan made under this section shall be for a period not to exceed ten years, shall bear interest at a rate determined by the state historical board, and shall be repayable to the revolving loan fund in equal yearly installments due March 1 of each year the loan is in effect. The interest rate upon loans for which payment is delinquent shall accelerate immediately to the current legal

usury limit. Applicants shall be eligible for no more than twenty-five thousand dollars in loans outstanding at any time under this program.

b. The department may:

(1) Contract, sue and be sued, and promulgate administrative rules necessary to carry out the provisions of this section, but the department shall not in any manner directly or indirectly pledge the credit of the state of Iowa.

(2) Authorize payment from the revolving loan fund, from fees and from any income received by investments of money in the fund for costs, commissions, attorney fees and other reasonable expenses related to and necessary for making and protecting direct loans under this section, and for the recovery of moneys loaned or the management of property acquired in connection with such loans.

Sec. 55. 1986 Iowa Acts, Senate File 2175, section 1489, is repealed.

Sec. 56. Section 297.26, Code 1985, as amended by 1986 Iowa Acts, Senate File 2175, section 1984, is amended to read as follows:

297.26 SALE BY DEPARTMENT.

Any school building or any school site, the title of which is vested in the state of Iowa by reason of it having been provided by state mining camp funds for schools in mining camps, shall be sold by the department when the department director of education determines it is no longer needed for school purposes.

Sec. 57. 1986 Iowa Acts, Senate File 2175, section 1992, is amended by striking the section and inserting the following:

SEC. 1992. Sections 19.16 and 29A.59, Code 1985, are repealed.

Sec. 58. Notwithstanding section 4.8, the provisions of this Act which amend 1986 Iowa Acts, Senate File 2175, or which amend provisions added, amended, or repealed by 1986 Iowa Acts, Senate File 2175, prevail over Senate File 2175 and are contingent upon the enactment of Senate File 2175.

Sec. 59. 1986 Iowa Acts, Senate File 2175, section 2046, is amended by striking the section and inserting the following:

SEC. 2046. Section 421.31, subsection 3, in its requirement that the government's accounts be in accordance with generally accepted accounting principles, takes effect with the fiscal year beginning July 1, 1992.

The governor, auditor of state and the department of management shall phase in the implementation of generally accepted accounting principles, as defined by the governmental accounting standards board, which includes fund reclassifications, revenue recognition, and recognition of all appropriate liabilities beginning with the fiscal year beginning July 1, 1987.

The fiscal impact to the state general fund of implementing fund reclassifications, and recognizing additional liabilities shall be phased in according to the following schedule for the fiscal years beginning July 1:

1987	ten percent
1988	twenty percent
1989	forty percent
1990	sixty percent
1991	eighty percent
1992	one hundred percent

Sec. 60. 1986 Iowa Acts, Senate File 2175, section 2065, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** The validity of any official administrative or judicial pleading, claim, rate filing, motion, information, or other official document filed prior to the effective date of this Act shall not be affected by any statutory name changes made in this Act or by any administrative rule name changes made pursuant to this Act, and refiling of any such document shall not be required.

Sec. 61. In sections 455.223, 455B.280, 467A.3, 467A.7, 467A.13, 467A.53, 467B.1, 467B.2, 467B.3, 467B.5, 467B.10, 467D.2, 467D.3, 467D.4, 467D.5, 467D.6, 467D.7, 467D.8, 467D.10, 467D.11, 467D.12, 467D.13, 467D.14, 467D.15, 467D.16,

467D.17, 467D.18, 467D.19, 467D.21, 467D.22, 467D.23, 467D.24, Code 1985, and section 467D.20, Code Supplement 1985, the Code editor may change references to the "conservancy districts" and "conservancy district" to "water resource districts" and "water resource district".

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DONALD D. AVENSON  
Speaker of the House

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ROBERT T. ANDERSON  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2066, Seventy-first General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved May 29, 1986

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TERRY E. BRANSTAD  
Governor