

*See Amendment (p. 535)  
to Title (p. 107)*

FILED FEB 17 1988

SENATE FILE 2171  
BY COMMITTEE ON JUDICIARY  
*Appanoose (p. 571)*

Passed Senate, Date 2/29/88 (p. 534) Passed House, Date 3/31/88 (p. 1294)  
Vote: Ayes 44 Nays 3 Vote: Ayes 35 Nays 5

Approved April 28, 1988  
*Recommended, Reported House 3/31 (p. 1294)*  
90-2

A BILL FOR

1 An Act making nonsubstantive, noncontroversial statutory  
2 corrections to comply with reorganization changes, improve  
3 clarity, remove conflicts and inconsistencies, correct  
4 references, and correct grammar and syntax.

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

SENATE FILE 2171

H-5947

1 Amend Senate File 2171 as passed by the Senate as  
2 follows:  
3 1. Page 26, line 5, by striking the numbers  
4 "292.1," and inserting the following: "292.17".  
By JAY of Appanoose

H-5947 FILED MARCH 28, 1988

*Adopted 3/31 (p. 1294) Recommended Senate 3/28 (p. 1294)*

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1 Section 1. Section 2.49, subsection 5, Code 1987, is  
2 amended to read as follows:

3 5. Submit to each member of the general assembly quarterly  
4 a report of the current status of major state funds, a  
5 comparison of income with estimates used by the general  
6 assembly and other revenue and expenditure information which  
7 the legislative fiscal committee determines will be  
8 informative for members of the general assembly. The ~~state~~  
9 ~~comptroller~~ department of revenue and finance and the  
10 department of management shall co-operate with the legislative  
11 fiscal bureau in the development of the report. The  
12 legislative fiscal committee shall approve the style and  
13 format of the report.

14 Sec. 2. Section 7C.7, subsection 1, Code Supplement 1987,  
15 is amended to read as follows:

16 1. If the bonds are issued and delivered for the purpose  
17 or project within the thirty-day period or the ~~forty-day~~  
18 forty-five day extension period provided in subsection 2, the  
19 political subdivision or its representative shall within ten  
20 days following the issuance and delivery of the bonds or not  
21 later than October 25 of that year, if the bonds were issued  
22 and delivered on or before that date, file with the governor's  
23 designee, in the form or manner the governor's designee may  
24 prescribe, a notification of the date of issuance and the  
25 delivery of the bonds, and the actual principal amount of  
26 bonds issued and delivered. The filing of the notification  
27 shall be done by actual delivery or by posting in a United  
28 States post office depository with correct first class postage  
29 paid. If the actual principal amount of bonds issued and  
30 delivered is less than the amount of the allocation, the  
31 amount of the allocation is automatically reduced to the  
32 actual principal amount of the bonds issued and delivered.

33 Sec. 3. Section 8.34, Code 1987, is amended to read as  
34 follows:

35 8.34 CHARGING OFF UNEXPENDED APPROPRIATIONS.

1 Except as otherwise provided by law, the director of the  
2 department of management shall transfer to the fund from which  
3 any an appropriation was made, any unexpended or unencumbered  
4 balance of such that appropriation remaining at the expiration  
5 of three months after the close of the biennial fiscal term  
6 for which the appropriation was made. At the time the  
7 transfer is made on the books of the department of management,  
8 the director shall certify such that fact to the treasurer of  
9 state, who shall make corresponding entries on the books of  
10 the treasurer's office.

11 Sec. 4. Section 8.40, Code 1987, is amended to read as  
12 follows:

13 8.40 PENALTY -- REMOVAL -- IMPEACHMENT.

14 A refusal to perform any of the requirements of this  
15 chapter, ~~and the~~ or a refusal to perform any a rule or  
16 requirement or request of the governor or the ~~state~~  
17 ~~comptroller~~ director of the department of management made  
18 pursuant to ~~or under authority of~~ this chapter, by any a board  
19 member, commissioner, director, manager, building committee,  
20 ~~or~~ other officer or person connected with any institution, or  
21 other state department or establishment ~~as herein defined~~,  
22 ~~shall subject~~ subjects the offender to a penalty of two  
23 hundred fifty dollars, to be recovered in an action instituted  
24 in the district court of Polk county by the attorney general  
25 for the use of the state. If such the offender ~~be~~ is not an  
26 officer elected by vote of the people, such the offense ~~shall~~  
27 ~~be is~~ sufficient cause for removal from office or dismissal  
28 from employment by the governor upon thirty days' notice in  
29 writing to such the offender; and, if such the offender ~~be~~ is  
30 an officer elected by vote of the people, such the offense  
31 ~~shall be~~ is sufficient cause to subject the offender to  
32 impeachment.

33 Sec. 5. Section 8.42, Code 1987, is amended to read as  
34 follows:

35 8.42 PAYROLL ACCRUAL ACCOUNT.

1 ~~Beginning July 1, 1982, the state comptroller~~ The director  
2 of the department of management shall establish a payroll  
3 accrual account in the office of the state treasurer. In  
4 preparation of budgets for state departments, the ~~state~~  
5 ~~comptroller~~ director shall compute an amount for each fiscal  
6 year sufficient to provide funds to meet the twenty-seventh  
7 biweekly payroll when it occurs and shall deposit the  
8 necessary amount each year in the payroll accrual account.

9 Sec. 6. Section 8.43, Code 1987, is amended to read as  
10 follows:

11 8.43 SALARY ADJUSTMENT FUND.

12 ~~There is created a~~ A "salary adjustment fund" is created,  
13 to be used to segregate funds appropriated by the general  
14 assembly ~~to be distributed~~ for distribution to various state  
15 departments to fund ~~certain~~ salary increases for designated  
16 state employees. ~~Funds~~ Moneys distributed from the salary  
17 adjustment fund ~~shall be~~ are subject to the approval of the  
18 governor and ~~state comptroller~~ director of the department of  
19 management.

20 Sec. 7. Section 8.44, Code 1987, is amended to read as  
21 follows:

22 8.44 REPORTING ADDITIONAL FUNDS RECEIVED.

23 Upon receiving federal funds or any other funds from any  
24 public or private sources except gifts or donations made to  
25 institutions for the personal use or for the benefit of  
26 members, patients, or inmates and receipts from the gift shop  
27 of merchandise manufactured by members, patients, or inmates,  
28 the state departments, agencies, boards, and institutions  
29 receiving such funds shall submit a written report within  
30 thirty days after receipt of ~~such~~ the funds to the state  
31 ~~comptroller~~ director of the department of management. The  
32 report shall state the source of the funds that supplement or  
33 replace state appropriations for institutional operations, the  
34 amount received, and the terms under which ~~such~~ the funds are  
35 received.

1     Sec. 8. Section 9.3, Code 1987, is amended to read as  
2 follows:

3     9.3 COMMISSIONS.

4     All commissions issued by the governor shall be  
5 countersigned by the secretary, who shall register each  
6 commission in a book to be kept for that purpose, specifying  
7 the office, name of officer, date of commission, and tenure of  
8 office, and forthwith forward to the ~~state-comptroller-a-copy~~  
9 directors of the departments of management and of revenue and  
10 finance copies of said the registration.

11     Sec. 9. Section 10A.106, subsection 5, Code Supplement  
12 1987, is amended to read as follows:

13     5. ~~Gaming~~ Racing and gaming division.

14     Sec. 10. Section 10A.701, Code Supplement 1987, is amended  
15 to read as follows:

16     10A.701 GAMING RACING AND GAMING DIVISION.

17     The racing and gaming division shall combine and coordinate  
18 the supervision of pari-mutuel betting and the conducting of  
19 games of skill, games of chance, or raffles in the state. The  
20 division shall enforce and implement chapters 99B and 99D.  
21 The division is headed by the administrator of racing and  
22 gaming who shall be appointed pursuant to section 99D.6. The  
23 state racing commission shall perform duties within the  
24 division as prescribed in chapter 99D.

25     Sec. 11. Section 12.26, subsections 2 and 3, Code 1987,  
26 are amended to read as follows:

27     2. The principal of and the interest on notes ~~shall-be~~ are  
28 payable solely out of the taxes and revenues of the state for  
29 the fiscal year for which the notes are issued. The notes of  
30 each issue shall be dated, shall bear interest at ~~the~~ a rate  
31 or rates which may be variable according to a method approved  
32 by the treasurer of state, without regard to any limit  
33 contained in chapter 74A or any other law of this state, and  
34 shall mature at ~~such~~ a time or times not later than the end of  
35 the fiscal year, all as ~~may-be~~ determined by the treasurer of

1 state. The notes may be made redeemable before maturity, at  
2 the option of the treasurer of state, at the price and under  
3 the terms and conditions as provided by the treasurer of  
4 state. The treasurer of state shall determine the form of the  
5 notes and shall fix the denomination of the notes and the  
6 place of payment of principal and interest which may be at any  
7 bank within or without the state. The notes shall be executed  
8 by the manual or facsimile signatures of the treasurer of  
9 state, the director of management, and the ~~state-comptroller~~  
10 director of revenue and finance. If ~~any~~ an official whose  
11 signature or a facsimile of whose signature appears on any  
12 notes ceases to hold office before the delivery of the notes,  
13 the signature or the facsimile is valid and sufficient for all  
14 purposes the same as if the official had remained in office  
15 until the delivery. All notes issued under this section have  
16 the qualities and incidents of negotiable instruments under  
17 the laws of this state and without regard to any other law.  
18 The notes shall be issued in registered form. The notes may  
19 be sold in ~~the~~ a manner, at public or private sale, as the  
20 treasurer of state may determine without regard to chapter 75.

21 3. Notes may be issued under this section without  
22 obtaining the consent of any officer or agency of this state,  
23 and without any other proceedings or conditions other than  
24 those proceedings and conditions which are specifically  
25 required by this section. The treasurer of state, or the  
26 director of management, and the ~~state-comptroller~~ is director  
27 of revenue and finance are not liable personally on the notes  
28 or subject to any personal liability or accountability by  
29 reason of the issuance of the notes.

30 Sec. 12. Section 15A.2, Code Supplement 1987, is amended  
31 to read as follows:

32 15A.2 CONFLICTS OF INTEREST.

33 If a member of the governing body of a city or county or an  
34 employee of a state, city, or county board, agency,  
35 commission, or other governmental entity of the state, city,

1 or county has an interest, either direct or indirect, in a  
2 private person for which grants, loans, guarantees, or other  
3 financial assistance may be provided by such the governing  
4 board or governmental entity, the interest shall be disclosed  
5 to that governing body or governmental entity in writing. The  
6 member or employee having the interest shall not participate  
7 in the decision-making process with regard to the providing of  
8 such financial assistance to the private person.

9 Employment by a public body, its agencies, or institutions  
10 or by any other person having such an interest shall not be  
11 deemed an indicia of an interest by such the employee or of  
12 any ownership or control by such the employee of interests of  
13 the employee's employer.

14 The word "participate" or "participation" shall be deemed  
15 not to include discussion or debate preliminary to a vote of a  
16 local governing body or agency upon proposed ordinances or  
17 resolutions relating to such a project or any abstention from  
18 such a vote.

19 The designation of a bank or trust company as depository,  
20 paying agent, or agent for investment of funds shall not be  
21 deemed a matter of interest or personal interest.

22 Stock ownership in a corporation having such an interest  
23 shall not be deemed an indicia of an interest or of ownership  
24 or control by the person owning such the stocks when less than  
25 five percent of the outstanding stock of the corporation is  
26 owned or controlled directly or indirectly by such that  
27 person.

28 The ~~word-"action"~~ phrase "decision-making process" shall  
29 not be deemed to include resolutions advisory to the local  
30 governing body or agency by any citizens group, board, body,  
31 or commission designated to serve a purely advisory approving  
32 or recommending function for economic development.

33 A violation of a provision of this section is misconduct in  
34 office under section 721.2. However, a decision of the  
35 governing board or governmental entity is not invalid because

1 of the participation of the member or employee in the  
2 decision-making process or because of a vote cast by a member  
3 or employee in violation of this section unless the  
4 participation or vote was decisive in the awarding of the  
5 financial assistance.

6 Sec. 13. Section 17.4, subsection 7, Code 1987, is amended  
7 by striking the subsection.

8 Sec. 14. Section 17.10, Code 1987, is amended to read as  
9 follows:

10 17.10 ~~COMMERCE-COMMISSION~~ UTILITIES BOARD.

11 The annual report of the ~~Iowa-state-commerce-commission~~  
12 utilities board shall, as to all statistical data, cover the  
13 year ending December 31 preceding the filing of the report,  
14 and the proceedings of the ~~commission~~ board to date of filing  
15 the report each year. ~~Said~~ The report shall be filed on or  
16 before December 1. The ~~commission~~ board shall determine the  
17 manner in which ~~such~~ the annual report shall be published.

18 Sec. 15. Section 25.6, Code 1987, is amended to read as  
19 follows:

20 25.6 CLAIMS BY STATE AGAINST MUNICIPALITIES.

21 The state appeal board ~~shall-have-power-and-authority-to~~  
22 may investigate and collect claims which the state ~~may-have~~  
23 has against municipal or political corporations in the state  
24 including counties, cities, townships, and school  
25 corporations. The board shall refer any such claim to the  
26 special assistant attorney general for claims, when ~~any-such~~  
27 the claim has not been promptly paid, and if the special  
28 assistant attorney general for claims is not able to collect  
29 the full amount of ~~said~~ the claim, the special assistant  
30 attorney general shall fully investigate ~~same~~ and report to  
31 the state appeal board findings of fact and conclusions of  
32 law, together with any recommendation as to ~~said~~ the claim.  
33 Thereafter the state appeal board may effect a compromise  
34 settlement with the debtor in ~~such~~ an amount and under ~~such~~  
35 terms as the ~~said~~ board ~~may-deem~~ deems just and equitable in



1 view of the findings and conclusions reported to it. ~~in-the~~  
2 event If the state appeal board is unable to collect a claim  
3 in full or effect what it has determined to be a fair  
4 compromise, it shall deliver ~~same~~ the claim to the attorney  
5 general for ~~such~~ action as the attorney general shall  
6 determine and the special assistant attorney general for  
7 claims is specifically charged with carrying out the  
8 directions of the attorney general with reference ~~thereto~~ to  
9 the claim. When ~~any~~ a claim is compromised by the state  
10 appeal board, ~~it~~ the board shall file ~~in-the-office-of-the~~  
11 comptroller with the department of management and the  
12 department of revenue and finance a statement as to the  
13 settlement, together with a true copy of the agreement of  
14 settlement, and if in settlement an amount less than the face  
15 amount is accepted in full, the proper entries shall be made  
16 in the books of the ~~comptroller,~~ department of management, the  
17 department of revenue and finance, and the auditor of state  
18 showing the amount of the claim, the amount of the settlement,  
19 and the amount charged off.

20 Sec. 16. Section 28D.3, subsection 3, Code 1987, is amended  
21 to read as follows:

22 3. Persons employed by the energy ~~policy-council~~ and  
23 geological resources division of the department of natural  
24 resources ~~under the-provisions-of~~ chapter 28D ~~shall~~ are not be  
25 subject to the twenty-four-month time limitation specified in  
26 subsection 2.

27 Sec. 17. Section 28G.6, Code 1987, is amended to read as  
28 follows:

29 28G.6 ANNUAL REPORT.

30 A legal entity created pursuant to chapter 28E and  
31 operating under this chapter shall report annually to the  
32 department of ~~water,-air-and-waste-management~~ natural  
33 resources. The report shall include information on permits,  
34 licenses or franchises granted by the legal entity, contracts  
35 entered into, and other information requested by the ~~watery~~

1 ~~air-and-waste-management~~ environmental protection commission.

2 Sec. 18. Section 39.22, subsection 1, Code Supplement  
3 1987, is amended to read as follows:

4 1. BY APPOINTMENT. The county board of supervisors may  
5 pass a resolution in favor of filling the offices of trustee  
6 and clerk within a township by appointment by the board, and  
7 may direct the county commissioner of elections to submit the  
8 question to the eligible voters of the township at the next  
9 general election. In a township which does not include a  
10 city, eligible voters shall consist of the voters of the  
11 entire township. In a township which includes a city,  
12 eligible voters are those voters who reside outside the  
13 corporate limits of a city. The resolution shall apply to all  
14 townships which have not approved a proposition to fill  
15 township offices by appointment. If the proposition to fill  
16 the township offices by appointment is approved by a majority  
17 of the eligible voters, the board shall fill the offices by  
18 appointment as the terms of office of the incumbent township  
19 officers expire.

20 PARAGRAPH DIVIDED. The election of the trustees and clerk  
21 of a township may be restored after approval of the  
22 appointment process under this subsection by a resolution of  
23 the board of supervisors submitting the question to the  
24 eligible voters of the township at the next general election.  
25 If the proposition to restore the election process is approved  
26 by a majority of the eligible voters, the election of the  
27 township officers shall commence with the next primary and  
28 general elections. A resolution submitting the question of  
29 restoring the election of township officers at the next  
30 general election shall be adopted by the board of supervisors  
31 upon petition of at least ten percent of the eligible voters  
32 of a township. The initial terms of the trustees shall be  
33 determined by lot, one for two years, ~~one-for-three-years,~~ and  
34 one two for four years. However, if a proposition to change  
35 the method of selecting township officers is adopted by the

1 electorate, a resolution to change the method shall not be  
2 submitted to the electorate for four years.

3 Sec. 19. Section 39.22, subsection 2, paragraph a, Code  
4 Supplement 1987, is amended to read as follows:

5 a. TOWNSHIP TRUSTEES. Township trustees shall be elected  
6 biennially to succeed those whose terms of office expire on  
7 the first day of January following the election which is not a  
8 Sunday or legal holiday. The term of office of each elected  
9 township trustee is four years, except as provided in  
10 subsection 1 for initial terms following restoration of the  
11 election process.

12 Sec. 20. Section 76.2, unnumbered paragraph 2, Code 1987,  
13 is amended to read as follows:

14 If the resolution is filed prior to April 1 the annual levy  
15 shall begin with the tax levy for collection commencing July 1  
16 of that year. If the resolution is filed after April 1, the  
17 annual levy shall begin with the tax levy for collection in  
18 the next succeeding fiscal year. However, the governing  
19 authority of a political subdivision may adjust a levy of  
20 taxes made under this section for the purpose of adjusting the  
21 annual levies and collections for property severed from the  
22 political subdivision, subject to the approval of the state  
23 comptroller director of the department of management.

24 Sec. 21. Section 99B.7, subsection 1, paragraph p, Code  
25 Supplement 1987, is amended to read as follows:

26 p. ~~The person or organization~~ A licensee shall keep  
27 records of all persons who serve as manager or cashier, or who  
28 are responsible for carrying out duties with respect to a  
29 bingo account. ~~Any person or organization which~~ A licensee is  
30 subject to license revocation if it knowingly permits a person  
31 who to serve in one of these capacities if the person was a  
32 manager, cashier, or responsible for carrying out duties with  
33 respect to a bingo account for another organization licensee  
34 at the time of one or more violations leading to revocation of  
35 its the other licensee's license, and which if the license is

1 ~~currently under revocation shall be subject to license~~  
2 revocation still revoked at the time of the subsequent  
3 service.

4 Sec. 22. Section 103A.8, subsection 7, Code 1987, is  
5 amended to read as follows:

6 7. Limit the application of thermal efficiency standards  
7 for energy conservation to new construction which will  
8 incorporate a heating or cooling system. Air exchange fans  
9 designed to provide ventilation shall not be considered a  
10 cooling system. The commissioner shall exempt any new  
11 construction from thermal efficiency standards for energy  
12 conservation if the commissioner determines that the standards  
13 are unreasonable as they apply to a particular building or  
14 class of buildings including farm buildings for livestock use.  
15 Lighting efficiency standards shall recognize variations in  
16 lighting intensities required for the various tasks performed  
17 within the building. The commissioner shall consult with the  
18 ~~energy-policy-council~~ energy and geological resources division  
19 of the department of natural resources regarding standards for  
20 energy conservation prior to the ~~promulgation~~ adoption of the  
21 standards. However, the standards shall be consistent with  
22 ~~the requirements of~~ section 103A.8A.

23 Sec. 23. Section 103A.8A, Code 1987, is amended to read as  
24 follows:

25 103A.8A MINIMUM ENERGY EFFICIENCY STANDARD.

26 The state building code commissioner shall adopt as a part  
27 of the state building code a requirement that new single-  
28 family or two-family residential construction shall meet an  
29 established minimum energy efficiency standard. The standard  
30 shall be stated in terms of the home heating index developed  
31 by the physics department at Iowa state university of science  
32 and technology. The minimum standard shall be the average  
33 energy consumption of new single-family or two-family  
34 residential construction as determined by a survey conducted  
35 by the ~~energy-policy-council~~ energy and geological resources

1 division of the department of natural resources of the average  
2 actual energy consumption, as expressed in terms of the home  
3 heating index. The minimum standard shall only apply to  
4 single-family or two-family residential construction commenced  
5 after the adoption of the standard.

6 Sec. 24. Section 106.2, subsection 14A, Code Supplement  
7 1987, is amended by striking the subsection.

8 Sec. 25. Section 107.19, unnumbered paragraphs 1 and 2,  
9 Code 1987, are amended to read as follows:

10 All funds accruing to the fish and game protection fund,  
11 except an equitable portion of the administration fund, shall  
12 be expended solely in carrying on the activities embraced in  
13 the fish and wildlife division. Expenditures incurred by the  
14 commission division in carrying on the activities shall be  
15 only on authorization by the general assembly.

16 The commission department shall annually on or before  
17 September 1 of each year submit to the department of  
18 management for transmission to the general assembly a detailed  
19 estimate of the amount required by the department during the  
20 succeeding year for carrying on the activities embraced in the  
21 fish and wildlife division. The estimate shall be in the same  
22 general form and detail as required by law in estimates  
23 submitted by other state departments.

24 Sec. 26. Section 135D.25, unnumbered paragraph 3, Code  
25 Supplement 1987, is amended to read as follows:

26 When a mobile home is removed from the county where  
27 delinquent taxes, **both** regular or special, are owing, or when  
28 it is administratively impractical to pursue tax collection  
29 through the remedies of this section, all taxes, **both** regular  
30 **or and** special, penalties, interest, and costs shall be abated  
31 by resolution of the county board of supervisors. The  
32 resolution shall direct the county treasurer to strike from  
33 the tax books the reference to that mobile home.

34 Sec. 27. Section 142B.1, subsection 3, Code Supplement  
35 1987, is amended to read as follows:

1 3. The state plan shall designate those transplant  
2 procedures eligible for reimbursement under Title XIX. It is  
3 the policy of this state that Title XIX reimbursement shall be  
4 limited to nonexperimental human organ and tissue  
5 transplantation procedures and services as provided under  
6 Title XVIII of the federal Social Security Act. For the  
7 purposes of this section, "nonexperimental human organ and  
8 tissue transplantation procedures and services" shall be those  
9 so designated by Title XVIII of the federal Social Security  
10 Act, and heart transplants and services for patients so long  
11 as patient selection policies of the center satisfactorily  
12 address the elements of the most recent patient selection  
13 guidelines adopted by Title XVIII.

14 The commission shall adopt the state plan by January 1,  
15 1988, at which time the department of human services shall  
16 adopt administrative rules pursuant to chapter 17A to  
17 implement the state plan. The Iowa department of public  
18 health shall adopt rules addressing organ donor protocols for  
19 hospitals. Until ~~such-time-as-such~~ rules are adopted, the  
20 department of human services shall adopt emergency rules for  
21 reimbursements of transplant services under Title XIX for  
22 those procedures defined as nonexperimental under Title XVIII  
23 of the federal Social Security Act. ~~For-the-purposes-of-this~~  
24 ~~section, "nonexperimental-human-organ-and-tissue~~  
25 ~~transplantation-procedure-and-services" shall be those so~~  
26 ~~designated-by-Title-XVIII-of-the-federal-Social-Security-Act,~~  
27 ~~and-heart-transplants-and-services-for-patients-so-long-as~~  
28 ~~patient-selection-policies-of-the-center-satisfactorily~~  
29 ~~address-the-elements-of-the-most-recent-patient-selection~~  
30 ~~guidelines-adopted-by-Title-XVIII.~~

31 Sec. 28. Section 145.2, unnumbered paragraph 3, Code 1987,  
32 is amended to read as follows:

33 The commission shall meet at least once during each  
34 calendar quarter. Meeting dates shall be set by members of  
35 the commission or by call of the chairperson upon five days

1 notice to the members. Action of the commission shall not be  
2 taken except upon the affirmative vote of a majority of the  
3 voting members of the commission. The ~~three~~ four voting  
4 members of the commission shall not receive a salary or per  
5 diem for being on the commission but shall receive  
6 reimbursement for necessary travel and expenses while engaged  
7 in commission business. Funds for reimbursement shall come  
8 from the moneys appropriated to the department of which the  
9 member is the head. The two legislative members of the  
10 commission are entitled to per diem and necessary travel and  
11 actual expenses as provided in section 2.10, subsection 6.  
12 The commission staff and chairperson of the corporation,  
13 association, or entity under agreement with the commission  
14 pursuant to section 145.3, subsection 1, shall not receive any  
15 salary, wages, or per diem for serving the commission and  
16 shall not receive reimbursement for commission travel and  
17 related expenses or for other commission expenses.

18 Sec. 29. Section 147.14, subsection 7, Code 1987, is  
19 amended to read as follows:

20 7. Five For psychology examiners, five members who are  
21 licensed to practice psychology and two members not licensed  
22 to practice psychology and who shall represent the general  
23 public. Of the five members who are licensed to practice  
24 psychology, one member shall be primarily engaged in graduate  
25 teaching in psychology, two members shall be persons who  
26 render services in psychology, one member representing shall  
27 represent areas of applied psychology ~~who~~ and may be  
28 affiliated with training institutions and ~~who~~ shall devote a  
29 major part of ~~their~~ the member's time ~~in~~ to rendering service  
30 in psychology, and one member shall be primarily engaged in  
31 research psychology. A majority of the members of the board  
32 ~~shall-constitute~~ constitutes a quorum.

33 Sec. 30. Section 148D.2, Code 1987, is amended to read as  
34 follows:

35 148D.2 ESTABLISHMENT.

1 ~~There-is-established-a~~ A state-wide medical education  
2 ~~system is established~~ for the purpose of training resident  
3 physicians in family practice. The dean of the college of  
4 medicine ~~shall-be~~ is responsible for implementing the  
5 development and expansion of residency programs in co-  
6 operation with the medical profession, hospitals, and clinics  
7 located throughout the state. The head of the department of  
8 family practice in the college of medicine ~~with-the-consent~~  
9 ~~of-the-advisory-board,~~ shall determine where affiliated  
10 residency programs shall be established, giving consideration  
11 to communities in the state where the population, hospital  
12 facilities, number of physicians and interest in medical  
13 education indicate the potential success of the residency  
14 programs. The medical education systems shall provide  
15 financial support for residents in training in accredited  
16 affiliated residency programs and shall establish positions  
17 for a director, assistant director, and other faculty in the  
18 programs. To assure continued growth, development, and  
19 academic essentials in ongoing programs, nonaffiliated  
20 residency programs which are ~~or-hereafter-become~~ accredited by  
21 a recognized national accrediting organization, shall be  
22 funded under this chapter at a level commensurate with the  
23 support of the affiliated residency programs having a  
24 comparable number of residents in training or, if there be are  
25 no affiliated residency ~~program~~ programs having a comparable  
26 number of residents in training, then a nonaffiliated program  
27 shall be funded in an amount determined on a pro rata  
28 capitation basis for each resident in training, equivalent to  
29 the per capita funding for each resident in training in an  
30 affiliated program having the nearest number of residents in  
31 training. As used in the preceding sentence, "support" ~~shall~~  
32 ~~mean~~ means both cash grants and the value of service directly  
33 provided to affiliated residency programs by the college of  
34 medicine.

35 Sec. 31. Section 152.3, subsection 6, Code 1987, is



1 amended to read as follows:

2 6. To appoint ~~such~~ assistants to the director and persons  
3 ~~as-may-be~~ necessary to administer ~~the-provisions-of~~ this Act.  
4 Any appointments shall be merit appointments made pursuant to  
5 chapter ~~19~~ 19A.

6 Sec. 32. Section 159.5, subsection 14, Code Supplement  
7 1987, is amended by striking the subsection.

8 Sec. 33. Section 159.6, subsections 7, 11, and 12, Code  
9 1987, are amended by striking the subsections.

10 Sec. 34. Section 159.6, Code 1987, is amended by adding  
11 the following new subsection:

12 NEW SUBSECTION. 18. The grain depositors and sellers  
13 indemnity fund as set forth in chapter 543A.

14 Sec. 35. Section 185.5, Code 1987, is amended to read as  
15 follows:

16 185.5 ELECTION FOR DIRECTORS.

17 ~~Notice-of-the-initial-election-for-directors-of-the-board~~  
18 ~~shall-be-given-by-the-secretary-by-publication-in-a-newspaper~~  
19 ~~of-general-circulation-in-the-state-at-least-five-days-prior~~  
20 ~~to-the-date-of-the-election-and-in-any-other-reasonable-manner~~  
21 ~~as-may-be-determined-by-the-secretary.--The-notice-shall-set~~  
22 ~~forth-the-period-of-time-for-voting,-voting-places,-and-such~~  
23 ~~other-information-as-the-secretary-may-deem-necessary.-~~

24 Notice of subsequent elections for directors of the board  
25 in a district shall be given by the board by publication in a  
26 newspaper of general circulation in the district and in any  
27 other reasonable manner as ~~may-be~~ determined by the board and  
28 shall set forth the period of time for voting, voting places,  
29 and ~~such~~ other information ~~as~~ the board ~~may-deem~~ deems  
30 necessary.

31 Sec. 36. Section 185.7, unnumbered paragraph 2, Code 1987,  
32 is amended by striking the unnumbered paragraph.

33 Sec. 37. Section 185.8, Code 1987, is amended to read as  
34 follows:

35 185.8 FUTURE ELECTIONS.

1 ~~After election of the initial board, the~~ The board shall  
2 administer subsequent elections for directors of the board  
3 with the assistance of the secretary. Prior to the expiration  
4 of a director's term of office, the board shall appoint a  
5 nominating committee for the district represented by such that  
6 director. The nominating committee shall consist of five  
7 producers who are residents of the district from which a  
8 director must be elected. The nominating committee shall  
9 nominate two resident producers as candidates for each  
10 director position for which an election is to be held.  
11 Additional candidates may be nominated by a written petition  
12 of one hundred producers. Procedures governing the time and  
13 place of filing shall be promulgated adopted and publicized by  
14 the board.

15 Sec. 38. Section 185.15, Code 1987, is amended to read as  
16 follows:

17 185.15 ~~INITIAL MEETING~~ TERM OF PROMOTIONAL ORDER.

18 ~~The initial board shall meet and organize following the~~  
19 ~~members' election, and the promotional order, including the~~  
20 ~~assessment, shall become effective sixty days following the~~  
21 ~~date of the election of the board.~~ A promotional order shall  
22 be effective for four years from its effective date, and upon  
23 each four-year anniversary of its effective date shall be  
24 either extended or terminated as provided in this chapter.

25 Sec. 39. Section 185C.5, Code 1987, is amended to read as  
26 follows:

27 185C.5 NOTICE OF ELECTION.

28 ~~Notice of the initial election for directors of the board~~  
29 ~~shall be given by the secretary by publication in a newspaper~~  
30 ~~of general circulation in the state at least five days prior~~  
31 ~~to the date of the election and in any other reasonable manner~~  
32 ~~as may be determined by the secretary. The notice shall set~~  
33 ~~forth the period of time for voting, voting places, and such~~  
34 ~~other information as the secretary may deem necessary.~~

35 Notice of subsequent elections for directors of the board

1 in a district shall be given by the board by publication in a  
2 newspaper of general circulation in the district and in any  
3 other reasonable manner as ~~may-be~~ determined by the board and  
4 shall set forth the period of time for voting, voting places,  
5 and ~~such~~ other information as the board ~~may-deem~~ deems  
6 necessary.

7 Sec. 40. Section 185C.7, unnumbered paragraph 2, Code  
8 1987, is amended by striking the unnumbered paragraph.

9 Sec. 41. Section 185C.8, Code 1987, is amended to read as  
10 follows:

11 185C.8 ~~FUTURE ELECTIONS.~~

12 ~~After-election-of-the-initial-board,-the~~ The board shall  
13 administer ~~subsequent~~ elections for directors of the board  
14 with the assistance of the secretary. Prior to the expiration  
15 of a director's term of office, the board shall appoint a  
16 nominating committee for the district represented by ~~such~~ that  
17 director. The nominating committee shall consist of five  
18 producers who are residents of the district from which a  
19 director must be elected. The nominating committee shall  
20 nominate two resident producers as candidates for each  
21 director position for which an election is to be held.  
22 Additional candidates may be nominated by a written petition  
23 of twenty-five producers. Procedures governing the time and  
24 place of filing shall be ~~promulgated~~ adopted and publicized by  
25 the board.

26 Sec. 42. Section 185C.15, Code 1987, is amended to read as  
27 follows:

28 185C.15 ~~INITIAL-MEETING~~ PROMOTIONAL ORDER.

29 ~~The-initial-board-shall-meet-and-organize-following-the~~  
30 ~~members'-election,-and-the-promotional-order,-including-the~~  
31 ~~assessment,-shall-become-effective-sixty-days-following-the~~  
32 ~~date-of-the-election-of-the-board.~~ A promotional order shall  
33 be effective for four years from its effective date.

34 Sec. 43. Section 217.5, Code 1987, is amended to read as  
35 follows:

1 217.5 ~~COMMISSIONER~~ DIRECTOR OF HUMAN SERVICES.

2 ~~There shall be a commissioner of human services who shall~~  
3 ~~be the~~ The chief administrative officer for the department of  
4 human services is the director of human services. The  
5 ~~commissioner~~ director shall be appointed by the governor  
6 subject to confirmation by the senate and shall serve at the  
7 pleasure of the governor. The governor shall fill a vacancy  
8 in this office in the same manner as the original appointment  
9 was made. ~~Such commissioner~~ The director shall be selected  
10 primarily for administrative ability.

11 The ~~commissioner~~ director shall not be selected on the  
12 basis of political affiliation and shall not engage in  
13 political activity while holding this position.

14 Sec. 44. Section 217.7, Code 1987, is amended to read as  
15 follows:

16 217.7 ~~DIRECTORS~~ ADMINISTRATORS OF DIVISIONS.

17 The ~~commissioner~~ director may appoint a ~~director~~ an  
18 administrator of each of the ~~aforementioned~~ divisions. Such  
19 ~~directors~~ The administrators shall be selected on the basis of  
20 their particular professional qualifications, education, and  
21 background relative to the ~~intended~~ assigned responsibilities  
22 of their ~~division~~ divisions.

23 Sec. 45. Section 229.26, Code Supplement 1987, is amended  
24 to read as follows:

25 229.26 EXCLUSIVE PROCEDURE FOR INVOLUNTARY  
26 HOSPITALIZATION.

27 Sections 229.6 to through 229.19 constitute the exclusive  
28 procedure for involuntary hospitalization of persons by reason  
29 of serious mental impairment in this state, except that this  
30 chapter does not negate the provisions of section 246.503  
31 relating to transfer of mentally ill prisoners to state  
32 hospitals for the mentally ill and does not apply to  
33 commitments of persons under chapter 812 or the rules of  
34 criminal procedure, Iowa court rules, 2d ed., or negate the  
35 provisions of section 232.51 relating to disposition of

1 mentally ill or mentally retarded children ~~and-section-229-6A~~  
2 ~~relating-to-a-juvenile-court's-jurisdiction-over-proceedings~~  
3 ~~involving-minors.~~

4 Sec. 46. Section 232.2, subsection 11, unnumbered  
5 paragraph 1, Code Supplement 1987, is amended to read as  
6 follows:

7 "Custodian" means a step-parent or a relative within the  
8 fourth degree of consanguinity to a minor child who has  
9 assumed responsibility for that child, a person who has  
10 accepted a release of custody pursuant to division IV, or a  
11 person appointed by a court or juvenile court having  
12 jurisdiction over a child. The rights and duties of a  
13 custodian with respect to a child ~~shall-be~~ are as follows:

14 Sec. 47. Section 232.2, Code Supplement 1987, is amended  
15 by adding the following new subsection:

16 NEW SUBSECTION. 26A. "Juvenile" means the same as  
17 "child". However, in the interstate compact on juveniles,  
18 sections 232.171 and 232.172, "juvenile" means a person  
19 defined as a juvenile in the law of a state which is a party  
20 to the compact.

21 Sec. 48. Section 232.8, subsection 1, unnumbered paragraph  
22 3, Code Supplement 1987, is amended to read as follows:

23 Violations by a child of provisions of chapter 106, 106A,  
24 109, 109A, 110, 110A, 110B, 111, 321, or 321G which would be  
25 simple misdemeanors if committed by an adult, and violations  
26 by a child of county or municipal curfew or traffic  
27 ordinances, and violations by a child of ~~the-provisions-of~~  
28 section 123.47, are excluded from the jurisdiction of the  
29 juvenile court and shall be prosecuted as simple misdemeanors  
30 as provided by law. The court may advise appropriate juvenile  
31 authorities and may refer violations of section 123.47 to the  
32 juvenile court when there is reason to believe the child  
33 regularly abuses alcohol and may be in need of treatment. The  
34 court shall notify the parents or legal guardians of a child  
35 who appears before it for a violation of section 123.47. A

1 child convicted of a violation excluded from the jurisdiction  
2 of the juvenile court under this unnumbered paragraph shall be  
3 sentenced pursuant to section 903.1, subsection 3.

4 Sec. 49. Section 232.10, subsection 2, paragraphs a and b,  
5 Code 1987, are amended to read as follows:

6 a. When it appears that the best interests of the minor  
7 child or society or the convenience of the parties will be  
8 served by a transfer, the court may transfer the case to the  
9 court of the county of the child's residence.

10 b. With the consent of the receiving court, the court may  
11 transfer the case to the court of the county where the minor  
12 child is found.

13 Sec. 50. Section 232.28, subsection 9, Code 1987, is  
14 amended to read as follows:

15 9. If the intake officer determines that the complaint is  
16 legally sufficient for the filing of a petition and that the  
17 filing of a petition is in the best interests of the juvenile  
18 child and the public, the officer shall request the county  
19 attorney to file a petition in accordance with section 232.35.

20 Sec. 51. Section 232.39, Code 1987, is amended to read as  
21 follows:

22 232.39 EXCLUSION OF PUBLIC FROM HEARINGS.

23 At any time during the proceedings, the court, on the  
24 motion of any of the parties or upon the court's own motion,  
25 may exclude the public from hearings under this division if  
26 the court determines that the possibility of damage or harm to  
27 the juvenile child outweighs the public's interest in having  
28 an open hearing. Upon closing the hearing to the public, the  
29 court may admit those persons who have direct interest in the  
30 case or in the work of the court.

31 Sec. 52. Section 232.102, subsection 2, Code Supplement  
32 1987, is amended to read as follows:

33 2. After a dispositional hearing and upon the request of  
34 the department, the court may enter an order appointing the  
35 department as the guardian of an unaccompanied refugee minor

1 child or of a child without parent or guardian.

2 Sec. 53. Section 232.118, subsection 2, Code 1987, is  
3 amended to read as follows:

4 2. ~~Any-minor~~ A child fourteen years of age or older who  
5 has not been adopted but who is placed in a satisfactory  
6 foster home may, with the consent of the foster parents, join  
7 with the guardian appointed by the court in an application to  
8 the court to remove the existing guardian and appoint the  
9 foster parents as guardians of the child.

10 Sec. 54. Section 232.141, subsections 3, 5, and 6, Code  
11 Supplement 1987, are amended to read as follows:

12 3. If legal custody of a ~~minor~~ child is transferred by the  
13 court, if ~~the-minor~~ a child is placed by the court with  
14 someone other than the parents, if a ~~minor~~ child is given a  
15 physical or mental ~~examinations~~ examination or treatment under  
16 order of the court, or if a ~~minor~~ child is given a physical or  
17 mental examination or treatment with the consent of the  
18 parent, guardian, or legal custodian relating to a child abuse  
19 investigation, and no provision is otherwise made by law for  
20 payment for the care, examination, or treatment of the ~~minor~~  
21 child, the costs shall be charged upon the funds of the county  
22 identified pursuant to subsection 4.

23 5. For court-ordered care, examination, and treatment  
24 authorized by this section, except where the parent-child  
25 relationship is terminated, the court may inquire into the  
26 ability of the parents to support the ~~minor~~ child and, after  
27 giving the parents a reasonable opportunity to be heard, may  
28 order the parents to pay in the manner and to whom the court  
29 may direct, such sums as will cover in whole or in part the  
30 cost of care, examination, or treatment of the ~~minor~~ child.  
31 An order entered under this section shall not obligate a  
32 parent paying child support under a custody decree, except  
33 that any part of such a monthly support payment may be used to  
34 satisfy the obligations imposed by an order entered under this  
35 section. If the parents fail to pay the sum without good

1 reason, the parents may be proceeded against for contempt or  
2 the court may inform the county attorney who shall proceed  
3 against the parents to collect the unpaid sums or both  
4 remedies may be sought. Any such sums ordered by the court  
5 shall be a judgment against each of the parents and a lien as  
6 provided in section 624.23. If all or any part of the sums  
7 that the parents are ordered to pay is subsequently paid by  
8 the county, the judgment and lien shall be against each of the  
9 parents in favor of the county to the extent of the county's  
10 payments.

11 6. Upon the issuance of a court order for the care,  
12 examination, or treatment of a minor child, the court shall  
13 furnish a copy of the court order to all providers of the  
14 care, examination, or treatment.

15 Sec. 55. Section 232.142, subsection 3, Code 1987, is  
16 amended by striking the subsection.

17 Sec. 56. Section 234.6, subsection 3, Code 1987, is  
18 amended to read as follows:

19 3. With the approval of the commissioner of human  
20 services, the governor, ~~and comptroller~~ the director of  
21 management, and the director of revenue and finance, set up  
22 from the funds under the ~~director's~~ administrator's control  
23 and management an administrative fund and from ~~said~~ the  
24 administrative fund to pay the expenses of operating the state  
25 division.

26 Sec. 57. Section 237.8, subsection 2, Code Supplement  
27 1987, is amended to read as follows:

28 2. A person who has been convicted of a violation crime  
29 under a law of any state ~~of a crime~~ or a person with a record  
30 of founded child abuse shall not be licensed, be employed by a  
31 licensee, or reside in a licensed home unless an evaluation of  
32 the crime or founded abuse has been made by the department of  
33 human services which concludes that the crime or founded abuse  
34 does not merit prohibition of employment or licensure. In its  
35 evaluation, the department shall consider the nature and



1 seriousness of the crime or founded abuse in relation to the  
2 position sought, the time elapsed since the commission of the  
3 crime or founded abuse, the circumstances under which the  
4 crime or founded abuse was committed, the degree of  
5 rehabilitation, and the number of crimes or founded abuse  
6 abuses committed by the person involved.

7 Sec. 58. Section 237A.5, subsection 2, Code Supplement  
8 1987, is amended to read as follows:

9 2. A person who has been convicted of a violation crime  
10 under a law of any state ~~of-a-crime~~ or a person with a record  
11 of founded child abuse shall not own or operate or be employed  
12 as a staff member, with direct responsibility for child care,  
13 of a child day care facility, as defined in section 237A.1,  
14 subsection 10, and shall not live in a child day care facility  
15 unless an evaluation of the crime or founded abuse has been  
16 made by the department of human services which concludes that  
17 the crime or founded abuse does not merit prohibition of  
18 employment licensure, or registration. In its evaluation, the  
19 department shall consider the nature and seriousness of the  
20 crime or founded abuse in relation to the position sought, the  
21 time elapsed since the commission of the crime or founded  
22 abuse, the circumstances under which the crime or founded  
23 abuse was committed, the degree of rehabilitation, and the  
24 number of crimes or founded abuse abuses committed by the  
25 person involved.

26 Sec. 59. Section 249D.12, Code 1987, is amended to read as  
27 follows:

28 249D.12 TERMS.

29 All members of the commission shall be appointed for terms  
30 of four years, with staggered expiration dates. The terms of  
31 office shall commence ~~on-the-first-day-of-July~~ and end as  
32 provided by section 69.19. Any A vacancy on the commission  
33 shall be filled for the unexpired term of the vacancy in the  
34 same manner as the original appointment was made. If a  
35 legislative member ceases to be a member of the general

1 assembly the legislative member may continue to serve until a  
2 successor is appointed.

3 Section 258.11, Code 1987, is amended to read as  
4 follows:

5 258.11 SALARY AND EXPENSES FOR ADMINISTRATION.

6 The director may make expenditures for salaries of  
7 assistants, actual expenses of the board and the director and  
8 the state ~~advisory-committee~~ council incurred in the discharge  
9 of their duties, and other expenses as necessary to the proper  
10 administration of this chapter.

11 Sec. 61. Section 258A.1, subsection 1, paragraph w, Code  
12 Supplement 1987, is amended to read as follows:

13 w. ~~The board-of-certification,-created-pursuant-to-chapter~~  
14 455B director of the department of natural resources in  
15 certifying water treatment operators as provided in sections  
16 455B.211 through 455B.224.

17 Sec. 62. Section 280.13A, unnumbered paragraph 1, Code  
18 Supplement 1987, is amended to read as follows:

19 If a school district does not provide an interscholastic  
20 activity for its students, the board of directors of that  
21 school district may complete an agreement with another school  
22 district to provide for the eligibility of its students in  
23 interscholastic activities provided by that other school dis-  
24 trict. A copy of each agreement completed under this section  
25 shall be filed with the appropriate organization as organi-  
26 zation is defined in section 280.13 not later than April 30 of  
27 the school year preceding the school year in which the agree-  
28 ment takes effect, unless an exception is granted by the  
29 organization for good cause. An agreement completed under  
30 this section shall be deemed approved unless denied by the  
31 governing organization within ten days after its receipt. A  
32 governing organization shall determine whether an agreement  
33 would substantially prejudice the interscholastic activities  
34 of other schools. An agreement denied by a governing board  
35 organization under this section may be appealed to the state

1 board of education under chapter 290.

2 Sec. 63. Section 280C.8, Code 1987, is amended to read as  
3 follows:

4 280C.8 APPROPRIATIONS.

5 Notwithstanding sections 8.6, 292.1, 302.1 and ~~302.13~~  
6 302.1A, there is appropriated from the permanent school fund,  
7 for the fiscal period beginning July 1, 1985, and ending June  
8 30, 1988, the sum of one million dollars to provide funds for  
9 the purposes of and deposits in the area school job training  
10 fund created in section 280C.6. The money appropriated under  
11 this section is a loan from the permanent school fund to the  
12 area school job training fund. The interest on the loan shall  
13 be prepaid for the period of the loan from funds appropriated  
14 by this section. The rate of interest shall be determined by  
15 the treasurer of state. Notwithstanding section 8.33, moneys  
16 remaining of the appropriations made under this section on  
17 June 30, 1986, and June 30, 1987, shall not revert to the  
18 permanent school fund but remain in the area school job  
19 training fund. All moneys in the area school job training  
20 fund on June 30, 1988, and each fiscal year thereafter shall  
21 revert to the permanent school fund. Moneys to repay the  
22 amount of the loan from the permanent school fund shall be  
23 paid from funds to be credited to the "Surplus" account of the  
24 Iowa plan fund for economic development created in section  
25 99E.31.

26 Sec. 64. Section 281.9, subsection 5, Code 1987, is  
27 amended to read as follows:

28 5. The division of special education shall audit the  
29 reports required in section 273.5 to determine that all  
30 children in the area who have been identified as requiring  
31 special education have received the appropriate special  
32 education instructional and support services, and to verify  
33 the proper identification of pupils in the area who will  
34 require special education instructional services during the  
35 school year in which the report is filed. The division shall

...weighting index to each child requiring special  
education, as certified by the directors of special education  
in each area.

7 Sec. 65. Section 299.16, Code 1987, is amended to read as  
8 follows:

9 299.16 CENSUS-BY-SCHOOL-OFFICER FAILURE TO ATTEND.

10 All-school School officers ~~empowered to take the school~~  
11 census shall ascertain the number of children over seven and  
12 under sixteen years of age, in their respective districts, the  
13 number of such children who do not attend school, and so far  
14 as possible the cause of the failure to attend.

15 Sec. 66. Section 312.2, subsection 8, Code Supplement  
16 1987, is amended to read as follows:

17 8. The treasurer of state, before making any allotments to  
18 counties under this section, shall reduce the allotment to any  
19 a county for the secondary road fund by ~~an~~ the amount by which  
20 the total funds that the county transferred or provided during  
21 the prior fiscal year under section 331.429, subsection 1,  
22 paragraphs "a," "b," "d," and "e", are less than seventy-five  
23 percent of the maximum funds that the county could have  
24 transferred in the prior fiscal year under section 331.429,  
25 subsection 1, paragraphs "a" and "b". Funds remaining in the  
26 secondary road fund of the counties due to a reduction of  
27 allocations to counties for failure to maintain a minimum  
28 local tax effort shall be reallocated to counties that are not  
29 reduced under this subsection pursuant to the allocation  
30 provisions of section 312.3, subsection 1, based upon the  
31 needs and area of the county. Information necessary to make  
32 allocations under this subsection shall be provided by the  
33 state department of transportation or the ~~state-comptroller~~  
34 director of the department of management upon request by the  
35 treasurer of state.

1     Sec. 67. Section 321.180, subsection 1, Code 1987, is  
2 amended to read as follows:

3     1. Any A person who is at least fourteen years of age and  
4 who, except for the person's lack of instructions in operating  
5 a motor vehicle, would ~~otherwise~~ be qualified to obtain an  
6 operator's license, shall, upon meeting the requirements of  
7 section 321.186 other than driving demonstration, and upon  
8 paying the required fee, be issued a temporary instruction  
9 permit by the department, ~~entitling~~. Subject to the  
10 limitations in this subsection, a temporary instruction permit  
11 entitles the permittee, while having such the permit in the  
12 permittee's immediate possession, to drive a motor vehicle  
13 upon the highways for a period of two years from the date of  
14 issuance when. The permittee must be accompanied by a  
15 licensed operator or chauffeur who is at least eighteen years  
16 of age, or who is an approved driver education instructor, or  
17 who is a prospective driver education instructor who is  
18 enrolled in and has been specifically designated by a teacher  
19 education institution with a safety education program approved  
20 by the department of education, and who is actually occupying  
21 a seat beside the driver, except that any. The temporary  
22 instruction permit issued to a person who is less than sixteen  
23 years of age shall entitle such entitles the permittee to  
24 drive a motor vehicle upon the highways only when accompanied  
25 by a licensed operator or chauffeur who is the parent or  
26 guardian of the permittee, or an approved driver education  
27 instructor, or a prospective driver education instructor, who  
28 is enrolled in and has been specifically designated by a  
29 teacher education institution with a safety education program  
30 approved by the department of education, or by any a person  
31 who is twenty-five years of age or more if written permission  
32 is granted by the parent or guardian, who is a holder of a  
33 valid operator's or a chauffeur's license, and who is actually  
34 occupying a seat beside the driver.

35     If the ~~permit-holder~~ permittee is driving a motorcycle, the

1 qualified operator must be within audible and visual  
2 communications distance from the ~~permit-holder~~ permittee and  
3 ~~is~~ be accompanying the ~~permit-holder~~ permittee on or in a  
4 different motor vehicle. ~~However,~~ ~~only~~ Only one permit holder  
5 shall be under the immediate supervision of an accompanying  
6 qualified operator, unless the qualified operator is an  
7 approved motorcycle or driver education instructor or a  
8 prospective ~~driver-or~~ motorcycle or driver education  
9 instructor, and the ~~permit-holder~~ permittee is enrolled in an  
10 approved motorcycle or driver education course, in which case  
11 no more than three students shall be under the immediate  
12 supervision of each instructor while on the highway.

13 Sec. 68. Section 322B.2, subsection 4, Code 1987, is  
14 amended by striking the subsection.

15 Sec. 69. Section 324.79, unnumbered paragraph 2, Code  
16 1987, is amended to read as follows:

17 A separate fund is ~~hereby~~ created and designated as the  
18 "marine fuel tax fund". All moneys derived from the excise  
19 tax on the sale of motor fuel used in watercraft shall be  
20 deposited in the marine fuel tax fund. Moneys in ~~such~~ the  
21 fund ~~shall-be~~ are subject to appropriation by the general  
22 assembly to the ~~state-conservation-commission~~ department of  
23 natural resources for use in its recreational boating program,  
24 which may include but ~~shall~~ is not be limited to:

25 Sec. 70. Section 324.79, subsection 4, Code 1987, is  
26 amended to read as follows:

27 4. Administration, operation, and maintenance of ~~the~~  
28 recreation recreational boating division activities of the  
29 conservation-commission department of natural resources.

30 Sec. 71. Section 327D.192, Code 1987, is amended to read  
31 as follows:

32 327D.192 SPOT CHECKS FOR HAZARDOUS CARGO.

33 An employee ~~of-the-railroad-division-of-the-department~~  
34 under the supervision of the department's administrator for  
35 rail and water designated by the director of the department

1 may conduct spot inspections of vehicles subject to  
 2 registration which are owned or operated by a railroad  
 3 corporation to determine whether the a vehicle is used to  
 4 transport products or property which may be a safety hazard  
 5 for the operator of the vehicle subject to registration or any  
 6 other employee of the railroad corporation who is transported  
 7 in the vehicle.

8 Sec. 72. Section 331.510, subsections 3 and 4, Code 1987,  
 9 are amended to read as follows:

10 3. An annual report not later than January 1 to the state  
 11 comptroller department of management of the valuation by class  
 12 of property for each taxing district in the county on forms  
 13 provided by the state-comptroller department of management.  
 14 The valuations reported shall be those valuations used for  
 15 determining the levy rates necessary to fund the budgets of  
 16 the taxing districts for the following fiscal year.

17 4. An annual report not later than January 1 to the  
 18 governing body of each taxing district in the county of the  
 19 assessed valuations of taxable property in the taxing district  
 20 as reported to the state-comptroller department of management.

21 Sec. 73. Section 331.756, subsection 73, Code Supplement  
 22 1987, is amended by striking the subsection.

23 Sec. 74. Section 351.23, Code 1987, is amended to read as  
 24 follows:

25 351.23 FORMS.

26 All forms for blanks and tags, ~~including proper columns in~~  
 27 ~~the assessors' books in which to note the ownership of dogs,~~  
 28 shall be prepared by the auditor. ~~All such blanks and tags~~  
 29 ~~shall be~~ and furnished by the county.

30 Sec. 75. Section 351.24, Code 1987, is amended to read as  
 31 follows:

32 351.24 TAXATION OF DOGS--- MUNICIPAL LICENSE.

33 ~~Dogs kept in kennels and not allowed to run at large shall~~  
 34 ~~be taxed as personal property. Dogs licensed as herein~~  
 35 ~~provided shall not be so taxed.~~ Cities may license dogs in

1 addition to the license herein required in this chapter.

2 Sec. 76. Section 351.34, Code 1987, is amended to read as  
3 follows:

4 351.34 CONDITION FOR LICENSE.

5 Before a license is issued for any dog, the owner must  
6 present evidence with the application required by section  
7 351.3 that the dog has been vaccinated against rabies, ~~or if~~  
8 ~~the dog license fee is paid to the assessor, as permitted in~~  
9 ~~section 351.16, such evidence must be presented to the~~  
10 assessor. Such The evidence shall be a certificate of  
11 vaccination signed by a licensed veterinarian, and the  
12 certificate shall show that the vaccination does not expire  
13 within six months from the effective date of the dog license.

14 Sec. 77. Section 422.45, subsection 1, Code Supplement  
15 1987, is amended to read as follows:

16 1. The gross receipts from sales of tangible personal  
17 property and services rendered, furnished, or performed, which  
18 this state is prohibited from taxing under the Constitution or  
19 laws of the United States or under the Constitution of this  
20 state.

21 Sec. 78. Section 422.57, subsection 1, Code 1987, is  
22 amended to read as follows:

23 1. A notice authorized or required under this division may  
24 be given by mailing the notice to the person for whom it is  
25 intended, addressed to that person at the address given in the  
26 last return filed by the person pursuant to this division, or  
27 if no return has been filed, then to any address obtainable.  
28 The mailing of the notice is presumptive evidence of the  
29 receipt of the notice by the person to whom addressed. Any  
30 period of time which is determined according to this division  
31 by the giving of notice commences to run from the date of  
32 ~~registration and posting~~ mailing of the notice.

33 Sec. 79. Section 422.70, subsection 3, Code 1987, is  
34 amended to read as follows:

35 3. The fees and mileage to be paid witnesses and taxed



1 charged as costs shall be the same as prescribed by law in  
2 proceedings in the district court of this state in civil  
3 cases. All costs shall be ~~taxed~~ charged in the manner  
4 provided by law in proceedings in civil cases. ~~Where~~ If the  
5 costs are ~~taxed~~ charged to the taxpayer they shall be added to  
6 the taxes assessed against ~~said~~ the taxpayer and shall be  
7 collected in the same manner. Costs ~~taxed~~ charged to the  
8 state shall be certified by the director ~~to-the-state~~  
9 ~~comptroller~~ who shall issue ~~warrant~~ warrants on the state  
10 treasurer for the amount of ~~said~~ the costs, to be paid out of  
11 the proceeds of the taxes collected under this chapter.

12 Sec. 80. Section 422.71, subsection 2, Code 1987, is  
13 amended to read as follows:

14 2. The salaries of all assistants, agents, and employees  
15 shall be fixed by the director in a budget to be submitted to  
16 the ~~comptroller~~ department of management and approved by the  
17 legislature.

18 Sec. 81. Section 427.1, subsection 36, paragraph b, Code  
19 Supplement 1987, is amended to read as follows:

20 b. "Open prairies" includes hillsides and gully areas  
21 which have a permanent grass cover but does not include native  
22 prairies meeting the criteria of the ~~state-conservation~~  
23 natural resource commission.

24 Sec. 82. Section 427A.12, subsections 4 and 5, Code 1987,  
25 are amended to read as follows:

26 4. The personal property tax replacement base for each  
27 taxing district ~~shall-be~~ is permanent and shall not be  
28 adjusted, except that the ~~state-comptroller~~ department of  
29 management shall make any necessary corrections and shall make  
30 appropriate adjustments to reflect mergers, annexations, and  
31 other changes in taxing districts or their boundaries.

32 5. For each state fiscal year ending with or before the  
33 year in which the ninth increase in the additional personal  
34 property tax credit under this division becomes effective,  
35 each taxing district shall be reimbursed from the personal

1 property tax replacement fund in an amount equal to its  
2 personal property tax replacement base multiplied by a  
3 fraction the numerator of which is the total assessed value of  
4 all personal property, excluding livestock, in the taxing  
5 district, on which taxes are not payable during such the  
6 fiscal year because of the various tax credits granted by this  
7 chapter, and the denominator of which is the total assessed  
8 value of all personal property in the taxing district,  
9 excluding livestock but including other personal property  
10 eligible for tax credits granted by this chapter. For the  
11 half year beginning January 1, 1974, and ending June 30, 1974,  
12 the amount of reimbursement shall be half the amount  
13 determined pursuant to this subsection. The county auditor  
14 shall certify and forward to the director of the department of  
15 management and the director of revenue and finance, at the  
16 times and in the form directed by the director of revenue-and  
17 finance the department of management, any information needed  
18 for the purposes of this subsection. The director of revenue  
19 and-finance the department of management shall make any  
20 necessary corrections and certify the appropriate information  
21 to the director of management revenue and finance.

22 Sec. 83. Section 442A.5, subsection 1, Code 1987, is  
23 amended to read as follows:

24 1. The powers of the authority are vested in and exercised  
25 by a board consisting of five members, including the treasurer  
26 of state, the ~~commissioner~~ director of public-instruction the  
27 department of education, and the ~~state-comptroller~~ director of  
28 the department of management, and two members appointed by the  
29 governor, subject to confirmation by the senate. The state  
30 officials may designate representatives to serve on the board  
31 for them. As far as possible, the governor shall appoint  
32 members who are knowledgeable or experienced in the school  
33 systems of this state or in finance.

34 Sec. 84. Section 450.84, Code 1987, is amended to read as  
35 follows:

1 450.84 COSTS CHARGED AGAINST ESTATE -- EXCEPTIONS.

2 ~~In all cases where~~ If an estate or interest ~~therein-se in~~  
3 an estate passes so as to be liable to taxation under this  
4 chapter, all costs of the proceedings ~~had~~ for the assessment  
5 of ~~such~~ the tax ~~shall-be~~ are chargeable to ~~such~~ the estate as  
6 other costs in probate proceedings and, to discharge the lien,  
7 all costs as well as the taxes must be paid. In all other  
8 cases the costs are to be paid as ordered by the court. When  
9 a decision adverse to the state has been rendered, with an  
10 order that the state pay the costs, ~~it shall-be-the-duty-of~~  
11 the clerk of the court in which ~~such~~ the action was pending to  
12 shall certify the amount of ~~such~~ the costs to the director of  
13 revenue and finance, who shall, if ~~said~~ the costs be are  
14 correctly certified and the case has been finally terminated  
15 and the tax, if any is due, has been paid, present audit the  
16 ~~claim to-the-state-comptroller-to-audit~~ and ~~said-claim-being~~  
17 ~~allowed-by-said-comptroller,-the-comptroller-is-directed-to~~  
18 issue a warrant on the treasurer of state in payment of such  
19 the costs.

20 Sec. 85. Section 455B.213, subsections 1 and 4, Code 1987,  
21 are amended to read as follows:

22 1. BY DIRECTOR. The director shall certify persons as to  
23 their qualifications to supervise the operation of ~~such~~  
24 treatment plants and water distribution systems after  
25 considering the recommendations of the ~~board-submitted-through~~  
26 the commission.

27 4. VIOLATION. An employee of the department who willfully  
28 communicates or seeks to communicate such information, and a  
29 person who willfully requests, obtains, or seeks to obtain  
30 such information, is guilty of a simple misdemeanor.

31 A member of the board commission who willfully communicates  
32 or seeks to communicate such information, and any person who  
33 willfully requests, obtains, or seeks to obtain such  
34 information, is guilty of a public offense which is punishable  
35 by a fine not exceeding one hundred dollars or by imprisonment.

1 in the county jail for not more than thirty days.

2 Sec. 86. Section 455B.277, unnumbered paragraph 2, Code  
3 1987, is amended to read as follows:

4 This section applies to drainage districts, soil  
5 conservation districts, the ~~state-conservation~~ natural  
6 resource commission, political subdivisions of the state, and  
7 private persons undertaking projects relating to flood  
8 control.

9 Sec. 87. Section 455B.484, subsection 2, Code Supplement  
10 1987, is amended to read as follows:

11 2. Seek, receive, and accept funds in the form of  
12 appropriations, grants, awards, wills, bequests, endowments,  
13 and gifts for deposit into the waste management authority  
14 trust fund to be used for programs relating to the duties of  
15 the ~~division~~ authority under this part.

16 Sec. 88. Section 467A.42, subsection 6, Code Supplement  
17 1987, is amended to read as follows:

18 6. "Conservation folder" means compiled information  
19 concerning the topography, soil composition, natural or  
20 artificial drainage characteristics, and other pertinent  
21 factors concerning a particular farm unit, which are is  
22 necessary to the preparation of a sound and equitable  
23 conservation agreement for that farm unit. The specific items  
24 to be contained in a conservation folder shall be prescribed  
25 by administrative rules of the department of ~~soil~~  
26 conservation. The department shall provide by rule that an  
27 updated farm plan prepared for a particular farm unit within  
28 ten years prior to the effective date of this subsection shall  
29 be considered an adequate replacement for the conservation  
30 folder for that farm unit.

31 Sec. 89. Section 467B.14, unnumbered paragraph 2, Code  
32 1987, is amended to read as follows:

33 The county auditor shall certify to the executive council  
34 of the state the amounts allocated to each school district in  
35 the previous year, on January 2 of the ~~following~~ each year.

1 ~~The executive council of the state shall deduct this amount~~  
2 ~~from any tax-free land reimbursement claim filed that year~~  
3 ~~under section 284.47, except that in no case shall the~~  
4 ~~deduction result in an amount less than the total of the tax~~  
5 ~~free land reimbursement plus any benefits payable to the~~  
6 ~~school district other than the amounts specified in this~~  
7 ~~paragraph. The remaining ten percent of any such a payment~~  
8 ~~received by the county treasurer from the federal government,~~  
9 ~~or so as much thereof as may be is deemed necessary by the~~  
10 ~~board of supervisors, shall be allocated to the local fire~~  
11 ~~departments of the unincorporated villages, townships, and~~  
12 ~~cities of the county which are principally affected by the~~  
13 ~~federal flood control project involved, to be paid and~~  
14 ~~prorated among them as determined by the board of supervisors.~~  
15 ~~If the funds prorated to local fire departments in any a~~  
16 ~~county are less than ten percent of the total county share of~~  
17 ~~such federal payments for any a year, the amount which exceeds~~  
18 ~~such the prorations shall revert back to and be divided~~  
19 ~~equally between the secondary road fund and the local school~~  
20 ~~district fund.~~

21 Sec. 90. Section 474.9, Code 1987, is amended to read as  
22 follows:

23 474.9 GENERAL JURISDICTION OF UTILITIES BOARD.

24 The utilities board ~~shall have~~ has general supervision of  
25 all pipelines and all lines for the transmission, sale, and  
26 distribution of electrical current for light, heat, and power  
27 pursuant to ~~the provisions of~~ chapters 476, 478, and 479 and  
28 543, and such has other duties as ~~may be~~ provided by law.

29 Sec. 91. Section 475A.4, subsection 1, paragraph d, Code  
30 1987, is amended by striking the paragraph.

31 Sec. 92. Section 476.51, Code 1987, is amended to read as  
32 follows:

33 476.51 CIVIL PENALTY.

34 A public utility which willfully violates a provision of  
35 this chapter, a rule adopted by the board, or a provision of

1 an order lawfully issued by the board, is subject to a civil  
2 penalty, which may be levied by the board, of not more than  
3 one hundred dollars per violation or one thousand dollars per  
4 day of a continuing violation, whichever is greater. Civil  
5 penalties collected pursuant to this section shall be  
6 forwarded by the executive secretary of the board to the  
7 treasurer of state to be credited to the energy research and  
8 development fund and to be used only for the low income home  
9 energy assistance program and the weatherization assistance  
10 program administered by the ~~energy-policy-council~~ division of  
11 community action agencies of the department of human rights.  
12 Penalties paid by a rate-regulated public utility pursuant to  
13 this section shall be excluded from the utility's costs when  
14 determining the utility's revenue requirement, and shall not  
15 be included either directly or indirectly in the utility's  
16 rates or charges to customers.

17 Sec. 93. Section 499.59, Code Supplement 1987, is amended  
18 to read as follows:

19 499.59 PERSONAL LIABILITY.

20 Except as otherwise provided in this chapter, a director,  
21 officer, employee, or member of the association is not liable  
22 on the association's debts or obligations, and a director,  
23 officer, member, or other volunteer is not personally liable  
24 in that capacity, for a claim based upon an act or omission of  
25 the person performed in the discharge of the person's duties,  
26 except for a breach of the duty of loyalty to the association,  
27 for acts or omissions not in good faith or which involve  
28 intentional misconduct or knowing violation of the law, or for  
29 a transaction from which the person derives an improper  
30 personal benefit.

31 Sec. 94. Section 507D.3, subsection 6, Code Supplement  
32 1987, is amended to read as follows:

33 6. An assistance program for the facilitation of insurance  
34 and financial responsibility coverage for owners and operators  
35 of underground storage tanks which store petroleum shall not

1 be affected by the ~~prohibitions~~ exceptions of subsections 2  
2 and 3.

3 Sec. 95. Section 534.102, subsection 32, Code 1987, is  
4 amended by striking the subsection.

5 Sec. 96. Section 535A.5, subsections 1 and 2, Code 1987,  
6 are amended to read as follows:

7 1. The superintendent of banking or the superintendent's  
8 designee shall ~~be responsible for enforcing these~~ enforce the  
9 sections in regard to ~~all~~ banks, persons licensed under  
10 chapter 536A, and mortgage banking companies.

11 2. The superintendent of savings and loan associations  
12 shall ~~be responsible for enforcing these~~ enforce the sections  
13 in regard to ~~all~~ savings and loan associations pursuant to  
14 chapter 534 ~~and all persons licensed under chapter 536A~~.

15 Sec. 97. Section 537.3603, subsection 5, Code Supplement  
16 1987, is amended to read as follows:

17 5. A lease which constitutes a consumer lease as defined  
18 in 12 C.F.R. ~~§226-2(a6)~~ 213.2(a6).

19 Sec. 98. Section 543.6, subsection 4, paragraph b, and  
20 subsection 5, paragraph b, Code Supplement 1987, are amended  
21 to read as follows:

22 b. The warehouse operator shall submit, as required by the  
23 department, a financial statement that is accompanied by an  
24 unqualified opinion based upon an audit performed by a  
25 certified public accountant licensed in this state. However,  
26 the department may accept a qualification in an opinion that  
27 is unavoidable by any audit procedure that is permitted under  
28 generally accepted accounting principles. An opinion that is  
29 qualified because of a limited audit procedure or because the  
30 scope of an audit is limited shall not be accepted by the  
31 department. The department shall not require that a warehouse  
32 operator submit more than one such unqualified opinion per  
33 year. The warehouse operator may elect, however, to submit a  
34 financial statement that is accompanied by the report of a  
35 certified public accountant licensed in this state that is

1 based upon a review performed by the certified public  
2 accountant in lieu of the audited financial statement  
3 specified in this paragraph, and if a warehouse operator makes  
4 this election the department shall cause the warehouse to be  
5 inspected not less than twice during each twelve-month period,  
6 but not more than five times in a twenty-four-month period  
7 without good cause, in the manner provided in section 543.2.  
8 In addition, the department shall cause a warehouse operator  
9 who makes this election to submit to the department, in a form  
10 and manner prescribed by the department, an interim financial  
11 statement no less than once in every three-calendar-month  
12 period. However, the department shall not require that a  
13 warehouse operator submit more than one such report of a  
14 certified public accountant per year that is based upon a  
15 review performed in lieu of the ~~certified~~ audited financial  
16 statement.

17 b. The warehouse operator shall submit, as required by the  
18 department, a financial statement that is accompanied by an  
19 unqualified opinion based upon an audit performed by a  
20 certified public accountant licensed in this state. However,  
21 the department may accept a qualification in an opinion that  
22 is unavoidable by any audit procedure that is permitted under  
23 generally accepted accounting principles. An opinion that is  
24 qualified because of a limited audit procedure or because the  
25 scope of an audit is limited shall not be accepted by the  
26 department. The department shall not require that a warehouse  
27 operator submit more than one such unqualified opinion per  
28 year. The warehouse operator may elect, however, to submit a  
29 financial statement that is accompanied by the report of a  
30 certified public accountant licensed in this state that is  
31 based upon a review performed by the certified public  
32 accountant in lieu of the audited financial statement  
33 specified in this paragraph, and if a warehouse operator makes  
34 this election the department shall cause the warehouse to be  
35 inspected not less than twice during each twelve-month period,



1 but not more than five times in a twenty-four-month period  
2 without good cause, in the manner provided in section 543.2.  
3 In addition, the department shall cause a warehouse operator  
4 who makes this election to submit to the department, in a form  
5 and manner prescribed by the department, an interim financial  
6 statement no less than once in every three-calendar-month  
7 period. However, the department shall not require that a  
8 warehouse operator submit more than one such report of a  
9 certified public accountant per year that is based upon a  
10 review performed in lieu of the qualified audited financial  
11 statement.

12 Sec. 99. Section 557B.6, unnumbered paragraph 1, Code  
13 Supplement 1987, is amended to read as follows:

14 The attorney general may by order deny, suspend, or revoke  
15 a membership camping operator's application or registration or  
16 impose a fine penalty of not more than five thousand dollars  
17 or a combination of suspension or revocation and fine penalty,  
18 if the attorney general finds that the order is for the  
19 protection of prospective purchasers or purchasers of  
20 membership camping contracts and that one of the following  
21 applies:

22 Sec. 100. Section 557B.6, unnumbered paragraph 2, Code  
23 Supplement 1987, is amended to read as follows:

24 An order denying, suspending, or revoking a registration or  
25 imposing a fine penalty shall be sent by certified mail,  
26 return receipt requested, to the applicant or registrant. The  
27 applicant or registrant has thirty calendar days from the date  
28 of mailing the order to request a hearing pursuant to chapter  
29 17A. If a hearing is not requested within thirty days and is  
30 not ordered by the attorney general, the order shall remain in  
31 effect until modified or vacated by the attorney general.  
32 However, if the attorney general finds that the public health,  
33 safety, or welfare imperatively requires emergency action, and  
34 incorporates a finding to that effect in the order, summary  
35 suspension of a membership camping operator's registration may

1 be ordered. If the membership camping operator desires to  
2 contest the summary order, the membership camping operator  
3 must request a hearing within fifteen calendar days of service  
4 of the summary order. If so requested, the hearing must be  
5 instituted within twenty calendar days of the request and the  
6 contest of the summary order must be promptly determined.

7 Sec. 101. Section 600.8, subsection 1, paragraph a,  
8 subparagraph (3), Code Supplement 1987, is amended to read as  
9 follows:

10 (3) Whether the prospective adoption petitioner has been  
11 convicted of a ~~violation~~ crime under a law of any state ~~of-a~~  
12 ~~crime~~ or has a record of founded child abuse.

13 Sec. 102. Section 602.8102, subsection 11, Code Supplement  
14 1987, is amended by striking the subsection.

15 Sec. 103. Section 602.8102, subsection 23, Code Supplement  
16 1987, is amended to read as follows:

17 23. Carry out duties relating to enforcing orders of the  
18 ~~occupational-safety-and-health-review-commission~~ employment  
19 appeal board as provided in section 88.9, subsection 2.

20 Sec. 104. Section 602.8102, subsection 45, unnumbered  
21 paragraph 1, Code Supplement 1987, is amended to read as  
22 follows:

23 Report monthly to the ~~office-for-planning-and-programming~~  
24 department of corrections the following information related to  
25 each district court conviction for, acquittal of, or dismissal  
26 of a felony, an aggravated misdemeanor, or a serious  
27 misdemeanor:

28 Sec. 105. Section 610.2, Code 1987, is amended to read as  
29 follows:

30 610.2 DIRECTIONS BY COURT.

31 When an application and supporting affidavit pursuant to  
32 this chapter ~~is~~ are filed with the court and approved by the  
33 court in a civil or criminal action, the court shall direct  
34 the appropriate officers of the court to issue and serve all  
35 necessary writs, process, and proceedings.

1 Sec. 106. Section 610.3, Code 1987, is amended to read as  
2 follows:

3 610.3 DEFERRAL OF COSTS.

4 When an application and supporting affidavit ~~is~~ are filed  
5 and approved by the court and a civil or criminal proceeding  
6 is instituted, the court shall order that all fees, costs, and  
7 security be deferred until final disposition of the  
8 proceeding.

9 Sec. 107. Section 622.10, unnumbered paragraph 2, Code  
10 1987, is amended to read as follows:

11 No qualified school guidance counselor, who has met the  
12 certification and approval accreditation standards of the  
13 department of education as provided in section ~~257-25~~ 256.11,  
14 subsection 9 10, who obtains information by reason of the  
15 counselor's employment as a qualified school guidance  
16 counselor shall be allowed, in giving testimony, to disclose  
17 any confidential communications properly entrusted to the  
18 counselor by a pupil or the pupil's parent or guardian in the  
19 counselor's capacity as a qualified school guidance counselor  
20 and necessary and proper to enable the counselor to perform  
21 the counselor's duties as a qualified school guidance  
22 counselor.

23 Sec. 108. Section 622B.1, subsection 2, Code 1987, is  
24 amended to read as follows:

25 2. The supreme court, after consultation with the Iowa  
26 department of ~~public-health~~ human rights, shall adopt rules  
27 governing the qualifications and compensation of interpreters  
28 appearing in a proceeding before a court, grand jury, or  
29 administrative agency under this chapter. However, an  
30 administrative agency which is subject to chapter 17A may  
31 adopt rules differing from those of the supreme court  
32 governing the qualifications and compensation of interpreters  
33 appearing in proceedings before that agency.

34 Sec. 109. Section 622B.4, Code 1987, is amended to read as  
35 follows:

1 622B.4 LIST.

2 The ~~service-program-for-the~~ division of deaf services of  
3 the ~~Iowa~~ department of ~~public-health~~ human rights shall  
4 prepare and continually update a listing of qualified and  
5 available interpreters. The courts and administrative  
6 agencies shall maintain a directory of qualified interpreters  
7 for hearing impaired persons as furnished by the ~~Iowa~~  
8 department of ~~public-health~~ human rights. The ~~service-program~~  
9 ~~for-the~~ division of deaf services shall maintain information  
10 on the qualifications of interpreters, which information is  
11 confidential except to a court, administrative agency, or  
12 interested parties to an action using the services of such an  
13 interpreter.

14 Sec. 110. Section 625.29, subsection 1, paragraph g, Code  
15 1987, is amended to read as follows:

16 g. The proceeding involved the ~~Iowa-merit-employment~~  
17 ~~commission~~ department of personnel under chapter 19A.

18 Sec. 111. Section 633.535, subsection 2, Code Supplement  
19 1987, is amended to read as follows:

20 2. A joint tenant who intentionally and unjustifiably  
21 causes or procures the death of another joint tenant ~~thereby~~  
22 ~~affecting~~ which affects their interests so that the share of  
23 the decedent passes as the decedent's property ~~and-the-person~~  
24 ~~causing-death~~ has no rights by survivorship. This provision  
25 applies to joint tenancies and tenancies by the entireties in  
26 real and personal property, joint and multiple-party accounts  
27 in banks, savings and loan associations, credit unions, and  
28 other institutions, and any other form of co-ownership with  
29 survivorship rights.

30 Sec. 112. Section 633.545, Code 1987, is amended to read  
31 as follows:

32 633.545 SALE -- PROCEEDS.

33 If within six months from the giving of notice, a claimant  
34 does not appear, the property may be sold and the proceeds  
35 paid over by the personal representative to the state

1 ~~comptroller~~ department of revenue and finance for the benefit  
2 of the permanent school fund.

3 Sec. 113. Section 692.19, subsection 6, Code 1987, is  
4 amended to read as follows:

5 6. May conduct ~~such~~ inquiries and investigations ~~as it the~~  
6 director finds appropriate to achieve the purposes of this  
7 chapter. Each criminal justice agency in this state and each  
8 state and local agency otherwise authorized access to criminal  
9 history data is authorized and directed to furnish to the  
10 director of public safety, upon the director's request, such  
11 statistical data, reports, and other information in its  
12 possession as the director deems necessary to ~~carry-out-its~~  
13 ~~functions-under~~ implement this chapter. However, ~~the director~~  
14 ~~of-public-safety, in-the-capacity-of-providing-oversight-of~~  
15 ~~confidential-records, shall-not-have-access-to-criminal~~  
16 ~~history-data-or-intelligence-data-unless-it-is-data-from-which~~  
17 ~~individual-identities-are-not-ascertainable-or-data-which-has~~  
18 ~~been-masked-so-that-individual-identities-are-not~~  
19 ~~ascertainable.--However, the director may examine data from~~  
20 ~~which-the-identity-of-an-individual-is-ascertainable-if~~  
21 ~~requested-in-writing-by-that-individual-or-the-individual's~~  
22 ~~attorney-with-written-authorization-and-fingerprint~~  
23 ~~identification.~~

24 Sec. 114. Section 715A.7, Code Supplement 1987, is amended  
25 to read as follows:

26 715A.7 FILING MULTIPLE COUNTS IN ONE INFORMATION,  
27 INDICTMENT, OR COMPLAINT.

28 A single information, indictment, or complaint charging  
29 ~~false-use-of-a-financial-instrument~~ a violation of a provision  
30 of this chapter may allege more than one such violation  
31 against a person. The multiple charges shall be set out in  
32 separate counts, and the accused person shall be acquitted or  
33 convicted upon each count by a separate verdict. A convicted  
34 person shall be sentenced upon each verdict of guilty. The  
35 court may consider separate verdicts of guilty returned at the

1 same time as one offense for the purpose of sentencing.

2 Sec. 115. Section 804.31, unnumbered paragraph 1, Code  
3 1987, is amended to read as follows:

4 When a person is detained for questioning or arrested for  
5 an alleged violation of a law or ordinance and there is reason  
6 to believe that the person is hearing impaired, the peace  
7 officer making the arrest or taking the person into custody or  
8 any other officer detaining the person shall determine if the  
9 person is a hearing impaired person as defined in section  
10 622B.1. If the officer so determines, the officer, at the  
11 earliest possible time and prior to commencing any custodial  
12 interrogation of the person, shall procure a qualified  
13 interpreter in accordance with section 622B.2 and the rules  
14 adopted by the supreme court under section 622B.1 unless the  
15 hearing impaired person knowingly, voluntarily, and  
16 intelligently waives the right to an interpreter in writing by  
17 executing a form prescribed by the Iowa department of public  
18 health human rights and the Iowa county attorneys association.  
19 The interpreter shall interpret the officer's warnings of  
20 constitutional rights and protections and all other warnings,  
21 statements, and questions spoken or written by any officer,  
22 attorney, or other person present and all statements and  
23 questions communicated in sign language by the hearing  
24 impaired person.

25 Sec. 116. Sections 80.28, 185.4, 185C.4, 351.15, and  
26 351.16, Code 1987, are repealed.

27 EXPLANATION

28 The following apparently nonsubstantive and noncontro-  
29 versial amendments, along with style changes, are included in  
30 this bill:

31 Section 2.49(5) is amended to substitute both the director  
32 of revenue and finance and the director of management for an  
33 outdated reference to the state comptroller. Other similar  
34 amendments, substituting one or the other director or  
35 department or both, are found in the amendments to sections

1 8.40, 8.42, 8.43, 8.44, 9.3, 12.26(2,3), 25.6, 76.2, 234.6,  
2 281.9(5), 312.2(8), 331.510, 422.70(3), 422.71(2), 427A.12,  
3 442A.5(1), 450.84, and 633.545.

4 Section 7C.7(1) is amended to change a "forty-day"  
5 reference to "forty-five day" to agree with subsection 2 of  
6 this section. (Private Activity Bond Allocation Act).

7 Section 8.34 is amended to provide for reversions at the  
8 end of the fiscal period for which an appropriation was made  
9 rather than at the end of the biennium.

10 Sections 10A.106(5) and 10A.701 change the gaming division  
11 to the racing and gaming division to be consistent with the  
12 changes made in 1986 in chapters 99B and 99D.

13 Section 15A.2 is amended to provide consistent language and  
14 fill in words apparently omitted in a drafting error.

15 Section 17.4 strikes the requirement for a report from the  
16 "inspector of passenger boats", a position no longer found in  
17 the statutes.

18 Section 17.10 substitutes the utilities board for the  
19 commerce commission in a report requirement.

20 Sections 28D.3(3), 103A.8, and 103A.8A are amended to  
21 substitute the energy and geological resources division of the  
22 department of natural resources for the former energy policy  
23 council.

24 Section 28G.6 is amended to substitute the department of  
25 natural resources for water, air and waste management and the  
26 environmental protection commission for the water, air and  
27 waste management commission in the chapter relating to  
28 intergovernmental solid waste services.

29 Section 39.22(1) and 39.22(2)(a) are amended to delete an  
30 initial three-year term which is inconsistent with biennial  
31 elections specified in subsection 2 of the section.

32 Section 99B.7(lp) is amended to provide a completing verb,  
33 "to serve", after the word "permits a person"; and also to  
34 substitute "licensee" for "person" in some cases, as there  
35 seemed too many "persons" for clarity.

1 Section 106.2(14A) is struck because a later definition of  
2 the same term, "manufacturer", was added as subsection 14  
3 without striking the existing definition.

4 Section 107.19 is amended to substitute the fish and  
5 wildlife division of the natural resources department, and the  
6 department itself, for references to the conservation  
7 commission.

8 Section 135D.25 is amended to correct grammar; the use of  
9 "both" and "or" together was not consistent.

10 Section 142B.1(3) is amended to strike from the second  
11 paragraph language already contained in the first paragraph.

12 Section 145.2 is amended to recognize that there are four  
13 voting members of the health data commission since addition of  
14 the director of elder affairs.

15 Section 147.14(7) is amended to add introductory language  
16 which was missing and to insert other words needed for better  
17 grammar and syntax.

18 Section 148D.2 is amended to remove a reference to the  
19 abolished family practice education advisory board.

20 Section 152.3(6) is amended to correct the reference to  
21 chapter 19A.

22 Sections 159.5(14) and 159.6(7,11,12) are struck because  
23 the inspection of food and food service establishments and  
24 hotels was changed from the department of agriculture to the  
25 department of inspections and appeals.

26 Section 159.6 is also amended to add the regulation of the  
27 grain depositors and sellers indemnity fund to the list of  
28 duties of the department of agriculture and land stewardship.

29 Sections amending 185.5, 185.7, 185.8, 185.15, 185C.5,  
30 185C.7, 185C.8, and 185C.15, along with the repeals of sec-  
31 tions 185.4 and 185C.4 delete references to the initial  
32 directors of the soybean promotion board and the corn pro-  
33 motion board. The sections were first codified in 1973 and  
34 1977.

35 Sections 217.5 and 217.7 establish uniform terminology for



1 the director and administrators in the department of human  
2 services. No changes were made for their department in the  
3 reorganization Act, and no changes were made editorially.  
4 Remaining changes, however, can be made editorially in the  
5 1989 Code.

6 In section 229.26, an internal reference to section 229.6A  
7 as an exception to the provisions of section 229.26 is  
8 deleted. The exception is unnecessary since a separate  
9 internal reference to section 229.6A is already included in  
10 the section.

11 In sections 232.2, 232.10, 232.28, 232.39, 232.102,  
12 232.118, and 232.141, the term "child" is substituted for  
13 "minor" and "juvenile". "Child" is the defined term in  
14 chapter 232, except for phrases such as "juvenile court" which  
15 are also defined, and except for the Interstate Compact on  
16 Juveniles. A definition of "juvenile" is inserted in section  
17 232.2 for purposes of the Compact or otherwise.

18 Section 232.8(1) is amended to add language intended to  
19 clarify its meaning.

20 Section 232.142(3) is struck because it is not needed since  
21 more detailed provisions on the same subject (area education  
22 agency supplies for children in institutions) have been  
23 enacted as sections 282.28--282.32. This deletion was  
24 recommended by the department of education and the drafter.

25 Sections 237.8(2) and 237A.5(2) are amended to delete  
26 redundant words and improve grammar and syntax.

27 Section 249D.12 is amended to provide that the terms of  
28 members of the commission of elder affairs begin and end as  
29 provided in section 69.19, rather than beginning July 1.

30 Section 258.11 is amended to delete a reference to the  
31 advisory "committee" on vocational education and insert a  
32 reference to the advisory "council" in section 258.7.

33 Section 258A.1(lw) is amended to strike the reference to  
34 the water treatment certification board which was repealed in  
35 1986.

1 Section 280.13A is amended to substitute "organization" for  
2 "board", for consistency with the terminology in the section.

3 Section 280C.8 is amended to substitute a reference to new  
4 section 302.1A, which provides for certain interest from the  
5 permanent school fund to go to the F.I.N.E. foundation, for  
6 repealed section 302.13, which similarly provided for interest  
7 on the permanent school fund to go to the area education  
8 agencies. Section 280C.8 then provides that notwithstanding  
9 new section 302.1A, along with some others, an appropriation  
10 is made from the permanent school fund to the area school job  
11 training fund.

12 Section 299.16 is amended to delete a reference to the  
13 school census, which is no longer required.

14 Section 321.180(1) is amended to rewrite a long, confusing  
15 sentence.

16 Section 322B.2(4), a definition of "mobile home shed", is  
17 struck. It needed grammatical correction, but the phrase is  
18 not used in the chapter so it was deleted.

19 Section 324.79 is amended to provide that marine fuel tax  
20 funds may be appropriated to the department of natural re-  
21 sources rather than to the state conservation commission, and  
22 that certain recreational boating activities are administered  
23 by the department rather than by the commission.

24 Section 327D.192 is amended to correct a reference to the  
25 administration of rail and water activities of the department  
26 of transportation.

27 Section 331.756(73) is struck because the chapter on  
28 escheat of abandoned and forfeited property no longer has  
29 duties for the county attorney.

30 Section 351.23, 351.24, and 351.34 are amended to delete  
31 requirements for assessors to register the ownership of dogs  
32 in connection with the assessment of personal property. Since  
33 January 1, 1986, personal property has not been assessed, as  
34 provided in section 427A.10, so the association of assessors  
35 suggests these amendments. Sections 351.15 and 351.16 are

1 repealed for the same reason.

2 Section 422.45(1) is amended to correct grammar.

3 Section 422.57(1) is amended to insert a consistent  
4 reference to mailing instead of registration and posting of a  
5 notice.

6 Section 427.1(36b) is amended to refer to the natural  
7 resource commission instead of the state conservation com-  
8 mission. A similar amendment is in section 455B.277.

9 Section 455B.213(1,4) are amended to delete references to  
10 the certification board which was terminated in reorgani-  
11 zation.

12 Section 455B.484(2) is amended to substitute "authority"  
13 for "division" which is not applicable here.

14 Section 467A.42(6) is amended to delete a reference to the  
15 department of soil conservation, leaving the reference to  
16 apply to the department of agriculture and land stewardship.

17 Section 467B.14 is amended to delete the reference to  
18 claims filed under section 284.4, which was repealed in 1973.

19 Section 474.9 is amended and section 475A.4(1d) is struck  
20 to remove references to the authority of the utilities board  
21 and the consumer advocate over agricultural product ware-  
22 housing which is now under the department of agriculture and  
23 land stewardship.

24 Section 476.51 is amended to reflect the transfer of energy  
25 assistance program administration from the energy policy  
26 council to the division of community action agencies of the  
27 department of human rights.

28 Section 499.59 is amended to add a word inadvertently  
29 omitted.

30 Section 507D.3(6) is amended to substitute "exceptions" for  
31 "prohibitions", to reflect the content of subsections 2 and 3  
32 which contain exceptions but no prohibitions.

33 Section 534.102(32) is amended to strike the surplus  
34 definition of "supervisor" of savings and loan associations.

35 Section 535A.5(1,2) are amended to indicate that licensing

1 of industrial loan companies is under the banking division,  
2 not the savings and loan division.

3 Section 537.3603 is amended to correct a citation. The  
4 attorney general's office has informed the Code editor that  
5 this citation needs to be corrected as shown.

6 Section 543.6(4b,5b) are amended to substitute the word  
7 "audited", as used in the rest of the paragraphs, for "cer-  
8 tified" and "qualified".

9 Section 557B.6 is amended to substitute "penalty" for  
10 "fine" in the references to a civil sanction.

11 Section 600.8(1a(3)) is amended to delete redundant lan-  
12 guage.

13 Section 602.8102(11,23,45) are amended to delete a  
14 reference to repealed section 3.15 relating to laws taking  
15 effect by publication, substitute a reference to the em-  
16 ployment appeal board for the repealed occupational safety and  
17 health review commission, and substitute the department of  
18 corrections for the repealed office for planning and program-  
19 ming.

20 Sections 610.2 and 610.3 are amended to make the sections  
21 conform to the rest of the chapter in providing that both a  
22 verified application and affidavit must be filed and they must  
23 be approved by the court before the court is directed to carry  
24 out subsequent steps in the deferral of fees, costs, and  
25 security from indigent defendants. This was approved by the  
26 supreme court.

27 Section 622.10 is amended to refer to the current term and  
28 section requiring "accreditation" rather than "approval"  
29 standards.

30 Section 622B.1 is amended to substitute the division of  
31 deaf services of the department of human rights for the de-  
32 partment of public health in assigning responsibility for  
33 court interpreters for hearing impaired persons. Sections  
34 622B.4 and 804.31 are similarly amended.

35 Section 625.29(1g) is amended to substitute the department

1 of personnel for the merit employment commission.

2 Section 633.535(2) is amended to make a complete sentence.

3 Section 692.19(6) is amended to strike language which  
4 appears to limit the access of the director of public safety  
5 to records for which the director is the custodian. The  
6 conflict developed when the confidential records council was  
7 eliminated in reorganization and "director" was substituted  
8 for "council". The department requested this correction.

9 Section 715A.7 is amended to substitute the language in the  
10 rest of the chapter since it was rewritten in 1987.

11 Section 80.28 is repealed since it applies only to a  
12 transfer of personnel which occurred in 1970. The repeals of  
13 sections 185.4 and 185C.4 are covered earlier in this  
14 explanation.

15 Sections 351.15 and 351.16 are repealed because they relate  
16 to registering of dogs by assessors.

17 SUCCESSOR TO SSB 2060 (LSB 7569SC)

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SENATE FILE 2171

AN ACT

MAKING NONSUBSTANTIVE, NONCONTROVERSIAL STATUTORY CORRECTIONS TO COMPLY WITH REORGANIZATION CHANGES, IMPROVE CLARITY, REMOVE CONFLICTS AND INCONSISTENCIES, CORRECT REFERENCES, AND CORRECT GRAMMAR AND SYNTAX.

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

Section 1. Section 2.49, subsection 5, Code 1987, is amended to read as follows:

5. Submit to each member of the general assembly quarterly a report of the current status of major state funds, a comparison of income with estimates used by the general assembly and other revenue and expenditure information which the legislative fiscal committee determines will be informative for members of the general assembly. The state comptroller department of revenue and finance and the department of management shall co-operate with the legislative fiscal bureau in the development of the report. The legislative fiscal committee shall approve the style and format of the report.

Sec. 2. Section 7C.7, subsection 1, Code Supplement 1987, is amended to read as follows:

1. If the bonds are issued and delivered for the purpose or project within the thirty-day period or the forty-day forty-five day extension period provided in subsection 2, the political subdivision or its representative shall within ten days following the issuance and delivery of the bonds or not

later than October 25 of that year, if the bonds were issued and delivered on or before that date, file with the governor's designee, in the form or manner the governor's designee may prescribe, a notification of the date of issuance and the delivery of the bonds, and the actual principal amount of bonds issued and delivered. The filing of the notification shall be done by actual delivery or by posting in a United States post office depository with correct first class postage paid. If the actual principal amount of bonds issued and delivered is less than the amount of the allocation, the amount of the allocation is automatically reduced to the actual principal amount of the bonds issued and delivered.

Sec. 3. Section 8.34, Code 1987, is amended to read as follows:

8.34 CHARGING OFF UNEXPENDED APPROPRIATIONS.

Except as otherwise provided by law, the director of the department of management shall transfer to the fund from which any an appropriation was made, any unexpended or unencumbered balance of such that appropriation remaining at the expiration of three months after the close of the biennial fiscal term for which the appropriation was made. At the time the transfer is made on the books of the department of management, the director shall certify such that fact to the treasurer of state, who shall make corresponding entries on the books of the treasurer's office.

Sec. 4. Section 8.40, Code 1987, is amended to read as follows:

8.40 PENALTY -- REMOVAL -- IMPEACHMENT.

A refusal to perform any of the requirements of this chapter, ~~and the~~ or a refusal to perform any a rule or requirement or request of the governor or the state comptroller director of the department of management made pursuant to ~~or under authority of~~ this chapter, by any a board member, commissioner, director, manager, building committee, or other officer or person connected with any institution, or

other state department or establishment as herein defined, shall subject subjects the offender to a penalty of two hundred fifty dollars, to be recovered in an action instituted in the district court of Polk county by the attorney general for the use of the state. If such the offender be is not an officer elected by vote of the people, such the offense shall be is sufficient cause for removal from office or dismissal from employment by the governor upon thirty days' notice in writing to such the offender; and, if such the offender be is an officer elected by vote of the people, such the offense shall be is sufficient cause to subject the offender to impeachment.

Sec. 5. Section 8.42, Code 1987, is amended to read as follows:

8.42 PAYROLL ACCRUAL ACCOUNT.

~~Beginning July 1, 1987, the state comptroller~~ The director of the department of management shall establish a payroll accrual account in the office of the state treasurer. In preparation of budgets for state departments, the state comptroller director shall compute an amount for each fiscal year sufficient to provide funds to meet the twenty-seventh biweekly payroll when it occurs and shall deposit the necessary amount each year in the payroll accrual account.

Sec. 6. Section 8.43, Code 1987, is amended to read as follows:

8.43 SALARY ADJUSTMENT FUND.

~~There is created a~~ "salary adjustment fund" is created, to be used to segregate funds appropriated by the general assembly ~~to be distributed for distribution~~ to various state departments to fund certain salary increases for designated state employees. Funds ~~monies~~ distributed from the salary adjustment fund shall be are subject to the approval of the governor and state comptroller director of the department of management.

Sec. 7. Section 8.44, Code 1987, is amended to read as follows:

8.44 REPORTING ADDITIONAL FUNDS RECEIVED.

Upon receiving federal funds or any other funds from any public or private sources except gifts or donations made to institutions for the personal use or for the benefit of members, patients, or inmates and receipts from the gift shop of merchandise manufactured by members, patients, or inmates, the state departments, agencies, boards, and institutions receiving such funds shall submit a written report within thirty days after receipt of such the funds to the state comptroller director of the department of management. The report shall state the source of the funds that supplement or replace state appropriations for institutional operations, the amount received, and the terms under which such the funds are received.

Sec. 8. Section 9.3, Code 1987, is amended to read as follows:

9.3 COMMISSIONS.

All commissions issued by the governor shall be countersigned by the secretary, who shall register each commission in a book to be kept for that purpose, specifying the office, name of officer, date of commission, and tenure of office, and forthwith forward to the state comptroller ~~a copy~~ directors of the departments of management and of revenue and finance copies of said the registration.

Sec. 9. Section 10A.106, subsection 5, Code Supplement 1987, is amended to read as follows:

5. Gaming Racing and gaming division.

Sec. 10. Section 10A.701, Code Supplement 1987, is amended to read as follows:

10A.701 GAMING RACING AND GAMING DIVISION.

The racing and gaming division shall combine and coordinate the supervision of pari-mutuel betting and the conducting of games of skill, games of chance, or raffles in the state. The

division shall enforce and implement chapters 99B and 99D. The division is headed by the administrator of racine and gaming who shall be appointed pursuant to section 99D.6. The state racing commission shall perform duties within the division as prescribed in chapter 99D.

Sec. 11. Section 12.26, subsections 2 and 3, Code 1987, are amended to read as follows:

2. The principal of and the interest on notes shall be are payable solely out of the taxes and revenues of the state for the fiscal year for which the notes are issued. The notes of each issue shall be dated, shall bear interest at the a rate or rates which may be variable according to a method approved by the treasurer of state, without regard to any limit contained in chapter 74A or any other law of this state, and shall mature at such a time or times not later than the end of the fiscal year, all as may be determined by the treasurer of state. The notes may be made redeemable before maturity, at the option of the treasurer of state, at the price and under the terms and conditions as provided by the treasurer of state. The treasurer of state shall determine the form of the notes and shall fix the denomination of the notes and the place of payment of principal and interest which may be at any bank within or without the state. The notes shall be executed by the manual or facsimile signatures of the treasurer of state, the director of management, and the state-comptroller director of revenue and finance. If any an official whose signature or a facsimile of whose signature appears on any notes ceases to hold office before the delivery of the notes, the signature or the facsimile is valid and sufficient for all purposes the same as if the official had remained in office until the delivery. All notes issued under this section have the qualities and incidents of negotiable instruments under the laws of this state and without regard to any other law. The notes shall be issued in registered form. The notes may be sold in the a manner, at public or private sale, as the treasurer of state may determine without regard to chapter 75.

3. Notes may be issued under this section without obtaining the consent of any officer or agency of this state, and without any other proceedings or conditions other than those proceedings and conditions which are specifically required by this section. The treasurer of state, or the director of management, and the state-comptroller-is director of revenue and finance are not liable personally on the notes or subject to any personal liability or accountability by reason of the issuance of the notes.

Sec. 12. Section 15A.2, Code Supplement 1987, is amended to read as follows:

#### 15A.2 CONFLICTS OF INTEREST.

If a member of the governing body of a city or county or an employee of a state, city, or county board, agency, commission, or other governmental entity of the state, city, or county has an interest, either direct or indirect, in a private person for which grants, loans, guarantees, or other financial assistance may be provided by such the governing board or governmental entity, the interest shall be disclosed to that governing body or governmental entity in writing. The member or employee having the interest shall not participate in the decision-making process with regard to the providing of such financial assistance to the private person.

Employment by a public body, its agencies, or institutions or by any other person having such an interest shall not be deemed an indicia of an interest by such the employee or of any ownership or control by such the employee of interests of the employee's employer.

The word "participate" or "participation" shall be deemed not to include discussion or debate preliminary to a vote of a local governing body or agency upon proposed ordinances or resolutions relating to such a project or any abstention from such a vote.

The designation of a bank or trust company as depository, paying agent, or agent for investment of funds shall not be deemed a matter of interest or personal interest.



Stock ownership in a corporation having such an interest shall not be deemed an indicia of an interest or of ownership or control by the person owning such the stocks when less than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by such that person.

The word-"action" phrase "decision-making process" shall not be deemed to include resolutions advisory to the local governing body or agency by any citizens group, board, body, or commission designated to serve a purely advisory approving or recommending function for economic development.

A violation of a provision of this section is misconduct in office under section 721.2. However, a decision of the governing board or governmental entity is not invalid because of the participation of the member or employee in the decision-making process or because of a vote cast by a member or employee in violation of this section unless the participation or vote was decisive in the awarding of the financial assistance.

Sec. 13. Section 17.4, subsection 7, Code 1987, is amended by striking the subsection.

Sec. 14. Section 17.10, Code 1987, is amended to read as follows:

17.10 COMMERCE-COMMISSION UTILITIES BOARD.

The annual report of the Iowa-state-commerce-commission utilities board shall, as to all statistical data, cover the year ending December 31 preceding the filing of the report, and the proceedings of the commission board to date of filing the report each year. Said The report shall be filed on or before December 1. The commission board shall determine the manner in which such the annual report shall be published.

Sec. 15. Section 25.6, Code 1987, is amended to read as follows:

25.6 CLAIMS BY STATE AGAINST MUNICIPALITIES.

The state appeal board ~~shall have power and authority to~~ may investigate and collect claims which the state ~~may have~~ has against municipal or political corporations in the state including counties, cities, townships, and school corporations. The board shall refer any such claim to the special assistant attorney general for claims, when ~~any such~~ the claim has not been promptly paid, and if the special assistant attorney general for claims is not able to collect the full amount of ~~said the~~ said claim, the special assistant attorney general shall fully investigate same and report to the state appeal board findings of fact and conclusions of law, together with any recommendation as to ~~said the~~ said claim. Thereafter the state appeal board may effect a compromise settlement with the debtor in such an amount and under such terms as the ~~said board may deem~~ said board deems just and equitable in view of the findings and conclusions reported to it. ~~In the event if~~ in the event if the state appeal board is unable to collect a claim in full or effect what it has determined to be a fair compromise, it shall deliver ~~same the~~ the claim to the attorney general for such action as the attorney general shall determine and the special assistant attorney general for claims is specifically charged with carrying out the directions of the attorney general with reference thereto ~~to~~ the claim. When ~~any a~~ a claim is compromised by the state appeal board, ~~it the~~ the board shall file ~~in the office of the~~ in the office of the comptroller ~~with the department of management and the~~ with the department of management and the department of revenue and finance a statement as to the settlement, together with a true copy of the agreement of settlement, and if in settlement an amount less than the face amount is accepted in full, the proper entries shall be made in the books of the comptroller, department of management, the department of revenue and finance, and the auditor of state showing the amount of the claim, the amount of the settlement, and the amount charged off.

Sec. 16. Section 28D.3, subsection 3, Code 1987, is amended to read as follows:

3. ~~Persons employed by the energy policy council and geological resources division of the department of natural resources under the provisions of chapter 28D shall~~ are not be subject to the twenty-four-month time limitation specified in subsection 2.

Sec. 17. Section 28G.6, Code 1987, is amended to read as follows:

**28G.6 ANNUAL REPORT.**

A legal entity created pursuant to chapter 28E and operating under this chapter shall report annually to the department of ~~water, air and waste management~~ natural resources. The report shall include information on permits, licenses or franchises granted by the legal entity, contracts entered into, and other information requested by the ~~water, air and waste management~~ environmental protection commission.

Sec. 18. Section 39.22, subsection 1, Code Supplement 1987, is amended to read as follows:

1. **BY APPOINTMENT.** The county board of supervisors may pass a resolution in favor of filling the offices of trustee and clerk within a township by appointment by the board, and may direct the county commissioner of elections to submit the question to the eligible voters of the township at the next general election. In a township which does not include a city, eligible voters shall consist of the voters of the entire township. In a township which includes a city, eligible voters are those voters who reside outside the corporate limits of a city. The resolution shall apply to all townships which have not approved a proposition to fill township offices by appointment. If the proposition to fill the township offices by appointment is approved by a majority of the eligible voters, the board shall fill the offices by appointment as the terms of office of the incumbent township officers expire.

**PARAGRAPH DIVIDED.** The election of the trustees and clerk of a township may be restored after approval of the appointment process under this subsection by a resolution of the board of supervisors submitting the question to the eligible voters of the township at the next general election. If the proposition to restore the election process is approved by a majority of the eligible voters, the election of the township officers shall commence with the next primary and general elections. A resolution submitting the question of restoring the election of township officers at the next general election shall be adopted by the board of supervisors upon petition of at least ten percent of the eligible voters of a township. The initial terms of the trustees shall be determined by lot, one for two years, ~~one for three years,~~ and one two for four years. However, if a proposition to change the method of selecting township officers is adopted by the electorate, a resolution to change the method shall not be submitted to the electorate for four years.

Sec. 19. Section 39.22, subsection 2, paragraph a, Code Supplement 1987, is amended to read as follows:

a. **TOWNSHIP TRUSTEES.** Township trustees shall be elected biennially to succeed those whose terms of office expire on the first day of January following the election which is not a Sunday or legal holiday. The term of office of each elected township trustee is four years, except as provided in subsection 1 for initial terms following restoration of the election process.

Sec. 20. Section 76.2, unnumbered paragraph 2, Code 1987, is amended to read as follows:

If the resolution is filed prior to April 1 the annual levy shall begin with the tax levy for collection commencing July 1 of that year. If the resolution is filed after April 1, the annual levy shall begin with the tax levy for collection in the next succeeding fiscal year. However, the governing authority of a political subdivision may adjust a levy of

taxes made under this section for the purpose of adjusting the annual levies and collections for property severed from the political subdivision, subject to the approval of the state comptroller director of the department of management.

Sec. 21. Section 99B.7, subsection 1, paragraph p, Code Supplement 1987, is amended to read as follows:

p. ~~The person or organization A licensee shall keep records of all persons who serve as manager or cashier, or who are responsible for carrying out duties with respect to a bingo account. Any person or organization which A licensee is subject to license revocation if it knowingly permits a person who to serve in one of these capacities if the person was a manager, cashier, or responsible for carrying out duties with respect to a bingo account for another organization licensee at the time of one or more violations leading to revocation of its the other licensee's license, and which if the license is currently under revocation shall be subject to license revocation still revoked at the time of the subsequent service.~~

Sec. 22. Section 103A.8, subsection 7, Code 1987, is amended to read as follows:

7. Limit the application of thermal efficiency standards for energy conservation to new construction which will incorporate a heating or cooling system. Air exchange fans designed to provide ventilation shall not be considered a cooling system. The commissioner shall exempt any new construction from thermal efficiency standards for energy conservation if the commissioner determines that the standards are unreasonable as they apply to a particular building or class of buildings including farm buildings for livestock use. Lighting efficiency standards shall recognize variations in lighting intensities required for the various tasks performed within the building. The commissioner shall consult with the energy-policy-council energy and geological resources division of the department of natural resources regarding standards for

energy conservation prior to the ~~pre-negotiation~~ adoption of the standards. However, the standards shall be consistent with the requirements of section 103A.8A.

Sec. 23. Section 103A.8A, Code 1987, is amended to read as follows:

**103A.8A MINIMUM ENERGY EFFICIENCY STANDARD.**

The state building code commissioner shall adopt as a part of the state building code a requirement that new single-family or two-family residential construction shall meet an established minimum energy efficiency standard. The standard shall be stated in terms of the home heating index developed by the physics department at Iowa state university of science and technology. The minimum standard shall be the average energy consumption of new single-family or two-family residential construction as determined by a survey conducted by the energy-policy-council energy and geological resources division of the department of natural resources of the average actual energy consumption, as expressed in terms of the home heating index. The minimum standard shall only apply to single-family or two-family residential construction commenced after the adoption of the standard.

Sec. 24. Section 106.2, subsection 14A, Code Supplement 1987, is amended by striking the subsection.

Sec. 25. Section 107.19, unnumbered paragraphs 1 and 2, Code 1987, are amended to read as follows:

All funds accruing to the fish and game protection fund, except an equitable portion of the administration fund, shall be expended solely in carrying on the activities embraced in the fish and wildlife division. Expenditures incurred by the commission division in carrying on the activities shall be only on authorization by the general assembly.

The commission department shall annually on or before September 1 of each year submit to the department of management for transmission to the general assembly a detailed estimate of the amount required by the department during the

succeeding year for carrying on the activities embraced in the fish and wildlife division. The estimate shall be in the same general form and detail as required by law in estimates submitted by other state departments.

Sec. 26. Section 135D.25, unnumbered paragraph 3, Code Supplement 1987, is amended to read as follows:

When a mobile home is removed from the county where delinquent taxes, both regular or special, are owing, or when it is administratively impractical to pursue tax collection through the remedies of this section, all taxes, both regular or and special, penalties, interest, and costs shall be abated by resolution of the county board of supervisors. The resolution shall direct the county treasurer to strike from the tax books the reference to that mobile home.

Sec. 27. Section 142B.1, subsection 3, Code Supplement 1987, is amended to read as follows:

3. The state plan shall designate those transplant procedures eligible for reimbursement under Title XIX. It is the policy of this state that Title XIX reimbursement shall be limited to nonexperimental human organ and tissue transplantation procedures and services as provided under Title XVIII of the federal Social Security Act. For the purposes of this section, "nonexperimental human organ and tissue transplantation procedures and services" shall be those so designated by Title XVIII of the federal Social Security Act, and heart transplants and services for patients so long as patient selection policies of the center satisfactorily address the elements of the most recent patient selection guidelines adopted by Title XVIII.

The commission shall adopt the state plan by January 1, 1988, at which time the department of human services shall adopt administrative rules pursuant to chapter 17A to implement the state plan. The Iowa department of public health shall adopt rules addressing organ donor protocols for hospitals. Until such-time-as-such rules are adopted, the

department of human services shall adopt emergency rules for reimbursements of transplant services under Title XIX for those procedures defined as nonexperimental under Title XVIII of the federal Social Security Act. ~~For the purposes of this section, "nonexperimental human organ and tissue transplantation procedure and services" shall be those so designated by Title XVIII of the federal Social Security Act, and heart transplants and services for patients so long as patient selection policies of the center satisfactorily address the elements of the most recent patient selection guidelines adopted by Title XVIII.~~

Sec. 28. Section 145.2, unnumbered paragraph 3, Code 1987, is amended to read as follows:

The commission shall meet at least once during each calendar quarter. Meeting dates shall be set by members of the commission or by call of the chairperson upon five days notice to the members. Action of the commission shall not be taken except upon the affirmative vote of a majority of the voting members of the commission. The three four voting members of the commission shall not receive a salary or per diem for being on the commission but shall receive reimbursement for necessary travel and expenses while engaged in commission business. Funds for reimbursement shall come from the moneys appropriated to the department of which the member is the head. The two legislative members of the commission are entitled to per diem and necessary travel and actual expenses as provided in section 2.10, subsection 6. The commission staff and chairperson of the corporation, association, or entity under agreement with the commission pursuant to section 145.3, subsection 1, shall not receive any salary, wages, or per diem for serving the commission and shall not receive reimbursement for commission travel and related expenses or for other commission expenses.

Sec. 29. Section 147.14, subsection 7, Code 1987, is amended to read as follows:

7. ~~Five for psychology examiners, five~~ members who are licensed to practice psychology and two members not licensed to practice psychology and who shall represent the general public. Of the five members who are licensed to practice psychology, one member shall be primarily engaged in graduate teaching in psychology, two members shall be persons who render services in psychology, one member representing shall represent areas of applied psychology who and may be affiliated with training institutions and who shall devote a major part of their the member's time in to rendering service in psychology, and one member shall be primarily engaged in research psychology. A majority of the members of the board ~~shall constitute~~ constitutes a quorum.

Sec. 30. Section 148D.2, Code 1987, is amended to read as follows:

148D.2 ESTABLISHMENT.

~~There is established a~~ A state-wide medical education system is established for the purpose of training resident physicians in family practice. The dean of the college of medicine ~~shall be~~ is responsible for implementing the development and expansion of residency programs in cooperation with the medical profession, hospitals, and clinics located throughout the state. The head of the department of family practice in the college of medicine ~~with the consent of the advisory board,~~ shall determine where affiliated residency programs shall be established, giving consideration to communities in the state where the population, hospital facilities, number of physicians and interest in medical education indicate the potential success of the residency programs. The medical education systems shall provide financial support for residents in training in accredited affiliated residency programs and shall establish positions for a director, assistant director, and other faculty in the programs. To assure continued growth, development, and academic essentials in ongoing programs, nonaffiliated

residency programs which are or hereafter become accredited by a recognized national accrediting organization, shall be funded under this chapter at a level commensurate with the support of the affiliated residency programs having a comparable number of residents in training or, if there be are no affiliated residency program programs having a comparable number of residents in training, then a nonaffiliated program shall be funded in an amount determined on a pro rata capitation basis for each resident in training, equivalent to the per capita funding for each resident in training in an affiliated program having the nearest number of residents in training. As used in the preceding sentence, "support" ~~shall mean~~ means both cash grants and the value of service directly provided to affiliated residency programs by the college of medicine.

Sec. 31. Section 152.3, subsection 6, Code 1987, is amended to read as follows:

6. To appoint such assistants to the director and persons ~~as may be necessary to administer the provisions of this Act.~~ Any appointments shall be merit appointments made pursuant to chapter ~~19~~ 19A.

Sec. 32. Section 159.5, subsection 14, Code Supplement 1987, is amended by striking the subsection.

Sec. 33. Section 159.6, subsections 7, 11, and 12, Code 1987, are amended by striking the subsections.

Sec. 34. Section 159.6, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 18. The grain depositors and sellers indemnity fund as set forth in chapter 543A.

Sec. 35. Section 185.5, Code 1987, is amended to read as follows:

185.5 ELECTION FOR DIRECTORS.

~~Notice of the initial election for directors of the board shall be given by the secretary by publication in a newspaper of general circulation in the state at least five days prior~~

~~to the date of the election and in any other reasonable manner as may be determined by the secretary. The notice shall set forth the period of time for voting, voting places, and such other information as the secretary may deem necessary.~~

Notice of subsequent elections for directors of the board in a district shall be given by the board by publication in a newspaper of general circulation in the district and in any other reasonable manner as may be determined by the board and shall set forth the period of time for voting, voting places, and such other information as the board may deem deems necessary.

Sec. 36. Section 185.7, unnumbered paragraph 2, Code 1987, is amended by striking the unnumbered paragraph.

Sec. 37. Section 185.8, Code 1987, is amended to read as follows:

#### 185.8 FUTURE ELECTIONS.

~~After election of the initial board, the~~ The board shall administer subsequent elections for directors of the board with the assistance of the secretary. Prior to the expiration of a director's term of office, the board shall appoint a nominating committee for the district represented by such that director. The nominating committee shall consist of five producers who are residents of the district from which a director must be elected. The nominating committee shall nominate two resident producers as candidates for each director position for which an election is to be held. Additional candidates may be nominated by a written petition of one hundred producers. Procedures governing the time and place of filing shall be promulgated adopted and publicized by the board.

Sec. 38. Section 185.15, Code 1987, is amended to read as follows:

#### 185.15 INITIAL MEETING TERM OF PROMOTIONAL ORDER.

~~The initial board shall meet and organize following the members' election, and the promotional order, including the~~

~~assessment, shall become effective sixty days following the date of the election of the board.~~ A promotional order shall be effective for four years from its effective date, and upon each four-year anniversary of its effective date shall be either extended or terminated as provided in this chapter.

Sec. 39. Section 185C.5, Code 1987, is amended to read as follows:

#### 185C.5 NOTICE OF ELECTION.

~~Notice of the initial election for directors of the board shall be given by the secretary by publication in a newspaper of general circulation in the state at least five days prior to the date of the election and in any other reasonable manner as may be determined by the secretary. The notice shall set forth the period of time for voting, voting places, and such other information as the secretary may deem necessary.~~

Notice of subsequent elections for directors of the board in a district shall be given by the board by publication in a newspaper of general circulation in the district and in any other reasonable manner as may be determined by the board and shall set forth the period of time for voting, voting places, and such other information as the board may deem deems necessary.

Sec. 40. Section 185C.7, unnumbered paragraph 2, Code 1987, is amended by striking the unnumbered paragraph.

Sec. 41. Section 185C.8, Code 1987, is amended to read as follows:

#### 185C.8 FUTURE ELECTIONS.

~~After election of the initial board, the~~ The board shall administer subsequent elections for directors of the board with the assistance of the secretary. Prior to the expiration of a director's term of office, the board shall appoint a nominating committee for the district represented by such that director. The nominating committee shall consist of five producers who are residents of the district from which a director must be elected. The nominating committee shall

nominate two resident producers as candidates for each director position for which an election is to be held. Additional candidates may be nominated by a written petition of twenty-five producers. Procedures governing the time and place of filing shall be promulgated ~~adopted~~ and publicized by the board.

Sec. 42. Section 185C.15, Code 1987, is amended to read as follows:

185C.15 ~~INITIAL MEETING~~ PROMOTIONAL ORDER.

~~The initial board shall meet and organize following the members' election, and the promotional order, including the assessment, shall become effective sixty days following the date of the election of the board.~~ A promotional order shall be effective for four years from its effective date.

Sec. 43. Section 217.5, Code 1987, is amended to read as follows:

217.5 ~~COMMISSIONER~~ DIRECTOR OF HUMAN SERVICES.

~~There shall be a commissioner of human services who shall be the~~ The chief administrative officer for the department of human services is the director of human services. The commissioner director shall be appointed by the governor subject to confirmation by the senate and shall serve at the pleasure of the governor. The governor shall fill a vacancy in this office in the same manner as the original appointment was made. ~~Such commissioner~~ The director shall be selected primarily for administrative ability.

The commissioner director shall not be selected on the basis of political affiliation and shall not engage in political activity while holding this position.

Sec. 44. Section 217.7, Code 1987, is amended to read as follows:

217.7 ~~DIRECTORS~~ ADMINISTRATORS OF DIVISIONS.

The commissioner director may appoint a director an administrator of each of the aforementioned divisions. Such ~~directors~~ The administrators shall be selected on the basis of

their particular professional qualifications, education, and background relative to the ~~intended~~ assigned responsibilities of their ~~division~~ divisions.

Sec. 45. Section 229.26, Code Supplement 1987, is amended to read as follows:

229.26 EXCLUSIVE PROCEDURE FOR INVOLUNTARY HOSPITALIZATION.

Sections 229.6 to ~~through~~ 229.19 constitute the exclusive procedure for involuntary hospitalization of persons by reason of serious mental impairment in this state, except that this chapter does not negate the provisions of section 246.503 relating to transfer of mentally ill prisoners to state hospitals for the mentally ill and does not apply to commitments of persons under chapter 812 or the rules of criminal procedure, Iowa court rules, 2d ed., or negate the provisions of section 232.51 relating to disposition of mentally ill or mentally retarded children ~~and section 229.6A relating to a juvenile court's jurisdiction over proceedings involving minors.~~

Sec. 46. Section 232.2, subsection 11, unnumbered paragraph 1, Code Supplement 1987, is amended to read as follows:

"Custodian" means a step-parent or a relative within the fourth degree of consanguinity to a minor child who has assumed responsibility for that child, a person who has accepted a release of custody pursuant to division IV, or a person appointed by a court or juvenile court having jurisdiction over a child. The rights and duties of a custodian with respect to a child shall be as ~~are~~ as follows:

Sec. 47. Section 232.2, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 26A. "Juvenile" means the same as "child". However, in the interstate compact on juveniles, sections 232.171 and 232.172, "juvenile" means a person defined as a juvenile in the law of a state which is a party to the compact.

Sec. 48. Section 232.8, subsection 1, unnumbered paragraph 3, Code Supplement 1987, is amended to read as follows:

Violations by a child of provisions of chapter 106, 106A, 109, 109A, 110, 110A, 110B, 111, 321, or 321G which would be simple misdemeanors if committed by an adult, and violations by a child of county or municipal curfew or traffic ordinances, and violations by a child of the provisions of section 123.47, are excluded from the jurisdiction of the juvenile court and shall be prosecuted as simple misdemeanors as provided by law. The court may advise appropriate juvenile authorities and may refer violations of section 123.47 to the juvenile court when there is reason to believe the child regularly abuses alcohol and may be in need of treatment. The court shall notify the parents or legal guardians of a child who appears before it for a violation of section 123.47. A child convicted of a violation excluded from the jurisdiction of the juvenile court under this unnumbered paragraph shall be sentenced pursuant to section 903.1, subsection 3.

Sec. 49. Section 232.10, subsection 2, paragraphs a and b, Code 1987, are amended to read as follows:

a. When it appears that the best interests of the minor child or society or the convenience of the parties will be served by a transfer, the court may transfer the case to the court of the county of the child's residence.

b. With the consent of the receiving court, the court may transfer the case to the court of the county where the minor child is found.

Sec. 50. Section 232.28, subsection 9, Code 1987, is amended to read as follows:

9. If the intake officer determines that the complaint is legally sufficient for the filing of a petition and that the filing of a petition is in the best interests of the juvenile child and the public, the officer shall request the county attorney to file a petition in accordance with section 232.35.

Sec. 51. Section 232.39, Code 1987, is amended to read as follows:

232.39 EXCLUSION OF PUBLIC FROM HEARINGS.

At any time during the proceedings, the court, on the motion of any of the parties or upon the court's own motion, may exclude the public from hearings under this division if the court determines that the possibility of damage or harm to the juvenile child outweighs the public's interest in having an open hearing. Upon closing the hearing to the public, the court may admit those persons who have direct interest in the case or in the work of the court.

Sec. 52. Section 232.102, subsection 2, Code Supplement 1987, is amended to read as follows:

2. After a dispositional hearing and upon the request of the department, the court may enter an order appointing the department as the guardian of an unaccompanied refugee minor child or of a child without parent or guardian.

Sec. 53. Section 232.118, subsection 2, Code 1987, is amended to read as follows:

2. Any-minor A child fourteen years of age or older who has not been adopted but who is placed in a satisfactory foster home may, with the consent of the foster parents, join with the guardian appointed by the court in an application to the court to remove the existing guardian and appoint the foster parents as guardians of the child.

Sec. 54. Section 232.141, subsections 3, 5, and 6, Code Supplement 1987, are amended to read as follows:

3. If legal custody of a minor child is transferred by the court, if the minor a child is placed by the court with someone other than the parents, if a minor child is given a physical or mental examinations examination or treatment under order of the court, or if a minor child is given a physical or mental examination or treatment with the consent of the parent, guardian, or legal custodian relating to a child abuse investigation, and no provision is otherwise made by law for



payment for the care, examination, or treatment of the minor child, the costs shall be charged upon the funds of the county identified pursuant to subsection 4.

5. For court-ordered care, examination, and treatment authorized by this section, except where the parent-child relationship is terminated, the court may inquire into the ability of the parents to support the minor child and, after giving the parents a reasonable opportunity to be heard, may order the parents to pay in the manner and to whom the court may direct, such sums as will cover in whole or in part the cost of care, examination, or treatment of the minor child. An order entered under this section shall not obligate a parent paying child support under a custody decree, except that any part of such a monthly support payment may be used to satisfy the obligations imposed by an order entered under this section. If the parents fail to pay the sum without good reason, the parents may be proceeded against for contempt or the court may inform the county attorney who shall proceed against the parents to collect the unpaid sums or both remedies may be sought. Any such sums ordered by the court shall be a judgment against each of the parents and a lien as provided in section 624.23. If all or any part of the sums that the parents are ordered to pay is subsequently paid by the county, the judgment and lien shall be against each of the parents in favor of the county to the extent of the county's payments.

6. Upon the issuance of a court order for the care, examination, or treatment of a minor child, the court shall furnish a copy of the court order to all providers of the care, examination, or treatment.

Sec. 55. Section 232.142, subsection 3, Code 1987, is amended by striking the subsection.

Sec. 56. Section 234.6, subsection 3, Code 1987, is amended to read as follows:

3. With the approval of the commissioner of human services, the governor, and comptroller the director of management, and the director of revenue and finance, set up from the funds under the director's administrator's control and management an administrative fund and from said the administrative fund to pay the expenses of operating the state division.

Sec. 57. Section 237.8, subsection 2, Code Supplement 1987, is amended to read as follows:

2. A person who has been convicted of a violation crime under a law of any state ~~of-a-crime~~ or a person with a record of founded child abuse shall not be licensed, be employed by a licensee, or reside in a licensed home unless an evaluation of the crime or founded abuse has been made by the department of human services which concludes that the crime or founded abuse does not merit prohibition of employment or licensure. In its evaluation, the department shall consider the nature and seriousness of the crime or founded abuse in relation to the position sought, the time elapsed since the commission of the crime or founded abuse, the circumstances under which the crime or founded abuse was committed, the degree of rehabilitation, and the number of crimes or founded abuse abuses committed by the person involved.

Sec. 58. Section 237A.5, subsection 2, Code Supplement 1987, is amended to read as follows:

2. A person who has been convicted of a violation crime under a law of any state ~~of-a-crime~~ or a person with a record of founded child abuse shall not own or operate or be employed as a staff member, with direct responsibility for child care, of a child day care facility, as defined in section 237A.1, subsection 10, and shall not live in a child day care facility unless an evaluation of the crime or founded abuse has been made by the department of human services which concludes that the crime or founded abuse does not merit prohibition of employment licensure, or registration. In its evaluation, the

department shall consider the nature and seriousness of the crime or founded abuse in relation to the position sought, the time elapsed since the commission of the crime or founded abuse, the circumstances under which the crime or founded abuse was committed, the degree of rehabilitation, and the number of crimes or founded abuse abuses committed by the person involved.

Sec. 59. Section 249D.12, Code 1987, is amended to read as follows:

249D.12 TERMS.

All members of the commission shall be appointed for terms of four years, with staggered expiration dates. The terms of office shall commence on-the-first-day-of-July and end as provided by section 69.19. Any A vacancy on the commission shall be filled for the unexpired term of the vacancy in the same manner as the original appointment was made. If a legislative member ceases to be a member of the general assembly the legislative member may continue to serve until a successor is appointed.

Sec. 60. Section 258.11, Code 1987, is amended to read as follows:

258.11 SALARY AND EXPENSES FOR ADMINISTRATION.

The director may make expenditures for salaries of assistants, actual expenses of the board and the director and the state advisory-committee council incurred in the discharge of their duties, and other expenses as necessary to the proper administration of this chapter.

Sec. 61. Section 258A.1, subsection 1, paragraph w, Code Supplement 1987, is amended to read as follows:

w. The board-of-certification-created-pursuant-to-chapter 455B director of the department of natural resources in certifying water treatment operators as provided in sections 455B.211 through 455B.224.

Sec. 62. Section 280.13A, unnumbered paragraph 1, Code Supplement 1987, is amended to read as follows:

If a school district does not provide an interscholastic activity for its students, the board of directors of that school district may complete an agreement with another school district to provide for the eligibility of its students in interscholastic activities provided by that other school district. A copy of each agreement completed under this section shall be filed with the appropriate organization as organization is defined in section 280.13 not later than April 30 of the school year preceding the school year in which the agreement takes effect, unless an exception is granted by the organization for good cause. An agreement completed under this section shall be deemed approved unless denied by the governing organization within ten days after its receipt. A governing organization shall determine whether an agreement would substantially prejudice the interscholastic activities of other schools. An agreement denied by a governing board organization under this section may be appealed to the state board of education under chapter 290.

Sec. 63. Section 280C.8, Code 1987, is amended to read as follows:

280C.8 APPROPRIATIONS.

Notwithstanding sections 8.6, 292.1, 302.1 and ~~302.13~~ 302.1A, there is appropriated from the permanent school fund, for the fiscal period beginning July 1, 1985, and ending June 30, 1988, the sum of one million dollars to provide funds for the purposes of and deposits in the area school job training fund created in section 280C.6. The money appropriated under this section is a loan from the permanent school fund to the area school job training fund. The interest on the loan shall be prepaid for the period of the loan from funds appropriated by this section. The rate of interest shall be determined by the treasurer of state. Notwithstanding section 8.33, moneys remaining of the appropriations made under this section on June 30, 1986, and June 30, 1987, shall not revert to the permanent school fund but remain in the area school job

training fund. All moneys in the area school job training fund on June 30, 1988, and each fiscal year thereafter shall revert to the permanent school fund. Moneys to repay the amount of the loan from the permanent school fund shall be paid from funds to be credited to the "Surplus" account of the Iowa plan fund for economic development created in section 99E.31.

Sec. 64. Section 281.9, subsection 5, Code 1987, is amended to read as follows:

5. The division of special education shall audit the reports required in section 273.5 to determine that all children in the area who have been identified as requiring special education have received the appropriate special education instructional and support services, and to verify the proper identification of pupils in the area who will require special education instructional services during the school year in which the report is filed. The division shall certify to the state-comptroller director of the department of management the correct total enrollment of each school district in the state, determined by applying the appropriate pupil weighting index to each child requiring special education, as certified by the directors of special education in each area.

Sec. 65. Section 299.16, Code 1987, is amended to read as follows:

299.16 CENSUS-BY-SCHOOL-OPERATOR FAILURE TO ATTEND.

All-school ~~School~~ officers ~~empowered to take the school~~ census shall ascertain the number of children over seven and under sixteen years of age, in their respective districts, the number of such children who do not attend school, and so far as possible the cause of the failure to attend.

Sec. 66. Section 312.2, subsection 8, Code Supplement 1987, is amended to read as follows:

8. The treasurer of state, before making any allotments to counties under this section, shall reduce the allotment to any

a county for the secondary road fund by ~~an~~ the amount by which the total funds that the county transferred or provided during the prior fiscal year under section 331.429, subsection 1, paragraphs "a," "b," "d," and "e", are less than seventy-five percent of the maximum funds that the county could have transferred in the prior fiscal year under section 331.429, subsection 1, paragraphs "a" and "b". Funds remaining in the secondary road fund of the counties due to a reduction of allocations to counties for failure to maintain a minimum local tax effort shall be reallocated to counties that are not reduced under this subsection pursuant to the allocation provisions of section 312.3, subsection 1, based upon the needs and area of the county. Information necessary to make allocations under this subsection shall be provided by the state department of transportation or the state-comptroller director of the department of management upon request by the treasurer of state.

Sec. 67. Section 321.180, subsection 1, Code 1987, is amended to read as follows:

1. Any A person who is at least fourteen years of age and who, except for the person's lack of instructions in operating a motor vehicle, would otherwise be qualified to obtain an operator's license, shall, upon meeting the requirements of section 321.186 other than driving demonstration, and upon paying the required fee, be issued a temporary instruction permit by the department, ~~entitling~~ Subject to the limitations in this subsection, a temporary instruction permit entitles the permittee, while having such the permit in the permittee's immediate possession, to drive a motor vehicle upon the highways for a period of two years from the date of issuance when. The permittee must be accompanied by a licensed operator or chauffeur who is at least eighteen years of age, or who is an approved driver education instructor, or who is a prospective driver education instructor who is enrolled in and has been specifically designated by a teacher

education institution with a safety education program approved by the department of education, and who is actually occupying a seat beside the driver; ~~except that any~~ the temporary instruction permit issued to a person who is less than sixteen years of age shall entitle such ~~entitles~~ the permittee to drive a motor vehicle upon the highways only when accompanied by a licensed operator or chauffeur who is the parent or guardian of the permittee, or an approved driver education instructor, or a prospective driver education instructor, who is enrolled in and has been specifically designated by a teacher education institution with a safety education program approved by the department of education, or by any a person who is twenty-five years of age or more if written permission is granted by the parent or guardian, who is a holder of a valid operator's or a chauffeur's license, and who is actually occupying a seat beside the driver.

If the permit-holder permittee is driving a motorcycle, the qualified operator must be within audible and visual communications distance from the permit-holder permittee and is be accompanying the permit-holder permittee on or in a different motor vehicle. ~~However, only~~ Only one permit holder shall be under the immediate supervision of an accompanying qualified operator, unless the qualified operator is an approved motorcycle or driver education instructor or a prospective driver or motorcycle or driver education instructor, and the permit-holder permittee is enrolled in an approved motorcycle or driver education course, in which case no more than three students shall be under the immediate supervision of each instructor while on the highway.

Sec. 68. Section 322B.2, subsection 4, Code 1987, is amended by striking the subsection.

Sec. 69. Section 324.79, unnumbered paragraph 2, Code 1987, is amended to read as follows:

A separate fund is hereby created and designated as the "marine fuel tax fund". All moneys derived from the excise

tax on the sale of motor fuel used in watercraft shall be deposited in the marine fuel tax fund. Moneys in such the fund shall be are subject to appropriation by the general assembly to the ~~state conservation commission~~ department of natural resources for use in its recreational boating program, which may include but shall is not be limited to:

Sec. 70. Section 324.79, subsection 4, Code 1987, is amended to read as follows:

4. Administration, operation, and maintenance of the recreation recreational boating division activities of the ~~conservation commission~~ department of natural resources.

Sec. 71. Section 327D.192, Code 1987, is amended to read as follows:

327D.192 SPOT CHECKS FOR HAZARDOUS CARGO.

An employee of ~~the railroad division of the department under the supervision of the department's administrator for rail and water~~ designated by the director of the department may conduct spot inspections of vehicles subject to registration which are owned or operated by a railroad corporation to determine whether the a vehicle is used to transport products or property which may be a safety hazard for the operator of the vehicle subject to registration or any other employee of the railroad corporation who is transported in the vehicle.

Sec. 72. Section 331.510, subsections 3 and 4, Code 1987, are amended to read as follows:

3. An annual report not later than January 1 to the state comptroller department of management of the valuation by class of property for each taxing district in the county on forms provided by the ~~state comptroller department of management~~. The valuations reported shall be those valuations used for determining the levy rates necessary to fund the budgets of the taxing districts for the following fiscal year.

4. An annual report not later than January 1 to the governing body of each taxing district in the county of the

assessed valuations of taxable property in the taxing district as reported to the state comptroller department of management.

Sec. 73. Section 331.756, subsection 73, Code Supplement 1987, is amended by striking the subsection.

Sec. 74. Section 351.23, Code 1987, is amended to read as follows:

351.23 FORMS.

All forms for blanks and tags, including proper columns in the assessors' books in which to note the ownership of dogs, shall be prepared by the auditor. All such blanks and tags shall be and furnished by the county.

Sec. 75. Section 351.24, Code 1987, is amended to read as follows:

351.24 VACCINATION OF DOGS --- MUNICIPAL LICENSE.

Dogs kept in kennels and not allowed to run at large shall be taxed as personal property. Dogs licensed as herein provided shall not be so taxed. Cities may license dogs in addition to the license herein required in this chapter.

Sec. 76. Section 351.34, Code 1987, is amended to read as follows:

351.34 CONDITION FOR LICENSE.

Before a license is issued for any dog, the owner must present evidence with the application required by section 351.3 that the dog has been vaccinated against rabies, or if the dog license fee is paid to the assessor, as permitted in section 351.16, such evidence must be presented to the assessor. Such The evidence shall be a certificate of vaccination signed by a licensed veterinarian, and the certificate shall show that the vaccination does not expire within six months from the effective date of the dog license.

Sec. 77. Section 422.45, subsection 1, Code Supplement 1987, is amended to read as follows:

1. The gross receipts from sales of tangible personal property and services rendered, furnished, or performed, which this state is prohibited from taxing under the Constitution or

laws of the United States or under the Constitution of this state.

Sec. 78. Section 422.57, subsection 1, Code 1987, is amended to read as follows:

1. A notice authorized or required under this division may be given by mailing the notice to the person for whom it is intended, addressed to that person at the address given in the last return filed by the person pursuant to this division, or if no return has been filed, then to any address obtainable. The mailing of the notice is presumptive evidence of the receipt of the notice by the person to whom addressed. Any period of time which is determined according to this division by the giving of notice commences to run from the date of registration and posting mailing of the notice.

Sec. 79. Section 422.70, subsection 3, Code 1987, is amended to read as follows:

3. The fees and mileage to be paid witnesses and taxed charged as costs shall be the same as prescribed by law in proceedings in the district court of this state in civil cases. All costs shall be taxed charged in the manner provided by law in proceedings in civil cases. Where If the costs are taxed charged to the taxpayer they shall be added to the taxes assessed against said the taxpayer and shall be collected in the same manner. Costs taxed charged to the state shall be certified by the director to the state comptroller who shall issue warrant warrants on the state treasurer for the amount of said the costs, to be paid out of the proceeds of the taxes collected under this chapter.

Sec. 80. Section 422.71, subsection 2, Code 1987, is amended to read as follows:

2. The salaries of all assistants, agents, and employees shall be fixed by the director in a budget to be submitted to the comptroller department of management and approved by the legislature.

Sec. 81. Section 427.1, subsection 36, paragraph b, Code Supplement 1987, is amended to read as follows:

b. "Open prairies" includes hillsides and gully areas which have a permanent grass cover but does not include native prairies meeting the criteria of the state-conservation natural resource commission.

Sec. 82. Section 427A.12, subsections 4 and 5, Code 1987, are amended to read as follows:

4. The personal property tax replacement base for each taxing district ~~shall be~~ is permanent and shall not be adjusted, except that the ~~state-comptroller~~ department of management shall make any necessary corrections and shall make appropriate adjustments to reflect mergers, annexations, and other changes in taxing districts or their boundaries.

5. For each state fiscal year ending with or before the year in which the ninth increase in the additional personal property tax credit under this division becomes effective, each taxing district shall be reimbursed from the personal property tax replacement fund in an amount equal to its personal property tax replacement base multiplied by a fraction the numerator of which is the total assessed value of all personal property, excluding livestock, in the taxing district, on which taxes are not payable during such the fiscal year because of the various tax credits granted by this chapter, and the denominator of which is the total assessed value of all personal property in the taxing district, excluding livestock but including other personal property eligible for tax credits granted by this chapter. For the half year beginning January 1, 1974, and ending June 30, 1974, the amount of reimbursement shall be half the amount determined pursuant to this subsection. The county auditor shall certify and forward to the director of the department of management and the director of revenue and finance, at the times and in the form directed by the director of revenue and finance the department of management, any information needed

for the purposes of this subsection. The director of revenue and finance ~~the department of management~~ shall make any necessary corrections and certify the appropriate information to the director of management revenue and finance.

Sec. 83. Section 442A.5, subsection 1, Code 1987, is amended to read as follows:

1. The powers of the authority are vested in and exercised by a board consisting of five members, including the treasurer of state, the ~~commissioner~~ director of public instruction ~~the department of education~~, and the ~~state-comptroller~~ director of the department of management, and two members appointed by the governor, subject to confirmation by the senate. The state officials may designate representatives to serve on the board for them. As far as possible, the governor shall appoint members who are knowledgeable or experienced in the school systems of this state or in finance.

Sec. 84. Section 450.84, Code 1987, is amended to read as follows:

450.84 COSTS CHARGED AGAINST ESTATE -- EXCEPTIONS.

~~In all cases where~~ If an estate or interest therein so in an estate passes so as to be liable to taxation under this chapter, all costs of the proceedings had for the assessment of such the tax shall be are chargeable to such the estate as other costs in probate proceedings and, to discharge the lien, all costs as well as the taxes must be paid. In all other cases the costs are to be paid as ordered by the court. When a decision adverse to the state has been rendered, with an order that the state pay the costs, ~~it shall be the duty of~~ the clerk of the court in which such the action was pending to shall certify the amount of such the costs to the director of revenue and finance, who shall, if ~~said the~~ said the costs be are correctly certified and the case has been finally terminated and the tax, if any is due, has been paid, present audit the claim ~~to the state-comptroller to audit and said claim being allowed by said comptroller; the comptroller is directed to~~

issue a warrant on the treasurer of state in payment of such the costs.

Sec. 85. Section 455B.21J, subsections 1 and 4, Code 1987, are amended to read as follows:

1. BY DIRECTOR. The director shall certify persons as to their qualifications to supervise the operation of such treatment plants and water distribution systems after considering the recommendations of the board-submitted-through the commission.

4. VIOLATION. An employee of the department who willfully communicates or seeks to communicate such information, and a person who willfully requests, obtains, or seeks to obtain such information, is guilty of a simple misdemeanor.

A member of the board commission who willfully communicates or seeks to communicate such information, and any person who willfully requests, obtains, or seeks to obtain such information, is guilty of a public offense which is punishable by a fine not exceeding one hundred dollars or by imprisonment in the county jail for not more than thirty days.

Sec. 86. Section 455B.277, unnumbered paragraph 2, Code 1987, is amended to read as follows:

This section applies to drainage districts, soil conservation districts, the state-conservation natural resource commission, political subdivisions of the state, and private persons undertaking projects relating to flood control.

Sec. 87. Section 455B.484, subsection 2, Code Supplement 1987, is amended to read as follows:

2. Seek, receive, and accept funds in the form of appropriations, grants, awards, wills, bequests, endowments, and gifts for deposit into the waste management authority trust fund to be used for programs relating to the duties of the division authority under this part.

Sec. 88. Section 467A.42, subsection 6, Code Supplement 1987, is amended to read as follows:

6. "Conservation folder" means compiled information concerning the topography, soil composition, natural or artificial drainage characteristics, and other pertinent factors concerning a particular farm unit, which are is necessary to the preparation of a sound and equitable conservation agreement for that farm unit. The specific items to be contained in a conservation folder shall be prescribed by administrative rules of the department of ~~soil~~ conservation. The department shall provide by rule that an updated farm plan prepared for a particular farm unit within ten years prior to the effective date of this subsection shall be considered an adequate replacement for the conservation folder for that farm unit.

Sec. 89. Section 467B.14, unnumbered paragraph 2, Code 1987, is amended to read as follows:

The county auditor shall certify to the executive council of the state the amounts allocated to each school district in the previous year, on January 2 of the following each year. ~~The executive council of the state shall deduct this amount from any tax-free-land-reimbursement-claim-filed-that-year under section-284-4; except that in no case shall the deduction result in an amount less than the total of the tax free-land-reimbursement-plus-any-benefits-payable-to-the school-district-other-than-the-amounts-specified-in-this paragraph:~~ The remaining ten percent of any such a payment received by the county treasurer from the federal government, or so as much thereof as may be is deemed necessary by the board of supervisors, shall be allocated to the local fire departments of the unincorporated villages, townships, and cities of the county which are principally affected by the federal flood control project involved, to be paid and prorated among them as determined by the board of supervisors. If the funds prorated to local fire departments in any a county are less than ten percent of the total county share of such federal payments for any a year, the amount which exceeds:

such the prorations shall revert back to and be divided equally between the secondary road fund and the local school district fund.

Sec. 90. Section 474.9, Code 1987, is amended to read as follows:

474.9 GENERAL JURISDICTION OF UTILITIES BOARD.

The utilities board shall have has general supervision of all pipelines and all lines for the transmission, sale, and distribution of electrical current for light, heat, and power pursuant to the provisions of chapters 476, 478, and 479 and 543, and such has other duties as may be provided by law.

Sec. 91. Section 475A.4, subsection 1, paragraph d, Code 1987, is amended by striking the paragraph.

Sec. 92. Section 476.51, Code 1987, is amended to read as follows:

476.51 CIVIL PENALTY.

A public utility which willfully violates a provision of this chapter, a rule adopted by the board, or a provision of an order lawfully issued by the board, is subject to a civil penalty, which may be levied by the board, of not more than one hundred dollars per violation or one thousand dollars per day of a continuing violation, whichever is greater. Civil penalties collected pursuant to this section shall be forwarded by the executive secretary of the board to the treasurer of state to be credited to the energy research and development fund and to be used only for the low income home energy assistance program and the weatherization assistance program administered by the energy-policy-council division of community action agencies of the department of human rights. Penalties paid by a rate-regulated public utility pursuant to this section shall be excluded from the utility's costs when determining the utility's revenue requirement, and shall not be included either directly or indirectly in the utility's rates or charges to customers.

Sec. 93. Section 499.59, Code Supplement 1987, is amended to read as follows:

499.59 PERSONAL LIABILITY.

Except as otherwise provided in this chapter, a director, officer, employee, or member of the association is not liable on the association's debts or obligations, and a director, officer, member, or other volunteer is not personally liable in that capacity, for a claim based upon an act or omission of the person performed in the discharge of the person's duties, except for a breach of the duty of loyalty to the association, for acts or omissions not in good faith or which involve intentional misconduct or knowing violation of the law, or for a transaction from which the person derives an improper personal benefit.

Sec. 94. Section 507D.3, subsection 6, Code Supplement 1987, is amended to read as follows:

6. An assistance program for the facilitation of insurance and financial responsibility coverage for owners and operators of underground storage tanks which store petroleum shall not be affected by the prohibitions exceptions of subsections 2 and 3.

Sec. 95. Section 534.102, subsection 32, Code 1987, is amended by striking the subsection.

Sec. 96. Section 535A.5, subsections 1 and 2, Code 1987, are amended to read as follows:

1. The superintendent of banking or the superintendent's designee shall ~~be responsible for enforcing those~~ enforce the sections in regard to ~~all banks,~~ persons licensed under chapter 536A, and mortgage banking companies.

2. The superintendent of savings and loan associations shall ~~be responsible for enforcing those~~ enforce the sections in regard to ~~all savings and loan associations pursuant to chapter 534 and all persons licensed under chapter 536A.~~

Sec. 97. Section 537.3603, subsection 5, Code Supplement 1987, is amended to read as follows:



5. A lease which constitutes a consumer lease as defined in 12 C.F.R. § 226.2(a6) 213.2(a6).

Sec. 98. Section 543.6, subsection 4, paragraph b, and subsection 5, paragraph b, Code Supplement 1987, are amended to read as follows:

b. The warehouse operator shall submit, as required by the department, a financial statement that is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state. However, the department may accept a qualification in an opinion that is unavoidable by any audit procedure that is permitted under generally accepted accounting principles. An opinion that is qualified because of a limited audit procedure or because the scope of an audit is limited shall not be accepted by the department. The department shall not require that a warehouse operator submit more than one such unqualified opinion per year. The warehouse operator may elect, however, to submit a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant in lieu of the audited financial statement specified in this paragraph, and if a warehouse operator makes this election the department shall cause the warehouse to be inspected not less than twice during each twelve-month period, but not more than five times in a twenty-four-month period without good cause, in the manner provided in section 543.2. In addition, the department shall cause a warehouse operator who makes this election to submit to the department, in a form and manner prescribed by the department, an interim financial statement no less than once in every three-calendar-month period. However, the department shall not require that a warehouse operator submit more than one such report of a certified public accountant per year that is based upon a review performed in lieu of the certified audited financial statement.

b. The warehouse operator shall submit, as required by the department, a financial statement that is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state. However, the department may accept a qualification in an opinion that is unavoidable by any audit procedure that is permitted under generally accepted accounting principles. An opinion that is qualified because of a limited audit procedure or because the scope of an audit is limited shall not be accepted by the department. The department shall not require that a warehouse operator submit more than one such unqualified opinion per year. The warehouse operator may elect, however, to submit a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant in lieu of the audited financial statement specified in this paragraph, and if a warehouse operator makes this election the department shall cause the warehouse to be inspected not less than twice during each twelve-month period, but not more than five times in a twenty-four-month period without good cause, in the manner provided in section 543.2. In addition, the department shall cause a warehouse operator who makes this election to submit to the department, in a form and manner prescribed by the department, an interim financial statement no less than once in every three-calendar-month period. However, the department shall not require that a warehouse operator submit more than one such report of a certified public accountant per year that is based upon a review performed in lieu of the qualified audited financial statement.

Sec. 99. Section 557B.6, unnumbered paragraph 1, Code Supplement 1987, is amended to read as follows:

The attorney general may by order deny, suspend, or revoke a membership camping operator's application or registration or impose a fine penalty of not more than five thousand dollars

or a combination of suspension or revocation and fine penalty, if the attorney general finds that the order is for the protection of prospective purchasers or purchasers of membership camping contracts and that one of the following applies:

Sec. 100. Section 557B.6, unnumbered paragraph 2, Code Supplement 1987, is amended to read as follows:

An order denying, suspending, or revoking a registration or imposing a fine penalty shall be sent by certified mail, return receipt requested, to the applicant or registrant. The applicant or registrant has thirty calendar days from the date of mailing the order to request a hearing pursuant to chapter 17A. If a hearing is not requested within thirty days and is not ordered by the attorney general, the order shall remain in effect until modified or vacated by the attorney general. However, if the attorney general finds that the public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in the order, summary suspension of a membership camping operator's registration may be ordered. If the membership camping operator desires to contest the summary order, the membership camping operator must request a hearing within fifteen calendar days of service of the summary order. If so requested, the hearing must be instituted within twenty calendar days of the request and the contest of the summary order must be promptly determined.

Sec. 101. Section 600.8, subsection 1, paragraph 4, subparagraph (3), Code Supplement 1987, is amended to read as follows:

(3) Whether the prospective adoption petitioner has been convicted of a violation crime under a law of any state of a crime or has a record of founded child abuse.

Sec. 102. Section 602.8102, subsection 11, Code Supplement 1987, is amended by striking the subsection.

Sec. 103. Section 602.8102, subsection 23, Code Supplement 1987, is amended to read as follows:

23. Carry out duties relating to enforcing orders of the occupational-safety-and-health-review-commission employment appeal board as provided in section 88.9, subsection 2.

Sec. 104. Section 602.8102, subsection 45, unnumbered paragraph 1, Code Supplement 1987, is amended to read as follows:

Report monthly to the office-for-planning-and-programming department of corrections the following information related to each district court conviction for, acquittal of, or dismissal of a felony, an aggravated misdemeanor, or a serious misdemeanor:

Sec. 105. Section 610.2, Code 1987, is amended to read as follows:

610.2 DIRECTIONS BY COURT.

When an application and supporting affidavit pursuant to this chapter is are filed with the court and approved by the court in a civil or criminal action, the court shall direct the appropriate officers of the court to issue and serve all necessary writs, process, and proceedings.

Sec. 106. Section 610.3, Code 1987, is amended to read as follows:

610.3 DEFERRAL OF COSTS.

When an application and supporting affidavit is are filed and approved by the court and a civil or criminal proceeding is instituted, the court shall order that all fees, costs, and security be deferred until final disposition of the proceeding.

Sec. 107. Section 622.10, unnumbered paragraph 2, Code 1987, is amended to read as follows:

No qualified school guidance counselor, who has met the certification and approval accreditation standards of the department of education as provided in section 259:25 256.11, subsection 9 10, who obtains information by reason of the counselor's employment as a qualified school guidance counselor shall be allowed, in giving testimony, to disclose

any confidential communications properly entrusted to the counselor by a pupil or the pupil's parent or guardian in the counselor's capacity as a qualified school guidance counselor and necessary and proper to enable the counselor to perform the counselor's duties as a qualified school guidance counselor.

Sec. 108. Section 622B.1, subsection 2, Code 1987, is amended to read as follows:

2. The supreme court, after consultation with the Iowa department of public-health human rights, shall adopt rules governing the qualifications and compensation of interpreters appearing in a proceeding before a court, grand jury, or administrative agency under this chapter. However, an administrative agency which is subject to chapter 17A may adopt rules differing from those of the supreme court governing the qualifications and compensation of interpreters appearing in proceedings before that agency.

Sec. 109. Section 622B.4, Code 1987, is amended to read as follows:

622B.4 LIST.

The ~~service-program-for-the~~ division of deaf services of the Iowa department of public-health human rights shall prepare and continually update a listing of qualified and available interpreters. The courts and administrative agencies shall maintain a directory of qualified interpreters for hearing impaired persons as furnished by the Iowa department of public-health human rights. The ~~service-program-for-the~~ division of deaf services shall maintain information on the qualifications of interpreters, which information is confidential except to a court, administrative agency, or interested parties to an action using the services of such an interpreter.

Sec. 110. Section 625.29, subsection 1, paragraph g, Code 1987, is amended to read as follows:

g. The proceeding involved the ~~Iowa-merit-employment~~ commission department of personnel under chapter 19A.

Sec. 111. Section 633.535, subsection 2, Code Supplement 1987, is amended to read as follows:

2. A joint tenant who intentionally and unjustifiably causes or procures the death of another joint tenant thereby affecting which affects their interests so that the share of the decedent passes as the decedent's property ~~and-the-person~~ causing-death has no rights by survivorship. This provision applies to joint tenancies and tenancies by the entireties in real and personal property, joint and multiple-party accounts in banks, savings and loan associations, credit unions, and other institutions, and any other form of co-ownership with survivorship rights.

Sec. 112. Section 633.545, Code 1987, is amended to read as follows:

633.545 SALE -- PROCEEDS.

If within six months from the giving of notice, a claimant does not appear, the property may be sold and the proceeds paid over by the personal representative to the state comptroller department of revenue and finance for the benefit of the permanent school fund.

Sec. 113. Section 692.19, subsection 6, Code 1987, is amended to read as follows:

6. May conduct such inquiries and investigations ~~as-it~~ the director finds appropriate to achieve the purposes of this chapter. Each criminal justice agency in this state and each state and local agency otherwise authorized access to criminal history data is authorized and directed to furnish to the director of public safety, upon the director's request, such statistical data, reports, and other information in its possession as the director deems necessary to ~~carry-out-its~~ functions-under implement this chapter. ~~However,-the-director~~ of-public-safety,-in-the-capacity-of-providing-oversight-of ~~confidential-records,-shall-not-have-access-to-criminal~~

~~history data or intelligence data unless it is data from which individual identities are not ascertainable or data which has been masked so that individual identities are not ascertainable. However, the director may examine data from which the identity of an individual is ascertainable if requested in writing by that individual or the individual's attorney with written authorization and fingerprint identification.~~

Sec. 114. Section 715A.7, Code Supplement 1987, is amended to read as follows:

715A.7 FILING MULTIPLE COUNTS IN ONE INFORMATION, INDICTMENT, OR COMPLAINT.

A single information, indictment, or complaint charging ~~false use of a financial instrument~~ a violation of a provision of this chapter may allege more than one such violation against a person. The multiple charges shall be set out in separate counts, and the accused person shall be acquitted or convicted upon each count by a separate verdict. A convicted person shall be sentenced upon each verdict of guilty. The court may consider separate verdicts of guilty returned at the same time as one offense for the purpose of sentencing.

Sec. 115. Section 804.31, unnumbered paragraph 1, Code 1987, is amended to read as follows:

When a person is detained for questioning or arrested for an alleged violation of a law or ordinance and there is reason to believe that the person is hearing impaired, the peace officer making the arrest or taking the person into custody or any other officer detaining the person shall determine if the person is a hearing impaired person as defined in section 622B.1. If the officer so determines, the officer, at the earliest possible time and prior to commencing any custodial interrogation of the person, shall procure a qualified interpreter in accordance with section 622B.2 and the rules adopted by the supreme court under section 622B.1 unless the hearing impaired person knowingly, voluntarily, and

intelligently waives the right to an interpreter in writing by executing a form prescribed by the Iowa department of public health human rights and the Iowa county attorneys association. The interpreter shall interpret the officer's warnings of constitutional rights and protections and all other warnings, statements, and questions spoken or written by any officer, attorney, or other person present and all statements and questions communicated in sign language by the hearing impaired person.

Sec. 116. Sections 80.28, 185.4, 185C.4, 351.15, and 351.16, Code 1987, are repealed.

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JO ANN ZIMMERMAN  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2171, Seventy-second General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved Cepri 28, 1988

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TERRY E. BRANSTAD  
Governor

SF 2171