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SENATE FILE 2238  
BY COMMITTEE ON JUDICIARY

*Approved 12/15/87*  
(formerly SSB 2059)

Passed Senate, Date 2/1/88 (p. 158)  
Vote: Ayes 45 Nays 0  
Approved \_\_\_\_\_

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

1 An Act relating to statutory corrections which adjust language to  
2 reflect current practices, insert earlier omissions, delete  
3 redundancies and inaccuracies, delete temporary language,  
4 resolve inconsistencies and conflicts, update ongoing  
5 provisions, and remove ambiguities.

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

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*SF 2238*

1 Section 1. Section 15.106, subsection 2, Code 1987, is  
2 amended to read as follows:

3 2. Employ personnel as necessary to carry out the duties  
4 and responsibilities of the department, consistent with the  
5 merit system provisions of chapter 19A for nonprofessional  
6 employees. Professional staff of the department are exempt  
7 from the merit system provisions of chapter 19A.

8 Sec. 2. Section 17A.6, Code 1987, is amended by adding the  
9 following new subsection:

10 NEW SUBSECTION. 6. The Code editor, with the approval of  
11 the administrative rules review committee and the  
12 administrative rules coordinator, may delete a rule from the  
13 Iowa administrative code if the agency that adopted the rule  
14 has ceased to exist, no successor agency has jurisdiction over  
15 the rule, and no statutory authority exists supporting the  
16 rule.

17 Sec. 3. Section 18.8, unnumbered paragraph 6, Code 1987,  
18 is amended to read as follows:

19 The director shall appoint a superintendent of buildings  
20 and grounds, who shall serve at the pleasure of the director  
21 and ~~shall~~ is not be governed by the merit system provisions of  
22 chapter 19A.

23 Sec. 4. Section 18.74, Code 1987, is amended to read as  
24 follows:

25 18.74 APPOINTMENT.

26 The director of the department of general services shall  
27 ~~appoint a person to administer the provisions of this~~  
28 ~~division. This person shall be known as the superintendent of~~  
29 ~~printing and to administer this division. The superintendent~~  
30 shall serve at the pleasure of the director ~~without being~~ and  
31 is not subject to the merit system provisions of chapter 19A.

32 Sec. 5. Section 18.115, unnumbered paragraph 1, Code  
33 Supplement 1987, is amended to read as follows:

34 ~~In order to carry out the powers vested in the director by~~  
35 ~~this chapter, the~~ The director of the department of general

1 services shall appoint a state vehicle dispatcher and such  
 2 other employees as ~~may-be~~ necessary to carry-out-the  
 3 ~~provisions-of~~ administer this chapter. The state vehicle  
 4 dispatcher shall serve at the pleasure of the director and  
 5 ~~shall~~ is not be governed by the merit system provisions of  
 6 chapter 19A. Subject to the approval of the director, the  
 7 state vehicle dispatcher ~~shall-have~~ has the following duties:

8 Sec. 6. Section 18.163, Code 1987, is amended to read as  
 9 follows:

10 18.163 PERSONNEL.

11 The director of the department shall employ a risk manager  
 12 and ~~such~~ other permanent full-time personnel as ~~shall-be~~  
 13 necessary to administer this chapter. All permanent full-time  
 14 personnel other than the risk manager ~~shall-be~~ are subject to  
 15 the merit system provisions of chapter 19A. The director is  
 16 authorized to hire as independent contractors ~~such~~ other  
 17 persons as ~~may-be~~ necessary to assist the risk manager in  
 18 establishing standards and procedures under sections 18.160 to  
 19 18.169.

20 Sec. 7. Section 27A.2, Code 1987, is amended to read as  
 21 follows:

22 27A.2 MEMBERSHIP OF COMMISSION.

23 The director of the department of natural resources shall  
 24 ~~be~~ is a permanent member from Iowa of the upper Mississippi  
 25 riverway commission and may designate an alternate in  
 26 accordance with article IV "a" of the compact. The governor  
 27 shall appoint the three remaining members ~~from-Iowa~~ of the  
 28 commission from Iowa. ~~Such~~ The members may also be members of  
 29 another board or commission established by law. The  
 30 appointment of the remaining three members ~~shall-be~~ is subject  
 31 to confirmation by the senate. The members so appointed shall  
 32 serve for staggered periods of four years, beginning and  
 33 ending as provided in section 69.19. Commission members from  
 34 this state shall be reimbursed, upon certification by the  
 35 comptroller director of revenue and finance, be-reimbursed.

1 the actual and necessary expenses incurred by them in the  
2 discharge of their duties.

3 Sec. 8. Section 56.3, subsection 2, Code Supplement 1987,  
4 is amended to read as follows:

5 2. A person who receives contributions in excess of one  
6 hundred dollars for a committee shall, not later than fifteen  
7 days from the date of receipt of the contributions or on  
8 demand of the treasurer, render to the treasurer the  
9 contributions and an account of the total of all  
10 contributions; including the name and address of each person  
11 making a contribution in excess of ten dollars, the amount of  
12 ~~such-contribution~~ the contributions, and the date on which the  
13 contributions were received. The treasurer shall deposit all  
14 contributions within seven days of receipt by the treasurer in  
15 an account maintained by the committee in a financial  
16 institution. All funds of a committee shall be segregated  
17 from any other funds of held by officers, members, or  
18 associates of the committee or the committee's candidate.  
19 However, if a candidate's committee receives contributions  
20 only from the candidate, or if a permanent organization  
21 temporarily engages in activity which qualifies it as a  
22 political committee and all expenditures of the organization  
23 are made from existing general operating funds and funds are  
24 not solicited or received for this purpose from sources other  
25 than operating funds, then that committee is not required to  
26 maintain a separate account in a financial institution. The  
27 funds of a committee are not attachable for the personal debt  
28 of the committee's candidate or an officer, member, or  
29 associate of the committee.

30 Sec. 9. Section 79.23, Code 1987, is amended to read as  
31 follows:

32 79.23 CREDIT FOR ACCRUED SICK LEAVE.

33 When a state employee, excluding an employee covered under  
34 a collective bargaining agreement which provides otherwise,  
35 retires under a retirement system in the state maintained in

1 whole or in part by public contributions or payments, the  
2 number of accrued days of active and banked sick leave of the  
3 employee shall be credited to the employee. When an employee  
4 retires, is eligible, and has applied for benefits under a  
5 retirement system authorized under chapter 97A or 97B,  
6 including the teachers insurance annuity association (TIAA)  
7 and the college retirement equity fund (CREF), or an employee  
8 dies on or after July 1, 1984, while the employee is in active  
9 employment but is eligible for retirement benefits under one  
10 of the listed chapters, the employee shall receive a cash  
11 payment for the employee's accumulated, unused sick leave in  
12 both the active and banked sick leave accounts, except when,  
13 in lieu of cash payment, payment is made for monthly premiums  
14 for health or life insurance or both as provided in a  
15 collective bargaining agreement negotiated under chapter 20.  
16 An employee of the department of public safety or the state  
17 conservation-commission department of natural resources who  
18 has earned benefits of payment of premiums under a collective  
19 bargaining agreement and who becomes a manager or supervisor  
20 and is no longer covered by the agreement shall not lose the  
21 benefits of payment of premium earned while covered by the  
22 agreement. The payment shall be calculated by multiplying the  
23 number of hours of accumulated, unused sick leave by the  
24 employee's hourly rate of pay at the time of retirement.  
25 However, the total cash payments for accumulated, unused sick  
26 leave shall not exceed two thousand dollars per employee and  
27 are payable upon retirement or death. Banked sick leave is  
28 defined as accrued sick leave in excess of ninety days.

29 Sec. 10. Section 86.24, subsection 5, Code 1987, is  
30 amended to read as follows:

31 5. The decision of the industrial commissioner is final  
32 agency action ~~and an appeal of the decision shall be made~~  
33 ~~directly to the supreme court.~~

34 Sec. 11. Section 86.26, Code 1987, is amended to read as  
35 follows:

1 86.26 JUDICIAL REVIEW.

2 Judicial review of decisions or orders of the industrial  
3 commissioner ~~shall not be to the district court but shall be~~  
4 ~~made directly to the supreme court, notwithstanding~~ may be  
5 sought in accordance with chapter 17A, the Iowa Administrative  
6 Procedure Act. Petitions Notwithstanding chapter 17A, the  
7 Iowa Administrative Procedure Act, petitions for judicial  
8 review shall may be filed with the clerk of the supreme court  
9 as are other actions for appeal or review in the district  
10 court of the county in which the hearing under section 86.17  
11 was held. The supreme court may transfer the action to the  
12 court of appeals. Such a review proceeding shall be accorded  
13 priority over other matters pending before the district court.

14 Sec. 12. Section 86.29, Code 1987, is amended to read as  
15 follows:

16 86.29 THE JUDICIAL REVIEW PETITION.

17 ~~In the~~ Notwithstanding chapter 17A, the Iowa Administrative  
18 Procedure Act, in a petition for judicial review of a decision  
19 of the industrial commissioner in a contested case under this  
20 chapter or chapter 85, 85A, 85B, or 87, the opposing party  
21 shall be named the respondent, and the agency shall not be  
22 named as a respondent.

23 Sec. 13. Section 86.32, Code 1987, is amended to read as  
24 follows:

25 86.32 COSTS OF JUDICIAL REVIEW.

26 In proceedings for judicial review of compensation cases  
27 the clerk ~~of the supreme court~~ shall charge no fee for any  
28 service rendered except the filing and docketing ~~fees~~ fee and  
29 transcript fees when the transcript of ~~the contested case~~  
30 proceeding a judgment is required. The taxation of costs on  
31 judicial review shall be in the discretion of the supreme  
32 court.

33 Sec. 14. Section 86.39, Code 1987, is amended to read as  
34 follows:

35 86.39 FEES -- APPROVAL -- LIEN.

1 All fees or claims for legal, medical, hospital, and burial  
2 services rendered under this chapter and chapters 85, 85A,  
3 85B, and 87 are subject to the approval of the industrial  
4 commissioner, and no lien for such service is enforceable  
5 without the approval of the amount of the lien by the  
6 industrial commissioner. For services rendered in the  
7 district court ~~or~~ and appellate court courts, the attorney's  
8 fee is subject to the approval of a judge of the district  
9 court.

10 Sec. 15. Section 86.42, Code 1987, is amended to read as  
11 follows:

12 86.42 JUDGMENT BY DISTRICT COURT ON AWARD.

13 Any party in interest may present a certified copy of an  
14 order or decision of the commissioner, from which a timely  
15 petition for judicial review has not been filed or if judicial  
16 review has been filed, which has not had execution or  
17 enforcement stayed as provided in section 17A.19, subsection  
18 5, or an order or decision of a deputy commissioner from which  
19 a timely appeal has not been taken within the agency and which  
20 has become final by the passage of time as provided by rule  
21 and section 17A.15, or an agreement for settlement approved by  
22 the commissioner, and all papers in connection therewith, to  
23 ~~the district court of the county in which the hearing under~~  
24 ~~section 86.17 was held, of Polk county, or of the county in~~  
25 ~~which the petitioner resides or has its principal place of~~  
26 business where judicial review of the agency action may be  
27 commenced. The court shall render a decree or judgment and  
28 cause the clerk to notify the parties. The decree or  
29 judgment, in the absence of a petition for judicial review or  
30 if judicial review has been commenced, in the absence of a  
31 stay of execution or enforcement of the decision or order of  
32 the industrial commissioner, or in the absence of an act of  
33 any party which prevents a decision of a deputy industrial  
34 commissioner from becoming final, has the same effect and in  
35 all proceedings in relation thereto is the same as though

1 rendered in a suit duly heard and determined by the court.

2 Sec. 16. Section 99E.14, unnumbered paragraph 1, Code  
3 1987, is amended to read as follows:

4 The commissioner shall designate three administrative  
5 positions within the division which require specific areas of  
6 expertise relating to the operation of the lottery. These  
7 three administrative positions are exempt from the merit  
8 system provisions of chapter 19A. The commissioner shall  
9 designate one of these three administrators to serve as acting  
10 commissioner in the commissioner's absence.

11 Sec. 17. Section 103A.6, Code 1987, is amended to read as  
12 follows:

13 103A.6 MERIT SYSTEM.

14 Employees of the commissioner shall, where if required by  
15 federal statutes, be are covered by the merit system  
16 provisions of chapter 19A.

17 Sec. 18. Section 107.19, unnumbered paragraph 6, Code  
18 1987, is amended to read as follows:

19 All expenditures under this Act ~~shall be~~ chapter are  
20 subject to approval by the ~~state comptroller~~ director of  
21 management and the director of revenue and finance.

22 Sec. 19. Section 114.22, Code 1987, is amended to read as  
23 follows:

24 114.22 PROCEDURE.

25 Proceedings for any action under section 114.21 shall be  
26 begun by filing with the board written charges against the  
27 accused. ~~The~~ Upon the filing of charges the board may request  
28 the department of inspections and appeals to conduct an  
29 investigation into the charges. The department of inspections  
30 and appeals shall report its findings to the board, and the  
31 board shall designate a time and place for a hearing, and  
32 shall notify the accused of this action and furnish the  
33 accused a copy of all charges at least thirty days prior to  
34 the date of the hearing. The accused ~~shall have~~ has the right  
35 to appear personally or by counsel, to cross-examine



1 witnesses, or to produce witnesses in defense.

2 Sec. 20. Section 116.23, subsection 1, Code 1987, is  
3 amended to read as follows:

4 1. The board may initiate proceedings under this chapter  
5 either on its own motion or on the complaint of any person.  
6 Before scheduling a hearing under this section, the board may  
7 request the department of inspections and appeals to conduct  
8 an investigation into the charges to be addressed at the board  
9 hearing. The department of inspections and appeals shall  
10 report its findings to the board.

11 Sec. 21. Section 117.34, unnumbered paragraph 1, Code  
12 1987, is amended to read as follows:

13 The real estate examining board may upon its own motion and  
14 shall upon the verified complaint in writing of any person,  
15 provided if the complaint together with evidence, documentary  
16 or otherwise, presented in connection with the complaint;  
17 makes out a prima-facie case, request the department of  
18 inspections and appeals to investigate the actions of any real  
19 estate broker, real estate salesperson, or any other person  
20 who shall-assume assumes to act in either capacity within this  
21 state, and may suspend or revoke any a license issued under  
22 the-provisions-of this chapter, at any time if the licensee  
23 has by false or fraudulent representation obtained a license,  
24 or if the licensee is found to be guilty of any of the  
25 following:

26 Sec. 22. Section 117A.4, subsections 1 and 2, Code 1987,  
27 are amended to read as follows:

28 1. ~~The board or the attorney-general-at-the-request-of-the~~  
29 ~~board~~ may cause request the department of inspections and  
30 appeals to conduct an investigation and inspection to be made  
31 of any subdivided land proposed to be offered for sale or  
32 lease in this state pursuant to this chapter and-may. The  
33 department of inspections and appeals shall make a report of  
34 the its findings thereon.

35 2. ~~Where~~ If an inspection is to be made of subdivided land

1 situated outside of this state and offered for sale in this  
2 state, said the inspection as authorized by subsection 1 shall  
3 be made by the department of inspections and appeals at the  
4 expense of the subdivider. After the application required by  
5 section 117A.2 is filed and after the filing fee required by  
6 section 117A.8 is received, the board may decide whether or  
7 not an inspection pursuant to this subsection is to be made.  
8 If the board requires an inspection, the department of  
9 inspections and appeals, ~~or the attorney general at the~~  
10 ~~request of the board~~ shall so notify the subdivider and the  
11 subdivider shall remit to the department ~~or the attorney~~  
12 ~~general~~ an amount equivalent to the round trip cost of travel  
13 from this state to the location of the project, as estimated  
14 by the department ~~or the attorney general~~ and a further amount  
15 estimated to be necessary to cover the additional expenses of  
16 such inspection but not to exceed fifty dollars a day for each  
17 day incurred in the examination of the project inspection.  
18 The costs of any subsequent inspections deemed necessary shall  
19 be paid for by the subdivider. At the completion of any an  
20 inspection trip the department ~~or the attorney general~~ shall  
21 furnish the subdivider a statement as to the costs of the  
22 inspection trip, and ~~should said~~ if the costs be are less than  
23 the amount advanced by the subdivider to the department, or  
24 ~~the attorney general~~ the remaining balance ~~will~~ shall be  
25 refunded to the subdivider.

26 Sec. 23. Section 118.13, unnumbered paragraph 3, Code  
27 Supplement 1987, is amended to read as follows:

28 Proceedings for the revocation of a certificate shall be  
29 begun initiated by filing written charges against the accused  
30 with the board. A Upon the filing of charges the board may  
31 request the department of inspections and appeals to conduct  
32 an investigation into the charges. The department of  
33 inspections and appeals shall report its findings to the  
34 board, and a time and place for the hearing of the charges  
35 shall be fixed by the board if the board determines that a

1 hearing is warranted. Where If personal service or services  
2 service through counsel cannot be effected, services service  
3 may be had by publication. At the hearing, the accused shall  
4 have has the right to be represented by counsel, to introduce  
5 evidence, and to examine and cross-examine witnesses. The  
6 board ~~shall have the power to~~ may subpoena witnesses, to  
7 administer oaths to such witnesses, and to employ counsel.  
8 The board shall make a written report of its findings, which  
9 report shall be filed with the secretary of state, and which  
10 ~~shall be~~ is conclusive.

11 Sec. 24. Section 118A.16, Code 1987, is amended to read as  
12 follows:

13 118A.16 PROCEDURE.

14 Any A person may file charges with the board against a  
15 landscape architect or the board may initiate charges. Such  
16 The charges shall be in writing, sworn to if by a complainant  
17 other than the board, and filed with the board. Unless the  
18 charges are dismissed by the board as unfounded or trivial,  
19 the board ~~shall~~ may request the department of inspections and  
20 appeals to conduct an investigation into the charges. The  
21 department of inspections and appeals shall report its  
22 findings to the board, and the board shall hold a hearing  
23 within sixty days after the date on which they the charges are  
24 filed. The board shall fix the time and place for such  
25 hearing and shall cause a copy of the charges, together with a  
26 notice of the time and place fixed for the hearing, to be  
27 served on the accused at least thirty days before the date  
28 fixed for the hearing. Where personal service cannot be  
29 effected, service may be effected by publication. At such  
30 hearing, the accused shall have the right to appear personally  
31 or by counsel, to cross-examine witnesses against the accused,  
32 and to produce evidence and witnesses in defense. After the  
33 hearing, the board may suspend or revoke the certificate of  
34 registration. The board may restore the certificate of  
35 registration to any person whose certificate of registration

1 has been revoked. Application for the restoration of a  
2 certificate of registration shall be made in such manner, form  
3 and content as the board may prescribe.

4 Sec. 25. Section 125.39, subsection 1, Code 1987, is  
5 amended to read as follows:

6 1. In addition to other requirements established by this  
7 chapter, a facility shall not be licensed pursuant to section  
8 125.13 unless it is either a political subdivision, a licensed  
9 hospital, a licensed health maintenance organization, or a  
10 community mental health center operating under chapter 230A,  
11 or it is organized under the Iowa nonprofit corporation Act  
12 appearing as chapter 504A. In the latter case, one-third of  
13 the membership of the board of directors shall be  
14 representatives of such government units providing funds to  
15 the facility for treatment of substance abuse.

16 Sec. 26. Section 135.2, unnumbered paragraph 1, Code 1987,  
17 is amended to read as follows:

18 The governor shall appoint the director of the department,  
19 subject to confirmation by the senate. The director shall  
20 serve at the pleasure of the governor. The director is exempt  
21 from the merit system provisions of chapter 19A. The governor  
22 shall set the salary of the director within the range  
23 established by the general assembly.

24 Sec. 27. Section 144.5, subsections 3 and 6, Code 1987,  
25 are amended to read as follows:

26 3. Direct, supervise, and control ~~the activities of local~~  
27 ~~registrars and deputy local registrars,~~ and the activities of  
28 clerks of the district court related to the operation of the  
29 vital statistics system and provide registrars with necessary  
30 postage.

31 6. Delegate functions and duties vested in the state  
32 registrar to officers, employees of the department, and to the  
33 ~~local~~ county registrars as the state registrar deems necessary  
34 or expedient.

35 Sec. 28. Section 144.9, unnumbered paragraph 1 and

1 subsection 1, Code 1987, are amended to read as follows:

2 The clerk of the district court shall ~~be~~ is the county  
3 registrar and with respect to the county registrar's  
4 registration-district shall:

5 1. Administer and enforce ~~the-provisions-of~~ this chapter  
6 and the rules issued by the department, ~~and-exercise-general~~  
7 supervision-over-the-local-and-deputy-local-registrars-in-the  
8 county-registrar's-district.

9 Sec. 29. Section 144.12, Code 1987, is amended to read as  
10 follows:

11 144.12 FORMS UNIFORM.

12 In order to promote and maintain uniformity in the system  
13 of vital statistics, the forms of certificates, reports, and  
14 other returns, shall include as a minimum the items  
15 recommended by the federal agency responsible for national  
16 vital statistics, subject to approval and modification by the  
17 department. Forms shall be furnished by the department. The  
18 forms or other recording methods used by county and local  
19 registrars to record copies of records made under this chapter  
20 shall be prescribed by the department.

21 Sec. 30. Section 144.13, subsections 1 and 2, Code 1987,  
22 are amended to read as follows:

23 1. A certificate of birth for each live birth which occurs  
24 in this state shall be filed with the local county registrar  
25 of the district county in which the birth occurs within five  
26 days after the birth and shall be registered by the registrar  
27 if it has been completed and filed in accordance with this  
28 chapter, ~~provided that.~~ However, when a birth occurs in a  
29 moving conveyance, a birth certificate shall be filed in the  
30 district county in which the child was first removed from the  
31 conveyance.

32 2. When a birth occurs in an institution, the person in  
33 charge of the institution or the person's designated  
34 representative shall obtain the personal data, prepare the  
35 certificate, secure the signatures required by the

1 certificate, and file the certificate with the ~~local~~ county  
2 registrar. The physician in attendance shall certify to the  
3 facts of birth and provide the medical information required by  
4 the certificate within three days after the birth.

5 Sec. 31. Section 144.13A, Code Supplement 1987, is amended  
6 to read as follows:

7 144.13A REGISTRATION FEE.

8 The ~~local~~ county registrar and state registrar shall charge  
9 the parent a ten dollar fee for the registration of a  
10 certificate of birth. If the person responsible for the  
11 filing of the certificate of birth under section 144.13 is not  
12 the parent, the person ~~shall~~ is entitled to collect the fee  
13 from the parent. The fee shall be remitted to the appropriate  
14 registrar. If the expenses of the birth are reimbursed under  
15 the medical assistance program established by chapter 249A, or  
16 paid for under the statewide indigent patient care program  
17 established by chapter 255, or paid for under the obstetrical  
18 and newborn indigent patient care program established by  
19 chapter 255A, or if the parent is indigent and unable to pay  
20 the expenses of the birth and no other means of payment is  
21 available to the parent, the registration fee is waived. If  
22 the person responsible for the filing of the certificate is  
23 not the parent, the person is discharged from the duty to  
24 collect and remit the fee under this section if the person has  
25 made a good faith effort to collect the fee from the parent.  
26 The fees collected by the ~~local~~ county registrar and state  
27 registrar shall be remitted to the treasurer of state for  
28 deposit in the general fund of the state. It is the intent of  
29 the general assembly that the funds generated from the  
30 registration fees be appropriated and used for primary and  
31 secondary child abuse prevention programs.

32 Sec. 32. Section 144.14, unnumbered paragraph 1, Code  
33 1987, is amended to read as follows:

34 ~~Whoever~~ A person who assumes the custody of a living infant  
35 of unknown parentage shall report on a form and in the manner

1 prescribed by the state registrar within five days to the  
2 ~~local~~ county registrar of the ~~district~~ county in which the  
3 child was found, the following information:

4 Sec. 33. Section 144.17, subsection 2, Code 1987, is  
5 amended to read as follows:

6 2. That no record of birth of ~~such~~ that person can be  
7 found in the office of the state or ~~local~~ county custodian of  
8 birth records.

9 Sec. 34. Section 144.26, unnumbered paragraphs 1 and 2,  
10 Code 1987, are amended to read as follows:

11 A death certificate for each death which occurs in this  
12 state shall be filed with the ~~local~~ county registrar of the  
13 ~~district~~ county in which the death ~~occurred~~ occurs, within  
14 three days after the death and prior to final disposition, and  
15 shall be registered by the registrar if it has been completed  
16 and filed in accordance with this chapter. All information  
17 including the certifying physician's name shall be  
18 typewritten.

19 If the place of death is unknown, a death certificate shall  
20 be filed in the ~~registration-district~~ county in which a dead  
21 body is found within three days after the body is found. If  
22 death occurs in a moving conveyance, a death certificate shall  
23 be filed in the ~~registration-district~~ county in which the dead  
24 body ~~was~~ is first removed from the conveyance.

25 Sec. 35. Section 144.29, Code 1987, is amended to read as  
26 follows:

27 144.29 FETAL DEATHS.

28 A fetal death certificate for each fetal death which occurs  
29 in this state after a gestation period of twenty completed  
30 weeks or more shall be filed with the ~~local~~ county registrar  
31 of the ~~district~~ county in which the delivery of the dead fetus  
32 ~~occurred~~ occurs, within three days after delivery and prior to  
33 final disposition of the fetus and. The certificate shall be  
34 registered if it has been completed and filed in accordance  
35 with this chapter.

1 If the place of delivery of a dead fetus is unknown, a  
2 fetal death certificate shall be filed in the registration  
3 district county in which a dead fetus was is found, within  
4 three days after the fetus is found. If a fetal death occurs  
5 in a moving conveyance, a fetal death certificate shall be  
6 filed in the registration-district county in which the fetus  
7 was is first removed from the conveyance.

8 Sec. 36. Section 144.32, Code 1987, is amended to read as  
9 follows:

10 144.32 BURIAL-TRANSIT PERMIT.

11 The funeral director who first assumes custody of a dead  
12 body or fetus shall obtain a burial-transit permit prior to  
13 final disposition of the body or fetus and within seventy-two  
14 hours after death. When a person other than a funeral  
15 director assumes custody of a dead body or fetus, the person  
16 ~~shall be~~ is responsible for securing the permit required in  
17 this section. A burial-transit permit shall be issued by the  
18 ~~local~~ county registrar of the district county where the  
19 certificate of death or fetal death was filed, in accordance  
20 with ~~the requirements of~~ sections 144.26 to 144.31.

21 Sec. 37. Section 144.43, unnumbered paragraph 2, Code  
22 1987, is amended to read as follows:

23 However, the following vital statistics may be inspected  
24 and copied as of right under chapter 22 when they are in the  
25 custody of a county ~~or of a local~~ registrar:

26 Sec. 38. Section 169.14, subsections 1 and 8, Code 1987,  
27 are amended to read as follows:

28 1. The board, upon its own motion or upon a verified  
29 complaint in writing, may request the department of  
30 inspections and appeals to conduct an investigation of the  
31 charges contained in the complaint. The department of  
32 inspections and appeals shall report its findings to the  
33 board, and the board may issue an order fixing the time and  
34 place for hearing if a hearing is deemed warranted. A written  
35 notice of the time and place of the hearing, together with a



1 statement of the charges, shall be served upon the licensee at  
2 least ten days before the hearing in the manner required for  
3 the service of notice of the commencement of an ordinary  
4 action.

5 8. ~~Judicial-review-of-the~~ The board's action actions may  
6 be sought appealed to the department of inspections and  
7 appeals and judicial review may be sought in accordance with  
8 the terms of ~~chapter~~ chapters 10A and 17A.

9 Sec. 39. Section 175.7, subsection 2, Code 1987, is  
10 amended to read as follows:

11 2. The executive director shall advise the authority on  
12 matters relating to agricultural land and property and  
13 agricultural finance, and carry out all directives from the  
14 authority, and shall hire and supervise the authority's staff  
15 pursuant to its directions and under the merit system  
16 provisions of chapter 19A, except that principal  
17 administrative assistants with responsibilities in beginning  
18 farm loan programs, accounting, mortgage loan processing, and  
19 investment portfolio management are exempt from ~~that-chapter~~  
20 the merit system.

21 Sec. 40. Section 175.22, subsection 4, Code 1987, is  
22 amended to read as follows:

23 4. The authority shall submit to the governor, the auditor  
24 of state ~~and-the-state-comptroller,~~ the department of  
25 management, and the department of revenue and finance, within  
26 thirty days of its receipt, a copy of the report of every  
27 external examination of the books and accounts of the  
28 authority other than copies of the reports of examinations  
29 made by the auditor of state.

30 Sec. 41. Section 175A.5, subsection 2, Code 1987, is  
31 amended to read as follows:

32 2. The executive director is a nonvoting ex officio member  
33 of the board, and shall advise the authority on matters  
34 relating to finance, carry out all directives from the  
35 authority, and hire and supervise the authority's staff

1 pursuant to its directions and under the merit system  
2 provisions of chapter 19A, except that principal  
3 administrative assistants with responsibilities in operating  
4 loan programs, accounting, and processing of applications for  
5 interest reduction are exempt from ~~that-chapter~~ the merit  
6 system.

7 Sec. 42. Section 175A.13, subsection 2, Code 1987, is  
8 amended to read as follows:

9 2. The authority shall submit to the governor, the auditor  
10 of state, and the director department of management, and the  
11 department of revenue and finance, within thirty days of its  
12 receipt, a copy of the report of every external examination of  
13 the books and accounts of the authority other than copies of  
14 the reports of examinations made by the auditor of state.

15 Sec. 43. Section 220.2, subsection 1, unnumbered paragraph  
16 2, Code Supplement 1987, is amended to read as follows:

17 A title guaranty division is created within the authority.  
18 The powers of the division ~~as~~ relating to the issuance of  
19 title guaranties ~~shall-be~~ are vested in and shall be exercised  
20 by a division board of five members appointed by the governor  
21 subject to confirmation by the senate. The membership of the  
22 board shall include an attorney, an abstractor, a real estate  
23 broker, a representative of a mortgage-lender, and a  
24 representative of the housing development industry. The  
25 executive director of the authority shall appoint a an  
26 attorney as director of the title guaranty division who ~~shall~~  
27 ~~be-an-attorney-and~~ shall serve as an ex officio member of the  
28 board. The appointment of and compensation for the division  
29 director ~~shall-be~~ is exempt from the merit system provisions  
30 of chapter 19A.

31 Sec. 44. Section 220.6, subsection 2, Code 1987, is  
32 amended to read as follows:

33 2. The executive director shall advise the authority on  
34 matters relating to housing and housing finance, carry out all  
35 directives from the authority, and hire and supervise the

1 authority's staff pursuant to its directions and under the  
2 merit system provisions of chapter 19A, except that principal  
3 administrative assistants with responsibilities in housing  
4 development, accounting, mortgage loan processing, and  
5 investment portfolio management shall ~~be~~ are exempt from the  
6 merit system.

7 Sec. 45. Section 220.31, subsection 4, Code 1987, is  
8 amended to read as follows:

9 4. The authority shall submit to the governor, the auditor  
10 of state, and the ~~state-comptroller~~ department of management,  
11 and the department of revenue and finance, within thirty days  
12 of its receipt by the authority, a copy of the report of every  
13 external examination of the books and accounts of the  
14 authority other than copies of the reports of examinations  
15 made by the auditor of state.

16 Sec. 46. Section 235.3, subsections 3 and 4, Code 1987,  
17 are amended to read as follows:

18 3. ~~Make-such~~ Adopt rules and regulations as may be  
19 necessary or advisable for the supervision of the private  
20 child-caring agencies or their officers thereof which the  
21 ~~state-director~~ administrator is empowered to license, ~~inspect~~  
22 and supervise.

23 4. Supervise ~~and-inspect~~ private institutions for the care  
24 of dependent, neglected, and delinquent children, and to make  
25 reports regarding ~~the-same~~ the institutions.

26 Sec. 47. Section 235A.15, subsection 3, Code Supplement  
27 1987, is amended to read as follows:

28 3. Access to unfounded child abuse information is  
29 authorized only to those persons identified in subsection 2,  
30 paragraph "a", paragraph "b", subparagraphs (2) and (5), and  
31 paragraph "e e", subparagraph (2).

32 Sec. 48. Section 256.9, subsection 4, Code Supplement  
33 1987, is amended to read as follows:

34 4. Employ personnel and assign duties and responsibilities  
35 of the department. The director shall appoint a majority

1 director and division administrators deemed necessary. They  
2 shall be appointed on the basis of their professional  
3 qualifications, experience in administration, and background.  
4 Members of the professional staff are not subject to the merit  
5 system provisions of chapter 19A and ~~shall be employed~~  
6 pursuant are subject to section 256.10.

7 Sec. 49. Section 273.13, Code 1987, is amended to read as  
8 follows:

9 273.13 ADMINISTRATIVE EXPENDITURES.

10 During the budget year beginning July 1, 1989, and the  
11 three succeeding budget years, the board of directors of an  
12 area education agency in which the administrative expenditures  
13 as a percent of the area education agency's operating fund for  
14 a base year exceed eight five percent shall reduce its  
15 administrative expenditures to five percent of the area  
16 education agency's operating fund. During each of the four  
17 years, the board of directors shall reduce administrative  
18 expenditures ~~of~~ by twenty-five percent of the reduction in  
19 administrative expenditure required by this section.  
20 Thereafter, the administrative expenditures shall not exceed  
21 eight five percent of the operating fund. Annually, the board  
22 of directors shall certify to the department of public  
23 ~~instruction~~ education the amounts of the area education  
24 agency's expenditures and its operating fund. ~~Base-year-and~~  
25 ~~budget-year~~ For the purposes of this section, "base year" and  
26 "budget year" mean base-year-and-budget-year the same as  
27 ~~defined in section 442.6---Per-the-purposes-of-this-section,~~  
28 and "administrative expenditures" means expenditures for  
29 executive administration.

30 Sec. 50. Section 279.45, Code 1987, is amended to read as  
31 follows:

32 279.45 ADMINISTRATIVE EXPENDITURES.

33 For the budget year beginning July 1, 1989, and each of the  
34 following three budget years, the board of directors of a  
35 school district in which the administrative expenditures as a

1 percent of the school district's operating fund for a base  
2 year exceed five percent, shall reduce its administrative  
3 expenditures so that they are one-half percent less as a  
4 percent of the school district's operating fund than they were  
5 for the base year. However, a school district is not required  
6 to reduce its administrative expenditures below eight five  
7 percent of its operating fund. Thereafter, a school district  
8 shall not increase the percent of its administrative  
9 expenditures compared to its operating fund. Annually, the  
10 board of directors shall certify to the department of  
11 education the amounts of the school district's administrative  
12 expenditures and its operating fund. Base-year-and-budget  
13 year For the purposes of this section, "base year" and "budget  
14 year" mean base-year-and-budget-year the same as defined in  
15 section 442.67--~~For the purposes of this section, and~~  
16 "administrative expenditures" means expenditures for executive  
17 administration.

18 Sec. 51. Section 280A.15, subsection 2, Code 1987, is  
19 amended to read as follows:

20 2. Each A candidate for member of the board of directors  
21 of a merged area shall be nominated by a petition signed by  
22 not less than fifty eligible electors of the director district  
23 from which the member is to be elected. The petition shall  
24 state the number of the director district from which the  
25 candidate seeks election, and the candidate's name and status  
26 as an eligible elector of the director district. Signers of  
27 the petition, in addition to signing their names, shall show  
28 their residence, including street and number if any, the  
29 school district in which they reside, and the date they signed  
30 the petition. ~~Each nomination paper shall have appended to it~~  
31 ~~an affidavit of an eligible elector other than the candidate~~  
32 ~~in substantially the form provided in section 43.177 except as~~  
33 ~~to party affiliation.~~ The petition shall include the  
34 affidavit of the candidate being nominated, stating the  
35 candidate's name and residence, and that the individual is a

1 candidate, is eligible for the office sought, and if elected  
2 will qualify for the office.

3 Sec. 52. Section 280B.6, subsection 1, Code 1987, is  
4 amended to read as follows:

5 1. Certificates may be sold at public sale ~~as provided by~~  
6 ~~chapter-75~~ or at private sale at par, premium, or discount at  
7 the discretion of the board of directors. ~~However, chapter-76~~  
8 Chapter 75 does not apply to the issuance of these  
9 certificates.

10 Sec. 53. Section 282.2, Code 1987, is amended to read as  
11 follows:

12 282.2 OFFSETTING TAX.

13 The parent or guardian whose child or ward attends school  
14 in any a district of which the ~~child-or-ward~~ parent or  
15 guardian is not a resident shall be allowed to deduct the  
16 amount of school tax paid by the parent or guardian in said  
17 district from the amount of tuition required to be paid.

18 Sec. 54. Section 303.88, subsection 4, Code 1987, is  
19 amended to read as follows:

20 4. Accept gifts, contributions, endowments, bequests, or  
21 other ~~funds~~ moneys available for all or any of the purposes of  
22 the division. Interest earned on the gifts, contributions,  
23 endowments, bequests, or other moneys accepted under this  
24 subsection shall be credited to the fund or funds to which the  
25 gifts, contributions, endowments, bequests, or other moneys  
26 have been deposited, and is available for all or any of the  
27 purposes of the division.

28 Sec. 55. Section 304.3, subsections 2 and 4, Code 1987,  
29 are amended to read as follows:

30 2. The ~~executive-director-of-the-iowa-state-historical~~  
31 ~~department~~ director of the department of cultural affairs.

32 4. The ~~state-comptroller~~ director of revenue and finance.

33 Sec. 56. Section 304.3, Code 1987, is amended by adding  
34 the following new subsection as subsection 5 and renumbering  
35 the present subsections 5 through 7 as subsections 6 through

1 8:

2 NEW SUBSECTION. 5. The director of the department of  
3 management.

4 Sec. 57. Section 307.48, unnumbered paragraph 1, Code  
5 1987, is amended to read as follows:

6 An employee ~~under the supervision~~ of the department's  
7 ~~administrator of highways and subject to chapter 19A~~  
8 department who is was hired on or after July 1 by the state  
9 highway commission on or before June 30, 1971, is not entitled  
10 to longevity pay. ~~However, this section does not apply to an~~  
11 ~~employee under the supervision of the department's~~  
12 ~~administrator of highways and subject to chapter 19A who was~~  
13 ~~employed prior to July 1, 1971, and whose employment continued~~  
14 ~~after June 30, 1971.~~ An employee under the supervision of the  
15 department's ~~administrator of highways and subject to chapter~~  
16 19A eligible for longevity pay under this section whose  
17 employment is terminated on or after July 1, 1971, if  
18 ~~reemployed under the supervision of~~ by the department's  
19 ~~administrator of highways~~ department, forfeits any right the  
20 employee may have had to longevity pay.

21 Sec. 58. Section 308.9, subsection 1, Code 1987, is  
22 amended to read as follows:

23 1. When, as a result of its investigations and studies,  
24 the state transportation commission, in co-operation with the  
25 ~~state conservation commission~~ department of natural resources,  
26 finds that there may be a need in the future for the  
27 development and construction or reconstruction of segments of  
28 the great river road, and when the state transportation  
29 commission determines that in order to prevent conflicting  
30 costly economic development on areas of lands to be available  
31 for the great river road when needed for such future  
32 development, there is need to establish and to inform the  
33 public of the approximate location and widths of new or  
34 improved segments of the great river road to be needed, the  
35 state transportation commission may proceed to establish such

1 the location and the approximate widths in the manner provided  
2 in this section. The state transportation commission shall  
3 give notice and hold a public hearing on the matter in a  
4 convenient place in the area to be affected by the proposed  
5 improvement of the great river road. The state transportation  
6 commission shall consider and evaluate the testimony presented  
7 at the public hearing and ~~it~~ shall make a study and prepare a  
8 map showing the location of the proposed new or reconstructed  
9 segment of the great river road and the approximate widths of  
10 right of way needed. ~~There shall be shown on such~~ The map  
11 shall show the existing roadway and the property lines and  
12 record owners of lands to be needed. The approval of ~~such~~ the  
13 map shall be recorded by reference in the state transportation  
14 commission's minutes, and a notice of ~~such~~ the action and a  
15 copy of the map showing the lands or interest in the lands  
16 needed in any county shall be filed in the office of the  
17 county recorder of ~~such~~ that county. Notice of the action and  
18 of the filing shall be published once in a newspaper of  
19 general circulation in ~~such~~ the county, and within sixty days  
20 following the filing, notice of the filing shall be served ~~in~~  
21 by registered mail on the owners of record on the date of  
22 filing and on the functional classification board of the  
23 county. Using the same procedures for approval, notice and  
24 publications, and notice to the affected record owners, the  
25 state transportation commission may ~~from time to time~~ amend  
26 the map.

27 Sec. 59. Section 321.23, subsection 4, Code 1987, is  
28 amended to read as follows:

29 4. Any A vehicle which does not meet the equipment  
30 requirements of this chapter due to the particular use for  
31 which it is designed or intended, may be registered by the  
32 department upon payment of appropriate fees and after  
33 inspection and certification by the department that the  
34 vehicle is not in an unsafe condition ~~and will not endanger~~  
35 ~~any person~~. A person is not required to have a certificate of



1 title to register a vehicle under this subsection. If the  
2 owner elects to have a certificate of title issued for the  
3 vehicle, a fee of ten dollars shall be paid by the person  
4 making the application upon issuance of a certificate of  
5 title. If the department's inspection reveals that ~~that~~ the  
6 vehicle may be safely operated only under certain conditions  
7 or on certain types of roadways, the department may restrict  
8 the registration to limit operation of the vehicle to the  
9 appropriate conditions or roadways. This subsection shall  
10 does not apply to snowmobiles as defined in section 321G.1.  
11 Section 321.382 does not apply to a vehicle registered under  
12 this subsection which is operated exclusively by a handicapped  
13 person who has obtained a special identification device as  
14 provided in section 601E.6, providing if the special  
15 identification device is carried in the vehicle and shown to  
16 any a peace officer on request.

17 Sec. 60. Section 321.69, subsection 4, unnumbered  
18 paragraph 2, Code Supplement 1987, is amended to read as  
19 follows:

20 The director of ~~revenue-and-finance~~ transportation shall  
21 establish by rule a claims procedure to be followed by police  
22 authorities in obtaining expenses and costs from the fund.

23 Sec. 61. Section 321A.3, subsection 4, Code Supplement  
24 1987, is amended to read as follows:

25 4. The abstract of operating record provided under this  
26 section shall designate which speeding ~~violations~~ convictions  
27 occurring between June 30, 1986, and May 12, 1987, are for ten  
28 miles per hour or less over the legal speed limit in speed  
29 zones that have a legal speed limit equal to or greater than  
30 thirty-five miles per hour. For speeding convictions  
31 occurring on or after May 12, 1987, the abstract shall  
32 designate which convictions are for ten miles per hour or less  
33 over the legal speed limit in speed zones that have a legal  
34 speed limit equal to or greater than thirty-five miles per  
35 hour but not greater than fifty-five miles per hour.

1 Sec. 62. Section 323.1, subsection 10, Code 1987, is  
2 amended to read as follows:

3 10. "Commission Department" means the ~~Iowa-state-commerce~~  
4 commission department of inspections and appeals.

5 Sec. 63. Section 331.502, subsection 12, Code Supplement  
6 1987, is amended by striking the subsection.

7 Sec. 64. Section 331.556, Code 1987, is amended to read as  
8 follows:

9 331.556 LOSS OF FUNDS -- REPLACEMENT.

10 1. A loss of funds in the custody of a treasurer resulting  
11 from an act of omission or commission for which the treasurer  
12 is responsible, except a loss covered by the treasurer's bond  
13 or a loss which occurs while the funds are deposited in an  
14 authorized depository, shall be replaced by the ~~several~~  
15 counties of the state as provided in this section.

16 2. The auditor of state shall determine the amount of loss  
17 to be replaced after a complete examination of the accounts of  
18 the treasurer of the county where the loss has occurred. The  
19 auditor of state shall file a written report of the  
20 examination with the ~~state-comptroller~~ director of management.

21 3. When the loss which is to be replaced has been  
22 determined by the auditor of state, the ~~state-comptroller~~  
23 director of management shall apportion the loss among the  
24 counties of the state, including the county in which the loss  
25 has occurred, in the proportion which the taxable property of  
26 each county bears to the total taxable property of all  
27 counties of the state. The written apportionment shall be  
28 filed ~~in-the-office-of-state-comptroller~~ with the department  
29 of management. The ~~state-comptroller~~ director of management  
30 shall certify to each treasurer the amount of the loss which  
31 has been apportioned to the various counties.

32 4. Upon receipt of the certification from the state  
33 ~~comptroller~~ director of management, each treasurer, except the  
34 treasurer of the county where the loss occurred, shall charge  
35 the general fund of the county with the amount apportioned to

1 the county and remit the amount to the ~~state-comptroller~~  
2 director of revenue and finance. The amount apportioned to a  
3 county shall draw interest at the rate of one percent per  
4 month after thirty days from the date when the treasurer  
5 received the certification of the apportionment from the state  
6 ~~comptroller~~ director of management.

7 5. If the amount apportioned to a county is not paid, the  
8 default shall be reported by the ~~state-comptroller~~ director of  
9 management to the director of revenue and finance who shall  
10 levy upon the taxable property of the delinquent county a tax  
11 sufficient to raise the apportionment, a penalty of twenty-  
12 five percent of the apportionment, and interest. The tax levy  
13 shall be transmitted to the auditor of the delinquent county  
14 who shall include the levy on the next tax list of the county.  
15 The tax shall be collected and remitted to the state  
16 ~~comptroller~~ director of revenue and finance.

17 6. The treasurer of state shall credit the funds received  
18 under this section to a separate fund in the state treasury.  
19 The treasurer of state shall pay the reimbursement funds to  
20 the county where the loss occurred by warrant issued by the  
21 ~~state-comptroller~~ director of revenue and finance.

22 Sec. 65. Section 411.22, subsection 1, paragraph a, Code  
23 1987, is amended to read as follows:

24 a. The retirement system shall be indemnified out of the  
25 recovery of damages to the extent of benefit payments made by  
26 the retirement system, with legal interest, except that the  
27 plaintiff member's attorney fees ~~are-not-indemnifiable~~ may be  
28 first allowed by the district court.

29 Sec. 66. Section 421.16, Code 1987, is amended to read as  
30 follows:

31 421.16 EXPENSES.

32 The director, deputy directors, secretary, and assistants  
33 ~~shall-be~~ are entitled to receive from the state their actual  
34 necessary expenses while traveling on the business of the  
35 department; ~~-such.~~ The expenditures to shall be sworn to by

1 the party who incurred the expense, and approved by the  
2 director, ~~and-allowed-by-the-state-comptroller.~~ Provided,  
3 ~~however,-that~~ However, no such expense shall be allowed the  
4 director, deputy directors, secretary, or employees of the  
5 department while in the city of Des Moines or traveling  
6 between their homes and the city of Des Moines.

7 Sec. 67. Section 421.31, subsection 8, Code 1987, is  
8 amended by striking the subsection and inserting in lieu  
9 thereof the following:

10 8. INTEREST OF THE PERMANENT SCHOOL FUND. To transfer the  
11 interest of the permanent school fund to the credit of the  
12 first in the nation in education foundation as provided in  
13 section 302.1A.

14 Sec. 68. Section 421.45, Code 1987, is amended to read as  
15 follows:

16 421.45 CANCELLATION OF STATE WARRANTS.

17 The director of the department of revenue and finance, as  
18 of March 31, June 30, September 30, and December 31 of each  
19 year shall cancel and request the treasurer of state to stop  
20 payment on all state warrants which have been outstanding and  
21 unredeemed by the state treasurer for ~~one-year~~ six months or  
22 longer.

23 Sec. 69. Section 444.7, Code 1987, is amended to read as  
24 follows:

25 444.7 EXCESSIVE TAX PROHIBITED.

26 It is ~~hereby-made~~ a simple misdemeanor for the board of  
27 supervisors to authorize, or the county auditor to carry upon  
28 the tax lists for any year, an amount of tax for any a public  
29 purpose in excess of the amount certified or authorized as  
30 provided by law. The ~~state-comptroller~~ department of  
31 management shall prescribe and furnish the county auditors  
32 forms and instructions to aid them in determining the legality  
33 and authorized amount of tax levies. ~~In-the-case-of-an~~  
34 ~~excessive-levy,-it-shall-be-the-duty-of-the~~ The county auditor  
35 to shall reduce it an excessive levy to the maximum amount

1 authorized by law, and ~~in-any-event~~ not in excess of the  
2 amount certified; and ~~in-case-of-an-illegal-levy~~ the county  
3 auditor shall not enter or carry any a tax on the tax lists  
4 for ~~such~~ an illegal levy.

5 Sec. 70. Section 463.6, Code 1987, is amended to read as  
6 follows:

7 463.6 EXTENDING PAYMENT OF ASSESSMENTS.

8 ~~In-case~~ If no appeal is taken to the issuance of ~~said~~  
9 bonds, as provided by chapter 23, the board may extend the  
10 time of payment of ~~said~~ the unpaid assessment or ~~any an~~  
11 installment or installments ~~thereof~~ of it as requested in the  
12 petition and may issue drainage refunding bonds, or, in case  
13 of an appeal, the board may issue ~~such~~ the bonds in accordance  
14 with the decision of the ~~state-comptroller~~ appeal board  
15 provided ~~said~~ the assessments, installment, or installments  
16 ~~thereof~~ have not been entered on the delinquent tax lists and  
17 have not been previously extended.

18 Sec. 71. Section 474.10, Code 1987, is amended to read as  
19 follows:

20 474.10 GENERAL COUNSEL.

21 The board shall employ a competent attorney to serve as its  
22 general counsel, and assistants to the general counsel as it  
23 finds necessary for the full and efficient discharge of its  
24 duties. The general counsel is the attorney for, and legal  
25 advisor of, the board and is exempt from the merit system  
26 provisions of chapter 19A. Assistants to the general counsel  
27 are subject to the merit system provisions of chapter 19A.  
28 The general counsel or an assistant to the general counsel  
29 shall provide the necessary legal advice to the board in all  
30 matters and represent the board in all actions instituted in a  
31 state or federal court challenging the validity of any a rule  
32 or order of the board. The existence of a fact which  
33 disqualifies a person from election or from acting as a  
34 utilities board member disqualifies the person from employment  
35 as general counsel or assistant general counsel. The general

1 counsel shall devote full time to the duties of the office.  
2 During employment the counsel shall not be a member of a  
3 political committee, contribute to a political campaign fund  
4 other than through the income tax checkoff for contributions  
5 to the Iowa election campaign fund and the presidential  
6 election campaign fund, participate in a political campaign,  
7 or be a candidate for a political office.

8 Sec. 72. Section 534.401, subsections 2, 3, and 4, Code  
9 1987, are amended to read as follows:

10 2. GENERAL SUPERVISORY POWER. The ~~supervisor~~  
11 superintendent has general supervision over all supervised  
12 organizations.

13 The ~~supervisor~~ superintendent ~~may, with the approval of the~~  
14 ~~auditor of state,~~ appoint examiners and assistants necessary  
15 to properly execute the duties of the office. ~~Any~~ An examiner  
16 ~~so appointed~~ shall have had at least one year of actual  
17 experience as examiner, officer, or employee, of a savings and  
18 loan association. ~~Such~~ The examiners' salaries shall be fixed  
19 by the ~~auditor of state~~ superintendent subject to the approval  
20 of the ~~comptroller~~ director of management and governor, which  
21 salaries shall be commensurate with ~~that~~ those in the range of  
22 other employees as prescribed by certain classifications in  
23 accordance with their experience and qualifications. In  
24 addition ~~such~~ the examiners shall be reimbursed for their  
25 actual and necessary expense.

26 Before entering upon their duties, the ~~supervisor of~~  
27 ~~savings and loan associations~~ superintendent and each examiner  
28 appointed by the ~~supervisor~~ superintendent shall take an oath  
29 of office and shall each give bond to the state, signed by a  
30 responsible surety company, in the penal sum of two thousand  
31 dollars, conditioned upon faithful and impartial discharge of  
32 the person's duty and on proper accounting for all funds and  
33 other valuables which may come into the person's hands. ~~Such~~  
34 The bonds shall be approved by and filed with the auditor of  
35 state, together with oaths of office of ~~such officer~~ the

1 officers.

2 The ~~supervisor shall have the right to pass~~ superintendent  
3 may adopt further ~~regulations~~ rules deemed necessary to enable  
4 savings and loan associations to properly carry on the  
5 activities authorized under this chapter ~~and which are not~~  
6 ~~inconsistent with the provisions of this chapter.~~

7 3. DUTIES. The ~~supervisor~~ superintendent shall, at least  
8 once each year, ~~examine or~~ cause examination and audit to be  
9 made ~~into~~ of the affairs of every association subject to this  
10 chapter. If an association is insured under ~~the provisions of~~  
11 Title IV of the National Housing Act (~~48-Stat-B-12467,~~ 12  
12 U.S.C. ~~ch 137,~~ ~~as now or hereafter amended,~~ the ~~supervisor~~  
13 superintendent may, in lieu of ~~such~~ examination and audit  
14 accept ~~any~~ an examination or audit made by the federal savings  
15 and loan insurance corporation. ~~Any such~~ An association may,  
16 in lieu of ~~such~~ examination and audit by the ~~supervisor~~  
17 superintendent, at the option of the ~~supervisor~~ superintendent  
18 be audited by a certified public accountant, or by a public  
19 accountant qualified and licensed to practice accountancy  
20 ~~under the provisions of~~ the Code of Iowa. At least two copies  
21 of each examination or audit report, signed and verified by  
22 the accountant making it, shall promptly be filed with the  
23 ~~supervisor~~ superintendent. ~~Whenever~~ When, in the judgment of  
24 the ~~supervisor~~ superintendent, the condition of ~~any~~ an  
25 association renders it necessary or expedient to make an extra  
26 examination or audit or to devote ~~any~~ extraordinary attention  
27 to its affairs, the ~~supervisor~~ superintendent shall cause such  
28 work to be done. A copy of every examination or audit report  
29 shall be furnished to the association examined, exclusive of  
30 confidential comments made by the examiner, and a copy of  
31 every report and comments and any other information pertaining  
32 to an association may be furnished to the federal home loan  
33 bank board, federal home loan bank, and federal savings and  
34 loan insurance corporation. A copy of ~~such~~ an examination or  
35 audit report shall be presented to the board of directors at

1 its next regular or special meeting, and their action thereon  
2 on it shall be recorded in the minutes, and two certified  
3 copies of ~~such~~ the minutes shall be transmitted to the  
4 supervisor superintendent.

5 4. SUPERVISOR'S SUPERINTENDENT'S ANNUAL REPORT. The  
6 ~~supervisor-of-savings-and-loan-associations-shall~~  
7 superintendent, as of December 31 of each year, shall prepare  
8 and publish a report showing in general terms the condition of  
9 all savings and loan associations doing business in this  
10 state, and containing ~~such~~ other general information as in the  
11 ~~supervisor's superintendent's judgment shall seem~~ seems  
12 desirable. ~~Such~~ The reports shall also list the names of all  
13 examiners and other assistants employed by the ~~supervisor~~  
14 superintendent, together with ~~the~~ their respective salaries  
15 and expenses, and shall list all receipts from savings and  
16 loan associations, and shall show all expenditures made on  
17 account of the supervision and examination of ~~such~~ the  
18 associations.

19 Sec. 73. Section 534.403, Code 1987, is amended to read as  
20 follows:

21 534.403 EXAMINATIONS.

22 1. SUPERVISOR'S SUPERINTENDENT'S AUTHORITY -- EX-  
23 AMINATIONS. The ~~supervisor~~ superintendent and examiners shall  
24 have full access to all books and papers of an association  
25 which relate to its business, and to books, records, and  
26 papers kept by an officer, director, agent, or employee  
27 relating to, or upon which any record of its business is kept,  
28 and may summon witnesses and administer oaths or affirmations,  
29 in the examination of the directors, officers, agents, or  
30 employees of ~~any-such an~~ an association, or any other person, in  
31 relation to its affairs, transactions, and condition, and may  
32 require and compel the production of records, books, papers,  
33 contracts, or other documents by court order, if not  
34 voluntarily produced.

35 2. EXPENSES, PER DIEM, VACATION AND SICK LEAVE. Where if



1 the examination is made under ~~the provisions of~~ section  
2 534.401, subsection 3, each examiner shall file with the  
3 ~~auditor-of-state~~ superintendent an itemized, certified, and  
4 sworn voucher of the examiner's expense for the time ~~such the~~  
5 examiner is actually engaged in ~~such an~~ examination. On the  
6 fifteenth and last days of each month each examiner shall file  
7 in triplicate with the ~~auditor-of-state~~ superintendent a  
8 certified statement of the actual days engaged in ~~such~~  
9 ~~examination~~ examinations. The salaries shall be included in a  
10 ~~semimonthly~~ biweekly payroll. Upon approval of the ~~auditor-of~~  
11 ~~state~~ superintendent, the director of revenue and finance is  
12 authorized to issue warrants for the payment of ~~said the~~  
13 vouchers, and salaries, including a prorated amount for  
14 vacation and sick leave, from the savings and loan revolving  
15 fund. Repayment to the state shall be made as provided by  
16 section 534.408, subsection 4. Savings and loan examiners  
17 shall be paid salaries at rates commensurate with, and shall  
18 be reimbursed for meals and lodging at the same rate as, that  
19 which is received by federal examiners operating under the  
20 federal home loan bank board.

21 3. RECORD REQUIRED. A record of ~~such each~~ examination  
22 shall be kept in the ~~auditor's~~ superintendent's office,  
23 showing in detail as to each association all matters connected  
24 with the conduct of the business, its financial standing, and  
25 everything touching its solvency, plan of business, and  
26 integrity.

27 ~~Such~~ The examinations and reports, and other information  
28 connected ~~therewith~~ with them, shall be kept confidential in  
29 the office of the ~~auditor-of-state-and-the-supervisor-of~~  
30 ~~savings-and-loan-associations~~ superintendent, and ~~shall are~~  
31 not be subject to publication or disclosure to others except  
32 as in this chapter provided. However, any evidence of  
33 felonious acts on the part of the officers, directors, or  
34 employees of ~~such an~~ association may be referred by the ~~office~~  
35 ~~of-the-auditor-of-state~~ superintendent to proper authorities.

1 Members of ~~such~~ associations, other than their officers and  
2 directors, ~~shall are~~ not be entitled to inspection of any such  
3 records or information, and ~~shall are~~ not be entitled to any  
4 information relative to the names of the members of ~~any an~~  
5 association, or the amounts invested by them, as disclosed in  
6 the ~~auditor's~~ superintendent's office, or in the records of  
7 ~~any-such an~~ association.

8 4. REVOCATION OF AUTHORITY. If ~~any-such an~~ association  
9 ~~refuse~~ refuses to submit to such examination, the ~~auditor~~  
10 superintendent shall revoke its certificate of authority.

11 Sec. 74. Section 534.405, Code 1987, is amended to read as  
12 follows:

13 534.405 CONSERVATORSHIP -- OPERATION -- TERMINATION.

14 If the ~~supervisor~~ superintendent, as a result of any  
15 examination or from ~~any a~~ report made to the ~~supervisor-shall~~  
16 ~~find~~ supervisor finds that ~~any a~~ savings and loan association  
17 is violating ~~the-provisions~~ a provision of its certificate of  
18 incorporation, or bylaws, or the laws of this state, or of the  
19 United States, or ~~any a~~ lawful order of the ~~supervisor~~  
20 superintendent, or is conducting its business in an unsafe  
21 manner, the ~~supervisor~~ superintendent may by an order, direct  
22 discontinuance of ~~such the~~ violation or unsafe practice, and  
23 conformance with all requirements of law. ~~No A~~ conservator  
24 shall not be appointed for a solvent association ~~where-such if~~  
25 a violation or unsafe practice can be corrected otherwise. If  
26 ~~any-such an~~ association ~~shall-refuse~~ refuses or ~~neglect~~  
27 neglects to comply with ~~such the~~ order within the time  
28 specified ~~therein in it~~, or if it ~~shall-appear~~ appears to the  
29 ~~supervisor~~ superintendent that ~~any-such an~~ association is in  
30 an unsafe condition or is conducting its business in an unsafe  
31 manner, or if the ~~supervisor-shall-find~~ superintendent finds  
32 that an impairment of capital exists to such extent that it  
33 threatens loss to the members, or if ~~any an~~ association  
34 refuses to submit its books, papers, and accounts to the  
35 inspection of the ~~supervisor~~ superintendent or the

1 ~~supervisor's~~ superintendent's representative, the supervisor  
2 superintendent, by written order signed by the ~~supervisor and~~  
3 ~~the-auditor-of-state~~ superintendent, may appoint a conservator  
4 to take charge of the association and manage its business  
5 until the ~~supervisor-shall~~ superintendent ~~permit~~ permits the  
6 board of directors to resume management of the business or  
7 ~~shall-reorganize~~ reorganizes the association, or until a  
8 receiver ~~shall-be~~ is appointed to liquidate its affairs. Any  
9 A conservator so appointed ~~shall~~ has, subject to approval of  
10 the ~~supervisor-and-auditor-of-state~~ superintendent, have all  
11 the rights, powers, and privileges possessed by the officers,  
12 board of directors, and members of the association. The  
13 conservator shall not retain special counsel or other experts,  
14 or incur any expenses other than normal operating expenses, or  
15 liquidate assets, except in the ordinary course of operations.  
16 The directors and officers shall remain in office and the  
17 employees shall remain in their respective positions, but the  
18 ~~supervisor~~ superintendent may remove any director, officer, or  
19 employee. While the association is in the charge of a  
20 conservator, members of ~~such~~ the association shall continue to  
21 make payments to the association in accordance with the terms  
22 ~~and-conditions~~ of their contracts and the conservator, in the  
23 conservator's discretion, may permit members to withdraw as  
24 ~~such~~ in the ordinary course of business, or under, and subject  
25 to ~~such~~ rules ~~and-regulations-as~~ the ~~supervisor~~ superintendent  
26 ~~may prescribe and-the.~~ The conservator ~~shall-have-power-to~~  
27 may accept savings but ~~any-such~~ savings ~~thereon~~ received by  
28 the conservator may be segregated if the ~~supervisor~~  
29 superintendent ~~shall~~ so order orders in writing and if so  
30 ordered such savings ~~shall~~ are not be subject to offset and  
31 shall not be used to liquidate ~~any~~ an indebtedness of ~~such~~ the  
32 association existing at the time the conservator was appointed  
33 for it, or any subsequent indebtedness incurred for the  
34 purpose of liquidating the indebtedness of ~~such~~ the  
35 association existing at the time ~~such~~ a conservator was

1 appointed. All expenses of the association during such  
2 conservatorship shall be paid by the association. The  
3 appointment of a conservator shall be evidenced by the  
4 ~~supervisor~~ superintendent issuing a certificate, signed by the  
5 ~~supervisor-and-by-the-auditor-of-state~~ superintendent,  
6 delivered to the president, or the vice president, or to at  
7 least three members of the board of directors of the  
8 association, certifying that a conservator has been appointed  
9 pursuant to this section. Within six months from the date  
10 upon which the conservator ~~shall take~~ takes charge of an  
11 association, the ~~supervisor~~ superintendent shall determine  
12 ~~whether or-not-the-supervisor-shall~~ to restore the management  
13 of the association to the board of directors. Such The  
14 determination shall be evidenced by the ~~supervisor's~~  
15 superintendent's certificate under the seal of the office,  
16 delivered to the president, or vice president, or to the board  
17 of directors of the association, that the conservator  
18 ~~forthwith~~ is redelivering the management of the association to  
19 the board of directors of the association then in office.  
20 After the management of the association ~~shall have~~ has been  
21 redelivered to the board of directors of an association, the  
22 association shall ~~thenceforth~~ be managed and operated as  
23 though no conservator had been appointed. At any time prior  
24 to the redelivery of the management to the board of directors,  
25 the ~~supervisor~~ superintendent shall determine whether ~~such~~ the  
26 association shall be required to reorganize. Such That  
27 determination shall be evidenced by a certificate, signed by  
28 the ~~supervisor,-and-by-the-auditor-of-state~~ superintendent,  
29 under the seal of the office, delivered to an executive  
30 officer of the association, stating that unless the  
31 association ~~reorganize~~ reorganizes under the laws of this  
32 state within a period of sixty days from the date of ~~such~~ the  
33 certificate, or within such further time as the ~~supervisor~~  
34 ~~shall approve~~ superintendent approves, the ~~supervisor~~  
35 superintendent shall ~~proceed to~~ liquidate the association. If

1 the association has the insurance protection provided by Title  
2 IV of the National Housing Act [~~48-Stat.-E--12467~~, 12 U.S.C.  
3 ch 13~~7-as-now-or-hereafter-amended~~, a signed and sealed copy  
4 of each order and certificate mentioned in this section shall  
5 be promptly sent by the ~~supervisor~~ superintendent by  
6 registered mail to the federal savings and loan insurance  
7 corporation, Washington, D.C. If the association is insured  
8 by the federal savings and loan insurance corporation, that  
9 corporation shall be named receiver if the ~~supervisor-and~~  
10 ~~auditor-have~~ superintendent has determined the need for a  
11 receivership.

12 Sec. 75. Section 534.406, Code 1987, is amended to read as  
13 follows:

14 534.406 RECEIVERSHIP.

15 ~~When-any~~ If a building and loan or savings and loan  
16 association is conducting its business illegally, or in  
17 violation of its articles of incorporation or bylaws, or is  
18 practicing deception upon its members or the public, or is  
19 pursuing a plan of business that is injurious to the interest  
20 of its members, or if its affairs are in an unsafe condition,  
21 the ~~auditor-of-state~~ superintendent shall notify the directors  
22 of the association, and, if they fail to put its affairs upon  
23 a safe basis, the ~~auditor~~ superintendent shall advise the  
24 attorney general, who shall take the necessary steps to wind  
25 up its affairs in the manner provided by law. In the  
26 proceedings a receiver may be appointed by the court and the  
27 proceedings shall be the exclusive liquidation or insolvency  
28 proceeding and a receiver shall not be appointed in any other  
29 proceedings.

30 Sec. 76. Section 534.407, Code 1987, is amended to read as  
31 follows:

32 534.407 REVOCATION OF CERTIFICATE.

33 If a certificate of authority to do business ~~shall-have~~ has  
34 been issued to ~~any an~~ association, and it ~~shall-violate~~  
35 violates any of the provisions of this chapter, the ~~auditor-of~~

1 state superintendent may revoke the same certificate.

2 Sec. 77. Section 534.408, subsections 2 through 7, Code  
3 Supplement 1987, are amended to read as follows:

4 2. INCORPORATION FEE. Simultaneously with the filing with  
5 the supervisor superintendent of a certificate of  
6 incorporation, the corporation shall pay an incorporation fee  
7 of one hundred dollars.

8 3. CHANGE OF LOCATION OR CHANGE OF NAME. There A fee of  
9 fifty dollars shall accompany each application to the  
10 supervisor superintendent for leave permission to change the  
11 location of the home office or to change the name of the  
12 association a-fee-of-fifty-dollars.

13 4. SUPERVISION AND EXAMINATION FEE. At the time of filing  
14 its annual report each association shall pay to the auditor-of  
15 state, superintendent an annual filing fee of fifty dollars.  
16 The supervisor superintendent shall assess against any an  
17 association the actual and necessary expenses incidental to  
18 any examinations, or to supervision, or to any a special audit  
19 made pursuant to an order of the supervisor superintendent  
20 acting under authority of this chapter. The annual assessment  
21 to each association shall also include a fair proportion of  
22 the cost of administration of the savings and loan division.

23 5. MERGER FEE. At the time of filing with the supervisor  
24 any superintendent a merger agreement, the association  
25 proposing to so merge shall submit therewith a fee of one  
26 hundred fifty dollars, which fee shall be paid in equal parts  
27 by the associations which are parties to the proposed merger.

28 6. FOR REORGANIZATION, TRANSFER OF ASSETS, AND  
29 DISSOLUTION. There A fee of fifty dollars shall accompany  
30 every a proposed plan of reorganization, every a proposal for  
31 the transfer of assets in bulk, and every a certificate of  
32 dissolution, filed with the supervisor superintendent for  
33 approval, a-fee-of-fifty-dollars.

34 7. FOR APPROVAL OF SUPERVISOR SUPERINTENDENT. The  
35 supervisor-is-authorized superintendent, in the supervisor's

1 superintendent's discretion, ~~to~~ may charge a fee of not  
2 exceeding ten dollars upon each application for the  
3 ~~supervisor's~~ superintendent's approval, as provided by this  
4 chapter.

5 Sec. 78. Section 534.511, subsection 8, Code 1987, is  
6 amended to read as follows:

7 8. CERTIFICATION. The superintendent ~~of-savings-and-loan~~  
8 ~~associations~~ shall prepare a certificate of merger upon the  
9 occurrence of all of the events stated in subsections 3, 4, 5,  
10 6, and 7. This certificate shall include the name of the  
11 surviving association, federal association, or bank and the  
12 effective date of the merger. The original certificate shall  
13 be filed with the secretary of state. The superintendent  
14 shall provide a certified copy of the certificate to any  
15 person upon payment of a five dollar fee. A certified copy of  
16 this certificate ~~shall-be~~ is sufficient proof of the merger  
17 for purposes of establishing ~~the~~ liability for debts or the  
18 ownership of assets as provided in section 534.512,  
19 subsections 1 and 2. An association involved in a merger may  
20 transfer assets or receive assets under the plan of merger  
21 only after the certificate of merger has been issued by the  
22 superintendent.

23 Sec. 79. Section 534.515, subsections 3 through 13, Code  
24 1987, are amended to read as follows:

25 3. DEPOSIT OF SECURITIES. ~~No-such~~ An unincorporated  
26 building and loan association shall ~~be-permitted-to~~ not carry  
27 on its business within this state unless it ~~shall~~ first  
28 ~~deposit~~ deposits with the ~~auditor-of-state~~ superintendent at  
29 least fifty thousand dollars of first mortgages and negotiable  
30 notes in the same amount secured ~~thereby-upon~~ by real estate  
31 in the state, bearing interest at a rate not less than five  
32 percent per annum, which ~~said~~ mortgages shall ~~in-no-case~~ not  
33 exceed one-half the actual value of the real estate upon which  
34 they are taken.

35 4. ADDITIONAL DEPOSITS. The ~~auditor-of-state-shall~~ have

1 ~~power-and-authority-to~~ superintendent may require that such a  
2 further amount of such securities ~~shall~~ be deposited with the  
3 auditor superintendent as in the auditor's superintendent's  
4 judgment ~~may-thereafter-be~~ is necessary to protect the members  
5 of such the building and loan association, or the persons  
6 making periodical payments ~~thereto~~ to it.

7 5. SECURITIES HELD IN TRUST. The notes, mortgages, and  
8 securities ~~so~~ deposited with the ~~auditor-of-state-shall~~  
9 superintendent, with all interest and accumulations thereon on  
10 them, shall be held in trust by the auditor superintendent for  
11 the purpose of fulfilling and carrying out all contracts made  
12 by such building and loan associations with ~~the~~ their members  
13 thereof, and with the persons making periodical payments  
14 ~~thereto~~ to them.

15 6. APPROVAL -- CERTIFICATE OF AUTHORITY. If the executive  
16 council approves the plan or method of business of any such a  
17 building and loan association, it shall endorse its approval  
18 upon the statement of the resources and liabilities and plan  
19 of business presented to it, and ~~such the~~ the statement shall  
20 ~~thereupon~~ be filed in the office of the ~~auditor-of-state~~  
21 superintendent, who shall issue a certificate to ~~such the~~  
22 building and loan association to transact business within the  
23 state, if ~~such the~~ the association has deposited with the auditor  
24 superintendent the mortgages and securities required by the  
25 other provisions of this chapter.

26 7. OFFICERS TO GIVE BONDS -- APPROVAL. ~~Every~~ An officer  
27 of such a building and loan association who signs or endorses  
28 checks, or handles any of the funds or securities thereof of  
29 the association, shall give ~~such~~ bond or fidelity insurance  
30 for the faithful performance of the officer's duty in ~~such a~~  
31 sum as the ~~auditor-of-state~~ superintendent may require, and no  
32 such officer ~~shall-be-deemed~~ is qualified to enter upon the  
33 duties of the office until the officer's bond is approved by,  
34 and deposited with, the ~~auditor-of-state~~ superintendent. And  
35 ~~any-such~~ The bond may be increased or additional sureties



1 required by the auditor-of-state-whenever superintendent if in  
2 the auditor's superintendent's judgment it becomes necessary  
3 to protect the interest of the association or its members, or  
4 persons making periodical payments of money thereto to it.

5 8. EXAMINATION. The auditor-of-state superintendent may  
6 at any time the auditor-may-see superintendent deems proper  
7 make, or cause to be made, an examination of any such a  
8 building and loan association, or the auditor superintendent  
9 may call upon it for a report of its condition upon any given  
10 day which has passed, as often as four times each year, which  
11 report shall contain the information hereinafter required in  
12 this section.

13 9. EXPENSE OF EXAMINATION. The expense of making such an  
14 examination shall be paid by the building and loan  
15 association, and if made by the auditor superintendent in  
16 person the auditor superintendent shall be paid the auditor's  
17 superintendent's necessary expenses only; if made by an  
18 examiner designated by the auditor superintendent, the  
19 examiner shall receive not to exceed twenty-five dollars a day  
20 for the time employed by the auditor superintendent, and the  
21 examiners's examiner's necessary expenses.

22 10. ANNUAL REPORTS. On or before the first day of  
23 February of each year, every such building and loan  
24 association shall file with the auditor-of-state  
25 superintendent its annual report in writing for the year  
26 ending on the thirty-first day of December preceding, giving a  
27 complete statement in detail of all of its receipts from all  
28 sources, and all disbursements made during such the year,  
29 arranged and itemized as may-be required by the auditor-of  
30 state superintendent. Such The report shall also show the  
31 number of members or persons making periodical payments to  
32 such the association, the number and amount of loans made to  
33 such the persons, the interest received therefrom from them,  
34 the number and amounts of mortgages, contracts, or other  
35 securities held by the association, the actual cash value of

1 the real estate securing such the mortgages or contracts, the  
2 salary paid to each of its officers during the preceding year,  
3 the assets and ~~liability~~ liabilities of the association at the  
4 end of the year, and any other matters which in the judgment  
5 of the ~~auditor-of-state-may-be~~ superintendent are required to  
6 give the ~~auditor~~ superintendent full information as to the  
7 business transacted by such the building and loan association.

8 11. FAILURE TO FURNISH REPORTS. If any such a building  
9 and loan association ~~shall-fail~~ fails or ~~refuse~~ refuses to  
10 furnish the ~~auditor-of-state~~ superintendent the report  
11 required in subsection 10, the officers or persons conducting  
12 the business of such the building and loan association shall  
13 forfeit the sum of twenty-five dollars for each day that such  
14 the report is withheld, and the ~~auditor-of-state~~  
15 superintendent may maintain an action, jointly or severally,  
16 against them in the name of the state to recover such that  
17 penalty, and the same penalty shall be paid into the state  
18 treasury when recovered by the ~~auditor~~ superintendent.

19 12. CRIMINAL OFFENSES. If any officer or agent of any  
20 such building and loan association, or any person conducting  
21 the business thereof, shall knowingly and willfully swear  
22 falsely to any statement in regard to any matter in this  
23 chapter required to be made under oath, the person shall be  
24 guilty of perjury and punished accordingly. And if any  
25 officer, agent or employee of any such association, or any  
26 person transacting the business thereof, shall issue, utter,  
27 or offer to utter, any warrant, check, order, or promise to  
28 pay of such association, or shall sign, transfer, cancel, or  
29 surrender any note, bond, draft, mortgage, or other evidence  
30 of indebtedness belonging to such association, or shall  
31 demand, collect, or receive any money from any member or other  
32 person in the name of such association without being  
33 authorized so to do, the person shall be guilty of a  
34 fraudulent practice; or if any such officer, agent, or  
35 employee of such association, or any person transacting the

1 business thereof, shall embezzle, convert to the person's own  
2 use, or shall use or pledge for the person's own benefit or  
3 purpose, any moneys, securities, credits, or other property  
4 belonging to the association, the person shall be guilty of  
5 theft; or if the person shall knowingly solicit, transact, or  
6 attempt to transact any business for any such association  
7 which has not procured and does not hold the certificate of  
8 authority from the ~~auditor-of-state~~ superintendent to transact  
9 business in this state as provided herein in this section, the  
10 person shall be guilty of a serious misdemeanor; or if the  
11 person shall knowingly make, or cause to be made, any false  
12 entries in the books of the association, or shall, with intent  
13 to deceive any person making an examination of such  
14 association, as herein provided, exhibit to the person making  
15 the examination any false entry, paper, or statement, the  
16 person shall be guilty of a fraudulent practice.

17 13. REVOCATION OF CERTIFICATE -- RECEIVER. If any such  
18 building and loan association holding a certificate of  
19 authority to transact business within this state issued by the  
20 auditor superintendent as herein provided in this chapter,  
21 shall violate any of the provisions of this chapter, or shall  
22 fail to deposit with the ~~auditor-of-state~~ superintendent such  
23 further amount of mortgages or securities as the auditor  
24 superintendent may require under this chapter, the ~~auditor-of~~  
25 state superintendent shall at once revoke such the certificate  
26 and notify the executive council of the its revocation  
27 thereof; and under the direction of the executive council,  
28 application shall be made by the attorney general to the  
29 proper court for the appointment of a receiver to wind up the  
30 affairs of the association; ~~and in such~~. In the proceedings  
31 the amount due from the borrowing members or persons making  
32 periodical payments upon contracts or mortgages given by them;  
33 shall be ascertained in the manner provided in section  
34 534.405; and the amount owing upon such mortgages or contracts  
35 from members of the association or persons making periodical

1 payments ~~thereto~~ to it, shall be treated and considered as due  
2 and payable within a reasonable time, to be fixed by the court  
3 after the appointment of a receiver.

4 Sec. 80. Section 534.602, subsections 1 and 2, Code 1987,  
5 are amended to read as follows:

6 1. DOMESTIC COMPANIES -- BONDS -- CUSTODY. The officers  
7 and employees of any a domestic association who sign or  
8 endorse checks or handle any funds or securities of such an  
9 association shall give such bonds or fidelity insurance as the  
10 board of directors may require; and no such officer shall be  
11 deemed qualified to enter upon the duties of the office until  
12 the officer's bond is approved by the board of directors and  
13 by the ~~auditor-of-state~~ superintendent. ~~Such~~ The bonds shall  
14 be deposited and filed with the ~~auditor-of-state~~  
15 superintendent. ~~Such~~ The associations may in connection with  
16 obtaining such bonds or insurance acquire and hold membership  
17 in mutual insurance or bonding companies. No such bond shall  
18 be terminated or canceled because of failure to pay premium or  
19 for any other cause until after ten days' written notice to  
20 the ~~supervisor~~ superintendent of intention to cancel such the  
21 bond.

22 2. ADDITIONAL BONDS. All such bonds shall be increased or  
23 additional securities required by the board of directors or  
24 the ~~auditor-of-state~~ superintendent when it becomes necessary  
25 to protect the interests of the association or its members.

26 Sec. 81. Section 534.701, Code 1987, is amended to read as  
27 follows:

28 534.701 STATE RECIPROCITY.

29 When by the laws of any other state, territory, country, or  
30 nation, or by the decision or rulings of the appropriate and  
31 proper officers thereof, any greater taxes, fines, penalties,  
32 licenses, fees, deposits of money or other securities, or  
33 other obligations or prohibitions, are demanded of building  
34 and loan or savings and loan associations of this state, as a  
35 condition to be complied with before doing business or

1 granting loans in that state, so long as such laws continue in  
2 force, the same requirements, obligations, and prohibitions of  
3 whatever kind shall be imposed on all building and loan or  
4 savings and loan associations of such other state, territory,  
5 country, or nation doing business in this state, and upon  
6 their agents. ~~It is hereby made the duty of the auditor of~~  
7 ~~state to~~ The superintendent shall enforce the provisions of  
8 this section.

9 Sec. 82. Section 534.702, subsections 2 through 8, Code  
10 Supplement 1987, are amended to read as follows:

11 2. APPROVAL BY SUPERVISOR SUPERINTENDENT -- CERTIFICATE OF  
12 AUTHORITY. If upon receipt of the report the supervisor  
13 superintendent finds from a review of the report that the  
14 association is properly managed, that its financial condition  
15 is satisfactory, and that its business is conducted upon a  
16 safe and reliable plan and one equitable to its members, the  
17 ~~supervisor~~ superintendent shall issue a like certificate of  
18 authority, signed by the ~~auditor of state~~ superintendent as in  
19 the case of domestic associations.

20 3. CONDITIONS ATTENDING APPROVAL. A foreign association  
21 shall not be authorized to do business in this state if the  
22 foreign association's articles of incorporation are not found  
23 by the ~~supervisor~~ superintendent to be in substantial  
24 compliance with the laws of this state, and affording equal  
25 security and protection to its members.

26 4. DEPOSIT BY FOREIGN ASSOCIATION. Before the ~~supervisor~~  
27 superintendent issues a certificate to a foreign association,  
28 it shall deposit with the ~~auditor of state~~ superintendent two  
29 hundred fifty thousand dollars, either in cash, or bonds of  
30 the United States or of the state of Iowa, or of a county or  
31 municipal corporation of the state, or notes secured by first  
32 mortgages on real estate, or a like amount in other security  
33 which is satisfactory to the ~~auditor of state~~ superintendent.

34 The foreign association may collect and use the interest on  
35 any securities so deposited as long as it fulfills its

1 obligations and complies with this chapter. Upon the approval  
2 of the auditor superintendent, it may also exchange the  
3 securities for other securities of equal value.

4 5. LIABILITY OF DEPOSIT. The deposit made with the  
5 auditor-of-state superintendent shall be held as security for  
6 all claims of resident members of the state against ~~said the~~  
7 association, and ~~shall-be~~ is liable for all judgments or  
8 decrees thereon, and subject to ~~the their~~ payment ~~of-the-same~~.

9 6. AUDITOR-OF-STATE SUPERINTENDENT AS PROCESS AGENT. Such  
10 The foreign associations shall also file with the auditor-of  
11 this-state superintendent a duly authorized copy of a  
12 resolution adopted by the board of directors of ~~such the~~  
13 association, stipulating and agreeing that, if any legal  
14 process or notice affecting ~~such the~~ association be is served  
15 on the ~~said-state-auditor~~ superintendent, and a copy thereof  
16 be mailed, postage prepaid, by the party procuring and issuing  
17 ~~the-same it~~, or the party's attorney, to ~~said the~~ association,  
18 addressed to its home office, then such service and mailing of  
19 ~~such process or notice shall-have~~ has the same effect as  
20 personal service on ~~said the~~ association within this state.

21 7. MANNER OF SERVICE. When proceedings have been  
22 commenced against, or affecting any a foreign building and  
23 loan or savings and loan association, as contemplated in  
24 subsection 6, and notice has been served upon the auditor-of  
25 the-state superintendent, the same notice shall be by  
26 duplicate copies, one of which shall be filed in the auditor's  
27 superintendent's office, and the other mailed by the auditor  
28 superintendent, postage prepaid, to the home office of ~~such~~  
29 the association.

30 8. AMENDMENT TO ARTICLES. Within ten days after the  
31 adoption of an amendment to its articles of incorporation or  
32 bylaws, a foreign association shall file a duly certified copy  
33 of the amendment with the supervisor superintendent.

34 Sec. 83. Section 534.703, Code 1987, is amended to read as  
35 follows:

1 534.703 FEES -- FOREIGN ASSOCIATIONS.

2 Foreign building and loan or savings and loan associations  
3 shall pay to the ~~auditor-of-state~~ superintendent the following  
4 fees, which shall be paid by the ~~auditor~~ superintendent into  
5 the state treasury: For ~~each~~ an application to do business in  
6 this state, two hundred dollars; for ~~each~~ a certificate of  
7 authority ~~and-each~~ or an annual renewal ~~thereof~~ of a  
8 certificate, one hundred dollars; for filing ~~each~~ an annual  
9 statement of the assets of the association as shown by the  
10 statement filed, amounts to fifty thousand dollars or less,  
11 six dollars; if more than fifty thousand dollars and less than  
12 one hundred thousand dollars, ten dollars; if ~~more-than~~ one  
13 hundred thousand dollars or more and less than two hundred  
14 fifty thousand dollars, twenty dollars; if ~~more-than~~ two  
15 hundred fifty thousand dollars or more, and less than five  
16 hundred thousand dollars, forty dollars; if ~~more-than~~ five  
17 hundred thousand dollars or more and less than one million  
18 dollars, sixty dollars; and if ~~more-than~~ one million dollars  
19 or more, one hundred dollars.

20 Sec. 84. Section 534.705, subsection 1, unnumbered  
21 paragraph 1, Code 1987, is amended to read as follows:

22 All associations doing business in this state shall, on or  
23 before the first day of February of each year, file with the  
24 ~~auditor-of-state~~ superintendent a detailed report and  
25 financial statement of their business for the year ending the  
26 thirty-first day of December next preceding, and ~~such~~ the  
27 report shall be verified by the president and secretary or by  
28 three directors of the association, and ~~such-report~~ shall  
29 show:

30 Sec. 85. Section 534.705, subsection 3, Code 1987, is  
31 amended to read as follows:

32 3. VIOLATIONS. If an association ~~shall-fail-or-refuse~~  
33 fails or refuses to furnish the ~~auditor-of-state~~  
34 superintendent the report required in subsections 1 and 2 it  
35 shall forfeit the sum of twenty-five dollars for every day

1 ~~such the~~ report ~~shall-be~~ is withheld and the auditor-of-state  
2 superintendent may maintain an action in the name of the state  
3 to recover ~~such that~~ penalty and the ~~same~~ penalty shall be  
4 paid into the treasury of the state.

5 Sec. 86. Section 544.7, subsection 4, paragraph c, Code  
6 1987, is amended to read as follows:

7 c. As an annuity to a widow spouse or representative of a  
8 deceased partner,

9 Sec. 87. Section 562B.15, Code 1987, is amended to read as  
10 follows:

11 562B.15 LANDLORD TO DELIVER POSSESSION OF MOBILE HOME  
12 SPACE.

13 At the commencement of the term the landlord shall deliver  
14 possession of the mobile home space to the tenant in  
15 compliance with the rental agreement and section 562B.16. The  
16 landlord may bring an action for possession against any a  
17 person wrongfully in possession and may recover the damages  
18 provided in section ~~562B.31~~ 562B.30, subsection 2.

19 Sec. 88. Section 601K.2, unnumbered paragraph 2, Code  
20 1987, is amended to read as follows:

21 The governor shall appoint the administrators of each of  
22 the divisions subject to confirmation by the senate. Each  
23 administrator shall serve at the pleasure of the governor and  
24 is exempt from the merit system provisions of chapter 19A.  
25 The governor shall set the salary of the division ~~directors~~  
26 administrators within the ranges set by the general assembly.

27 Sec. 89. Section 601K.36, Code 1987, is amended to read as  
28 follows:

29 601K.36 ADMINISTRATOR.

30 The administrator shall serve as executive officer of the  
31 commission and be is exempt from the merit system provisions  
32 of chapter 19A. The administrator ~~shall-be~~ is responsible to  
33 the commission and, pursuant to section 601K.2, with the  
34 approval of the commission shall employ and supervise the  
35 commission's staff and be responsible for implementing policy



1 set by the commission. The administrator shall carry out  
2 programs and policies as determined by the commission.

3 Sec. 90. Section 602.8102, subsection 4, Code Supplement  
4 1987, is amended to read as follows:

5 4. Upon the death of a judge or magistrate of the district  
6 court, give written notice to the ~~state-comptroller~~ department  
7 of management and the department of revenue and finance of the  
8 date of death. The clerk shall also give written notice of  
9 the death of a justice of the supreme court, ~~or~~ a judge of the  
10 court of appeals, or a judge or magistrate of the district  
11 court who resides in the clerk's county to the state  
12 commissioner of elections, as provided in section 46.12.

13 Sec. 91. Section 674.13, Code 1987, is amended to read as  
14 follows:

15 674.13 FURTHER CHANGE BARRED.

16 ~~No~~ A person shall not change the person's name more than  
17 once under ~~the provisions of~~ this chapter unless just cause is  
18 shown. However, ~~a person may change~~ in a decree dissolving a  
19 person's marriage, the person's name may be changed back to  
20 the name appearing on the person's original birth certificate  
21 ~~after each decree dissolving a marriage is entered~~, or a  
22 ~~person may request a name change~~ to a legal name previously  
23 acquired in a former marriage.

24 Sec. 92. Section 805.1, subsection 8, Code Supplement  
25 1987, is amended to read as follows:

26 8. A peace officer shall issue a citation in lieu of  
27 arrest to a person under eighteen years of age accused of  
28 ~~violating~~ committing a simple misdemeanor under the provisions  
29 of chapter 106, 106A, 109, 109A, 110, 110A, 110B, 111, 321, or  
30 321G, a violation of a county or municipal curfew or traffic  
31 ordinance, or a violation of section 123.47, and shall not  
32 detain or confine the person in a facility regulated under  
33 chapter 356 or 356A.

34 Sec. 93. Section 903.1, subsection 3, Code Supplement  
35 1987, is amended to read as follows:

1 3. A person under eighteen years of age convicted of a  
2 simple misdemeanor under chapter 106, 106A, 109, 109A, 110,  
3 110A, 110B, 111, 321, or 321G, or a violation of a county or  
4 municipal curfew or traffic ordinance, or a violation of  
5 section 123.47, may be required to pay a fine, not to exceed  
6 one hundred dollars, as fixed by the court, or may be required  
7 to perform community service as ordered by the court.

8 Sec. 94. 1986 Iowa Acts, chapter 1245, section 1526, is  
9 amended to read as follows:

10 SEC. 1526. TRANSITION -- TERMS. The terms of all persons  
11 serving on the board of parole on June 30, 1986, expire on  
12 that date. Notwithstanding the four-year term specified in  
13 ~~section 1511-of-this-Act~~ 904A.1, appointments of the new  
14 members shall be as follows:

15 1. One full-time and one part-time member to serve from  
16 July 1, 1986, to ~~June~~ April 30, 1988.

17 2. One full-time and one part-time member to serve from  
18 July 1, 1986, to ~~June~~ April 30, 1989.

19 3. One member to serve from July 1, 1986, to ~~June~~ April  
20 30, 1990.

21 Thereafter, all appointments shall be for four-year terms  
22 beginning and ending as provided in section 69.19.

23 Sec. 95. Sections 144.6 through 144.8, 144.10, and 144.11,  
24 Code 1987, are repealed.

25 EXPLANATION

26 The following amendments, along with style changes, are  
27 included in this bill.

28 Section 15.106(2) is amended to show that certain personnel  
29 (department of economic development) are exempt from only the  
30 merit system provisions of chapter 19A. When chapter 19A was  
31 amended in the 1986 reorganization to include other personnel  
32 matters, a number of similar references to chapter 19A were  
33 not amended to limit them to the merit system. Other  
34 amendments in the bill related to this subject are the  
35 amendments to sections 18.8, 18.74, 18.115, 18.163, 99E.14,

1 103A.6, 135.2, 175.7(2), 175A.5(2), 220.2(1), 220.6(2),  
2 256.9(4), 474.10, 601K.2, and 601K.36.

3 Section 17A.6 is amended to authorize the editorial  
4 deletion of administrative rules which can have no further  
5 effect.

6 Section 27A.2 is amended to substitute the director of  
7 revenue and finance for the state comptroller. A number of  
8 similar changes could not be made editorially in the 1987  
9 Code, because it was not totally clear whether the director of  
10 management or the director of revenue and finance should be  
11 substituted. Other amendments related to this subject are  
12 those to sections 107.19, 175.22(4), 175A.13(2), 220.31(4),  
13 304.3, 331.556, 421.16, 444.7, 463.6, and 602.8102(4). The  
14 intent has been to substitute the director or department of  
15 management if the language relates to budgets or local  
16 government finances; to substitute the director or department  
17 of revenue and finance if the language relates to payment of  
18 state moneys; and, in some cases to substitute both if it  
19 appeared that both might be involved. In one case, however,  
20 the appeal board is substituted.

21 Section 56.3 is amended to provide that funds of a  
22 candidate's committee cannot be attached for the personal  
23 debts of the candidate.

24 Section 79.23 is amended to substitute the department of  
25 natural resources for the state conservation commission in a  
26 provision related to certain employee benefits. Similar  
27 changes could not always be made editorially because it was  
28 not totally clear whether the department or one of the  
29 commissions (natural resource or environmental protection)  
30 should be substituted. Another amendment related to this is  
31 to section 308.9(1).

32 Sections 86.24(5), 86.26, 86.29, 86.32, 86.39, and 86.42  
33 are amended to put the sections in approximately the form they  
34 had before the amendments in 1986 which were held  
35 unconstitutional by the Iowa supreme court.

1 Section 114.22 is amended to authorize the engineering and  
2 land surveying examining board to request an investigation by  
3 the department of inspections and appeals. The 1986  
4 reorganization gave a number of duties relating to hearings,  
5 appeals, audits, investigations, and inspections for various  
6 state entities and agencies to the department of inspections  
7 and appeals, but did not establish how its assistance was to  
8 be invoked. The changes needed were more than could be done  
9 editorially. Other amendments related to this subject are  
10 those to sections 116.23(1), affecting the accountancy  
11 examining board; 117.34 and 117A.4(1, 2) affecting the real  
12 estate examining board; 118.13 and 118A.16 affecting the  
13 architectural and landscape architectural examining boards;  
14 and 169.14(1, 8) affecting the board of veterinary medicine.

15 Section 125.39(1) is amended to add health maintenance  
16 organizations to the list of facilities which may be licensed  
17 to provide substance abuse treatment.

18 Amendments to sections 144.5(3, 6), 144.9, 144.12,  
19 144.13(1, 2), 144.13A, 144.14, 144.17(2), 144.26, 144.29,  
20 144.32, 144.43, and 331.502(12) along with the repeals of  
21 sections 144.6 through 144.8, 144.10, and 144.11 delete  
22 references to local registrars and local districts from the  
23 vital statistics chapter, leaving only county registrars and  
24 county districts to work with the state registrar. The  
25 department of public health has been phasing out the local  
26 registrars, and it requested those amendments.

27 Section 235.3 is amended to change the title of a "state  
28 director" in the department of human services to an  
29 "administrator" to implement the uniform terminology which can  
30 then be done in other instances editorially. It also deletes  
31 the reference to inspections which are now done by the  
32 department of inspections and appeals.

33 Section 235A.15(3) is amended to correct a paragraph  
34 reference relating to access to unfounded child abuse  
35 information. This keeps access, as it was before the 1987

1 amendment, with registry or department personnel rather than  
2 with persons responsible for an abused child or persons named  
3 as abusers. The drafter and the department recommended this  
4 correction.

5 In section 273.13 and section 279.45, one of the references  
6 to the allowable percent of expenditures for administration  
7 was reduced from eight to five percent in 1986, but the other  
8 references in the section were, by error, not reduced. This  
9 bill changes the other references to five percent.

10 Section 280A.15(2) strikes a requirement for an affidavit  
11 as provided in section 43.17, which was repealed in 1986. No  
12 comparable requirement for an affidavit was found.

13 Section 280B.6(1) is amended to correct references to  
14 chapters 75 and 76, making chapter 76 applicable to  
15 certificates for new jobs training programs.

16 Section 282.2 is amended to change "child or ward" to  
17 "parent or guardian". This is the interpretation previously  
18 given to this section by the attorney general, and the error  
19 was made in the gender project which substituted "child or  
20 ward" for "he".

21 Section 303.88(4) is amended to incorporate an amendment in  
22 1986 to section 304A.6, subsection 6. That section was  
23 repealed in the reorganization Act, so the amendment was lost.  
24 Section 303.88 covers powers of the arts division  
25 administrator.

26 Section 307.48 is amended to correct the provision relating  
27 to longevity pay for certain department of transportation  
28 employees hired on or before June 30, 1971.

29 Section 321.23(4) is amended to delete a requirement for a  
30 finding by the department of transportation that a special use  
31 vehicle "will not endanger any person" before the vehicle may  
32 be registered. The department must still find that the  
33 vehicle is not in an unsafe condition.

34 Section 321.89(4) is amended to require the director of  
35 transportation, rather than the director of revenue and

1 finance, to establish a claims procedure for abandoned  
2 vehicles.

3 Section 321A.3(4) is amended to permit the department of  
4 transportation to keep "ten miles or over" information on  
5 abstracts of operating records only since the specific laws  
6 became effective, rather than retroactively.

7 Section 323.1(10) is amended to substitute the department  
8 of inspections and appeals for the commerce commission as the  
9 agency to conduct hearings relating to motor fuel and special  
10 fuel dealers. This change was apparently overlooked in the  
11 reorganization Act.

12 Section 411.22(1a) is amended to make a substitution for  
13 confusing language, to provide that when a plaintiff-member of  
14 the retirement system recovers damages and the system is  
15 indemnified out of that recovery, the plaintiff-member's  
16 attorney fees may be allowed first.

17 Section 421.31(8) is amended to agree with other changes  
18 made in 1986. This subsection in the 1987 Code apportions  
19 interest from the permanent school fund among the area  
20 education agencies as provided in former section 302.13, which  
21 was repealed in 1986. This new language was inserted in  
22 section 8.6, subsection 9, which was then stricken. An  
23 amendment to section 421.31 picked up the duties in section  
24 8.6 which were transferred to the director of revenue and  
25 finance, but without recognizing the change proposed for  
26 subsection 9 of section 8.6.

27 Section 421.45 is also amended to agree with another change  
28 made in 1986. Former section 8.20 was amended to "six months"  
29 but then repealed and rewritten in section 421.45 without  
30 recognizing the change. This amendment incorporates the  
31 intended change to "six months".

32 Sections 534.401(2, 3, 4), 534.403, 534.405, 534.406,  
33 534.407, 534.408(2-7), 534.511(6, 8), 534.515(3-13),  
34 534.602(1, 2), 534.701, 534.702(2-8), 534.703, and 534.705(1,  
35 3) are amended to substitute the "superintendent" of the

1 savings and loan division for references to the supervisor and  
2 auditor of state. These changes were not made editorially  
3 because of some doubt whether any of the duties previously  
4 assigned to the auditor of state should go to the commerce  
5 department director.

6 Section 544.7(4c) is amended to change "widow" to "spouse"  
7 to conform to other gender word changes; this is in the  
8 Uniform Partnership Law, and provides that payments to the  
9 spouse are one of the exceptions to the rule that receipt of  
10 profits is prima facie evidence of the existence of a  
11 partnership.

12 Section 562B.15 is amended to change the reference which  
13 provided for damages for a tenant's failure to allow the  
14 landlord access; the substituted correct reference provides  
15 for damages for wrongful possession, which is the subject in  
16 this section.

17 Section 674.13 is amended to show that a person's name may  
18 be changed back to any previous legal name, and that this may  
19 be done in the dissolution decree, not "after" it.

20 Sections 805.1(8) and 903.1(3) are amended to correct an  
21 apparent typographical error and to make the provisions  
22 consistent with the 1987 amendment to section 232.8(1)  
23 excluding certain violations by a child from the jurisdiction  
24 of the juvenile court.

25 1986 Acts, chapter 1245, section 1526, is amended to make  
26 the interim terms of parole board members consistent with the  
27 standard terms specified in section 69.19.

28 SUCCESSOR TO SSB 2059 (LSB 7568SC)

29  
30  
31  
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34  
35

SENATE FILE 2238

S-5320

1 Amend Senate File 2238 as follows:

2 1. Page 11, by inserting before line 4 the  
3 following:

4 "Sec. 25. Section 123.24, Code Supplement 1987, is  
5 amended by adding the following new subsection:

6 NEW SUBSECTION. 4. The administrator may refuse  
7 to sell alcoholic liquor to a class "E" liquor control  
8 licensee who tenders a check or electronic funds  
9 transfer which is subsequently dishonored until the  
10 outstanding obligation is satisfied.

11 Sec. 26. Section 123.92, unnumbered paragraph 2,  
12 Code 1987, is amended to read as follows:

13 Every liquor control licensee and class "B" beer  
14 permittee shall furnish proof of financial  
15 responsibility either by the existence of a liability  
16 insurance policy or-by-posting-bond in such an amount  
17 as determined by the division."

18 2. By renumbering as necessary.

S-5320

Filed, March 10, 1988

*Adopted 3/11 (p. 155)*

BY COMMITTEE ON JUDICIARY  
DONALD V. DOYLE, Chairperson



1 majority of the members shall constitute a quorum. No  
2 action at any meeting can be taken without the  
3 affirmative votes of a majority of the members of the  
4 board."

5 5. Page 24, by striking lines 23 through 35 and  
6 inserting the following:

7 "Sec. 1001. Section 321A.3, subsection 4, Code  
8 Supplement 1987, is amended to read as follows:

9 4. The abstract of operating record provided under  
10 this section shall designate which speeding violations  
11 occurring on or after July 1, 1986, but before May 12,  
12 1987, are for violations of ten miles per hour or less  
13 over the legal speed limit in speed zones that have a  
14 legal speed limit equal to or greater than thirty-five  
15 miles per hour but not greater than fifty-five miles  
16 per hour. For speeding violations occurring on or  
17 after May 12, 1987, the abstract provided under this  
18 section shall designate which speeding violations are  
19 for ten miles per hour or less over the legal speed  
20 limit in speed zones that have a legal speed limit  
21 equal to or greater than thirty-five miles per hour  
22 but not greater than fifty-five miles per hour."

23 6. Page 29, by inserting after line 7, the  
24 following:

25 "Sec. 1002. Section 516B.3, subsection 1, Code  
26 Supplement 1987, is amended to read as follows:

27 1. The commissioner shall require that insurance  
28 companies transacting business in this state not  
29 consider speeding violations occurring on or after  
30 July 1, 1986, but before May 12, 1987, which are for  
31 speeding violations for ten miles per hour or less  
32 over the legal speed limit in speed zones that have a  
33 legal speed limit greater than thirty-five miles per  
34 hour or speeding violations occurring on or after May  
35 12, 1987, which are for speeding violations for ten  
36 miles per hour or less over the legal speed limit in  
37 speed zones that have a legal speed limit equal to or  
38 greater than thirty-five miles per hour but not  
39 greater than fifty-five miles per hour for the purpose  
40 of establishing rates for motor vehicle insurance  
41 charged by the insurer and shall require that  
42 insurance companies not cancel or refuse to renew any  
43 such policy for such violations. In any twelve-month  
44 period, this section applies only to the first two  
45 such violations which occur."

46 7. Page 49, by inserting after line 24 the  
47 following:

48 "Sec. \_\_\_\_ . Sections 1001 and 1002 of this Act,  
49 being deemed of immediate importance, take effect upon  
50 its enactment."

1 8. Renumber as necessary.

1 Amend Senate File 2238 as follows:

2 1. Page 7, by inserting after line 21 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 114.9, Code 1987, is amended to  
5 read as follows:

6 114.9 ORGANIZATION OF THE BOARD -- STAFF.

7 The board shall elect annually from its members a  
8 chairperson and a vice chairperson. The administrator  
9 of the professional licensing and regulation division  
10 of the department of commerce shall hire and provide  
11 staff to assist the board in implementing this  
12 chapter. The board shall hold at least one meeting at  
13 the seat-of-government location of the board's  
14 principal office, and meetings shall be called at  
15 other times by the administrator at the request of the  
16 chairperson or four members of the board. At any  
17 meeting of the board, a majority of members  
18 constitutes a quorum."

19 2. Page 8, by inserting after line 1 the  
20 following:

21 "Sec. \_\_\_\_\_. Section 116.3, subsection 2, unnumbered  
22 paragraph 2, Code 1987, is amended to read as follows:

23 The board shall meet as often as deemed necessary,  
24 but shall hold at least one meeting per year at the  
25 seat-of-government location of the board's principal  
26 office."

27 3. Page 8, by inserting after line 25 the  
28 following:

29 "Sec. \_\_\_\_\_. Section 117.50, Code 1987, is amended  
30 to read as follows:

31 117.50 MEETINGS.

32 The real estate examining board shall hold at least  
33 one meeting per year at the seat-of-government  
34 location of the board's principal office and shall  
35 elect a chairperson annually. A majority of the  
36 members of the board shall constitute a quorum."

37 4. Page 10, by inserting after line 10 the  
38 following:

39 "Sec. \_\_\_\_\_. Section 118A.4, Code 1987, is amended  
40 to read as follows:

41 118A.4 ORGANIZATION OF THE BOARD -- MEETINGS --  
42 QUORUM.

43 The board shall elect annually from its members a  
44 chairperson and vice chairperson. The duties of the  
45 officers shall be such as are usually performed by  
46 such officers. The board shall hold at least one  
47 meeting each year at the seat-of-government location  
48 of the board's principal office, and meetings shall be  
49 called at other times by the secretary at the request  
50 of the chairperson or four members of the board. A

SENATE FILE 2238

S-5248

1 Amend Senate File 2238 as follows:

2 1. Page 24, by striking lines 23 through 35 and  
3 inserting the following:

4 "Sec. 1001. Section 321A.3, subsection 4, Code  
5 Supplement 1987, is amended to read as follows:

6 4. The abstract of operating record provided under  
7 this section shall designate which speeding violations  
8 convictions occurring on or after July 1, 1986, but  
9 before May 12, 1987, are for violations of ten miles  
10 per hour or less over the legal speed limit in speed  
11 zones that have a legal speed limit equal to or  
12 greater than thirty-five miles per hour but not  
13 greater than fifty-five miles per hour. For speeding  
14 convictions occurring on or after May 12, 1987, the  
15 abstract provided under this section shall designate  
16 which speeding violations are for ten miles per hour  
17 or less over the legal speed limit in speed zones that  
18 have a legal speed limit equal to or greater than  
19 thirty-five miles per hour but not greater than fifty-  
20 five miles per hour."

21 2. Page 29, by inserting after line 7, the  
22 following:

23 "Sec. 1002. Section 516B.3, subsection 1, Code  
24 Supplement 1987, is amended to read as follows:

25 1. The commissioner shall require that insurance  
26 companies transacting business in this state not  
27 consider speeding convictions occurring on or after  
28 July 1, 1986, but before May 12, 1987, which are for  
29 speeding violations for ten miles per hour or less  
30 over the legal speed limit in speed zones that have a  
31 legal speed limit greater than thirty-five miles per  
32 hour or speeding convictions occurring on or after May  
33 12, 1987, which are for speeding violations for ten  
34 miles per hour or less over the legal speed limit in  
35 speed zones that have a legal speed limit equal to or  
36 greater than thirty-five miles per hour but not  
37 greater than fifty-five miles per hour for the purpose  
38 of establishing rates for motor vehicle insurance  
39 charged by the insurer and shall require that  
40 insurance companies not cancel or refuse to renew any  
41 such policy for such violations. In any twelve-month  
42 period, this section applies only to the first two  
43 such violations which occur."

44 3. Page 49, by inserting after line 22 the  
45 following:

46 "Sec. \_\_\_\_\_. Sections 1001 and 1002 of this Act,  
47 being deemed of immediate importance, take effect  
48 upon its enactment."

49 4. Renumber as necessary.

50

S-5248

Filed March 7, 1988

W/D 3/11/88 (p. 155)

BY COMMITTEE ON JUDICIARY

DONALD V. DOYLE, Chairperson

*Revised Judiciary 3/15*  
*Amended per 5902 & H. Res. 3/25 (p. 1070)*  
*Revised Judiciary (p. 1070)*  
*Amended per 5919 & H. Res. 3/25 (p. 1285)*

SENATE FILE **2238**  
 BY COMMITTEE ON JUDICIARY

(AS AMENDED AND PASSED BY THE SENATE MARCH 11, 1988)  
 \_\_\_\_\_ - New Language by the Senate

Passed Senate, Date 4/8/88 (p. 1350) Passed House, Date 3/31/88 (p. 1284)  
 Vote: Ayes 45 Nays 0 Vote: Ayes 97 Nays 0  
 Approved May 4, 1988

**A BILL FOR**

- 1 An Act relating to statutory corrections which adjust language to
- 2 reflect current practices, insert earlier omissions, delete
- 3 redundancies and inaccuracies, delete temporary language,
- 4 resolve inconsistencies and conflicts, update ongoing
- 5 provisions, and remove ambiguities.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
**SENATE FILE 2238**

**H-5902**

- 1 Amend Senate File 2238, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 35, line 18, by striking the word
- 4 "supervisor" and inserting the following:
- 5 "superintendent".
- 6 2. Page 51, line 25, by inserting after the word
- 7 "Sections" the following: "135.43, 135.44,".
- 8 3. Title page, by striking line 5 and inserting
- 9 the following: "provisions, remove ambiguities and
- 10 providing effective dates."

By COMMITTEE ON JUDICIARY AND LAW  
 ENFORCEMENT,  
 JAY of Appanoose, Chairperson

**H-5902 FILED MARCH 25, 1988**

**SENATE FILE 2238**

**H-5919**

- 1 Amend Senate File 2238, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 12, line 26, by inserting after the word
- 4 "organization," the following: "a corporation
- 5 organized under chapter 496A,".

By COMMITTEE ON JUDICIARY AND LAW  
 ENFORCEMENT  
 JAY of Appanoose, Chairperson

**H-5919 FILED MARCH 28, 1988**

*Adopted 3/31 (p. 1285)*

1 Section 1. Section 15.106, subsection 2, Code 1987, is  
2 amended to read as follows:

3 2. Employ personnel as necessary to carry out the duties  
4 and responsibilities of the department, consistent with the  
5 merit system provisions of chapter 19A for nonprofessional  
6 employees. Professional staff of the department are exempt  
7 from the merit system provisions of chapter 19A.

8 Sec. 2. Section 17A.6, Code 1987, is amended by adding the  
9 following new subsection:

10 NEW SUBSECTION. 6. The Code editor, with the approval of  
11 the administrative rules review committee and the  
12 administrative rules coordinator, may delete a rule from the  
13 Iowa administrative code if the agency that adopted the rule  
14 has ceased to exist, no successor agency has jurisdiction over  
15 the rule, and no statutory authority exists supporting the  
16 rule.

17 Sec. 3. Section 18.8, unnumbered paragraph 6, Code 1987,  
18 is amended to read as follows:

19 The director shall appoint a superintendent of buildings  
20 and grounds, who shall serve at the pleasure of the director  
21 and ~~shall~~ is not be governed by the merit system provisions of  
22 chapter 19A.

23 Sec. 4. Section 18.74, Code 1987, is amended to read as  
24 follows:

25 18.74 APPOINTMENT.

26 The director of the department of general services shall  
27 appoint ~~a person to administer the provisions of this~~  
28 ~~division--This person shall be known as~~ the superintendent of  
29 printing and to administer this division. The superintendent  
30 shall serve at the pleasure of the director ~~without being~~ and  
31 is not subject to the merit system provisions of chapter 19A.

32 Sec. 5. Section 18.115, unnumbered paragraph 1, Code  
33 Supplement 1987, is amended to read as follows:

34 ~~In order to carry out the powers vested in the director by~~  
35 ~~this chapter, the~~ The director of the department of general

1 services shall appoint a state vehicle dispatcher and such  
2 other employees as ~~may-be~~ necessary to ~~carry-out-the~~  
3 ~~provisions-of~~ administer this chapter. The state vehicle  
4 dispatcher shall serve at the pleasure of the director and  
5 ~~shall is~~ not be governed by the merit system provisions of  
6 chapter 19A. Subject to the approval of the director, the  
7 state vehicle dispatcher ~~shall-have~~ has the following duties:

8     Sec. 6. Section 18.163, Code 1987, is amended to read as  
9 follows:

10     18.163 PERSONNEL.

11     The director of the department shall employ a risk manager  
12 and ~~such~~ other permanent full-time personnel as ~~shall-be~~  
13 necessary to administer this chapter. All permanent full-time  
14 personnel other than the risk manager ~~shall-be~~ are subject to  
15 the merit system provisions of chapter 19A. The director is  
16 authorized to hire as independent contractors ~~such~~ other  
17 persons as ~~may-be~~ necessary to assist the risk manager in  
18 establishing standards and procedures under sections 18.160 to  
19 18.169.

20     Sec. 7. Section 27A.2, Code 1987, is amended to read as  
21 follows:

22     27A.2 MEMBERSHIP OF COMMISSION.

23     The director of the department of natural resources ~~shall~~  
24 be is a permanent member from Iowa of the upper Mississippi  
25 riverway commission and may designate an alternate in  
26 accordance with article IV "a" of the compact. The governor  
27 shall appoint the three remaining members ~~from-iowa~~ of the  
28 commission from Iowa. ~~Such~~ The members may also be members of  
29 another board or commission established by law. The  
30 appointment of the remaining three members ~~shall-be~~ is subject  
31 to confirmation by the senate. The members so appointed shall  
32 serve for staggered periods of four years, beginning and  
33 ending as provided in section 69.19. Commission members from  
34 this state shall be reimbursed, upon certification by the  
35 ~~comptroller~~ director of revenue and finance, ~~be-reimbursed~~ for

1 the actual and necessary expenses incurred by them in the  
2 discharge of their duties.

3 Sec. 8. Section 56.3, subsection 2, Code Supplement 1987,  
4 is amended to read as follows:

5 2. A person who receives contributions in excess of one  
6 hundred dollars for a committee shall, not later than fifteen  
7 days from the date of receipt of the contributions or on  
8 demand of the treasurer, render to the treasurer the  
9 contributions and an account of the total of all  
10 contributions; including the name and address of each person  
11 making a contribution in excess of ten dollars, the amount of  
12 ~~such-contribution~~ the contributions, and the date on which the  
13 contributions were received. The treasurer shall deposit all  
14 contributions within seven days of receipt by the treasurer in  
15 an account maintained by the committee in a financial  
16 institution. All funds of a committee shall be segregated  
17 from any other funds ~~of~~ held by officers, members, or  
18 associates of the committee or the committee's candidate.  
19 However, if a candidate's committee receives contributions  
20 only from the candidate, or if a permanent organization  
21 temporarily engages in activity which qualifies it as a  
22 political committee and all expenditures of the organization  
23 are made from existing general operating funds and funds are  
24 not solicited or received for this purpose from sources other  
25 than operating funds, then that committee is not required to  
26 maintain a separate account in a financial institution. The  
27 funds of a committee are not attachable for the personal debt  
28 of the committee's candidate or an officer, member, or  
29 associate of the committee.

30 Sec. 9. Section 79.23, Code 1987, is amended to read as  
31 follows:

32 79.23 CREDIT FOR ACCRUED SICK LEAVE.

33 When a state employee, excluding an employee covered under  
34 a collective bargaining agreement which provides otherwise,  
35 retires under a retirement system in the state maintained in

1 whole or in part by public contributions or payments, the  
2 number of accrued days of active and banked sick leave of the  
3 employee shall be credited to the employee. When an employee  
4 retires, is eligible, and has applied for benefits under a  
5 retirement system authorized under chapter 97A or 97B,  
6 including the teachers insurance annuity association (TIAA)  
7 and the college retirement equity fund (CREF), or an employee  
8 dies on or after July 1, 1984, while the employee is in active  
9 employment but is eligible for retirement benefits under one  
10 of the listed chapters, the employee shall receive a cash  
11 payment for the employee's accumulated, unused sick leave in  
12 both the active and banked sick leave accounts, except when,  
13 in lieu of cash payment, payment is made for monthly premiums  
14 for health or life insurance or both as provided in a  
15 collective bargaining agreement negotiated under chapter 20.  
16 An employee of the department of public safety or the state  
17 conservation-commission department of natural resources who  
18 has earned benefits of payment of premiums under a collective  
19 bargaining agreement and who becomes a manager or supervisor  
20 and is no longer covered by the agreement shall not lose the  
21 benefits of payment of premium earned while covered by the  
22 agreement. The payment shall be calculated by multiplying the  
23 number of hours of accumulated, unused sick leave by the  
24 employee's hourly rate of pay at the time of retirement.  
25 However, the total cash payments for accumulated, unused sick  
26 leave shall not exceed two thousand dollars per employee and  
27 are payable upon retirement or death. Banked sick leave is  
28 defined as accrued sick leave in excess of ninety days.

29 Sec. 10. Section 86.24, subsection 5, Code 1987, is  
30 amended to read as follows:

31 5. The decision of the industrial commissioner is final  
32 ~~agency action and an appeal of the decision shall be made~~  
33 ~~directly to the supreme court.~~

34 Sec. 11. Section 86.26, Code 1987, is amended to read as  
35 follows:



1 86.26 JUDICIAL REVIEW.

2 Judicial review of decisions or orders of the industrial  
3 commissioner ~~shall not be to the district court but shall be~~  
4 ~~made directly to the supreme court, notwithstanding may be~~  
5 sought in accordance with chapter 17A, the Iowa administrative  
6 procedure Act. Petitions Notwithstanding chapter 17A, the  
7 Iowa Administrative Procedure Act, petitions for judicial  
8 review shall may be filed with the clerk of the supreme court  
9 as are other actions for appeal or review in the district  
10 court of the county in which the hearing under section 86.17  
11 was held. The supreme court may transfer the action to the  
12 court of appeals. Such a review proceeding shall be accorded  
13 priority over other matters pending before the district court.

14 Sec. 12. Section 86.29, Code 1987, is amended to read as  
15 follows:

16 86.29 THE JUDICIAL REVIEW PETITION.

17 ~~in the~~ Notwithstanding chapter 17A, the Iowa Administrative  
18 Procedure Act, in a petition for judicial review of a decision  
19 of the industrial commissioner in a contested case under this  
20 chapter or chapter 85, 85A, 85B, or 87, the opposing party  
21 shall be named the respondent, and the agency shall not be  
22 named as a respondent.

23 Sec. 13. Section 86.32, Code 1987, is amended to read as  
24 follows:

25 86.32 COSTS OF JUDICIAL REVIEW.

26 In proceedings for judicial review of compensation cases  
27 the clerk ~~of the supreme court~~ shall charge no fee for any  
28 service rendered except the filing and docketing fees fee and  
29 transcript fees when the transcript of ~~the contested case~~  
30 proceeding a judgment is required. The taxation of costs on  
31 judicial review shall be in the discretion of the supreme  
32 court.

33 Sec. 14. Section 86.39, Code 1987, is amended to read as  
34 follows:

35 86.39 FEES -- APPROVAL -- LIEN.

1 All fees or claims for legal, medical, hospital, and burial  
2 services rendered under this chapter and chapters 85, 85A,  
3 85B, and 87 are subject to the approval of the industrial  
4 commissioner, and no lien for such service is enforceable  
5 without the approval of the amount of the lien by the  
6 industrial commissioner. For services rendered in the  
7 district court or and appellate court courts, the attorney's  
8 fee is subject to the approval of a judge of the district  
9 court.

10 Sec. 15. Section 86.42, Code 1987, is amended to read as  
11 follows:

12 86.42 JUDGMENT BY DISTRICT COURT ON AWARD.

13 Any party in interest may present a certified copy of an  
14 order or decision of the commissioner, from which a timely  
15 petition for judicial review has not been filed or if judicial  
16 review has been filed, which has not had execution or  
17 enforcement stayed as provided in section 17A.19, subsection  
18 5, or an order or decision of a deputy commissioner from which  
19 a timely appeal has not been taken within the agency and which  
20 has become final by the passage of time as provided by rule  
21 and section 17A.15, or an agreement for settlement approved by  
22 the commissioner, and all papers in connection therewith, to  
23 ~~the district court of the county in which the hearing under~~  
24 ~~section 86.47 was held, of Polk county, or of the county in~~  
25 ~~which the petitioner resides or has its principal place of~~  
26 business where judicial review of the agency action may be  
27 commenced. The court shall render a decree or judgment and  
28 cause the clerk to notify the parties. The decree or  
29 judgment, in the absence of a petition for judicial review or  
30 if judicial review has been commenced, in the absence of a  
31 stay of execution or enforcement of the decision or order of  
32 the industrial commissioner, or in the absence of an act of  
33 any party which prevents a decision of a deputy industrial  
34 commissioner from becoming final, has the same effect and in  
35 all proceedings in relation thereto is the same as though

1 rendered in a suit duly heard and determined by the court.

2 Sec. 16. Section 99E.14, unnumbered paragraph 1, Code  
3 1987, is amended to read as follows:

4 The commissioner shall designate three administrative  
5 positions within the division which require specific areas of  
6 expertise relating to the operation of the lottery. These  
7 three administrative positions are exempt from the merit  
8 system provisions of chapter 19A. The commissioner shall  
9 designate one of these three administrators to serve as acting  
10 commissioner in the commissioner's absence.

11 Sec. 17. Section 103A.6, Code 1987, is amended to read as  
12 follows:

13 103A.6 MERIT SYSTEM.

14 Employees of the commissioner ~~shall~~, where if required by  
15 federal statutes, ~~be~~ are covered by the merit system  
16 provisions of chapter 19A.

17 Sec. 18. Section 107.19, unnumbered paragraph 6, Code  
18 1987, is amended to read as follows:

19 All expenditures under this Act ~~shall be~~ chapter are  
20 subject to approval by the ~~state comptroller~~ director of  
21 management and the director of revenue and finance.

22 Sec. 19. Section 114.9, Code 1987, is amended to read as  
23 follows:

24 114.9 ORGANIZATION OF THE BOARD -- STAFF.

25 The board shall elect annually from its members a  
26 chairperson and a vice chairperson. The administrator of the  
27 professional licensing and regulation division of the  
28 department of commerce shall hire and provide staff to assist  
29 the board in implementing this chapter. The board shall hold  
30 at least one meeting at the seat-of-government location of the  
31 board's principal office, and meetings shall be called at  
32 other times by the administrator at the request of the  
33 chairperson or four members of the board. At any meeting of  
34 the board, a majority of members constitutes a quorum.

35 Sec. 20. Section 114.22, Code 1987, is amended to read as

1 follows:

2 114.22 PROCEDURE.

3 Proceedings for any action under section 114.21 shall be  
4 begun by filing with the board written charges against the  
5 accused. The Upon the filing of charges the board may request  
6 the department of inspections and appeals to conduct an  
7 investigation into the charges. The department of inspections  
8 and appeals shall report its findings to the board, and the  
9 board shall designate a time and place for a hearing, and  
10 shall notify the accused of this action and furnish the  
11 accused a copy of all charges at least thirty days prior to  
12 the date of the hearing. The accused ~~shall have~~ has the right  
13 to appear personally or by counsel, to cross-examine  
14 witnesses, or to produce witnesses in defense.

15 Sec. 21. Section 116.3, subsection 2, unnumbered paragraph  
16 2, Code 1987, is amended to read as follows:

17 The board shall meet as often as deemed necessary, but  
18 shall hold at least one meeting per year at the seat-of  
19 government location of the board's principal office.

20 Sec. 22. Section 116.23, subsection 1, Code 1987, is  
21 amended to read as follows:

22 1. The board may initiate proceedings under this chapter  
23 either on its own motion or on the complaint of any person.  
24 Before scheduling a hearing under this section, the board may  
25 request the department of inspections and appeals to conduct  
26 an investigation into the charges to be addressed at the board  
27 hearing. The department of inspections and appeals shall  
28 report its findings to the board.

29 Sec. 23. Section 117.34, unnumbered paragraph 1, Code  
30 1987, is amended to read as follows:

31 The real estate examining board may upon its own motion and  
32 shall upon the verified complaint in writing of any person,  
33 provided if the complaint together with evidence, documentary  
34 or otherwise, presented in connection with the complaint,  
35 makes out a prima-facie case, request the department of

1 inspections and appeals to investigate the actions of any real  
2 estate broker, real estate salesperson, or any other person  
3 who ~~shall assume~~ assumes to act in either capacity within this  
4 state, and may suspend or revoke any a license issued under  
5 ~~the provisions of~~ this chapter, at any time if the licensee  
6 has by false or fraudulent representation obtained a license,  
7 or if the licensee is found to be guilty of any of the  
8 following:

9 Sec. 24. Section 117.50, Code 1987, is amended to read as  
10 follows:

11 117.50 MEETINGS.

12 The real estate examining board shall hold at least one  
13 meeting per year at the seat-of-government location of the  
14 board's principal office and shall elect a chairperson  
15 annually. A majority of the members of the board shall  
16 constitute a quorum.

17 Sec. 25. Section 117A.4, subsections 1 and 2, Code 1987,  
18 are amended to read as follows:

19 1. The board or-the-attorney-general-at-the-request-of-the  
20 board may cause request the department of inspections and  
21 appeals to conduct an investigation and inspection to be made  
22 of any subdivided land proposed to be offered for sale or  
23 lease in this state pursuant to this chapter and-may. The  
24 department of inspections and appeals shall make a report of  
25 the its findings thereon.

26 2. Where If an inspection is to be made of subdivided land  
27 situated outside of this state and offered for sale in this  
28 state, said the inspection as authorized by subsection 1 shall  
29 be made by the department of inspections and appeals at the  
30 expense of the subdivider. After the application required by  
31 section 117A.2 is filed and after the filing fee required by  
32 section 117A.8 is received, the board may decide whether or  
33 not an inspection pursuant to this subsection is to be made.  
34 If the board requires an inspection, the department of  
35 inspections and appeals-or-the-attorney-general-at-the

1 ~~request-of-the-board~~ shall so notify the subdivider and the  
2 subdivider shall remit to the department ~~or-the-attorney~~  
3 ~~general~~ an amount equivalent to the round trip cost of travel  
4 from this state to the location of the project, as estimated  
5 by the department ~~or-the-attorney-general~~ and a further amount  
6 estimated to be necessary to cover the additional expenses of  
7 such inspection but not to exceed fifty dollars a day for each  
8 day incurred in the ~~examination-of-the-project~~ inspection.  
9 The costs of any subsequent inspections deemed necessary shall  
10 be paid for by the subdivider. At the completion of any an  
11 inspection trip the department ~~or-the-attorney-general~~ shall  
12 furnish the subdivider a statement as to the costs of the  
13 inspection trip, and ~~should-said if the costs be~~ are less than  
14 the amount advanced by the subdivider to the department, or  
15 ~~the-attorney-general~~ the remaining balance ~~will~~ shall be  
16 refunded to the subdivider.

17 Sec. 26. Section 118.13, unnumbered paragraph 3, Code  
18 Supplement 1987, is amended to read as follows:

19 Proceedings for the revocation of a certificate shall be  
20 begun initiated by filing written charges against the accused  
21 with the board. A Upon the filing of charges the board may  
22 request the department of inspections and appeals to conduct  
23 an investigation into the charges. The department of  
24 inspections and appeals shall report its findings to the  
25 board, and a time and place for the hearing of the charges  
26 shall be fixed by the board if the board determines that a  
27 hearing is warranted. Where If personal service or services  
28 service through counsel cannot be effected, services service  
29 may be had by publication. At the hearing, the accused shall  
30 have has the right to be represented by counsel, to introduce  
31 evidence, and to examine and cross-examine witnesses. The  
32 board ~~shall-have-the-power-to~~ may subpoena witnesses, to  
33 administer oaths to ~~such~~ witnesses, and to employ counsel.  
34 The board shall make a written report of its findings, which  
35 report shall be filed with the secretary of state, and which

1 ~~shall-be~~ is conclusive.

2 Sec. 27. Section 118A.4, Code 1987, is amended to read as  
3 follows:

4 118A.4 ORGANIZATION OF THE BOARD -- MEETINGS --QUORUM.

5 The board shall elect annually from its members a  
6 chairperson and vice chairperson. The duties of the officers  
7 shall be such as are usually performed by such officers. The  
8 board shall hold at least one meeting each year at the seat-of  
9 government location of the board's principal office, and  
10 meetings shall be called at other times by the secretary at  
11 the request of the chairperson or four members of the board.  
12 A majority of the members shall constitute a quorum. No  
13 action at any meeting can be taken without the affirmative  
14 votes of a majority of the members of the board.

15 Sec. 28. Section 118A.16, Code 1987, is amended to read as  
16 follows:

17 118A.16 PROCEDURE.

18 Any A person may file charges with the board against a  
19 landscape architect or the board may initiate charges. Such  
20 The charges shall be in writing, sworn to if by a complainant  
21 other than the board, and filed with the board. Unless the  
22 charges are dismissed by the board as unfounded or trivial,  
23 the board shall may request the department of inspections and  
24 appeals to conduct an investigation into the charges. The  
25 department of inspections and appeals shall report its  
26 findings to the board, and the board shall hold a hearing  
27 within sixty days after the date on which they the charges are  
28 filed. The board shall fix the time and place for such  
29 hearing and shall cause a copy of the charges, together with a  
30 notice of the time and place fixed for the hearing, to be  
31 served on the accused at least thirty days before the date  
32 fixed for the hearing. Where personal service cannot be  
33 effected, service may be effected by publication. At such  
34 hearing, the accused shall have the right to appear personally  
35 or by counsel, to cross-examine witnesses against the accused,

1 and to produce evidence and witnesses in defense. After the  
2 hearing, the board may suspend or revoke the certificate of  
3 registration. The board may restore the certificate of  
4 registration to any person whose certificate of registration  
5 has been revoked. Application for the restoration of a  
6 certificate of registration shall be made in such manner, form  
7 and content as the board may prescribe.

8 Sec. 29. Section 123.24, Code Supplement 1987, is amended  
9 by adding the following new subsection:

10 NEW SUBSECTION. 4. The administrator may refuse to sell  
11 alcoholic liquor to a class "E" liquor control licensee who  
12 tenders a check or electronic funds transfer which is  
13 subsequently dishonored until the outstanding obligation is  
14 satisfied.

15 Sec. 30. Section 123.92, unnumbered paragraph 2, Code  
16 1987, is amended to read as follows:

17 Every liquor control licensee and class "B" beer permittee  
18 shall furnish proof of financial responsibility either by the  
19 existence of a liability insurance policy or-by-posting-bond  
20 in such an amount as determined by the division.

21 Sec. 31. Section 125.39, subsection 1, Code 1987, is  
22 amended to read as follows:

23 1. In addition to other requirements established by this  
24 chapter, a facility shall not be licensed pursuant to section  
25 125.13 unless it is either a political subdivision, a licensed  
26 hospital, a licensed health maintenance organization, or a  
27 community mental health center operating under chapter 230A,  
28 or it is organized under the Iowa nonprofit corporation Act  
29 appearing as chapter 504A. In the latter case, one-third of  
30 the membership of the board of directors shall be  
31 representatives of such government units providing funds to  
32 the facility for treatment of substance abuse.

33 Sec. 32. Section 135.2, unnumbered paragraph 1, Code 1987,  
34 is amended to read as follows:

35 The governor shall appoint the director of the department,



1 subject to confirmation by the senate. The director shall  
2 serve at the pleasure of the governor. The director is exempt  
3 from the merit system provisions of chapter 19A. The governor  
4 shall set the salary of the director within the range  
5 established by the general assembly.

6 Sec. 33. Section 144.5, subsections 3 and 6, Code 1987,  
7 are amended to read as follows:

8 3. Direct, supervise, and control ~~the activities of local~~  
9 ~~registrars and deputy local registrars,~~ and the activities of  
10 clerks of the district court related to the operation of the  
11 vital statistics system and provide registrars with necessary  
12 postage.

13 6. Delegate functions and duties vested in the state  
14 registrar to officers, employees of the department, and to the  
15 ~~local~~ county registrars as the state registrar deems necessary  
16 or expedient.

17 Sec. 34. Section 144.9, unnumbered paragraph 1 and  
18 subsection 1, Code 1987, are amended to read as follows:

19 The clerk of the district court ~~shall be~~ is the county  
20 registrar and with respect to the county registrar's  
21 ~~registration district~~ shall:

22 1. Administer and enforce ~~the provisions of~~ this chapter  
23 and the rules issued by the department, ~~and exercise general~~  
24 ~~supervision over the local and deputy local registrars in the~~  
25 ~~county registrar's district~~.

26 Sec. 35. Section 144.12, Code 1987, is amended to read as  
27 follows:

28 144.12 FORMS UNIFORM.

29 In order to promote and maintain uniformity in the system  
30 of vital statistics, the forms of certificates, reports, and  
31 other returns, shall include as a minimum the items  
32 recommended by the federal agency responsible for national  
33 vital statistics, subject to approval and modification by the  
34 department. Forms shall be furnished by the department. The  
35 forms or other recording methods used by county ~~and local~~

1 registrars to record copies of records made under this chapter  
2 shall be prescribed by the department.

3 Sec. 36. Section 144.13, subsections 1 and 2, Code 1987,  
4 are amended to read as follows:

5 1. A certificate of birth for each live birth which occurs  
6 in this state shall be filed with the ~~local~~ county registrar  
7 of the ~~district~~ county in which the birth occurs within five  
8 days after the birth and shall be registered by the registrar  
9 if it has been completed and filed in accordance with this  
10 chapter; ~~provided that.~~ However, when a birth occurs in a  
11 moving conveyance, a birth certificate shall be filed in the  
12 ~~district~~ county in which the child was first removed from the  
13 conveyance.

14 2. When a birth occurs in an institution, the person in  
15 charge of the institution or the person's designated  
16 representative shall obtain the personal data, prepare the  
17 certificate, secure the signatures required by the  
18 certificate, and file the certificate with the ~~local~~ county  
19 registrar. The physician in attendance shall certify to the  
20 facts of birth and provide the medical information required by  
21 the certificate within three days after the birth.

22 Sec. 37. Section 144.13A, Code Supplement 1987, is amended  
23 to read as follows:

24 144.13A REGISTRATION FEE.

25 The ~~local~~ county registrar and state registrar shall charge  
26 the parent a ten dollar fee for the registration of a  
27 certificate of birth. If the person responsible for the  
28 filing of the certificate of birth under section 144.13 is not  
29 the parent, the person ~~shall~~ is entitled to collect the fee  
30 from the parent. The fee shall be remitted to the appropriate  
31 registrar. If the expenses of the birth are reimbursed under  
32 the medical assistance program established by chapter 249A, or  
33 paid for under the statewide indigent patient care program  
34 established by chapter 255, or paid for under the obstetrical  
35 and newborn indigent patient care program established by

1 chapter 255A, or if the parent is indigent and unable to pay  
2 the expenses of the birth and no other means of payment is  
3 available to the parent, the registration fee is waived. If  
4 the person responsible for the filing of the certificate is  
5 not the parent, the person is discharged from the duty to  
6 collect and remit the fee under this section if the person has  
7 made a good faith effort to collect the fee from the parent.  
8 The fees collected by the ~~local~~ county registrar and state  
9 registrar shall be remitted to the treasurer of state for  
10 deposit in the general fund of the state. It is the intent of  
11 the general assembly that the funds generated from the  
12 registration fees be appropriated and used for primary and  
13 secondary child abuse prevention programs.

14 Sec. 38. Section 144.14, unnumbered paragraph 1, Code  
15 1987, is amended to read as follows:

16 ~~Whoever~~ A person who assumes the custody of a living infant  
17 of unknown parentage shall report on a form and in the manner  
18 prescribed by the state registrar within five days to the  
19 ~~local~~ county registrar of the ~~district~~ county in which the  
20 child was found, the following information:

21 Sec. 39. Section 144.17, subsection 2, Code 1987, is  
22 amended to read as follows:

23 2. That no record of birth of ~~such~~ that person can be  
24 found in the office of the state or ~~local~~ county custodian of  
25 birth records.

26 Sec. 40. Section 144.26, unnumbered paragraphs 1 and 2,  
27 Code 1987, are amended to read as follows:

28 A death certificate for each death which occurs in this  
29 state shall be filed with the ~~local~~ county registrar of the  
30 ~~district~~ county in which the death ~~occurred~~ occurs, within  
31 three days after the death and prior to final disposition, and  
32 shall be registered by the registrar if it has been completed  
33 and filed in accordance with this chapter. All information  
34 including the certifying physician's name shall be  
35 typewritten.

1 If the place of death is unknown, a death certificate shall  
2 be filed in the registration-district county in which a dead  
3 body is found within three days after the body is found. If  
4 death occurs in a moving conveyance, a death certificate shall  
5 be filed in the registration-district county in which the dead  
6 body was is first removed from the conveyance.

7 Sec. 41. Section 144.29, Code 1987, is amended to read as  
8 follows:

9 144.29 FETAL DEATHS.

10 A fetal death certificate for each fetal death which occurs  
11 in this state after a gestation period of twenty completed  
12 weeks or more shall be filed with the ~~local~~ county registrar  
13 of the district county in which the delivery of the dead fetus  
14 ~~occurred~~ occurs, within three days after delivery and prior to  
15 final disposition of the fetus and. The certificate shall be  
16 registered if it has been completed and filed in accordance  
17 with this chapter.

18 If the place of delivery of a dead fetus is unknown, a  
19 fetal death certificate shall be filed in the registration  
20 district county in which a dead fetus was is found, within  
21 three days after the fetus is found. If a fetal death occurs  
22 in a moving conveyance, a fetal death certificate shall be  
23 filed in the registration-district county in which the fetus  
24 was is first removed from the conveyance.

25 Sec. 42. Section 144.32, Code 1987, is amended to read as  
26 follows:

27 144.32 BURIAL-TRANSIT PERMIT.

28 The funeral director who first assumes custody of a dead  
29 body or fetus shall obtain a burial-transit permit prior to  
30 final disposition of the body or fetus and within seventy-two  
31 hours after death. When a person other than a funeral  
32 director assumes custody of a dead body or fetus, the person  
33 ~~shall-be~~ is responsible for securing the permit required in  
34 this section. A burial-transit permit shall be issued by the  
35 ~~local~~ county registrar of the district county where the

1 certificate of death or fetal death was filed, in accordance  
2 with ~~the requirements of~~ sections 144.26 to 144.31.

3 Sec. 43. Section 144.43, unnumbered paragraph 2, Code  
4 1987, is amended to read as follows:

5 However, the following vital statistics may be inspected  
6 and copied as of right under chapter 22 when they are in the  
7 custody of a county ~~or of a local~~ registrar:

8 Sec. 44. Section 169.14, subsections 1 and 8, Code 1987,  
9 are amended to read as follows:

10 1. The board, upon its own motion or upon a verified  
11 complaint in writing, may request the department of  
12 inspections and appeals to conduct an investigation of the  
13 charges contained in the complaint. The department of  
14 inspections and appeals shall report its findings to the  
15 board, and the board may issue an order fixing the time and  
16 place for hearing if a hearing is deemed warranted. A written  
17 notice of the time and place of the hearing, together with a  
18 statement of the charges, shall be served upon the licensee at  
19 least ten days before the hearing in the manner required for  
20 the service of notice of the commencement of an ordinary  
21 action.

22 8. ~~Judicial review of the~~ The board's action actions may  
23 be sought appealed to the department of inspections and  
24 appeals and judicial review may be sought in accordance with  
25 the terms of ~~chapter~~ chapters 10A and 17A.

26 Sec. 45. Section 175.7, subsection 2, Code 1987, is  
27 amended to read as follows:

28 2. The executive director shall advise the authority on  
29 matters relating to agricultural land and property and  
30 agricultural finance, and carry out all directives from the  
31 authority, and shall hire and supervise the authority's staff  
32 pursuant to its directions and under the merit system  
33 provisions of chapter 19A, except that principal  
34 administrative assistants with responsibilities in beginning  
35 farm loan programs, accounting, mortgage loan processing, and

1 investment portfolio management are exempt from ~~that chapter~~  
2 the merit system.

3 Sec. 46. Section 175.22, subsection 4, Code 1987, is  
4 amended to read as follows:

5 4. The authority shall submit to the governor, the auditor  
6 of state ~~and the state comptroller, the department of~~  
7 management, and the department of revenue and finance, within  
8 thirty days of its receipt, a copy of the report of every  
9 external examination of the books and accounts of the  
10 authority other than copies of the reports of examinations  
11 made by the auditor of state.

12 Sec. 47. Section 175A.5, subsection 2, Code 1987, is  
13 amended to read as follows:

14 2. The executive director is a nonvoting ex officio member  
15 of the board, and shall advise the authority on matters  
16 relating to finance, carry out all directives from the  
17 authority, and hire and supervise the authority's staff  
18 pursuant to its directions and under the merit system  
19 provisions of chapter 19A, except that principal  
20 administrative assistants with responsibilities in operating  
21 loan programs, accounting, and processing of applications for  
22 interest reduction are exempt from ~~that chapter~~ the merit  
23 system.

24 Sec. 48. Section 175A.13, subsection 2, Code 1987, is  
25 amended to read as follows:

26 2. The authority shall submit to the governor, the auditor  
27 of state, ~~and the director~~ department of management, ~~and the~~  
28 department of revenue and finance, within thirty days of its  
29 receipt, a copy of the report of every external examination of  
30 the books and accounts of the authority other than copies of  
31 the reports of examinations made by the auditor of state.

32 Sec. 49. Section 220.2, subsection 1, unnumbered paragraph  
33 2, Code Supplement 1987, is amended to read as follows:

34 A title guaranty division is created within the authority.  
35 The powers of the division ~~as~~ relating to the issuance of

1 title guaranties ~~shall-be~~ are vested in and shall be exercised  
2 by a division board of five members appointed by the governor  
3 subject to confirmation by the senate. The membership of the  
4 board shall include an attorney, an abstractor, a real estate  
5 broker, a representative of a mortgage-lender, and a  
6 representative of the housing development industry. The  
7 executive director of the authority shall appoint a an  
8 attorney as director of the title guaranty division who ~~shall~~  
9 ~~be-an-attorney-and~~ shall serve as an ex officio member of the  
10 board. The appointment of and compensation for the division  
11 director ~~shall-be~~ is exempt from the merit system provisions  
12 of chapter 19A.

13 Sec. 50. Section 220.6, subsection 2, Code 1987, is  
14 amended to read as follows:

15 2. The executive director shall advise the authority on  
16 matters relating to housing and housing finance, carry out all  
17 directives from the authority, and hire and supervise the  
18 authority's staff pursuant to its directions and under the  
19 merit system provisions of chapter 19A, except that principal  
20 administrative assistants with responsibilities in housing  
21 development, accounting, mortgage loan processing, and  
22 investment portfolio management ~~shall-be~~ are exempt from the  
23 merit system.

24 Sec. 51. Section 220.31, subsection 4, Code 1987, is  
25 amended to read as follows:

26 4. The authority shall submit to the governor, the auditor  
27 of state, and the state-comptroller department of management,  
28 and the department of revenue and finance, within thirty days  
29 of its receipt by the authority, a copy of the report of every  
30 external examination of the books and accounts of the  
31 authority other than copies of the reports of examinations  
32 made by the auditor of state.

33 Sec. 52. Section 235.3, subsections 3 and 4, Code 1987,  
34 are amended to read as follows:

35 3. ~~Make-such~~ Adopt rules ~~and-regulations~~ as may-be

1 necessary or advisable for the supervision of the private  
2 child-caring agencies or their officers ~~thereof~~ which the  
3 ~~state-director~~ administrator is empowered to license-~~inspect~~  
4 and supervise.

5 4. Supervise ~~and-inspect~~ private institutions for the care  
6 of dependent, neglected, and delinquent children, and to make  
7 reports regarding ~~the-same~~ the institutions.

8 Sec. 53. Section 235A.15, subsection 3, Code Supplement  
9 1987, is amended to read as follows:

10 3. Access to unfounded child abuse information is  
11 authorized only to those persons identified in subsection 2,  
12 paragraph "a", paragraph "b", subparagraphs (2) and (5), and  
13 paragraph "e e", subparagraph (2).

14 Sec. 54. Section 256.9, subsection 4, Code Supplement  
15 1987, is amended to read as follows:

16 4. Employ personnel and assign duties and responsibilities  
17 of the department. The director shall appoint a deputy  
18 director and division administrators deemed necessary. They  
19 shall be appointed on the basis of their professional  
20 qualifications, experience in administration, and background.  
21 Members of the professional staff are not subject to the merit  
22 system provisions of chapter 19A and ~~shall-be-employed~~  
23 pursuant are subject to section 256.10.

24 Sec. 55. Section 273.13, Code 1987, is amended to read as  
25 follows:

26 273.13 ADMINISTRATIVE EXPENDITURES.

27 During the budget year beginning July 1, 1989, and the  
28 three succeeding budget years, the board of directors of an  
29 area education agency in which the administrative expenditures  
30 as a percent of the area education agency's operating fund for  
31 a base year exceed eight five percent shall reduce its  
32 administrative expenditures to five percent of the area  
33 education agency's operating fund. During each of the four  
34 years, the board of directors shall reduce administrative  
35 expenditures ~~of~~ by twenty-five percent of the reduction in



1 administrative expenditure required by this section.  
2 Thereafter, the administrative expenditures shall not exceed  
3 ~~eight~~ five percent of the operating fund. Annually, the board  
4 of directors shall certify to the department of public  
5 ~~instruction~~ education the amounts of the area education  
6 agency's expenditures and its operating fund. ~~Base-year-and-~~  
7 ~~budget-year~~ For the purposes of this section, "base year" and  
8 "budget year" mean base-year-and-budget-year the same as  
9 defined in section 442.6:--~~For the purposes of this section,~~  
10 and "administrative expenditures" means expenditures for  
11 executive administration.

12 Sec. 56. Section 279.45, Code 1987, is amended to read as  
13 follows:

14 279.45 ADMINISTRATIVE EXPENDITURES.

15 For the budget year beginning July 1, 1989, and each of the  
16 following three budget years, the board of directors of a  
17 school district in which the administrative expenditures as a  
18 percent of the school district's operating fund for a base  
19 year exceed five percent, shall reduce its administrative  
20 expenditures so that they are one-half percent less as a  
21 percent of the school district's operating fund than they were  
22 for the base year. However, a school district is not required  
23 to reduce its administrative expenditures below ~~eight~~ five  
24 percent of its operating fund. Thereafter, a school district  
25 shall not increase the percent of its administrative  
26 expenditures compared to its operating fund. Annually, the  
27 board of directors shall certify to the department of  
28 education the amounts of the school district's administrative  
29 expenditures and its operating fund. ~~Base-year-and-budget-~~  
30 ~~year~~ For the purposes of this section, "base year" and "budget  
31 year" mean base-year-and-budget-year the same as defined in  
32 section 442.6:--~~For the purposes of this section, and~~  
33 "administrative expenditures" means expenditures for executive  
34 administration.

35 Sec. 57. Section 280A.15, subsection 2, Code 1987, is

1 amended to read as follows:

2     2. Each A candidate for member of the board of directors  
3 of a merged area shall be nominated by a petition signed by  
4 not less than fifty eligible electors of the director district  
5 from which the member is to be elected. The petition shall  
6 state the number of the director district from which the  
7 candidate seeks election, and the candidate's name and status  
8 as an eligible elector of the director district. Signers of  
9 the petition, in addition to signing their names, shall show  
10 their residence, including street and number if any, the  
11 school district in which they reside, and the date they signed  
12 the petition. ~~Each nomination paper shall have appended to it~~  
13 ~~an affidavit of an eligible elector other than the candidate~~  
14 ~~in substantially the form provided in section 43-177, except as~~  
15 ~~to party affiliation.~~ The petition shall include the  
16 affidavit of the candidate being nominated, stating the  
17 candidate's name and residence, and that the individual is a  
18 candidate, is eligible for the office sought, and if elected  
19 will qualify for the office.

20     Sec. 58. Section 280B.6, subsection 1, Code 1987, is  
21 amended to read as follows:

22     1. Certificates may be sold at public sale ~~as provided by~~  
23 ~~chapter 75~~ or at private sale at par, premium, or discount at  
24 the discretion of the board of directors. ~~However, chapter 76~~  
25 Chapter 75 does not apply to the issuance of these  
26 certificates.

27     Sec. 59. Section 282.2, Code 1987, is amended to read as  
28 follows:

29     282.2 OFFSETTING TAX.

30     The parent or guardian whose child or ward attends school  
31 in any a district of which the ~~child or ward~~ parent or  
32 guardian is not a resident shall be allowed to deduct the  
33 amount of school tax paid by the parent or guardian in said  
34 district from the amount of tuition required to be paid.

35     Sec. 60. Section 303.88, subsection 4, Code 1987, is

1 amended to read as follows:

2 4. Accept gifts, contributions, endowments, bequests, or  
3 other funds moneys available for all or any of the purposes of  
4 the division. Interest earned on the gifts, contributions,  
5 endowments, bequests, or other moneys accepted under this  
6 subsection shall be credited to the fund or funds to which the  
7 gifts, contributions, endowments, bequests, or other moneys  
8 have been deposited, and is available for all or any of the  
9 purposes of the division.

10 Sec. 61. Section 304.3, subsections 2 and 4, Code 1987,  
11 are amended to read as follows:

12 2. ~~The executive-director-of-the-iowa-state-historical~~  
13 department director of the department of cultural affairs.

14 4. ~~The state-comptroller~~ director of revenue and finance.

15 Sec. 62. Section 304.3, Code 1987, is amended by adding  
16 the following new subsection as subsection 5 and renumbering  
17 the present subsections 5 through 7 as subsections 6 through  
18 8:

19 NEW SUBSECTION. 5. The director of the department of  
20 management.

21 Sec. 63. Section 307.48, unnumbered paragraph 1, Code  
22 1987, is amended to read as follows:

23 An employee ~~under-the-supervision~~ of the department's  
24 ~~administrator-of-highways-and-subject-to-chapter-19A~~  
25 department who is was hired on-or-after-July-1 by the state  
26 highway commission on or before June 30, 1971, is not entitled  
27 to longevity pay. However, this section does not apply to an  
28 employee-under-the-supervision-of-the-department's  
29 administrator-of-highways-and-subject-to-chapter-19A-who-was  
30 employed-prior-to-July-17-1971-and-whose-employment-continued  
31 after-June-30-1971. An employee ~~under-the-supervision-of-the~~  
32 ~~department's-administrator-of-highways-and-subject-to-chapter~~  
33 19A eligible for longevity pay under this section whose  
34 employment is terminated on or after July 1, 1971, if  
35 reemployed ~~under-the-supervision-of~~ by the department's

1 ~~administrator-of-highways department~~, forfeits any right the  
2 employee may have had to longevity pay.

3 Sec. 64. Section 308.9, subsection 1, Code 1987, is  
4 amended to read as follows:

5 1. When, as a result of its investigations and studies,  
6 the state transportation commission, in co-operation with the  
7 ~~state-conservation-commission~~ department of natural resources,  
8 finds that there may be a need in the future for the  
9 development and construction or reconstruction of segments of  
10 the great river road, and when the state transportation  
11 commission determines that in order to prevent conflicting  
12 costly economic development on areas of lands to be available  
13 for the great river road when needed for ~~such~~ future  
14 development, there is need to establish and to inform the  
15 public of the approximate location and widths of new or  
16 improved segments of the great river road to be needed, the  
17 state transportation commission may proceed to establish ~~such~~  
18 the location and the approximate widths in the manner provided  
19 in this section. The state transportation commission shall  
20 give notice and hold a public hearing on the matter in a  
21 convenient place in the area to be affected by the proposed  
22 improvement of the great river road. The state transportation  
23 commission shall consider and evaluate the testimony presented  
24 at the public hearing and it shall make a study and prepare a  
25 map showing the location of the proposed new or reconstructed  
26 segment of the great river road and the approximate widths of  
27 right of way needed. ~~There shall be shown on such~~ The map  
28 shall show the existing roadway and the property lines and  
29 record owners of lands to be needed. The approval of ~~such~~ the  
30 map shall be recorded by reference in the state transportation  
31 commission's minutes, and a notice of ~~such~~ the action and a  
32 copy of the map showing the lands or interest in the lands  
33 needed in any county shall be filed in the office of the  
34 county recorder of ~~such~~ that county. Notice of the action and  
35 of the filing shall be published once in a newspaper of

1 general circulation in ~~such~~ the county, and within sixty days  
2 following the filing, notice of the filing shall be served in  
3 by registered mail on the owners of record on the date of  
4 filing and on the functional classification board of the  
5 county. Using the same procedures for approval, notice and  
6 publications, and notice to the affected record owners, the  
7 state transportation commission may, ~~from time to time,~~ amend  
8 the map.

9 Sec. 65. Section 321.23, subsection 4, Code 1987, is  
10 amended to read as follows:

11 4. Any A vehicle which does not meet the equipment  
12 requirements of this chapter due to the particular use for  
13 which it is designed or intended, may be registered by the  
14 department upon payment of appropriate fees and after  
15 inspection and certification by the department that the  
16 vehicle is not in an unsafe condition ~~and will not endanger~~  
17 ~~any person~~. A person is not required to have a certificate of  
18 title to register a vehicle under this subsection. If the  
19 owner elects to have a certificate of title issued for the  
20 vehicle, a fee of ten dollars shall be paid by the person  
21 making the application upon issuance of a certificate of  
22 title. If the department's inspection reveals that ~~that~~ the  
23 vehicle may be safely operated only under certain conditions  
24 or on certain types of roadways, the department may restrict  
25 the registration to limit operation of the vehicle to the  
26 appropriate conditions or roadways. This subsection ~~shall~~  
27 does not apply to snowmobiles as defined in section 321G.1.  
28 Section 321.382 does not apply to a vehicle registered under  
29 this subsection which is operated exclusively by a handicapped  
30 person who has obtained a special identification device as  
31 provided in section 601E.6, providing if the special  
32 identification device is carried in the vehicle and shown to  
33 any a peace officer on request.

34 Sec. 66. Section 321.89, subsection 4, unnumbered  
35 paragraph 2, Code Supplement 1987, is amended to read as

1 follows:

2 The director of ~~revenue-and-finance~~ transportation shall  
3 establish by rule a claims procedure to be followed by police  
4 authorities in obtaining expenses and costs from the fund.

5 Sec. 67. Section 321A.3, subsection 4, Code Supplement  
6 1987, is amended to read as follows:

7 4. The abstract of operating record provided under this  
8 section shall designate which speeding violations occurring on  
9 or after July 1, 1986, but before May 12, 1987, are for  
10 violations of ten miles per hour or less over the legal speed  
11 limit in speed zones that have a legal speed limit equal-to-or  
12 greater than thirty-five miles per hour but-not-greater-than  
13 fifty-five-miles-per-hour. For speeding violations occurring  
14 on or after May 12, 1987, the abstract provided under this  
15 section shall designate which speeding violations are for ten  
16 miles per hour or less over the legal speed limit in speed  
17 zones that have a legal speed limit equal to or greater than  
18 thirty-five miles per hour but not greater than fifty-five  
19 miles per hour.

20 Sec. 68. Section 323.1, subsection 10, Code 1987, is  
21 amended to read as follows:

22 10. "Commission Department" means the Iowa-state-commerce  
23 commission department of inspections and appeals.

24 Sec. 69. Section 331.502, subsection 12, Code Supplement  
25 1987, is amended by striking the subsection.

26 Sec. 70. Section 331.556, Code 1987, is amended to read as  
27 follows:

28 331.556 LOSS OF FUNDS -- REPLACEMENT.

29 1. A loss of funds in the custody of a treasurer resulting  
30 from an act of omission or commission for which the treasurer  
31 is responsible, except a loss covered by the treasurer's bond  
32 or a loss which occurs while the funds are deposited in an  
33 authorized depository, shall be replaced by the ~~several~~  
34 counties of the state as provided in this section.

35 2. The auditor of state shall determine the amount of loss

1 to be replaced after a complete examination of the accounts of  
2 the treasurer of the county where the loss has occurred. The  
3 auditor of state shall file a written report of the  
4 examination with the ~~state-comptroller~~ director of management.

5 3. When the loss which is to be replaced has been  
6 determined by the auditor of state, the ~~state-comptroller~~  
7 director of management shall apportion the loss among the  
8 counties of the state, including the county in which the loss  
9 has occurred, in the proportion which the taxable property of  
10 each county bears to the total taxable property of all  
11 counties of the state. The written apportionment shall be  
12 filed ~~in-the-office-of-state-comptroller~~ with the department  
13 of management. The ~~state-comptroller~~ director of management  
14 shall certify to each treasurer the amount of the loss which  
15 has been apportioned to the various counties.

16 4. Upon receipt of the certification from the ~~state~~  
17 ~~comptroller~~ director of management, each treasurer, except the  
18 treasurer of the county where the loss occurred, shall charge  
19 the general fund of the county with the amount apportioned to  
20 the county and remit the amount to the ~~state-comptroller~~  
21 director of revenue and finance. The amount apportioned to a  
22 county shall draw interest at the rate of one percent per  
23 month after thirty days from the date when the treasurer  
24 received the certification of the apportionment from the ~~state~~  
25 ~~comptroller~~ director of management.

26 5. If the amount apportioned to a county is not paid, the  
27 default shall be reported by the ~~state-comptroller~~ director of  
28 management to the director of revenue and finance who shall  
29 levy upon the taxable property of the delinquent county a tax  
30 sufficient to raise the apportionment, a penalty of twenty-  
31 five percent of the apportionment, and interest. The tax levy  
32 shall be transmitted to the auditor of the delinquent county  
33 who shall include the levy on the next tax list of the county.  
34 The tax shall be collected and remitted to the ~~state~~  
35 ~~comptroller~~ director of revenue and finance.

1 6. The treasurer of state shall credit the funds received  
2 under this section to a separate fund in the state treasury.  
3 The treasurer of state shall pay the reimbursement funds to  
4 the county where the loss occurred by warrant issued by the  
5 ~~state-comptroller~~ director of revenue and finance.

6 Sec. 71. Section 411.22, subsection 1, paragraph a, Code  
7 1987, is amended to read as follows:

8 a. The retirement system shall be indemnified out of the  
9 recovery of damages to the extent of benefit payments made by  
10 the retirement system, with legal interest, except that the  
11 ~~plaintiff member's attorney fees are not indemnifiable~~ may be  
12 first allowed by the district court.

13 Sec. 72. Section 421.16, Code 1987, is amended to read as  
14 follows:

15 421.16 EXPENSES.

16 The director, deputy directors, secretary, and assistants  
17 ~~shall be~~ are entitled to receive from the state their actual  
18 necessary expenses while traveling on the business of the  
19 department, ~~such.~~ The expenditures to ~~shall~~ be sworn to by  
20 the party who incurred the expense, and approved by the  
21 ~~director and allowed by the state-comptroller.~~ Provided,  
22 ~~however, that~~ However, no such expense shall be allowed the  
23 director, deputy directors, secretary, or employees of the  
24 department while in the city of Des Moines or traveling  
25 between their homes and the city of Des Moines.

26 Sec. 73. Section 421.31, subsection 8, Code 1987, is  
27 amended by striking the subsection and inserting in lieu  
28 thereof the following:

29 8. INTEREST OF THE PERMANENT SCHOOL FUND. To transfer the  
30 interest of the permanent school fund to the credit of the  
31 first in the nation in education foundation as provided in  
32 section 302.1A.

33 Sec. 74. Section 421.45, Code 1987, is amended to read as  
34 follows:

35 421.45 CANCELLATION OF STATE WARRANTS.



1 The director of the department of revenue and finance, as  
2 of March 31, June 30, September 30, and December 31 of each  
3 year shall cancel and request the treasurer of state to stop  
4 payment on all state warrants which have been outstanding and  
5 unredeemed by the state treasurer for ~~one-year~~ six months or  
6 longer.

7 Sec. 75. Section 444.7, Code 1987, is amended to read as  
8 follows:

9 444.7 EXCESSIVE TAX PROHIBITED.

10 It is hereby ~~made~~ a simple misdemeanor for the board of  
11 supervisors to authorize, or the county auditor to carry upon  
12 the tax lists for any year, an amount of tax for ~~any~~ a public  
13 purpose in excess of the amount certified or authorized as  
14 provided by law. ~~The state-comptroller~~ department of  
15 management shall prescribe and furnish the county auditors  
16 forms and instructions to aid them in determining the legality  
17 and authorized amount of tax levies. ~~In-the-case-of-an~~  
18 ~~excessive-levy,-it-shall-be-the-duty-of-the~~ The county auditor  
19 ~~to shall~~ shall reduce ~~in an excessive levy~~ to the maximum amount  
20 authorized by law, and ~~in-any-event~~ not in excess of the  
21 amount certified; and ~~in-case-of-an-illegal-levy~~ the county  
22 auditor shall not enter or carry ~~any~~ a tax on the tax lists  
23 for ~~such~~ an illegal levy.

24 Sec. 76. Section 463.6, Code 1987, is amended to read as  
25 follows:

26 463.6 EXTENDING PAYMENT OF ASSESSMENTS.

27 ~~in-case~~ If no appeal is taken to the issuance of ~~said~~  
28 bonds, as provided by chapter 23, the board may extend the  
29 time of payment of ~~said~~ the unpaid assessment or ~~any~~ an  
30 installment or installments ~~thereof~~ of it as requested in the  
31 petition and may issue drainage refunding bonds, or, in case  
32 of an appeal, the board may issue ~~such~~ the bonds in accordance  
33 with the decision of the ~~state-comptroller~~ appeal board  
34 provided ~~said~~ the assessments, installment, or installments  
35 ~~thereof~~ have not been entered on the delinquent tax lists and

1 have not been previously extended.

2 Sec. 77. Section 474.10, Code 1987, is amended to read as  
3 follows:

4 474.10 GENERAL COUNSEL.

5 The board shall employ a competent attorney to serve as its  
6 general counsel, and assistants to the general counsel as it  
7 finds necessary for the full and efficient discharge of its  
8 duties. The general counsel is the attorney for, and legal  
9 advisor of, the board and is exempt from the merit system  
10 provisions of chapter 19A. Assistants to the general counsel  
11 are subject to the merit system provisions of chapter 19A.  
12 The general counsel or an assistant to the general counsel  
13 shall provide the necessary legal advice to the board in all  
14 matters and represent the board in all actions instituted in a  
15 state or federal court challenging the validity of any a rule  
16 or order of the board. The existence of a fact which  
17 disqualifies a person from election or from acting as a  
18 utilities board member disqualifies the person from employment  
19 as general counsel or assistant general counsel. The general  
20 counsel shall devote full time to the duties of the office.  
21 During employment the counsel shall not be a member of a  
22 political committee, contribute to a political campaign fund  
23 other than through the income tax checkoff for contributions  
24 to the Iowa election campaign fund and the presidential  
25 election campaign fund, participate in a political campaign,  
26 or be a candidate for a political office.

27 Sec. 78. Section 516B.3, subsection 1, Code Supplement  
28 1987, is amended to read as follows:

29 1. The commissioner shall require that insurance companies  
30 transacting business in this state not consider speeding  
31 violations occurring on or after July 1, 1986, but before May  
32 12, 1987, which are for speeding violations for ten miles per  
33 hour or less over the legal speed limit in speed zones that  
34 have a legal speed limit greater than thirty-five miles per  
35 hour or speeding violations occurring on or after May 12,

1 1987, which are for speeding violations for ten miles per hour  
2 or less over the legal speed limit in speed zones that have a  
3 legal speed limit equal to or greater than thirty-five miles  
4 per hour but not greater than fifty-five miles per hour for  
5 the purpose of establishing rates for motor vehicle insurance  
6 charged by the insurer and shall require that insurance  
7 companies not cancel or refuse to renew any such policy for  
8 such violations. In any twelve-month period, this section  
9 applies only to the first two such violations which occur.

10 Sec. 79. Section 534.401, subsections 2, 3, and 4, Code  
11 1987, are amended to read as follows:

12 2. GENERAL SUPERVISORY POWER. The supervisor  
13 superintendent has general supervision over all supervised  
14 organizations.

15 The supervisor superintendent ~~may, with the approval of the~~  
16 ~~auditor-of-state,~~ appoint examiners and assistants necessary  
17 to properly execute the duties of the office. ~~Any~~ An examiner  
18 ~~so-appointed~~ shall have had at least one year of actual  
19 experience as examiner, officer, or employee, of a savings and  
20 loan association. ~~Such~~ The examiners' salaries shall be fixed  
21 by the ~~auditor-of-state~~ superintendent subject to the approval  
22 of the ~~comptroller~~ director of management and governor, which  
23 salaries shall be commensurate with ~~that~~ those in the range of  
24 other employees as prescribed by certain classifications in  
25 accordance with their experience and qualifications. In  
26 addition ~~such~~ the examiners shall be reimbursed for their  
27 actual and necessary expense.

28 Before entering upon their duties, the ~~supervisor-of~~  
29 ~~savings-and-loan-associations~~ superintendent and each examiner  
30 appointed by the ~~supervisor~~ superintendent shall take an oath  
31 of office and shall each give bond to the state, signed by a  
32 responsible surety company, in the penal sum of two thousand  
33 dollars, conditioned upon faithful and impartial discharge of  
34 the person's duty and on proper accounting for all funds and  
35 other valuables which may come into the person's hands. ~~Such~~

1 The bonds shall be approved by and filed with the auditor of  
2 state, together with oaths of office of ~~such-officer~~ the  
3 officers.

4 ~~The supervisor shall have the right to pass~~ superintendent  
5 may adopt further regulations rules deemed necessary to enable  
6 savings and loan associations to properly carry on the  
7 activities authorized under this chapter ~~and which are not~~  
8 ~~inconsistent with the provisions of this chapter~~.

9 3. DUTIES. The ~~supervisor~~ superintendent shall, at least  
10 once each year, ~~examine or~~ cause examination and audit to be  
11 made ~~into~~ of the affairs of every association subject to this  
12 chapter. If an association is insured under ~~the provisions of~~  
13 Title IV of the National Housing Act (~~48-Stat-57-1246~~, 12  
14 U.S.C. ~~on 13~~), ~~as now or hereafter amended~~, the supervisor  
15 superintendent may, in lieu of such examination and audit  
16 accept ~~any~~ an examination or audit made by the federal savings  
17 and loan insurance corporation. ~~Any such~~ An association may,  
18 in lieu of such examination and audit by the ~~supervisor~~  
19 superintendent, at the option of the ~~supervisor~~ superintendent  
20 be audited by a certified public accountant, or by a public  
21 accountant qualified and licensed to practice accountancy  
22 ~~under the provisions of~~ the Code of Iowa. At least two copies  
23 of each examination or audit report, signed and verified by  
24 the accountant making it, shall promptly be filed with the  
25 ~~supervisor~~ superintendent. ~~Whenever~~ When, in the judgment of  
26 the ~~supervisor~~ superintendent, the condition of ~~any~~ an  
27 association renders it necessary or expedient to make an extra  
28 examination or audit or to devote ~~any~~ extraordinary attention  
29 to its affairs, the ~~supervisor~~ superintendent shall cause such  
30 work to be done. A copy of every examination or audit report  
31 shall be furnished to the association examined, exclusive of  
32 confidential comments made by the examiner, and a copy of  
33 every report and comments and any other information pertaining  
34 to an association may be furnished to the federal home loan  
35 bank board, federal home loan bank, and federal savings and

1 loan insurance corporation. A copy of such an examination or  
2 audit report shall be presented to the board of directors at  
3 its next regular or special meeting, and their action thereon  
4 on it shall be recorded in the minutes, and two certified  
5 copies of such the minutes shall be transmitted to the  
6 supervisor superintendent.

7 4. SUPERVISOR'S SUPERINTENDENT'S ANNUAL REPORT. The  
8 ~~supervisor-of-savings-and-loan-associations-shall~~  
9 ~~superintendent~~, as of December 31 of each year, shall prepare  
10 and publish a report showing in general terms the condition of  
11 all savings and loan associations doing business in this  
12 state, and containing such other general information as in the  
13 ~~supervisor's~~ superintendent's judgment ~~shall seem~~ seems  
14 desirable. Such The reports shall also list the names of all  
15 examiners and other assistants employed by the supervisor  
16 superintendent, together with the their respective salaries  
17 and expenses, and shall list all receipts from savings and  
18 loan associations, and shall show all expenditures made on  
19 account of the supervision and examination of such the  
20 associations.

21 Sec. 80. Section 534.403, Code 1987, is amended to read as  
22 follows:

23 534.403 EXAMINATIONS.

24 1. SUPERVISOR'S SUPERINTENDENT'S AUTHORITY -- EX-  
25 AMINATIONS. The ~~supervisor~~ superintendent and examiners shall  
26 have full access to all books and papers of an association  
27 which relate to its business, and to books, records, and  
28 papers kept by an officer, director, agent, or employee  
29 relating to, or upon which any record of its business is kept,  
30 and may summon witnesses and administer oaths or affirmations,  
31 in the examination of the directors, officers, agents, or  
32 employees of ~~any-such~~ an association, or any other person, in  
33 relation to its affairs, transactions, and condition, and may  
34 require and compel the production of records, books, papers,  
35 contracts, or other documents by court order, if not

1 voluntarily produced.

2       2. EXPENSES, PER DIEM, VACATION AND SICK LEAVE. Where if  
3 the examination is made under ~~the provisions of~~ section  
4 534.401, subsection 3, each examiner shall file with the  
5 ~~auditor-of-state~~ superintendent an itemized, certified, and  
6 sworn voucher of the examiner's expense for the time ~~seen~~ the  
7 examiner is actually engaged in ~~such an~~ examination. On the  
8 fifteenth and last days of each month each examiner shall file  
9 in duplicate with the ~~auditor-of-state~~ superintendent a  
10 certified statement of the actual days engaged in ~~seen~~  
11 examination examinations. The salaries shall be included in a  
12 ~~semi-monthly~~ biweekly payroll. Upon approval of the ~~auditor-of~~  
13 state superintendent, the director of revenue and finance is  
14 authorized to issue warrants for the payment of ~~said the~~  
15 vouchers, and salaries, including a prorated amount for  
16 vacation and sick leave, from the savings and loan revolving  
17 fund. Repayment to the state shall be made as provided by  
18 section 534.408, subsection 4. Savings and loan examiners  
19 shall be paid salaries at rates commensurate with, and shall  
20 be reimbursed for meals and lodging at the same rate as, that  
21 which is received by federal examiners operating under the  
22 federal home loan bank board.

23       3. RECORD REQUIRED. A record of such each examination  
24 shall be kept in the ~~auditor's~~ superintendent's office,  
25 showing in detail as to each association all matters connected  
26 with the conduct of the business, its financial standing, and  
27 everything touching its solvency, plan of business, and  
28 integrity.

29       Such The examinations and reports, and other information  
30 connected ~~therewith~~ with them, shall be kept confidential in  
31 the office of the ~~auditor-of-state-and-the-supervisor-of~~  
32 savings-and-loan-associations superintendent, and ~~shall~~ are  
33 not be subject to publication or disclosure to others except  
34 as in this chapter provided. However, any evidence of  
35 felonious acts on the part of the officers, directors, or

1 employees of such an association may be referred by the office  
2 ~~of-the-auditor-of-state~~ superintendent to proper authorities.  
3 Members of such associations, other than their officers and  
4 directors, ~~shall~~ are not be entitled to inspection of any such  
5 records or information, and ~~shall~~ are not be entitled to any  
6 information relative to the names of the members of any an  
7 association, or the amounts invested by them, as disclosed in  
8 ~~the auditor's~~ superintendent's office, or in the records of  
9 ~~any-such~~ an association.

10 4. REVOCATION OF AUTHORITY. If ~~any-such~~ an association  
11 ~~refuse~~ refuses to submit to such examination, the auditor  
12 superintendent shall revoke its certificate of authority.

13 Sec. 81. Section 534.405, Code 1987, is amended to read as  
14 follows:

15 534.405 CONSERVATORSHIP -- OPERATION -- TERMINATION.

16 If the supervisor superintendent, as a result of any  
17 examination or from any a report made to the ~~supervisor-shall~~  
18 ~~find~~ supervisor finds that any a savings and loan association  
19 is violating ~~the-provisions~~ a provision of its certificate of  
20 incorporation, or bylaws, or the laws of this state, or of the  
21 United States, or any a lawful order of the supervisor  
22 superintendent, or is conducting its business in an unsafe  
23 manner, the supervisor superintendent may by an order, direct  
24 discontinuance of such the violation or unsafe practice, and  
25 conformance with all requirements of law. ~~No~~ A conservator  
26 shall not be appointed for a solvent association ~~where-such~~ if  
27 a violation or unsafe practice can be corrected otherwise. If  
28 ~~any-such~~ an association ~~shall-refuse~~ refuses or ~~neglect~~  
29 neglects to comply with such the order within the time  
30 specified ~~therein~~ in it, or if it ~~shall-appear~~ appears to the  
31 supervisor superintendent that ~~any-such~~ an association is in  
32 an unsafe condition or is conducting its business in an unsafe  
33 manner, or if the ~~supervisor-shall-find~~ superintendent finds  
34 that an impairment of capital exists to such extent that it  
35 threatens loss to the members, or if any an association

1 refuses to submit its books, papers, and accounts to the  
2 inspection of the supervisor superintendent or the  
3 supervisor's superintendent's representative, the supervisor  
4 superintendent, by written order signed by the supervisor-and  
5 the-auditor-of-state superintendent, may appoint a conservator  
6 to take charge of the association and manage its business  
7 until the supervisor-shall superintendent permit permits the  
8 board of directors to resume management of the business or  
9 shall-reorganize reorganizes the association, or until a  
10 receiver shall-be is appointed to liquidate its affairs. Any  
11 a conservator so appointed shall has, subject to approval of  
12 the supervisor-and-auditor-of-state superintendent, have all  
13 the rights, powers, and privileges possessed by the officers,  
14 board of directors, and members of the association. The  
15 conservator shall not retain special counsel or other experts,  
16 or incur any expenses other than normal operating expenses, or  
17 liquidate assets, except in the ordinary course of operations.  
18 The directors and officers shall remain in office and the  
19 employees shall remain in their respective positions, but the  
20 supervisor superintendent may remove any director, officer, or  
21 employee. While the association is in the charge of a  
22 conservator, members of such the association shall continue to  
23 make payments to the association in accordance with the terms  
24 and-conditions of their contracts and the conservator, in the  
25 conservator's discretion, may permit members to withdraw as  
26 such in the ordinary course of business, or under, and subject  
27 to such rules and-regulations-as the supervisor superintendent  
28 may prescribe and-the. The conservator shall-have-power-to  
29 may accept savings but any-such savings thereon received by  
30 the conservator may be segregated if the supervisor  
31 superintendent shall so order orders in writing and if so  
32 ordered such savings shall are not be subject to offset and  
33 shall not be used to liquidate any an indebtedness of such the  
34 association existing at the time the conservator was appointed  
35 for it, or any subsequent indebtedness incurred for the



1 purpose of liquidating the indebtedness of ~~such~~ the  
2 association existing at the time ~~such~~ a conservator was  
3 appointed. All expenses of the association during ~~such~~  
4 conservatorship shall be paid by the association. The  
5 appointment of a conservator shall be evidenced by the  
6 ~~supervisor~~ superintendent issuing a certificate, signed by the  
7 ~~supervisor-and-by-the-auditor-of-state~~ superintendent,  
8 delivered to the president, or the vice president, or to at  
9 least three members of the board of directors of the  
10 association, certifying that a conservator has been appointed  
11 pursuant to this section. Within six months from the date  
12 upon which the conservator ~~shall-take~~ takes charge of an  
13 association, the ~~supervisor~~ superintendent shall determine  
14 whether ~~or-not-the-supervisor-shall~~ to restore the management  
15 of the association to the board of directors. ~~Such~~ The  
16 determination shall be evidenced by the ~~supervisor's~~  
17 superintendent's certificate under the seal of the office,  
18 delivered to the president, or vice president, or to the board  
19 of directors of the association, that the conservator  
20 ~~forthwith~~ is redelivering the management of the association to  
21 the board of directors of the association then in office.  
22 After the management of the association ~~shall-have~~ has been  
23 redelivered to the board of directors of an association, the  
24 association shall ~~thenceforth~~ be managed and operated as  
25 though no conservator had been appointed. At any time prior  
26 to the redelivery of the management to the board of directors,  
27 the ~~supervisor~~ superintendent shall determine whether ~~such~~ the  
28 association shall be required to reorganize. ~~Such~~ That  
29 determination shall be evidenced by a certificate, signed by  
30 the ~~supervisor,-and-by-the-auditor-of-state~~ superintendent,  
31 under the seal of the office, delivered to an executive  
32 officer of the association, stating that unless the  
33 association ~~reorganize~~ reorganizes under the laws of this  
34 state within a period of sixty days from the date of ~~such~~ the  
35 certificate, or within such further time as the ~~supervisor~~

1 ~~shall approve~~ superintendent approves, the supervisor  
2 superintendent shall proceed to liquidate the association. If  
3 the association has the insurance protection provided by Title  
4 IV of the National Housing Act (~~48-Stat.-B7--12467~~, 12 U.S.C.  
5 ch 13) ~~as now or hereafter amended~~, a signed and sealed copy  
6 of each order and certificate mentioned in this section shall  
7 be promptly sent by the ~~supervisor~~ superintendent by  
8 registered mail to the federal savings and loan insurance  
9 corporation, Washington, D.C. If the association is insured  
10 by the federal savings and loan insurance corporation, that  
11 corporation shall be named receiver if the ~~supervisor and~~  
12 auditor have superintendent has determined the need for a  
13 receivership.

14 Sec. 82. Section 534.406, Code 1987, is amended to read as  
15 follows:

16 534.406 RECEIVERSHIP.

17 ~~When any~~ If a building and loan or savings and loan  
18 association is conducting its business illegally, or in  
19 violation of its articles of incorporation or bylaws, or is  
20 practicing deception upon its members or the public, or is  
21 pursuing a plan of business that is injurious to the interest  
22 of its members, or if its affairs are in an unsafe condition,  
23 the ~~auditor of state~~ superintendent shall notify the directors  
24 of the association, and, if they fail to put its affairs upon  
25 a safe basis, the ~~auditor~~ superintendent shall advise the  
26 attorney general, who shall take the necessary steps to wind  
27 up its affairs in the manner provided by law. In the  
28 proceedings a receiver may be appointed by the court and the  
29 proceedings shall be the exclusive liquidation or insolvency  
30 proceeding and a receiver shall not be appointed in any other  
31 proceedings.

32 Sec. 83. Section 534.407, Code 1987, is amended to read as  
33 follows:

34 534.407 REVOCATION OF CERTIFICATE.

35 If a certificate of authority to do business ~~shall have~~ has

1 been issued to any an association, and it shall violate  
2 violates any of the provisions of this chapter, the auditor-of  
3 state superintendent may revoke the same certificate.

4 Sec. 84. Section 534.408, subsections 2 through 7, Code  
5 Supplement 1987, are amended to read as follows:

6 2. INCORPORATION FEE. Simultaneously with the filing with  
7 the supervisor superintendent of a certificate of  
8 incorporation, the corporation shall pay an incorporation fee  
9 of one hundred dollars.

10 3. CHANGE OF LOCATION OR CHANGE OF NAME. ~~There~~ A fee of  
11 fifty dollars shall accompany each application to the  
12 supervisor superintendent for ~~leave~~ permission to change the  
13 location of the home office or to change the name of the  
14 association ~~a-fee-of-fifty-dollars~~.

15 4. SUPERVISION AND EXAMINATION FEE. At the time of filing  
16 its annual report each association shall pay to the auditor-of  
17 ~~state,~~ superintendent an annual filing fee of fifty dollars.  
18 The supervisor superintendent shall assess against any an  
19 association the actual and necessary expenses incidental to  
20 any examinations, or to supervision, or to any a special audit  
21 made pursuant to an order of the supervisor superintendent  
22 acting under authority of this chapter. The annual assessment  
23 to each association shall also include a fair proportion of  
24 the cost of administration of the savings and loan division.

25 5. MERGER FEE. At the time of filing with the supervisor  
26 any superintendent a merger agreement, the association  
27 proposing to ~~so~~ merge shall submit therewith a fee of one  
28 hundred fifty dollars, which fee shall be paid in equal parts  
29 by the associations which are parties to the proposed merger.

30 6. FOR REORGANIZATION, TRANSFER OF ASSETS, AND  
31 DISSOLUTION. ~~There~~ A fee of fifty dollars shall accompany  
32 ~~every~~ a proposed plan of reorganization, ~~every~~ a proposal for  
33 the transfer of assets in bulk, and ~~every~~ a certificate of  
34 dissolution, filed with the supervisor superintendent for  
35 approval, ~~a-fee-of-fifty-dollars~~.

1 7. FOR APPROVAL OF SUPERVISOR SUPERINTENDENT. The  
2 ~~supervisor-is-authorized~~ superintendent, in the supervisor's  
3 superintendent's discretion, ~~to may~~ charge a fee of not  
4 exceeding ten dollars upon each application for the  
5 supervisor's superintendent's approval, as provided by this  
6 chapter.

7 Sec. 85. Section 534.511, subsection 8, Code 1987, is  
8 amended to read as follows:

9 8. CERTIFICATION. The superintendent ~~of-savings-and-loan~~  
10 ~~associations~~ shall prepare a certificate of merger upon the  
11 occurrence of all of the events stated in subsections 3, 4, 5,  
12 6, and 7. This certificate shall include the name of the  
13 surviving association, federal association, or bank and the  
14 effective date of the merger. The original certificate shall  
15 be filed with the secretary of state. The superintendent  
16 shall provide a certified copy of the certificate to any  
17 person upon payment of a five dollar fee. A certified copy of  
18 this certificate ~~shall-be~~ is sufficient proof of the merger  
19 for purposes of establishing the liability for debts or the  
20 ownership of assets as provided in section 534.512,  
21 subsections 1 and 2. An association involved in a merger may  
22 transfer assets or receive assets under the plan of merger  
23 only after the certificate of merger has been issued by the  
24 superintendent.

25 Sec. 86. Section 534.515, subsections 3 through 13, Code  
26 1987, are amended to read as follows:

27 3. DEPOSIT OF SECURITIES. ~~No-such~~ An unincorporated  
28 building and loan association shall ~~be-permitted-to~~ not carry  
29 on its business within this state unless it ~~shall~~ first  
30 deposit deposits with the ~~auditor-of-state~~ superintendent at  
31 least fifty thousand dollars of first mortgages and negotiable  
32 notes in the same amount secured ~~thereby-upon~~ by real estate  
33 in the state, bearing interest at a rate not less than five  
34 percent per annum, which ~~said~~ mortgages shall ~~in-no-case~~ not  
35 exceed one-half the actual value of the real estate upon which

1 they are taken.

2 4. ~~ADDITIONAL DEPOSITS. The auditor-of-state-shall-have~~  
3 ~~power-and-authority-to~~ superintendent may require that such a  
4 further amount of such securities ~~shall~~ be deposited with the  
5 ~~auditor~~ superintendent as in the ~~auditor's~~ superintendent's  
6 judgment ~~may-thereafter-be~~ is necessary to protect the members  
7 of ~~such~~ the building and loan association, or the persons  
8 making periodical payments ~~thereto to it.~~

9 5. SECURITIES HELD IN TRUST. The notes, mortgages, and  
10 securities so deposited with the ~~auditor-of-state-shall~~  
11 superintendent, with all interest and accumulations ~~thereon on~~  
12 them, shall be held in trust by the ~~auditor~~ superintendent for  
13 the purpose of fulfilling and carrying out all contracts made  
14 by such building and loan associations with ~~the~~ their members  
15 ~~thereof~~, and with the persons making periodical payments  
16 thereto to them.

17 6. APPROVAL -- CERTIFICATE OF AUTHORITY. If the executive  
18 council approves the plan or method of business of any such a  
19 building and loan association, it shall endorse its approval  
20 upon the statement of the resources and liabilities and plan  
21 of business presented to it, and ~~such~~ the statement shall  
22 ~~thereupon~~ be filed in the office of the ~~auditor-of-state~~  
23 superintendent, who shall issue a certificate to ~~such~~ the  
24 building and loan association to transact business within the  
25 state, if ~~such~~ the association has deposited with the ~~auditor~~  
26 superintendent the mortgages and securities required by the  
27 other provisions of this chapter.

28 7. OFFICERS TO GIVE BONDS -- APPROVAL. Every An officer  
29 of such a building and loan association who signs or endorses  
30 checks, or handles any of the funds or securities ~~thereof of~~  
31 the association, shall give ~~such~~ bond or fidelity insurance  
32 for the faithful performance of the officer's duty in such a  
33 sum as the ~~auditor-of-state~~ superintendent may require, and no  
34 such officer ~~shall-be-deemed~~ is qualified to enter upon the  
35 duties of the office until the officer's bond is approved by,

1 and deposited with, the auditor-of-state superintendent. And  
2 ~~any-such~~ The bond may be increased or additional sureties  
3 required by the ~~auditor-of-state-whenever~~ superintendent if in  
4 the ~~auditor's~~ superintendent's judgment it becomes necessary  
5 to protect the interest of the association or its members, or  
6 persons making periodical payments of money ~~thereto~~ to it.

7 8. EXAMINATION. The auditor-of-state superintendent may  
8 at any time the ~~auditor-may-see~~ superintendent deems proper  
9 make, or cause to be made, an examination of any such a  
10 building and loan association, or the ~~auditor~~ superintendent  
11 may call upon it for a report of its condition upon any given  
12 day which has passed, as often as four times each year, which  
13 report shall contain the information hereinafter required in  
14 this section.

15 9. EXPENSE OF EXAMINATION. The expense of making such an  
16 examination shall be paid by the building and loan  
17 association, and if made by the ~~auditor~~ superintendent in  
18 person the ~~auditor~~ superintendent shall be paid the ~~auditor's~~  
19 superintendent's necessary expenses only; if made by an  
20 examiner designated by the ~~auditor~~ superintendent, the  
21 examiner shall receive not to exceed twenty-five dollars a day  
22 for the time employed by the ~~auditor~~ superintendent, and the  
23 ~~examiners's~~ examiner's necessary expenses.

24 10. ANNUAL REPORTS. On or before the first day of  
25 February of each year, every such building and loan  
26 association shall file with the ~~auditor-of-state~~  
27 superintendent its annual report in writing for the year  
28 ending on the thirty-first day of December preceding, giving a  
29 complete statement in detail of all of its receipts from all  
30 sources, and all disbursements made during such the year,  
31 arranged and itemized as ~~may-be~~ required by the ~~auditor-of~~  
32 state superintendent. Such The report shall also show the  
33 number of members or persons making periodical payments to  
34 such the association, the number and amount of loans made to  
35 such the persons, the interest received ~~therefrom~~ from them,

1 the number and amounts of mortgages, contracts, or other  
2 securities held by the association, the actual cash value of  
3 the real estate securing such the mortgages or contracts, the  
4 salary paid to each of its officers during the preceding year,  
5 the assets and ~~liability~~ liabilities of the association at the  
6 end of the year, and any other matters which in the judgment  
7 of the ~~auditor-of-state-may-be~~ superintendent are required to  
8 give the ~~auditor~~ superintendent full information as to the  
9 business transacted by such the building and loan association.

10 11. FAILURE TO FURNISH REPORTS. If any such a building  
11 and loan association ~~shall-fail~~ fails or ~~refuse~~ refuses to  
12 furnish the ~~auditor-of-state~~ superintendent the report  
13 required in subsection 10, the officers or persons conducting  
14 the business of such the building and loan association shall  
15 forfeit the sum of twenty-five dollars for each day that such  
16 the report is withheld, and the ~~auditor-of-state~~  
17 superintendent may maintain an action, jointly or severally,  
18 against them in the name of the state to recover such that  
19 penalty, and the ~~same~~ penalty shall be paid into the state  
20 treasury when recovered by the ~~auditor~~ superintendent.

21 12. CRIMINAL OFFENSES. If any officer or agent of any  
22 such building and loan association, or any person conducting  
23 the business thereof, shall knowingly and willfully swear  
24 falsely to any statement in regard to any matter in this  
25 chapter required to be made under oath, the person shall be  
26 guilty of perjury and punished accordingly. And if any  
27 officer, agent or employee of any such association, or any  
28 person transacting the business thereof, shall issue, utter,  
29 or offer to utter, any warrant, check, order, or promise to  
30 pay of such association, or shall sign, transfer, cancel, or  
31 surrender any note, bond, draft, mortgage, or other evidence  
32 of indebtedness belonging to such association, or shall  
33 demand, collect, or receive any money from any member or other  
34 person in the name of such association without being  
35 authorized so to do, the person shall be guilty of a

1 fraudulent practice; or if any such officer, agent, or  
2 employee of such association, or any person transacting the  
3 business thereof, shall embezzle, convert to the person's own  
4 use, or shall use or pledge for the person's own benefit or  
5 purpose, any moneys, securities, credits, or other property  
6 belonging to the association, the person shall be guilty of  
7 theft; or if the person shall knowingly solicit, transact, or  
8 attempt to transact any business for any such association  
9 which has not procured and does not hold the certificate of  
10 authority from the auditor-of-state superintendent to transact  
11 business in this state as provided herein in this section, the  
12 person shall be guilty of a serious misdemeanor; or if the  
13 person shall knowingly make, or cause to be made, any false  
14 entries in the books of the association, or shall, with intent  
15 to deceive any person making an examination of such  
16 association, as herein provided, exhibit to the person making  
17 the examination any false entry, paper, or statement, the  
18 person shall be guilty of a fraudulent practice.

19 13. REVOCATION OF CERTIFICATE -- RECEIVER. If any such  
20 building and loan association holding a certificate of  
21 authority to transact business within this state issued by the  
22 auditor superintendent as herein provided in this chapter,  
23 shall violate any of the provisions of this chapter, or shall  
24 fail to deposit with the auditor-of-state superintendent such  
25 further amount of mortgages or securities as the auditor  
26 superintendent may require under this chapter, the auditor-of  
27 state superintendent shall at once revoke such the certificate  
28 and notify the executive council of the its revocation  
29 thereof; and under the direction of the executive council,  
30 application shall be made by the attorney general to the  
31 proper court for the appointment of a receiver to wind up the  
32 affairs of the association; and-in-such. In the proceedings  
33 the amount due from the borrowing members or persons making  
34 periodical payments upon contracts or mortgages given by them;  
35 shall be ascertained in the manner provided in section



1 534.405; and the amount owing upon such mortgages or contracts  
2 from members of the association or persons making periodical  
3 payments ~~thereto~~ to it, shall be treated and considered as due  
4 and payable within a reasonable time, to be fixed by the court  
5 after the appointment of a receiver.

6 Sec. 87. Section 534.602, subsections 1 and 2, Code 1987,  
7 are amended to read as follows:

8 1. DOMESTIC COMPANIES -- BONDS -- CUSTODY. The officers  
9 and employees of any a domestic association who sign or  
10 endorse checks or handle any funds or securities of such an  
11 association shall give such bonds or fidelity insurance as the  
12 board of directors may require; and no such officer shall be  
13 deemed qualified to enter upon the duties of the office until  
14 the officer's bond is approved by the board of directors and  
15 by the auditor-of-state superintendent. Such The bonds shall  
16 be deposited and filed with the auditor-of-state  
17 superintendent. Such The associations may in connection with  
18 obtaining such bonds or insurance acquire and hold membership  
19 in mutual insurance or bonding companies. No such bond shall  
20 be terminated or canceled because of failure to pay premium or  
21 for any other cause until after ten days' written notice to  
22 the supervisor superintendent of intention to cancel such the  
23 bond.

24 2. ADDITIONAL BONDS. All such bonds shall be increased or  
25 additional securities required by the board of directors or  
26 the auditor-of-state superintendent when it becomes necessary  
27 to protect the interests of the association or its members.

28 Sec. 88. Section 534.701, Code 1987, is amended to read as  
29 follows:

30 534.701 STATE RECIPROCITY.

31 When by the laws of any other state, territory, country, or  
32 nation, or by the decision or rulings of the appropriate and  
33 proper officers thereof, any greater taxes, fines, penalties,  
34 licenses, fees, deposits of money or other securities, or  
35 other obligations or prohibitions, are demanded of building

1 and loan or savings and loan associations of this state, as a  
2 condition to be complied with before doing business or  
3 granting loans in that state, so long as such laws continue in  
4 force, the same requirements, obligations, and prohibitions of  
5 whatever kind shall be imposed on all building and loan or  
6 savings and loan associations of such other state, territory,  
7 country, or nation doing business in this state, and upon  
8 their agents. ~~It is hereby made the duty of the auditor of~~  
9 ~~state to~~ The superintendent shall enforce the provisions of  
10 this section.

11 Sec. 89. Section 534.702, subsections 2 through 8, Code  
12 Supplement 1987, are amended to read as follows:

13 2. APPROVAL BY SUPERVISOR SUPERINTENDENT -- CERTIFICATE OF  
14 AUTHORITY. If upon receipt of the report the supervisor  
15 superintendent finds from a review of the report that the  
16 association is properly managed, that its financial condition  
17 is satisfactory, and that its business is conducted upon a  
18 safe and reliable plan and one equitable to its members, the  
19 supervisor superintendent shall issue a like certificate of  
20 authority, signed by the ~~auditor of state~~ superintendent as in  
21 the case of domestic associations.

22 3. CONDITIONS ATTENDING APPROVAL. A foreign association  
23 shall not be authorized to do business in this state if the  
24 foreign association's articles of incorporation are not found  
25 by the supervisor superintendent to be in substantial  
26 compliance with the laws of this state, and affording equal  
27 security and protection to its members.

28 4. DEPOSIT BY FOREIGN ASSOCIATION. Before the supervisor  
29 superintendent issues a certificate to a foreign association,  
30 it shall deposit with the ~~auditor of state~~ superintendent two  
31 hundred fifty thousand dollars, either in cash, or bonds of  
32 the United States or of the state of Iowa, or of a county or  
33 municipal corporation of the state, or notes secured by first  
34 mortgages on real estate, or a like amount in other security  
35 which is satisfactory to the ~~auditor of state~~ superintendent.

1 The foreign association may collect and use the interest on  
2 any securities so deposited as long as it fulfills its  
3 obligations and complies with this chapter. Upon the approval  
4 of the auditor superintendent, it may also exchange the  
5 securities for other securities of equal value.

6 5. LIABILITY OF DEPOSIT. The deposit made with the  
7 auditor-of-state superintendent shall be held as security for  
8 all claims of resident members of the state against said the  
9 association, and ~~shall-be~~ is liable for all judgments or  
10 decrees thereon, and subject to the their payment ~~of-the-same~~.

11 6. AUDITOR-OF-STATE SUPERINTENDENT AS PROCESS AGENT. Such  
12 The foreign associations shall also file with the auditor-of  
13 this-state superintendent a duly authorized copy of a  
14 resolution adopted by the board of directors of such the  
15 association, stipulating and agreeing that, if any legal  
16 process or notice affecting such the association ~~be~~ is served  
17 on the ~~said-state-auditor~~ superintendent, and a copy thereof  
18 ~~be~~ mailed, postage prepaid, by the party procuring and issuing  
19 ~~the-same~~ it, or the party's attorney, to ~~said the~~ the association,  
20 addressed to its home office, then such service and mailing of  
21 ~~such~~ process or notice ~~shall-have~~ has the same effect as  
22 personal service on ~~said the~~ the association within this state.

23 7. MANNER OF SERVICE. When proceedings have been  
24 commenced against, or affecting any a foreign building and  
25 loan or savings and loan association, as contemplated in  
26 subsection 6, and notice has been served upon the auditor-of  
27 ~~the-state~~ superintendent, the ~~same~~ notice shall be by  
28 duplicate copies, one of which shall be filed in the auditor's  
29 superintendent's office, and the other mailed by the auditor  
30 superintendent, postage prepaid, to the home office of such  
31 the association.

32 8. AMENDMENT TO ARTICLES. Within ten days after the  
33 adoption of an amendment to its articles of incorporation or  
34 bylaws, a foreign association shall file a duly certified copy  
35 of the amendment with the supervisor superintendent.

1 Sec. 90. Section 534.703, Code 1987, is amended to read as  
2 follows:

3 534.703 FEES -- FOREIGN ASSOCIATIONS.

4 Foreign building and loan or savings and loan associations  
5 shall pay to the ~~auditor-of-state~~ superintendent the following  
6 fees, which shall be paid by the ~~auditor~~ superintendent into  
7 the state treasury: For each an application to do business in  
8 this state, two hundred dollars; for each a certificate of  
9 authority ~~and-each~~ or an annual renewal ~~thereof~~ of a  
10 certificate, one hundred dollars; for filing each an annual  
11 statement of the assets of the association as shown by the  
12 statement filed, amounts to fifty thousand dollars or less,  
13 six dollars; if more than fifty thousand dollars and less than  
14 one hundred thousand dollars, ten dollars; if ~~more-than~~ one  
15 hundred thousand dollars or more and less than two hundred  
16 fifty thousand dollars, twenty dollars; if ~~more-than~~ two  
17 hundred fifty thousand dollars or more, and less than five  
18 hundred thousand dollars, forty dollars; if ~~more-than~~ five  
19 hundred thousand dollars or more and less than one million  
20 dollars, sixty dollars; and if ~~more-than~~ one million dollars  
21 or more, one hundred dollars.

22 Sec. 91. Section 534.705, subsection 1, unnumbered  
23 paragraph 1, Code 1987, is amended to read as follows:

24 All associations doing business in this state shall, on or  
25 before the first day of February of each year, file with the  
26 ~~auditor-of-state~~ superintendent a detailed report and  
27 financial statement of their business for the year ending the  
28 thirty-first day of December next preceding, and ~~such~~ the  
29 report shall be verified by the president and secretary or by  
30 three directors of the association, and ~~such-report~~ shall  
31 show:

32 Sec. 92. Section 534.705, subsection 3, Code 1987, is  
33 amended to read as follows:

34 3. VIOLATIONS. If an association ~~shall-fail-or-refuse~~  
35 fails or refuses to furnish the ~~auditor-of-state~~

1 superintendent the report required in subsections 1 and 2 it  
2 shall forfeit the sum of twenty-five dollars for every day  
3 ~~such the~~ report ~~shall-be~~ is withheld and the ~~auditor-of-state~~  
4 superintendent may maintain an action in the name of the state  
5 to recover ~~such that~~ penalty and the ~~same~~ penalty shall be  
6 paid into the treasury of the state.

7 Sec. 93. Section 544.7, subsection 4, paragraph c, Code  
8 1987, is amended to read as follows:

9 c. As an annuity to a widow spouse or representative of a  
10 deceased partner,

11 Sec. 94. Section 562B.15, Code 1987, is amended to read as  
12 follows:

13 562B.15 LANDLORD TO DELIVER POSSESSION OF MOBILE HOME  
14 SPACE.

15 At the commencement of the term the landlord shall deliver  
16 possession of the mobile home space to the tenant in  
17 compliance with the rental agreement and section 562B.16. The  
18 landlord may bring an action for possession against any a  
19 person wrongfully in possession and may recover the damages  
20 provided in section ~~562B.31~~ 562B.30, subsection 2.

21 Sec. 95. Section 601K.2, unnumbered paragraph 2, Code  
22 1987, is amended to read as follows:

23 The governor shall appoint the administrators of each of  
24 the divisions subject to confirmation by the senate. Each  
25 administrator shall serve at the pleasure of the governor and  
26 is exempt from the merit system provisions of chapter 19A.  
27 The governor shall set the salary of the division ~~directors~~  
28 administrators within the ranges set by the general assembly.

29 Sec. 96. Section 601K.36, Code 1987, is amended to read as  
30 follows:

31 601K.36 ADMINISTRATOR.

32 The administrator shall serve as executive officer of the  
33 commission and ~~be~~ is exempt from the merit system provisions  
34 of chapter 19A. The administrator ~~shall-be~~ is responsible to  
35 the commission and, pursuant to section 601K.2, with the

1 approval of the commission shall employ and supervise the  
2 commission's staff and be responsible for implementing policy  
3 set by the commission. The administrator shall carry out  
4 programs and policies as determined by the commission.

5 Sec. 97. Section 602.8102, subsection 4, Code Supplement  
6 1987, is amended to read as follows:

7 4. Upon the death of a judge or magistrate of the district  
8 court, give written notice to the state-comptroller department  
9 of management and the department of revenue and finance of the  
10 date of death. The clerk shall also give written notice of  
11 the death of a justice of the supreme court, or a judge of the  
12 court of appeals, or a judge or magistrate of the district  
13 court who resides in the clerk's county to the state  
14 commissioner of elections, as provided in section 46.12.

15 Sec. 98. Section 674.13, Code 1987, is amended to read as  
16 follows:

17 674.13 FURTHER CHANGE BARRED.

18 No A person shall not change the person's name more than  
19 once under ~~the provisions of~~ this chapter unless just cause is  
20 shown. However, ~~a person may change~~ in a decree dissolving a  
21 person's marriage, the person's name may be changed back to  
22 the name appearing on the person's original birth certificate  
23 ~~after each decree dissolving a marriage is entered,~~ or a  
24 ~~person may request a name change~~ to a legal name previously  
25 acquired in a former marriage.

26 Sec. 99. Section 805.1, subsection 8, Code Supplement  
27 1987, is amended to read as follows:

28 8. A peace officer shall issue a citation in lieu of  
29 arrest to a person under eighteen years of age accused of  
30 ~~violating~~ committing a simple misdemeanor under the provisions  
31 of chapter 106, 106A, 109, 109A, 110, 110A, 110B, 111, 321, or  
32 321G, a violation of a county or municipal curfew or traffic  
33 ordinance, or a violation of section 123.47, and shall not  
34 detain or confine the person in a facility regulated under  
35 chapter 356 or 356A.

1 Sec. 100. Section 903.1, subsection 3, Code Supplement  
2 1987, is amended to read as follows:

3 3. A person under eighteen years of age convicted of a  
4 simple misdemeanor under chapter 106, 106A, 109, 109A, 110,  
5 110A, 110B, 111, 321, or 321G, or a violation of a county or  
6 municipal curfew or traffic ordinance, or a violation of  
7 section 123.47, may be required to pay a fine, not to exceed  
8 one hundred dollars, as fixed by the court, or may be required  
9 to perform community service as ordered by the court.

10 Sec. 101. 1986 Iowa Acts, chapter 1245, section 1526, is  
11 amended to read as follows:

12 SEC. 1526. TRANSITION -- TERMS. The terms of all persons  
13 serving on the board of parole on June 30, 1986, expire on  
14 that date. Notwithstanding the four-year term specified in  
15 ~~section 1511 of this Act~~ 904A.1, appointments of the new  
16 members shall be as follows:

17 1. One full-time and one part-time member to serve from  
18 July 1, 1986, to ~~June~~ April 30, 1988.

19 2. One full-time and one part-time member to serve from  
20 July 1, 1986, to ~~June~~ April 30, 1989.

21 3. One member to serve from July 1, 1986, to ~~June~~ April  
22 30, 1990.

23 Thereafter, all appointments shall be for four-year terms  
24 beginning and ending as provided in section 69.19.

57.2 25 Sec. 102. Sections 144.6 through 144.8, 144.10, and  
26 144.11, Code 1987, are repealed.

27 Sec. 103. Sections 67 and 78 of this Act, being deemed of  
28 immediate importance, take effect upon its enactment.

29 SUCCESSOR TO SSB 2059 (LSB 7568SC)

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HOUSE AMENDMENT TO  
SENATE FILE 2238

S-5769

- 1 Amend Senate File 2238, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 12, line 26, by inserting after the word
- 4 "organization," the following: "a corporation
- 5 organized under chapter 496A,".
- 6 2. Page 35, line 18, by striking the word
- 7 "supervisor" and inserting the following:
- 8 "superintendent".
- 9 3. Page 51, line 25, by inserting after the word
- 10 "Sections" the following: "135.43, 135.44,".
- 11 4. Title page, by striking line 5 and inserting
- 12 the following: "provisions, remove ambiguities and
- 13 providing effective dates."
- 14 5. By renumbering, relettering, or redesignating
- 15 and correcting internal references as necessary.

S-5769

Filed April 5, 1988

*Senate Concurrence 4/5/88*

RECEIVED FROM THE HOUSE



SSB 2059

Doyle, Ch.  
Mann  
Holt  
Now

SSB 2059

JUDICIARY: Doyle, Chair; Mann and Holt

SENATE FILE 2238  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to statutory corrections which adjust language to  
2 reflect current practices, insert earlier omissions, delete  
3 redundancies and inaccuracies, delete temporary language,  
4 resolve inconsistencies and conflicts, update ongoing  
5 provisions, and remove ambiguities.

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

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1 Section 1. Section 2.12, unnumbered paragraph 4, Code  
2 1987, is amended to read as follows:

3 There is appropriated out of any funds moneys in the state  
4 treasury not otherwise appropriated such the sums ~~as-may-be~~  
5 that are necessary for the fiscal year budgets of the  
6 legislative service bureau, the legislative fiscal bureau, the  
7 citizens' aide office, and the computer support bureau for  
8 salaries, support, maintenance, and miscellaneous purposes to  
9 carry out their statutory responsibilities. The legislative  
10 service bureau, the legislative fiscal bureau, the citizens'  
11 aide office, and the computer support bureau shall submit  
12 their proposed budgets to the legislative council not later  
13 than ~~September~~ December 1 of each year. The legislative  
14 council shall review and approve the proposed budgets not  
15 later than December ~~±~~ 31 of each year. The budget approved by  
16 the legislative council for each of its statutory legislative  
17 agencies shall be transmitted by the legislative council to  
18 the department of management on or before December ~~±~~ 31 of  
19 each year for the fiscal year beginning July 1 of the  
20 following year.

21 PARAGRAPH DIVIDED. The department of management shall  
22 submit the approved budgets received from the legislative  
23 council to the governor for inclusion in the governor's  
24 proposed budget for the succeeding fiscal year. The approved  
25 budgets shall also be submitted to the chairpersons of the  
26 committees on appropriations. The committees on  
27 appropriations may allocate from the funds moneys appropriated  
28 by this section the funds amounts contained in the approved  
29 budgets, or such other amounts as specified, pursuant to a  
30 concurrent resolution to be approved by both houses of the  
31 general assembly. The director of revenue and finance shall  
32 issue warrants for salaries, support, maintenance, and  
33 miscellaneous purposes upon requisition by the administrative  
34 head of each statutory legislative agency.

35 PARAGRAPH DIVIDED. If the legislative council elects to

1 change the approved budget for a legislative agency prior to  
2 July 1, the legislative council shall transmit the amount of  
3 the budget revision to the department of management prior to  
4 July 1 of the fiscal year; however, if the general assembly  
5 approved the budget it cannot be changed except pursuant to a  
6 concurrent resolution approved by the general assembly.

7 Sec. 2. Section 15.106, subsection 2, Code 1987, is  
8 amended to read as follows:

9 2. Employ personnel as necessary to carry out the duties  
10 and responsibilities of the department, consistent with the  
11 merit system provisions of chapter 19A for nonprofessional  
12 employees. Professional staff of the department are exempt  
13 from the merit system provisions of chapter 19A.

14 Sec. 3. Section 17A.6, Code 1987, is amended by adding the  
15 following new subsection:

16 NEW SUBSECTION. 6. The Code editor, with the approval of  
17 the administrative rules review committee and the  
18 administrative rules coordinator, may delete a rule from the  
19 Iowa administrative code if the agency that adopted the rule  
20 has ceased to exist, no successor agency has jurisdiction over  
21 the rule, and no statutory authority exists supporting the  
22 rule.

23 Sec. 4. Section 18.8, unnumbered paragraph 6, Code 1987,  
24 is amended to read as follows:

25 The director shall appoint a superintendent of buildings  
26 and grounds, who shall serve at the pleasure of the director  
27 and ~~shall~~ is not be governed by the merit system provisions of  
28 chapter 19A.

29 Sec. 5. Section 18.74, Code 1987, is amended to read as  
30 follows:

31 18.74 APPOINTMENT.

32 The director of the department of general services shall  
33 appoint ~~a person to administer the provisions of this~~  
34 ~~division:--This person shall be known as~~ the superintendent of  
35 printing and to administer this division. The superintendent

1 shall serve at the pleasure of the director ~~without-being~~ and  
2 is not subject to the merit system provisions of chapter 19A.

3 Sec. 6. Section 18.115, unnumbered paragraph 1, Code 1987,  
4 is amended to read as follows:

5 ~~In-order-to-carry-out-the-powers-vested-in-the-director-by~~  
6 ~~this-chapter,~~ The director of the department of general  
7 services shall appoint a state vehicle dispatcher and such  
8 other employees as ~~may-be~~ necessary to ~~carry-out-the~~  
9 ~~provisions-of~~ administer this chapter. The state vehicle  
10 dispatcher shall serve at the pleasure of the director and  
11 ~~shall~~ is not be governed by the merit system provisions of  
12 chapter 19A. Subject to the approval of the director, the  
13 state vehicle dispatcher ~~shall-have~~ has the following duties:

14 Sec. 7. Section 18.163, Code 1987, is amended to read as  
15 follows:

16 18.163 PERSONNEL.

17 The director of the department shall employ a risk manager  
18 and ~~such~~ other permanent full-time personnel as ~~shall-be~~  
19 necessary to administer this chapter. All permanent full-time  
20 personnel other than the risk manager ~~shall-be~~ are subject to  
21 the merit system provisions of chapter 19A. The director is  
22 authorized to hire as independent contractors ~~such~~ other  
23 persons as ~~may-be~~ necessary to assist the risk manager in  
24 establishing standards and procedures under sections 18.160 to  
25 18.169.

26 Sec. 8. Section 27A.2, Code 1987, is amended to read as  
27 follows:

28 27A.2 MEMBERSHIP OF COMMISSION.

29 The director of the department of natural resources ~~shall~~  
30 be is a permanent member from Iowa of the upper Mississippi  
31 riverway commission and may designate an alternate in  
32 accordance with article IV "a" of the compact. The governor  
33 shall appoint the three remaining members ~~from-Iowa~~ of the  
34 commission from Iowa. ~~Such~~ The members may also be members of  
35 another board or commission established by law. The

1 appointment of the remaining three members ~~shall be~~ is subject  
2 to confirmation by the senate. The members so appointed shall  
3 serve for staggered periods of four years, beginning and  
4 ending as provided in section 69.19. Commission members from  
5 this state shall be reimbursed, upon certification by the  
6 ~~comptroller~~ director of revenue and finance, ~~be-reimbursed~~ for  
7 the actual and necessary expenses incurred by them in the  
8 discharge of their duties.

9 Sec. 9. Section 56.3, subsection 2, Code Supplement 1987,  
10 is amended to read as follows:

11 2. A person who receives contributions in excess of one  
12 hundred dollars for a committee shall, not later than fifteen  
13 days from the date of receipt of the contributions or on  
14 demand of the treasurer, render to the treasurer the  
15 contributions and an account of the total of all  
16 contributions; including the name and address of each person  
17 making a contribution in excess of ten dollars, the amount of  
18 ~~such-contribution~~ the contributions, and the date on which the  
19 contributions were received. The treasurer shall deposit all  
20 contributions within seven days of receipt by the treasurer in  
21 an account maintained by the committee in a financial  
22 institution. All funds of a committee shall be segregated  
23 from any other funds ~~of~~ held by officers, members, or  
24 associates of the committee or the committee's candidate.  
25 However, if a candidate's committee receives contributions  
26 only from the candidate, or if a permanent organization  
27 temporarily engages in activity which qualifies it as a  
28 political committee and all expenditures of the organization  
29 are made from existing general operating funds and funds are  
30 not solicited or received for this purpose from sources other  
31 than operating funds, then that committee is not required to  
32 maintain a separate account in a financial institution. The  
33 funds of a committee are not attachable for the personal debt  
34 of the committee's candidate or an officer, member, or  
35 associate of the committee.

1 Sec. 10. Section 79.23, Code 1987, is amended to read as  
2 follows:

3 79.23 CREDIT FOR ACCRUED SICK LEAVE.

4 When a state employee, excluding an employee covered under  
5 a collective bargaining agreement which provides otherwise,  
6 retires under a retirement system in the state maintained in  
7 whole or in part by public contributions or payments, the  
8 number of accrued days of active and banked sick leave of the  
9 employee shall be credited to the employee. When an employee  
10 retires, is eligible, and has applied for benefits under a  
11 retirement system authorized under chapter 97A or 97B,  
12 including the teachers insurance annuity association (TIAA)  
13 and the college retirement equity fund (CREF), or an employee  
14 dies on or after July 1, 1984, while the employee is in active  
15 employment but is eligible for retirement benefits under one  
16 of the listed chapters, the employee shall receive a cash  
17 payment for the employee's accumulated, unused sick leave in  
18 both the active and banked sick leave accounts, except when,  
19 in lieu of cash payment, payment is made for monthly premiums  
20 for health or life insurance or both as provided in a  
21 collective bargaining agreement negotiated under chapter 20.  
22 An employee of the department of public safety or the state  
23 conservation-commission department of natural resources who  
24 has earned benefits of payment of premiums under a collective  
25 bargaining agreement and who becomes a manager or supervisor  
26 and is no longer covered by the agreement shall not lose the  
27 benefits of payment of premium earned while covered by the  
28 agreement. The payment shall be calculated by multiplying the  
29 number of hours of accumulated, unused sick leave by the  
30 employee's hourly rate of pay at the time of retirement.  
31 However, the total cash payments for accumulated, unused sick  
32 leave shall not exceed two thousand dollars per employee and  
33 are payable upon retirement or death. Banked sick leave is  
34 defined as accrued sick leave in excess of ninety days.

35 Sec. 11. Section 86.24, subsection 5, Code 1987, is

1 amended to read as follows:

2 5. The decision of the industrial commissioner is final  
3 agency action ~~and an appeal of the decision shall be made~~  
4 ~~directly to the supreme court.~~

5 Sec. 12. Section 86.26, Code 1987, is amended to read as  
6 follows:

7 86.26 JUDICIAL REVIEW.

8 Judicial review of decisions or orders of the industrial  
9 commissioner ~~shall not be to the district court but shall be~~  
10 ~~made directly to the supreme court, notwithstanding may be~~  
11 sought in accordance with chapter 17A, the Iowa administrative  
12 procedure Act. Notwithstanding chapter 17A, the  
13 Iowa Administrative Procedure Act, petitions for judicial  
14 review shall may be filed with the clerk of the supreme court  
15 as are other actions for appeal or review in the district  
16 court of the county in which the hearing under section 86.17  
17 was held. The supreme court may transfer the action to the  
18 court of appeals. Such a review proceeding shall be accorded  
19 priority over other matters pending before the district court.

20 Sec. 13. Section 86.29, Code 1987, is amended to read as  
21 follows:

22 86.29 THE JUDICIAL REVIEW PETITION.

23 ~~In the~~ Notwithstanding chapter 17A, the Iowa Administrative  
24 Procedure Act, in a petition for judicial review of a decision  
25 of the industrial commissioner in a contested case under this  
26 chapter or chapter 85, 85A, 85B, or 87, the opposing party  
27 shall be named the respondent, and the agency shall not be  
28 named as a respondent.

29 Sec. 14. Section 86.32, Code 1987, is amended to read as  
30 follows:

31 86.32 COSTS OF JUDICIAL REVIEW.

32 In proceedings for judicial review of compensation cases  
33 the clerk ~~of the supreme court~~ shall charge no fee for any  
34 service rendered except the filing ~~and docketing fees~~ fee and  
35 transcript fees when the transcript of the ~~contested case~~

1 proceeding a judgment is required. The taxation of costs on  
2 judicial review shall be in the discretion of the supreme  
3 court.

4 Sec. 15. Section 86.39, Code 1987, is amended to read as  
5 follows:

6 86.39 FEES -- APPROVAL -- LIEN.

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

16 Sec. 16. Section 86.42, Code 1987, is amended to read as  
17 follows:

18 86.42 JUDGMENT BY DISTRICT COURT ON AWARD.

19 Any party in interest may present a certified copy of an  
20 order or decision of the commissioner, from which a timely  
21 petition for judicial review has not been filed or if judicial  
22 review has been filed, which has not had execution or  
23 enforcement stayed as provided in section 17A.19, subsection  
24 5, or an order or decision of a deputy commissioner from which  
25 a timely appeal has not been taken within the agency and which  
26 has become final by the passage of time as provided by rule  
27 and section 17A.15, or an agreement for settlement approved by  
28 the commissioner, and all papers in connection therewith, to  
29 the district court ~~of-the-county-in-which-the-hearing-under~~  
30 ~~section-86-17-was-held,-of-Polk-county,-or-of-the-county-in~~  
31 ~~which-the-petitioner-resides-or-has-its-principal-place-of~~  
32 business where judicial review of the agency action may be  
33 commenced. The court shall render a decree or judgment and  
34 cause the clerk to notify the parties. The decree or  
35 judgment, in the absence of a petition for judicial review or



1 if judicial review has been commenced, in the absence of a  
2 stay of execution or enforcement of the decision or order of  
3 the industrial commissioner, or in the absence of an act of  
4 any party which prevents a decision of a deputy industrial  
5 commissioner from becoming final, has the same effect and in  
6 all proceedings in relation thereto is the same as though  
7 rendered in a suit duly heard and determined by the court.

8 Sec. 17. Section 99E.14, unnumbered paragraph 1, Code  
9 1987, is amended to read as follows:

10 The commissioner shall designate three administrative  
11 positions within the division which require specific areas of  
12 expertise relating to the operation of the lottery. These  
13 three administrative positions are exempt from the merit  
14 system provisions of chapter 19A. The commissioner shall  
15 designate one of these three administrators to serve as acting  
16 commissioner in the commissioner's absence.

17 Sec. 18. Section 103A.6, Code 1987, is amended to read as  
18 follows:

19 103A.6 MERIT SYSTEM.

20 Employees of the commissioner shall, where if required by  
21 federal statutes, be are covered by the merit system  
22 provisions of chapter 19A.

23 Sec. 19. Section 107.19, unnumbered paragraph 6, Code  
24 1987, is amended to read as follows:

25 All expenditures under this Act shall be chapter are  
26 subject to approval by the state-comptroller director of  
27 management and the director of revenue and finance.

28 Sec. 20. Section 114.22, Code 1987, is amended to read as  
29 follows:

30 114.22 PROCEDURE.

31 Proceedings for any action under section 114.21 shall be  
32 begun by filing with the board written charges against the  
33 accused. The Upon the filing of charges the board may request  
34 the department of inspections and appeals to conduct an  
35 investigation into the charges. The department of inspections

1 and appeals shall report its findings to the board, and the  
2 board shall designate a time and place for a hearing, and  
3 shall notify the accused of this action and furnish the  
4 accused a copy of all charges at least thirty days prior to  
5 the date of the hearing. The accused ~~shall have~~ has the right  
6 to appear personally or by counsel, to cross-examine  
7 witnesses, or to produce witnesses in defense.

8 Sec. 21. Section 116.23, subsections 1, Code 1987, is  
9 amended to read as follows:

10 1. The board may initiate proceedings under this chapter  
11 either on its own motion or on the complaint of any person.  
12 Before scheduling a hearing under this section, the board may  
13 request the department of inspections and appeals to conduct  
14 an investigation into the charges to be addressed at the board  
15 hearing. The department of inspections and appeals shall  
16 report its findings to the board.

17 Sec. 22. Section 117.34, unnumbered paragraph 1, Code  
18 1987, is amended to read as follows:

19 The real estate examining board may upon its own motion and  
20 shall upon the verified complaint in writing of any person,  
21 provided if the complaint together with evidence, documentary  
22 or otherwise, presented in connection with the complaint,  
23 makes out a prima-facie case, request the department of  
24 inspections and appeals to investigate the actions of any real  
25 estate broker, real estate salesperson, or any other person  
26 who ~~shall assume~~ assumes to act in either capacity within this  
27 state, and may suspend or revoke any a license issued under  
28 ~~the provisions of~~ this chapter, at any time if the licensee  
29 has by false or fraudulent representation obtained a license,  
30 or if the licensee is found to be guilty of any of the  
31 following:

32 Sec. 23. Section 117A.4, subsections 1 and 2, Code 1987,  
33 are amended to read as follows:

34 1. The board ~~or the attorney general at the request of the~~  
35 board may cause request the department of inspections and

1 appeals to conduct an investigation and inspection to be made  
2 of any subdivided land proposed to be offered for sale or  
3 lease in this state pursuant to this chapter ~~and may~~. The  
4 department of inspections and appeals shall make a report of  
5 the its findings thereon.

6 2. Where If an inspection is to be made of subdivided land  
7 situated outside of this state and offered for sale in this  
8 state, ~~said~~ the inspection as authorized by subsection 1 shall  
9 be made by the department of inspections and appeals at the  
10 expense of the subdivider. After the application required by  
11 section 117A.2 is filed and after the filing fee required by  
12 section 117A.8 is received, the board may decide whether or  
13 not an inspection pursuant to this subsection is to be made.  
14 If the board requires an inspection, the department of  
15 inspections and appeals, ~~or the attorney general at the~~  
16 ~~request of the board~~ shall so notify the subdivider and the  
17 subdivider shall remit to the department ~~or the attorney~~  
18 ~~general~~ an amount equivalent to the round trip cost of travel  
19 from this state to the location of the project, as estimated  
20 by the department ~~or the attorney general~~ and a further amount  
21 estimated to be necessary to cover the additional expenses of  
22 such inspection but not to exceed fifty dollars a day for each  
23 day incurred in the ~~examination of the project~~ inspection.  
24 The costs of any subsequent inspections deemed necessary shall  
25 be paid for by the subdivider. At the completion of any an  
26 inspection trip the department ~~or the attorney general~~ shall  
27 furnish the subdivider a statement as to the costs of the  
28 inspection trip, and ~~should said~~ if the costs be are less than  
29 the amount advanced by the subdivider to the department, or  
30 ~~the attorney general~~ the remaining balance ~~will~~ shall be  
31 refunded to the subdivider.

32 Sec. 24. Section 118.13, unnumbered paragraph 3, Code  
33 Supplement 1987, is amended to read as follows:

34 Proceedings for the revocation of a certificate shall be  
35 begun initiated by filing written charges against the accused

1 with the board. A Upon the filing of charges the board may  
2 request the department of inspections and appeals to conduct  
3 an investigation into the charges. The department of  
4 inspections and appeals shall report its findings to the  
5 board, and a time and place for the hearing of the charges  
6 shall be fixed by the board if the board determines that a  
7 hearing is warranted. Where if personal service or services  
8 service through counsel cannot be effected, services service  
9 may be had by publication. At the hearing, the accused ~~shall~~  
10 have has the right to be represented by counsel, to introduce  
11 evidence, and to examine and cross-examine witnesses. The  
12 board ~~shall have the power to~~ may subpoena witnesses, to  
13 administer oaths to such witnesses, and to employ counsel.  
14 The board shall make a written report of its findings, which  
15 ~~report~~ shall be filed with the secretary of state, and which  
16 ~~shall be~~ is conclusive.

17 Sec. 25. Section 118A.16, Code 1987, is amended to read as  
18 follows:

19 118A.16 PROCEDURE.

20 Any A person may file charges with the board against a  
21 landscape architect or the board may initiate charges. Such  
22 The charges shall be in writing, sworn to if by a complainant  
23 other than the board, and filed with the board. Unless the  
24 charges are dismissed by the board as unfounded or trivial,  
25 the board ~~shall~~ may request the department of inspections and  
26 appeals to conduct an investigation into the charges. The  
27 department of inspections and appeals shall report its  
28 findings to the board, and the board shall hold a hearing  
29 within sixty days after the date on which they the charges are  
30 filed. The board shall fix the time and place for such  
31 hearing and shall cause a copy of the charges, together with a  
32 notice of the time and place fixed for the hearing, to be  
33 served on the accused at least thirty days before the date  
34 fixed for the hearing. Where personal service cannot be  
35 effected, service may be effected by publication. At such

1 hearing, the accused shall have the right to appear personally  
2 or by counsel, to cross-examine witnesses against the accused,  
3 and to produce evidence and witnesses in defense. After the  
4 hearing, the board may suspend or revoke the certificate of  
5 registration. The board may restore the certificate of  
6 registration to any person whose certificate of registration  
7 has been revoked. Application for the restoration of a  
8 certificate of registration shall be made in such manner, form  
9 and content as the board may prescribe.

10 Sec. 26. Section 135.2, unnumbered paragraph 1, Code 1987,  
11 is amended to read as follows:

12 The governor shall appoint the director of the department,  
13 subject to confirmation by the senate. The director shall  
14 serve at the pleasure of the governor. The director is exempt  
15 from the merit system provisions of chapter 19A. The governor  
16 shall set the salary of the director within the range  
17 established by the general assembly.

18 Sec. 27. Section 144.5, subsections 3 and 6, Code 1987,  
19 are amended to read as follows:

20 3. Direct, supervise, and control ~~the-activities-of-local~~  
21 ~~registrars-and-deputy-local-registrars,~~ and the activities of  
22 clerks of the district court related to the operation of the  
23 vital statistics system and provide registrars with necessary  
24 postage.

25 6. Delegate functions and duties vested in the state  
26 registrar to officers, employees of the department, and to the  
27 ~~local~~ county registrars as the state registrar deems necessary  
28 or expedient.

29 Sec. 28. Section 144.9, unnumbered paragraph 1 and  
30 subsection 1, Code 1987, are amended to read as follows:

31 The clerk of the district court ~~shall-be~~ is the county  
32 registrar and with respect to the county registrar's  
33 registration-district shall:

34 1. Administer and enforce ~~the-provisions-of~~ this chapter  
35 and the rules issued by the department, ~~and-exercise-general~~

1 ~~supervision-over-the-local-and-deputy-local-registrars-in-the~~  
2 ~~county-registrar's-district.~~

3 Sec. 29. Section 144.12, Code 1987, is amended to read as  
4 follows:

5 144.12 FORMS UNIFORM.

6 In order to promote and maintain uniformity in the system  
7 of vital statistics, the forms of certificates, reports, and  
8 other returns, shall include as a minimum the items  
9 recommended by the federal agency responsible for national  
10 vital statistics, subject to approval and modification by the  
11 department. Forms shall be furnished by the department. The  
12 forms or other recording methods used by county ~~and-local~~  
13 registrars to record copies of records made under this chapter  
14 shall be prescribed by the department.

15 Sec. 30. Section 144.13, subsections 1 and 2, Code 1987,  
16 are amended to read as follows:

17 1. A certificate of birth for each live birth which occurs  
18 in this state shall be filed with the ~~local~~ county registrar  
19 of the ~~district~~ county in which the birth occurs within five  
20 days after the birth and shall be registered by the registrar  
21 if it has been completed and filed in accordance with this  
22 chapter; ~~provided-that.~~ However, when a birth occurs in a  
23 moving conveyance, a birth certificate shall be filed in the  
24 ~~district~~ county in which the child was first removed from the  
25 conveyance.

26 2. When a birth occurs in an institution, the person in  
27 charge of the institution or the person's designated  
28 representative shall obtain the personal data, prepare the  
29 certificate, secure the signatures required by the  
30 certificate, and file the certificate with the ~~local~~ county  
31 registrar. The physician in attendance shall certify to the  
32 facts of birth and provide the medical information required by  
33 the certificate within three days after the birth.

34 Sec. 31. Section 144.13A, Code Supplement 1987, is amended  
35 to read as follows:

## 1 144.13A REGISTRATION FEE.

2 The ~~local~~ county registrar and state registrar shall charge  
3 the parent a ten dollar fee for the registration of a  
4 certificate of birth. If the person responsible for the  
5 filing of the certificate of birth under section 144.13 is not  
6 the parent, the person ~~shall~~ is entitled to collect the fee  
7 from the parent. The fee shall be remitted to the appropriate  
8 registrar. If the expenses of the birth are reimbursed under  
9 the medical assistance program established by chapter 249A, or  
10 paid for under the statewide indigent patient care program  
11 established by chapter 255, or paid for under the obstetrical  
12 and newborn indigent patient care program established by  
13 chapter 255A, or if the parent is indigent and unable to pay  
14 the expenses of the birth and no other means of payment is  
15 available to the parent, the registration fee is waived. If  
16 the person responsible for the filing of the certificate is  
17 not the parent, the person is discharged from the duty to  
18 collect and remit the fee under this section if the person has  
19 made a good faith effort to collect the fee from the parent.  
20 The fees collected by the ~~local~~ county registrar and state  
21 registrar shall be remitted to the treasurer of state for  
22 deposit in the general fund of the state. It is the intent of  
23 the general assembly that the funds generated from the  
24 registration fees be appropriated and used for primary and  
25 secondary child abuse prevention programs.

26 Sec. 32. Section 144.14, unnumbered paragraph 1, Code  
27 1987, is amended to read as follows:

28 Whoever A person who assumes the custody of a living infant  
29 of unknown parentage shall report on a form and in the manner  
30 prescribed by the state registrar within five days to the  
31 ~~local~~ county registrar of the ~~district~~ county in which the  
32 child was found, the following information:

33 Sec. 33. Section 144.17, subsection 2, Code 1987, is  
34 amended to read as follows:

35 2. That no record of birth of such that person can be

1 found in the office of the state or ~~local~~ county custodian of  
2 birth records.

3 Sec. 34. Section 144.26, unnumbered paragraphs 1 and 2,  
4 Code 1987, are amended to read as follows:

5 A death certificate for each death which occurs in this  
6 state shall be filed with the ~~local~~ county registrar of the  
7 district county in which the death ~~occurred~~ occurs, within  
8 three days after the death and prior to final disposition, and  
9 shall be registered by the registrar if it has been completed  
10 and filed in accordance with this chapter. All information  
11 including the certifying physician's name shall be  
12 typewritten.

13 If the place of death is unknown, a death certificate shall  
14 be filed in the ~~registration-district~~ county in which a dead  
15 body is found within three days after the body is found. If  
16 death occurs in a moving conveyance, a death certificate shall  
17 be filed in the ~~registration-district~~ county in which the dead  
18 body ~~was~~ is first removed from the conveyance.

19 Sec. 35. Section 144.29, Code 1987, is amended to read as  
20 follows:

21 144.29 FETAL DEATHS.

22 A fetal death certificate for each fetal death which occurs  
23 in this state after a gestation period of twenty completed  
24 weeks or more shall be filed with the ~~local~~ county registrar  
25 of the district county in which the delivery of the dead fetus  
26 ~~occurred~~ occurs, within three days after delivery and prior to  
27 final disposition of the fetus and . The certificate shall be  
28 registered if it has been completed and filed in accordance  
29 with this chapter.

30 If the place of delivery of a dead fetus is unknown, a  
31 fetal death certificate shall be filed in the ~~registration~~  
32 district county in which a dead fetus ~~was~~ is found, within  
33 three days after the fetus is found. If a fetal death occurs  
34 in a moving conveyance, a fetal death certificate shall be  
35 filed in the ~~registration-district~~ county in which the fetus



1 ~~was~~ is first removed from the conveyance.

2 Sec. 36. Section 144.32, Code 1987, is amended to read as  
3 follows:

4 144.32 BURIAL-TRANSIT PERMIT.

5 The funeral director who first assumes custody of a dead  
6 body or fetus shall obtain a burial-transit permit prior to  
7 final disposition of the body or fetus and within seventy-two  
8 hours after death. When a person other than a funeral  
9 director assumes custody of a dead body or fetus, the person  
10 ~~shall-be~~ is responsible for securing the permit required in  
11 this section. A burial-transit permit shall be issued by the  
12 ~~local~~ county registrar of the ~~district~~ county where the  
13 certificate of death or fetal death was filed, in accordance  
14 with the ~~requirements-of~~ sections 144.26 to 144.31.

15 Sec. 37. Section 144.43, unnumbered paragraph 2, Code  
16 1987, is amended to read as follows:

17 However, the following vital statistics may be inspected  
18 and copied as of right under chapter 22 when they are in the  
19 custody of a county ~~or-of-a-local~~ registrar:

20 Sec. 38. Section 169.14, subsections 1 and 8, Code 1987,  
21 are amended to read as follows:

22 1. The board, upon its own motion or upon a verified  
23 complaint in writing, may request the department of  
24 inspections and appeals to conduct an investigation of the  
25 charges contained in the complaint. The department of  
26 inspections and appeals shall report its findings to the  
27 board, and the board may issue an order fixing the time and  
28 place for hearing if a hearing is deemed warranted. A written  
29 notice of the time and place of the hearing, together with a  
30 statement of the charges, shall be served upon the licensee at  
31 least ten days before the hearing in the manner required for  
32 the service of notice of the commencement of an ordinary  
33 action.

34 8. ~~Judicial-review-of-the~~ The board's action actions may  
35 be sought appealed to the department of inspections and

1 appeals and judicial review may be sought in accordance with  
2 the terms of ~~chapter~~ chapters 10A and 17A.

3 Sec. 39. Section 175.7, subsection 2, Code 1987, is  
4 amended to read as follows:

5 2. The executive director shall advise the authority on  
6 matters relating to agricultural land and property and  
7 agricultural finance, and carry out all directives from the  
8 authority, and shall hire and supervise the authority's staff  
9 pursuant to its directions and under the merit system  
10 provisions of chapter 19A, except that principal  
11 administrative assistants with responsibilities in beginning  
12 farm loan programs, accounting, mortgage loan processing, and  
13 investment portfolio management are exempt from ~~that-chapter~~  
14 the merit system.

15 Sec. 40. Section 175.22, subsection 4, Code 1987, is  
16 amended to read as follows:

17 4. The authority shall submit to the governor, the auditor  
18 of state ~~and-the-state-comptroller~~, the department of  
19 management, and the department of revenue and finance, within  
20 thirty days of its receipt, a copy of the report of every  
21 external examination of the books and accounts of the  
22 authority other than copies of the reports of examinations  
23 made by the auditor of state.

24 Sec. 41. Section 175A.5, subsection 2, Code 1987, is  
25 amended to read as follows:

26 2. The executive director is a nonvoting ex officio member  
27 of the board, and shall advise the authority on matters  
28 relating to finance, carry out all directives from the  
29 authority, and hire and supervise the authority's staff  
30 pursuant to its directions and under the merit system  
31 provisions of chapter 19A, except that principal  
32 administrative assistants with responsibilities in operating  
33 loan programs, accounting, and processing of applications for  
34 interest reduction are exempt from ~~that-chapter~~ the merit  
35 system.

1 Sec. 42. Section 175A.13, subsection 2, Code 1987, is  
2 amended to read as follows:

3 2. The authority shall submit to the governor, the auditor  
4 of state, and the director department of management, and the  
5 department of revenue and finance, within thirty days of its  
6 receipt, a copy of the report of every external examination of  
7 the books and accounts of the authority other than copies of  
8 the reports of examinations made by the auditor of state.

9 Sec. 43. Section 220.2, subsection 1, unnumbered paragraph  
10 2, Code Supplement 1987, is amended to read as follows:

11 A title guaranty division is created within the authority.  
12 The powers of the division ~~as~~ relating to the issuance of  
13 title guaranties ~~shall-be~~ are vested in and shall be exercised  
14 by a division board of five members appointed by the governor  
15 subject to confirmation by the senate. The membership of the  
16 board shall include an attorney, an abstractor, a real estate  
17 broker, a representative of a mortgage-lender, and a  
18 representative of the housing development industry. The  
19 executive director of the authority shall appoint ~~a~~ an  
20 attorney as director of the title guaranty division who ~~shall~~  
21 ~~be-an-attorney-and~~ shall serve as an ex officio member of the  
22 board. The appointment of and compensation for the division  
23 director ~~shall-be~~ is exempt from the merit system provisions  
24 of chapter 19A.

25 Sec. 44. Section 220.6, subsection 2, Code 1987, is  
26 amended to read as follows:

27 2. The executive director shall advise the authority on  
28 matters relating to housing and housing finance, carry out all  
29 directives from the authority, and hire and supervise the  
30 authority's staff pursuant to its directions and under the  
31 merit system provisions of chapter 19A, except that principal  
32 administrative assistants with responsibilities in housing  
33 development, accounting, mortgage loan processing, and  
34 investment portfolio management ~~shall-be~~ are exempt from the  
35 merit system.

1 Sec. 45. Section 220.31, subsection 4, Code 1987, is  
2 amended to read as follows:

3 4. The authority shall submit to the governor, the auditor  
4 of state, and the ~~state-comptroller~~ department of management,  
5 and the department of revenue and finance, within thirty days  
6 of its receipt by the authority, a copy of the report of every  
7 external examination of the books and accounts of the  
8 authority other than copies of the reports of examinations  
9 made by the auditor of state.

10 Sec. 46. Section 235.3, subsections 3 and 4, Code 1987,  
11 are amended to read as follows:

12 3. ~~Make-such~~ Adopt rules and-regulations as may-be  
13 necessary or advisable for the supervision of the private  
14 child-caring agencies or their officers thereof which the  
15 ~~state-director~~ administrator is empowered to license-~~inspect~~  
16 and supervise.

17 4. Supervise ~~and-inspect~~ private institutions for the care  
18 of dependent, neglected, and delinquent children, and to make  
19 reports regarding ~~the-same~~ the institutions.

20 Sec. 47. Section 235A.15, subsection 3, Code Supplement  
21 1987, is amended to read as follows:

22 3. Access to unfounded child abuse information is  
23 authorized only to those persons identified in subsection 2,  
24 paragraph "a", paragraph "b", subparagraphs (2) and (5), and  
25 paragraph "c e", subparagraph (2).

26 Sec. 48. Section 237.7, Code 1987, is amended to read as  
27 follows:

28 237.7 REPORTS AND INSPECTIONS.

29 The director may require submission of reports by a  
30 licensee, and shall cause at least one annual unannounced  
31 inspection of each facility to assess the quality of the  
32 living situation and to determine compliance with applicable  
33 requirements and standards. The inspections shall be  
34 conducted by the department of inspections and appeals. The  
35 director department of inspections and appeals may examine

1 records of a licensee, including but not limited to corporate  
2 records and board minutes, and may inquire into matters  
3 concerning a licensee and its employees relating to  
4 requirements and standards for child foster care under this  
5 chapter.

6 Sec. 49. Section 237A.8, Code 1987, is amended to read as  
7 follows:

8 237A.8 SUSPENSION AND REVOCATION.

9 The director, after notice and opportunity for an  
10 evidentiary hearing before the department of inspections and  
11 appeals, may suspend or revoke a license or certificate of  
12 registration issued under this chapter if the person to whom a  
13 license or certificate is issued violates a provision of this  
14 chapter or if the person makes false reports regarding the  
15 operation of the child day care facility to the director or a  
16 designee of the director. The director shall notify the  
17 parent, guardian, or legal custodian of each child for whom  
18 the person provides child day care, if the license or  
19 certificate of registration is suspended or revoked or if  
20 there has been a substantiated child abuse case against an  
21 employee, owner, or operator of the child day care facility.

22 Sec. 50. Section 239.7, Code 1987, is amended to read as  
23 follows:

24 239.7 APPEAL -- JUDICIAL REVIEW.

25 If an application is not acted upon within a reasonable  
26 time, if it is denied in whole or in part, or if any an award  
27 of assistance is modified, suspended, or canceled under any a  
28 provision of this chapter, the applicant or recipient may  
29 appeal to the department of human services which shall request  
30 the department of inspections and appeals to conduct a  
31 hearing. ~~The department shall give the appellant reasonable~~  
32 ~~notice and opportunity for a fair hearing before the~~  
33 ~~commissioner or the commissioner's designee~~ Upon completion  
34 of a hearing, the department of inspections and appeals shall  
35 issue a decision, which is subject to review by the department

1 of human services. Judicial review of the result of such the  
2 hearing and review may be sought in accordance with ~~the terms~~  
3 ~~of the Iowa administrative procedure Act~~ chapter 17A. Upon  
4 receipt of the notice of the filing of a petition for judicial  
5 review, the department of human services shall furnish the  
6 petitioner with a copy of any papers filed in support of the  
7 petitioner's position, a transcript of any testimony taken,  
8 and a copy of the department's decision.

9 Sec. 51. Section 249.11, Code 1987, is amended by adding  
10 the following new unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. The department of inspections  
12 and appeals shall conduct investigations and audits as deemed  
13 necessary to ensure compliance with state supplementary  
14 assistance programs administered under this chapter. The  
15 department of inspections and appeals shall cooperate with the  
16 department of human services on the development of procedures  
17 relating to the investigations and audits.

18 Sec. 52. Section 249A.4, subsection 10, Code 1987, is  
19 amended to read as follows:

20 10. Shall provide for granting an opportunity for a fair  
21 hearing before the ~~commissioner of human services or the~~  
22 ~~commissioner's authorized representative~~ department of  
23 inspections and appeals to any individual whose claim for  
24 medical assistance under this chapter is denied or is not  
25 acted upon with reasonable promptness. Upon completion of a  
26 hearing the department of inspections and appeals shall issue  
27 a decision which shall be subject to review by the department  
28 of human services.

29 Judicial review ~~of the actions of the commissioner or~~  
30 ~~department~~ may be sought in accordance with ~~the terms of the~~  
31 ~~Iowa administrative procedure Act~~ chapter 17A. ~~In the event~~  
32 If a petition for judicial review is filed, the commissioner  
33 ~~or the commissioner's authorized representative~~ department of  
34 human services shall furnish the petitioner with a copy of the  
35 application and all supporting papers, a transcript of the

1 testimony taken at the hearing, if any, and a copy of its  
2 decision.

3 Sec. 53. Section 256.9, subsection 4, Code Supplement  
4 1987, is amended to read as follows:

5 4. Employ personnel and assign duties and responsibilities  
6 of the department. The director shall appoint a deputy  
7 director and division administrators deemed necessary. They  
8 shall be appointed on the basis of their professional  
9 qualifications, experience in administration, and background.  
10 Members of the professional staff are not subject to the merit  
11 system provisions of chapter 19A and shall-be-employed  
12 pursuant are subject to section 256.10.

13 Sec. 54. Section 273.13, Code 1987, is amended to read as  
14 follows:

15 273.13 ADMINISTRATIVE EXPENDITURES.

16 During the budget year beginning July 1, 1989, and the  
17 three succeeding budget years, the board of directors of an  
18 area education agency in which the administrative expenditures  
19 as a percent of the area education agency's operating fund for  
20 a base year exceed eight five percent shall reduce its  
21 administrative expenditures to five percent of the area  
22 education agency's operating fund. During each of the four  
23 years, the board of directors shall reduce administrative  
24 expenditures of by twenty-five percent of the reduction in  
25 administrative expenditure required by this section.  
26 Thereafter, the administrative expenditures shall not exceed  
27 eight five percent of the operating fund. Annually, the board  
28 of directors shall certify to the department of public  
29 instruction education the amounts of the area education  
30 agency's expenditures and its operating fund. Base-year-and  
31 budget-year For the purposes of this section, "base year" and  
32 "budget year" mean base-year-and-budget-year the same as  
33 defined in section 442.6--For-the-purposes-of-this-section,  
34 and "administrative expenditures" means expenditures for  
35 executive administration.

1 Sec. 55. Section 279.45, Code 1987, is amended to read as  
2 follows:

3 279.45 ADMINISTRATIVE EXPENDITURES.

4 For the budget year beginning July 1, 1989, and each of the  
5 following three budget years, the board of directors of a  
6 school district in which the administrative expenditures as a  
7 percent of the school district's operating fund for a base  
8 year exceed five percent, shall reduce its administrative  
9 expenditures so that they are one-half percent less as a  
10 percent of the school district's operating fund than they were  
11 for the base year. However, a school district is not required  
12 to reduce its administrative expenditures below ~~eight~~ five  
13 percent of its operating fund. Thereafter, a school district  
14 shall not increase the percent of its administrative  
15 expenditures compared to its operating fund. Annually, the  
16 board of directors shall certify to the department of  
17 education the amounts of the school district's administrative  
18 expenditures and its operating fund. ~~Base-year-and-budget~~  
19 year For the purposes of this section, "base year" and "budget  
20 year" mean ~~base-year-and-budget-year~~ the same as defined in  
21 section 442.6---~~For the purposes of this section, and~~  
22 "administrative expenditures" means expenditures for executive  
23 administration.

24 Sec. 56. Section 280A.15, subsection 2, Code 1987, is  
25 amended to read as follows:

26 2. Each A candidate for member of the board of directors  
27 of a merged area shall be nominated by a petition signed by  
28 not less than fifty eligible electors of the director district  
29 from which the member is to be elected. The petition shall  
30 state the number of the director district from which the  
31 candidate seeks election, and the candidate's name and status  
32 as an eligible elector of the director district. Signers of  
33 the petition, in addition to signing their names, shall show  
34 their residence, including street and number if any, the  
35 school district in which they reside, and the date they signed



1 the petition. Each nomination paper shall have appended to it  
2 an affidavit of an eligible elector other than the candidate  
3 in substantially the form provided in section 43.17, except as  
4 to party affiliation. The petition shall include the  
5 affidavit of the candidate being nominated, stating the  
6 candidate's name and residence, and that the individual is a  
7 candidate, is eligible for the office sought, and if elected  
8 will qualify for the office.

9 Sec. 57. Section 282.2, Code 1987, is amended to read as  
10 follows:

11 282.2 OFFSETTING TAX.

12 The parent or guardian whose child or ward attends school  
13 in any a district of which the ~~child or ward~~ parent or  
14 guardian is not a resident shall be allowed to deduct the  
15 amount of school tax paid by the parent or guardian in said  
16 district from the amount of tuition required to be paid.

17 Sec. 58. Section 303.88, subsection 4, Code 1987, is  
18 amended to read as follows:

19 4. Accept gifts, contributions, endowments, bequests, or  
20 other funds moneys available for all or any of the purposes of  
21 the division. Interest earned on the gifts, contributions,  
22 endowments, bequests, or other moneys accepted under this  
23 subsection shall be credited to the fund or funds to which the  
24 gifts, contributions, endowments, bequests, or other moneys  
25 have been deposited, and is available for all or any of the  
26 purposes of the division.

27 Sec. 59. Section 304.3, subsections 2, 4, and 5, Code  
28 1987, are amended to read as follows:

29 2. The ~~executive director of the Iowa state historical~~  
30 department director of the department of cultural affairs.

31 4. The ~~state comptroller~~ director of revenue and finance.

32 5. The ~~state librarian~~ director of the department of  
33 management.

34 Sec. 60. Section 307.48, unnumbered paragraph 1, Code  
35 1987, is amended to read as follows:

1 An employee under the supervision of the department's  
2 administrator of highways and subject to the merit provisions  
3 of chapter 19A who is hired on or after July 1, 1971, is not  
4 entitled to longevity pay. However, this section does not  
5 apply to an employee under the supervision of the department's  
6 administrator of highways and subject to the merit system  
7 provisions of chapter 19A who was employed prior to July 1,  
8 1971, and whose employment continued after June 30, 1971. An  
9 employee under the supervision of the department's  
10 administrator of highways and subject to the merit system  
11 provisions of chapter 19A whose employment is terminated on or  
12 after July 1, 1971, if reemployed under the supervision of the  
13 department's administrator of highways, forfeits any right the  
14 employee may have had to longevity pay.

15 Sec. 61. Section 308.9, subsection 1, Code 1987, is  
16 amended to read as follows:

17 1. When, as a result of its investigations and studies,  
18 the state transportation commission, in co-operation with the  
19 state-conservation-commission department of natural resources,  
20 finds that there may be a need in the future for the  
21 development and construction or reconstruction of segments of  
22 the great river road, and when the state transportation  
23 commission determines that in order to prevent conflicting  
24 costly economic development on areas of lands to be available  
25 for the great river road when needed for such future  
26 development, there is need to establish and to inform the  
27 public of the approximate location and widths of new or  
28 improved segments of the great river road to be needed, the  
29 state transportation commission may proceed to establish such  
30 the location and the approximate widths in the manner provided  
31 in this section. The state transportation commission shall  
32 give notice and hold a public hearing on the matter in a  
33 convenient place in the area to be affected by the proposed  
34 improvement of the great river road. The state transportation  
35 commission shall consider and evaluate the testimony presented

1 at the public hearing and it shall make a study and prepare a  
2 map showing the location of the proposed new or reconstructed  
3 segment of the great river road and the approximate widths of  
4 right of way needed. ~~There shall be shown on such~~ The map  
5 shall show the existing roadway and the property lines and  
6 record owners of lands to be needed. The approval of such the  
7 map shall be recorded by reference in the state transportation  
8 commission's minutes, and a notice of such the action and a  
9 copy of the map showing the lands or interest in the lands  
10 needed in any county shall be filed in the office of the  
11 county recorder of such that county. Notice of the action and  
12 of the filing shall be published once in a newspaper of  
13 general circulation in such the county, and within sixty days  
14 following the filing, notice of the filing shall be served in  
15 by registered mail on the owners of record on the date of  
16 filing and on the functional classification board of the  
17 county. Using the same procedures for approval, notice and  
18 publications, and notice to the affected record owners, the  
19 state transportation commission may ~~from time to time~~, amend  
20 the map.

21 Sec. 62. Section 321.23, subsection 4, Code 1987, is  
22 amended to read as follows:

23 4. Any A vehicle which does not meet the equipment  
24 requirements of this chapter due to the particular use for  
25 which it is designed or intended, may be registered by the  
26 department upon payment of appropriate fees and after  
27 inspection and certification by the department that the  
28 vehicle is not in an unsafe condition ~~and will not endanger~~  
29 ~~any person~~. A person is not required to have a certificate of  
30 title to register a vehicle under this subsection. If the  
31 owner elects to have a certificate of title issued for the  
32 vehicle, a fee of ten dollars shall be paid by the person  
33 making the application upon issuance of a certificate of  
34 title. If the department's inspection reveals that ~~that~~ the  
35 vehicle may be safely operated only under certain conditions

1 or on certain types of roadways, the department may restrict  
2 the registration to limit operation of the vehicle to the  
3 appropriate conditions or roadways. This subsection ~~shall~~  
4 does not apply to snowmobiles as defined in section 321G.1.  
5 Section 321.382 does not apply to a vehicle registered under  
6 this subsection which is operated exclusively by a handicapped  
7 person who has obtained a special identification device as  
8 provided in section 601E.6, providing if the special  
9 identification device is carried in the vehicle and shown to  
10 any a peace officer on request.

11 Sec. 63. Section 322A.6, unnumbered paragraph 2, Code  
12 1987, is amended to read as follows:

13 An applicant seeking permission to enter into a franchise  
14 for additional representation of the same line-make in a  
15 community shall deposit with the department at the time the  
16 application is filed, an amount of money to be determined by  
17 the department of inspections and appeals to ~~secure-the~~  
18 ~~payment-of~~ pay the costs and-expenses of the hearing. ~~The~~  
19 ~~applicant-shall-pay-the-costs-of-the-hearing-~~

20 Sec. 64. Section 323.1, subsection 10, Code 1987, is  
21 amended to read as follows:

22 10. "Commission Department" means the Iowa state commerce  
23 commission department of transportation.

24 Sec. 65. Section 325.11, Code 1987, is amended to read as  
25 follows:

26 325.11 RULES OF PROCEDURE.

27 The department shall adopt rules governing for the  
28 procedure to be followed in the filing of applications and ~~in~~  
29 the department of inspections and appeals shall adopt rules  
30 for the conduct of hearings.

31 Sec. 66. Section 325.13, subsection 5, Code 1987, is  
32 amended to read as follows:

33 5. Upon receipt of any protests complying with subsection  
34 3, the department shall request the department of inspections  
35 and appeals to set the matter for hearing not less than ten

1 days following the expiration of the time in which protests  
2 may be made and. The department of inspections and appeals  
3 shall give notice, to all persons who have filed protests, of  
4 the time and place of the hearing.

5 Sec. 67. Section 325.19, Code 1987, is amended to read as  
6 follows:

7 325.19 EXPENSE OF HEARING.

8 The applicant shall pay all the costs and expenses of the  
9 hearing and necessary preliminary investigation in connection  
10 therewith with it before the application ~~shall be~~ is granted.  
11 The department of inspections and appeals shall establish  
12 appropriate fees which shall be paid to the department of  
13 inspections and appeals at the time the application is filed.

14 Sec. 68. Section 325.21, Code 1987, is amended to read as  
15 follows:

16 325.21 JUDICIAL REVIEW.

17 Decisions of the department of inspections and appeals are  
18 subject to review by the department of transportation.

19 Judicial review of the decisions and actions of the department  
20 of transportation may be sought in accordance with ~~the terms~~  
21 ~~of the Iowa administrative procedure Act~~ chapter 17A. Such  
22 The petitioners must file with the clerk of the district court  
23 a bond for costs in the sum of not less than five hundred  
24 dollars.

25 Sec. 69. Section 325.25, unnumbered paragraph 1, Code  
26 1987, is amended to read as follows:

27 A certificate of convenience and necessity shall not be  
28 sold, transferred, leased, or assigned, nor shall any a  
29 contract or agreement with reference to or affecting any a  
30 certificate be made without the written approval of the  
31 department. The department may request the department of  
32 inspections and appeals to hold a hearing ~~at its discretion~~  
33 and. The department of transportation shall approve the sale,  
34 transfer, lease, or assignment upon a finding that there has  
35 been continuous service under the certificate for at least

1 ninety days prior to the transfer, and that the transferee is  
2 fit, willing, and able to perform the operations authorized by  
3 the certificate, and that the transfer is consistent with the  
4 public interest. Pending determination of an application  
5 filed with the department for approval of a sale, transfer,  
6 lease, or assignment, the department may grant temporary  
7 approval of the proposed operation upon a finding of good  
8 cause.

9 Sec. 70. Section 327.16, Code 1987, is amended to read as  
10 follows:

11 327.16 REVOCATION OF PERMIT.

12 For just cause, after due hearing conducted by the  
13 department of inspections and appeals, the department of  
14 transportation may at any time alter, amend, or revoke any  
15 permit issued. If the holder of the permit or the holder's  
16 agent persists in a violation of any a safety regulation  
17 prescribed rule adopted by the department, the department may  
18 ~~recommend-revocation-of-said~~ revoke the permit and ~~such~~  
19 ~~violation-shall-be-grounds-for-such-revocation.~~

20 Sec. 71. Section 327A.4, Code 1987, is amended to read as  
21 follows:

22 327A.4 DISPOSAL OF CERTIFICATE.

23 ~~Whenever-any~~ If a person shall file files with the  
24 department an application for authority to sell, transfer,  
25 lease, or assign a certificate of convenience and necessity  
26 issued under ~~the-provisions-of~~ this chapter, the department  
27 shall request the department of inspections and appeals to fix  
28 a date for hearing thereon and the department of  
29 transportation shall cause a notice addressed to the citizens  
30 of each county through or in which the proposed service will  
31 be rendered to be published in ~~some~~ a newspaper of general  
32 circulation in each ~~such~~ county, once each week for two  
33 consecutive weeks, and shall notify each liquid transport  
34 carrier holding a certificate, issued by the department, to  
35 transport over, in, or through the area described in the

1 application, by mailing notice of the hearing to each such  
2 carrier at least ten days before the date fixed for hearing,  
3 ~~and the provisions of chapter 325, inclusive of~~ and this  
4 ~~chapter shall,~~ insofar as appropriate be, are applicable to  
5 the said hearing.

6 Sec. 72. Section 327A.14, Code 1987, is amended to read as  
7 follows:

8 327A.14 PRIOR SERVICE -- RIGHTS TRANSFERRED OR ASSIGNED.

9 Any A liquid transport carrier actively and continuously  
10 engaged in business as such between the first day of December,  
11 1956, and the fourteenth day of January, 1957, shall be issued  
12 a certificate of convenience and necessity covering all points  
13 in this state to all other points in this state, and all  
14 routes and areas in this state, provided that application  
15 ~~therefor shall be~~ is made within sixty days after May 17,  
16 1957. No rights so granted may be sold, leased, transferred,  
17 or assigned to any person engaged directly or indirectly in  
18 the transportation for hire of liquid products in bulk or  
19 freight in interstate commerce or in intrastate commerce, in  
20 this or any other state, or the District of Columbia, or to  
21 any person engaged in the leasing of equipment for such  
22 purposes, except ~~such rights as~~ which are actively being  
23 exercised at the time of the sale, lease, transfer or  
24 assignment; ~~provided,~~ however, rights so granted may be sold,  
25 leased, transferred, or assigned to any a person who has not  
26 engaged directly or indirectly in the transportation for hire  
27 of liquid products in bulk or freight in interstate or  
28 intrastate commerce prior to the date of ~~such~~ transfer, or to  
29 any a person who has not prior to ~~such~~ the date of transfer  
30 engaged in the leasing of equipment for such purpose, and on  
31 ~~hearing~~ it shall not be necessary for the department of  
32 ~~inspections and appeals~~ to find that ~~such~~ the sale, lease,  
33 transfer or assignment is necessary in the public interest.  
34 Before any rights may be sold, leased, transferred, or  
35 assigned, application ~~therefor~~ shall be filed with the

1 department of transportation, which shall ~~fix~~ request the  
2 department of inspections and appeals to set a date for  
3 hearing thereon on the application, and ~~the-provisions-of~~  
4 section 327A.4 ~~shall-be~~ is applicable thereto. Rights  
5 actively being exercised may be sold, leased, transferred, or  
6 assigned to any a person engaged in the transportation for  
7 hire of liquid products in bulk or freight under the  
8 conditions hereinafter set forth in this section:

9 1. ~~Whenever~~ When an application for a sale, lease,  
10 transfer, assignment, consolidation, merger, or acquisition of  
11 control is filed with the department, if ~~on~~ after a hearing by  
12 the department of inspections and appeals, the department of  
13 transportation finds that ~~(a)~~ the proposed purchaser, lessee,  
14 transferee, or assignee is fit, willing, and able, and ~~(b)~~  
15 that the proposed seller, lessor, transferor, or assignor has  
16 not abandoned, suspended, or discontinued operations, and ~~(c)~~  
17 that the transaction proposed will be consistent with the  
18 public interest, and that the conditions of this section have  
19 been or will be fulfilled, the department of transportation  
20 may enter an order approving and authorizing such the sale,  
21 lease, transfer, assignment, consolidation, merger, or  
22 acquisition of control, upon such terms and conditions as it  
23 ~~shall-find~~ finds to be just and reasonable and with such  
24 modifications as it may prescribe.

25 2. Except as otherwise provided in subsection 1, it ~~shall~~  
26 be is unlawful for any a person to accomplish or effectuate,  
27 or to participate in accomplishing or effectuating, the  
28 control or management in a common interest of any two or more  
29 persons engaged in the transportation for hire of liquid  
30 products in bulk or freight or of one or more persons so  
31 engaged, however such result is attained, whether directly or  
32 indirectly, by use of common directors, officers, or  
33 stockholders, a holding or investment company or companies, a  
34 voting trust or trusts, or in any other manner whatsoever.

35 3. The department ~~is-hereby-authorized~~ may, upon



1 complaint, or upon its own initiative without complaint, but  
2 ~~after-notice,--and-hearing,--to~~ investigate and determine  
3 whether any a person is violating the ~~provisions-of~~ this  
4 section. If the department finds upon investigation that any  
5 a person is violating the ~~provisions-of~~ this section, it  
6 shall, ~~by-order~~ after a hearing conducted by the department of  
7 inspections and appeals, require ~~such~~ the person to take ~~such~~  
8 action consistent with the ~~provisions-of~~ this chapter as may  
9 be necessary, in the opinion of the department, to prevent  
10 continued violation of ~~such-provisions~~ this section.

11 Sec. 73. Section 327C.8, Code 1987, is amended to read as  
12 follows:

13 327C.8 OBJECTIONS -- HEARING.

14 Any A person directly affected by the proposed  
15 discontinuance of any an agency, may file written objections  
16 with the department, stating the grounds for ~~such~~ the  
17 objections, within fifteen days from the time of the  
18 publication of the notice as provided in section 327C.7. Upon  
19 the filing of ~~such~~ objections the department shall request the  
20 department of inspections and appeals ~~shall-fix-the-time-and~~  
21 ~~place-for~~ to hold a hearing, which shall be held within sixty  
22 days from the filing of ~~such~~ the objections. Written notice  
23 of the time and place of ~~such~~ the hearing shall be mailed by  
24 the department of inspections and appeals to the railroad  
25 corporation and the person filing objections at least ten days  
26 prior to the date fixed for ~~such~~ the hearing.

27 Sec. 74. Section 327C.12, Code 1987, is amended to read as  
28 follows:

29 327C.12 AID FROM COURTS.

30 The department or the department of inspections and appeals  
31 may invoke the aid of any court of record in the state in  
32 requiring the attendance and testimony of witnesses and the  
33 production of books, papers, tariff schedules, agreements, and  
34 other documents. Any A court having jurisdiction of the  
35 inquiry ~~shall~~; in case of the refusal of any a person to obey

1 a subpoena or other process, shall issue an order requiring  
2 any of the officers, agents, or employees of any a carrier or  
3 other person to appear before the either department and  
4 produce all books and papers required by such the order and  
5 testify in relation to any matter under investigation.

6 Sec. 75. Section 327C.17, Code 1987, is amended to read as  
7 follows:

8 327C.17 WHEN ORDER EFFECTIVE -- VIOLATION.

9 If any a railroad fails, neglects, or refuses to comply  
10 with any a rule or order made by the department of  
11 transportation or the department of inspections and appeals  
12 within the time specified, it ~~shall~~ is, for each day of such  
13 failure, be subject to a schedule "two" penalty.

14 Sec. 76. Section 327C.19, Code 1987, is amended to read as  
15 follows:

16 327C.19 JUDICIAL REVIEW.

17 Decisions of the department of inspections and appeals are  
18 subject to review by the department of transportation.

19 Judicial review of the actions of the department may be sought  
20 in accordance with ~~the-terms-of-the-iowa-administrative~~  
21 procedure-Act chapter 17A.

22 Sec. 77. Section 327C.20, Code 1987, is amended to read as  
23 follows:

24 327C.20 REMITTING PENALTY.

25 If a common carrier fails in a judicial review proceeding  
26 to secure a vacation of the order objected to, it may apply to  
27 the court in which the review proceeding is finally  
28 adjudicated for an order remitting the penalty which has  
29 accrued during the review proceeding. Upon a satisfactory  
30 showing that the petition for judicial review was filed in  
31 good faith and not for the purpose of delay, and that there  
32 were reasonable grounds to believe that the order was  
33 unreasonable or unjust or that the power of the department of  
34 transportation or the department of inspections and appeals to  
35 make the same order was doubtful, such the court may remit the

1 penalty that has accrued during the review proceeding.

2 Sec. 78. Section 327C.25, Code 1987, is amended to read as  
3 follows:

4 327C.25 COMPLAINTS.

5 Any A person~~7-city-or-county~~ may file with the department a  
6 petition setting forth any particular in which any a common  
7 carrier has violated the law to which it is subject and the  
8 amount of damages sustained by reason thereof of the  
9 violation. The department shall furnish a copy of the  
10 complaint to the carrier against which a complaint is filed~~7-a~~  
11 ~~copy-thereof7-and-a-reasonable-time~~. The department shall be  
12 ~~fixed-by~~ request the department of inspections and appeals  
13 ~~within~~ to schedule a hearing in which such the carrier shall  
14 answer the petition or satisfy the ~~demand-therein-made~~ demands  
15 of the complaint. If such the carrier fails to satisfy the  
16 complaint within the time fixed or there ~~appears~~ appear to be  
17 reasonable grounds for investigating the matters set forth in  
18 ~~said the~~ petition, the department of inspections and appeals  
19 shall hear and determine the questions involved and make such  
20 orders as it ~~shall-find-to-be~~ finds proper. When If the  
21 department has reason to believe that any a carrier is  
22 violating any of the laws to which it is subject, it the  
23 department may institute an investigation and cause request  
24 the department of inspections and appeals to conduct a hearing  
25 ~~to-be-held-before-the-department-of-inspections-and-appeals~~ in  
26 relation to such the matters ~~in-all-respects-as-fully~~ as if a  
27 petition had been filed.

28 Sec. 79. Section 327C.26, Code 1987, is amended to read as  
29 follows:

30 327C.26 INVESTIGATION -- REPORT.

31 When a hearing has been held before the department of  
32 inspections and appeals after notice, it shall make a report  
33 in writing setting forth the findings of fact and its  
34 conclusions together with its recommendations ~~or-orders~~ as to  
35 what reparation, if any, the offending carrier ~~shall~~ should

1 make to any a party who has suffered damage. Such The finding  
2 of fact ~~shall-thereafter-in-all-legal-proceedings-be~~ is prima-  
3 facie evidence in all legal proceedings thereafter of every  
4 fact found. All reports of hearings and investigations made  
5 by ~~the-department-of-transportation-and~~ the department of  
6 inspections and appeals shall be entered of record and a copy  
7 furnished to the carrier against which the complaint was  
8 filed, to the party complaining, and to any other person  
9 having a direct interest in the matter. A reasonable fee not  
10 to exceed the actual duplication costs may be charged for the  
11 copies.

12 Sec. 80. Section 327C.28, Code 1987, is amended to read as  
13 follows:

14 327C.28 VIOLATION OF ORDER -- 10600 PETITION -- NOTICE.

15 When any a person violates or fails to obey any a lawful  
16 order or requirement of the department of transportation or  
17 the department of inspections and appeals, the department of  
18 transportation or the department of inspections and appeals  
19 shall apply by petition in the name of the state, against such  
20 the person, to the district court, alleging such the violation  
21 or failure to obey, ~~the.~~ The court shall hear and determine  
22 the matter set forth in the petition on reasonable notice to  
23 the person, to be fixed by the court and to be served in the  
24 same manner as original notices for the commencement of action  
25 actions.

26 Sec. 81. Section 327C.29, Code 1987, is amended to read as  
27 follows:

28 327C.29 INTERESTED PARTY MAY BEGIN PROCEEDINGS.

29 Any A person ~~or-city-or-county~~ interested in the-matter-of  
30 enforcing any an order or requirement of the department of  
31 transportation or the department of inspections and appeals,  
32 may file a petition against such the person, alleging the  
33 failure to comply with such the order or requirement and  
34 praying summary relief to the same extent and in the same  
35 manner as the department of transportation or the department

1 of inspections and appeals may do under section 327C.28, and  
2 the proceedings after the filing of such the petition shall be  
3 the same as in section 327C.28.

4 Sec. 82. Section 327D.53, Code 1987, is amended to read as  
5 follows:

6 327D.53 DIVISION OF JOINT RATES.

7 Before the ~~promulgation~~ adoption of such rates, the  
8 department shall notify the railroad corporations interested  
9 in the schedule of joint rates fixed, and give them a  
10 reasonable time to agree upon a division of the charges  
11 provided. If such the corporations fail to agree upon a  
12 division, and to notify the department ~~thereof~~ of their  
13 agreement, the department shall, after a hearing ~~of-the~~  
14 corporations-interested conducted by the department of  
15 inspections and appeals, decide the same rates, taking into  
16 consideration the value of terminal facilities and all the  
17 circumstances of the haul, and the division so determined by  
18 ~~it shall~~ is, in all controversies or actions between the  
19 railroad corporations interested, be prima-facie evidence of a  
20 just and reasonable division thereof.

21 Sec. 83. Section 327D.83, Code 1987, is amended to read as  
22 follows:

23 327D.83 POWER TO REVISE RATES.

24 ~~Whenever there shall be~~ When a schedule is filed with the  
25 department ~~any schedule~~ stating a rate, the department may,  
26 either upon complaint or upon its own motion, ~~immediately~~  
27 ~~and, if it so orders, without answer or formal pleadings by~~  
28 ~~the interested common carrier, enter upon~~ request the  
29 department of inspections and appeals to conduct a hearing  
30 concerning the propriety of such the rate.

31 Sec. 84. Section 327D.85, Code 1987, is amended to read as  
32 follows:

33 327D.85 DECISION.

34 ~~On such~~ At the hearing the department of inspections and  
35 appeals shall ~~establish~~ propose the rates, in whole or in

1 part, or others in lieu thereof, ~~which it shall find to be~~  
2 ~~just and reasonable.~~ The action of the department of  
3 inspections and appeals is subject to review by the department  
4 of transportation. The decision of the department of  
5 transportation is the final agency action.

6 Sec. 85. Section 327D.89, Code 1987, is amended to read as  
7 follows:

8 327D.89 COMPLAINT OF VIOLATION.

9 When ~~any a person, city or county shall make complaint~~  
10 complains to the department that the rate charged or published  
11 by ~~any a~~ a railway corporation, or the maximum rate fixed by  
12 law, is unreasonably high or discriminating, the department  
13 may investigate the matter, and ~~hold~~ request the department  
14 of inspections and appeals to conduct a hearing, giving. The  
15 department of inspections and appeals shall give the parties  
16 notice of the time and place of the hearing.

17 Sec. 86. Section 327G.12, Code 1987, is amended to read as  
18 follows:

19 327G.12 OVERHEAD, UNDERGROUND, OR MORE THAN ONE CROSSING.

20 ~~Such~~ The owner of land may serve upon ~~such~~ the railroad  
21 corporation a request in writing for more than one ~~such~~  
22 private crossing, or for an overhead or underground crossing,  
23 accompanied by a plat of the owner's land designating thereon  
24 the location and character of crossing desired. If the  
25 railroad corporation refuses or neglects to comply within  
26 thirty days of ~~such~~ the written request, the owner of the land  
27 may make written application to the department to ~~hear and~~  
28 determine the owner's rights ~~in said respect.~~ The department  
29 of inspections and appeals, after notice to the railroad  
30 corporation, shall hear ~~said~~ the application and all  
31 objections ~~thereto~~ to the application, and make ~~such an~~ an order  
32 ~~as shall be~~ which is reasonable and just, and if it requires  
33 the railroad company to construct ~~any a~~ a crossing or roadway,  
34 fix the time for compliance with the order and apportion the  
35 costs as appropriate. ~~The matter of costs shall be in the~~

1 ~~discretion-of-the-department-of-inspections-and-appeals~~ The  
2 order of the department of inspections and appeals is subject  
3 to the review of the department of transportation. The  
4 department's decision is the final agency action.

5 Sec. 87. Section 327G.16, Code 1987, is amended to read as  
6 follows:

7 327G.16 DISAGREEMENT -- APPLICATION -- NOTICE.

8 If the persons specified in section 327G.15 cannot reach an  
9 agreement, either party may make written application to the  
10 authority department requesting resolution of the  
11 disagreement. The authority department shall fix request the  
12 department of inspections and appeals to set a date for  
13 hearing and. The department of inspections and appeals shall  
14 give the-other-party ten days' written notice by-mail of the  
15 hearing date. The authority department shall promulgate adopt  
16 rules subject-to-department-approval for processing  
17 applications which-are-filed-with-the-authority-prior-to-a  
18 written-disagreement. The-authority-may-set-a-hearing-date  
19 after-the-disagreement-has-been-filed.

20 Sec. 88. Section 327G.17, Code 1987, is amended to read as  
21 follows:

22 327G.17 HEARING -- ORDER.

23 The department of inspections and appeals shall hear the  
24 evidence of each party to the controversy and shall make an  
25 order, which may include, pursuant to the-provisions-of  
26 chapters 471 and 472, authority to condemn, resolving the  
27 controversy ~~including-what.~~ The order may include the portion  
28 of the expense shall to be paid by each party to such the  
29 controversy. In determining what portion of the expense shall  
30 be paid by each party, the department of inspections and  
31 appeals may consider the ratio of the benefits accruing to the  
32 railroad or the governmental unit or both ~~as-it-bears~~ to the  
33 general public use and benefit ~~and-such-benefits-may-in-the~~  
34 ~~case-of-construction-be-consistent-with-the-standards-adopted~~  
35 ~~for-similar-purposes-by-the-federal-highway-administration~~

1 under-the-federal-aid-highway-Act-of-1973-as-amended-to-July  
2 17-1976,-{23-U.S.C.-§-101-et-seq-}.

3 The order of the department of inspections and appeals is  
4 subject to review by the department of transportation. The  
5 decision of the department of transportation is the final  
6 agency action.

7 Sec. 89. Section 327G.62, Code 1987, is amended to read as  
8 follows:

9 327G.62 CONTROVERSIES.

10 When a disagreement arises between a railroad corporation,  
11 its grantee, or its successor in interest, and the owner,  
12 lessee, or licensee of a building or other improvement,  
13 including trackage, used for receiving, storing, transporting,  
14 or manufacturing an article of commerce transported or to be  
15 transported, situated on a present or former railroad right-  
16 of-way or any land owned or controlled by the railroad  
17 corporation, its grantee, or its successor in interest, as to  
18 the ~~terms-and~~ conditions on which the article is to be  
19 continued or removed, the railway corporation, its grantee, or  
20 its successor in interest, or the owner, lessee, or licensee  
21 may make written application to the department and the  
22 department shall notify the department of inspections and  
23 appeals which shall hear and determine the controversy and  
24 make an order as which is just and equitable between the  
25 parties;~~-which.~~ The order shall-be-enforced-in-the-same  
26 manner-as-other-orders-of is subject to review by the  
27 department of transportation. The decision of the department  
28 of transportation is the final agency action.

29 Sec. 90. Section 331.502, subsection 12, Code Supplement  
30 1987, is amended by striking the subsection.

31 Sec. 91. Section 331.556, Code 1987, is amended to read as  
32 follows:

33 331.556 LOSS OF FUNDS -- REPLACEMENT.

34 1. A loss of funds in the custody of a treasurer resulting  
35 from an act of omission or commission for which the treasurer



1 is responsible, except a loss covered by the treasurer's bond  
2 or a loss which occurs while the funds are deposited in an  
3 authorized depository, shall be replaced by the several  
4 counties of the state as provided in this section.

5 2. The auditor of state shall determine the amount of loss  
6 to be replaced after a complete examination of the accounts of  
7 the treasurer of the county where the loss has occurred. The  
8 auditor of state shall file a written report of the  
9 examination with the state-comptroller director of management.

10 3. When the loss which is to be replaced has been  
11 determined by the auditor of state, the state-comptroller  
12 director of management shall apportion the loss among the  
13 counties of the state, including the county in which the loss  
14 has occurred, in the proportion which the taxable property of  
15 each county bears to the total taxable property of all  
16 counties of the state. The written apportionment shall be  
17 filed in-the-office-of-state-comptroller with the department  
18 of management. The state-comptroller director of management  
19 shall certify to each treasurer the amount of the loss which  
20 has been apportioned to the various counties.

21 4. Upon receipt of the certification from the state  
22 comptroller director of management, each treasurer, except the  
23 treasurer of the county where the loss occurred, shall charge  
24 the general fund of the county with the amount apportioned to  
25 the county and remit the amount to the state-comptroller  
26 director of revenue and finance. The amount apportioned to a  
27 county shall draw interest at the rate of one percent per  
28 month after thirty days from the date when the treasurer  
29 received the certification of the apportionment from the state  
30 comptroller director of management.

31 5. If the amount apportioned to a county is not paid, the  
32 default shall be reported by the state-comptroller director of  
33 management to the director of revenue and finance who shall  
34 levy upon the taxable property of the delinquent county a tax  
35 sufficient to raise the apportionment, a penalty of twenty-

1 five percent of the apportionment, and interest. The tax levy  
2 shall be transmitted to the auditor of the delinquent county  
3 who shall include the levy on the next tax list of the county.  
4 The tax shall be collected and remitted to the state  
5 ~~comptroller~~ director of revenue and finance.

6 6. The treasurer of state shall credit the funds received  
7 under this section to a separate fund in the state treasury.  
8 The treasurer of state shall pay the reimbursement funds to  
9 the county where the loss occurred by warrant issued by the  
10 ~~state-comptroller~~ director of revenue and finance.

11 Sec. 92. Section 411.22, subsection 1, paragraph a, Code  
12 1987, is amended to read as follows:

13 a. The retirement system shall be indemnified out of the  
14 recovery of damages to the extent of benefit payments made by  
15 the retirement system, with legal interest, except that the  
16 ~~plaintiff member's attorney fees are-not-indemnifiable~~ may be  
17 first allowed by the district court.

18 Sec. 93. Section 421.16, Code 1987, is amended to read as  
19 follows:

20 421.16 EXPENSES.

21 The director, deputy directors, secretary, and assistants  
22 ~~shall-be~~ are entitled to receive from the state their actual  
23 necessary expenses while traveling on the business of the  
24 department; ~~such.~~ The expenditures to shall be sworn to by  
25 the party who incurred the expense, and approved by the  
26 ~~director; and-allowed-by-the-state-comptroller.~~ Provided;  
27 ~~however; that~~ However, no such expense shall be allowed the  
28 director, deputy directors, secretary, or employees of the  
29 department while in the city of Des Moines or traveling  
30 between their homes and the city of Des Moines.

31 Sec. 94. Section 421.31, subsection 8, Code 1987, is  
32 amended by striking the subsection and inserting in lieu  
33 thereof the following:

34 8. INTEREST OF THE PERMANENT SCHOOL FUND. To transfer the  
35 interest of the permanent school fund to the credit of the

1 first in the nation in education foundation as provided in  
2 section 302.1A.

3 Sec. 95. Section 421.45, Code 1987, is amended to read as  
4 follows:

5 421.45 CANCELLATION OF STATE WARRANTS.

6 The director of the department of revenue and finance, as  
7 of March 31, June 30, September 30, and December 31 of each  
8 year shall cancel and request the treasurer of state to stop  
9 payment on all state warrants which have been outstanding and  
10 unredeemed by the state treasurer for ~~one-year~~ six months or  
11 longer.

12 Sec. 96. Section 444.7, Code 1987, is amended to read as  
13 follows:

14 444.7 EXCESSIVE TAX PROHIBITED.

15 It is hereby-made a simple misdemeanor for the board of  
16 supervisors to authorize, or the county auditor to carry upon  
17 the tax lists for any year, an amount of tax for any a public  
18 purpose in excess of the amount certified or authorized as  
19 provided by law. ~~The state-comptroller~~ department of  
20 management shall prescribe and furnish the county auditors  
21 forms and instructions to aid them in determining the legality  
22 and authorized amount of tax levies. ~~in-the-case-of-an~~  
23 ~~excessive-levy,-it-shall-be-the-duty-of-the~~ The county auditor  
24 ~~to shall~~ reduce it an excessive levy to the maximum amount  
25 authorized by law, and ~~in-any-event~~ not in excess of the  
26 amount certified; and ~~in-case-of-an-illegal-levy~~ the county  
27 auditor shall not enter or carry any a tax on the tax lists  
28 for such an illegal levy.

29 Sec. 97. Section 463.6, Code 1987, is amended to read as  
30 follows:

31 463.6 EXTENDING PAYMENT OF ASSESSMENTS.

32 ~~in-case~~ If no appeal is taken to the issuance of ~~said~~  
33 bonds, as provided by chapter 23, the board may extend the  
34 time of payment of ~~said~~ the unpaid assessment or any an  
35 installment or installments thereof of it as requested in the

1 petition and may issue drainage refunding bonds, or, in case  
2 of an appeal, the board may issue ~~such~~ the bonds in accordance  
3 with the decision of the ~~state-comptroller~~ appeal board  
4 provided ~~said~~ the assessments, installment, or installments  
5 thereof have not been entered on the delinquent tax lists and  
6 have not been previously extended.

7 Sec. 98. Section 474.10, Code 1987, is amended to read as  
8 follows:

9 474.10 GENERAL COUNSEL.

10 The board shall employ a competent attorney to serve as its  
11 general counsel, and assistants to the general counsel as it  
12 finds necessary for the full and efficient discharge of its  
13 duties. The general counsel is the attorney for, and legal  
14 advisor of, the board and is exempt from the merit system  
15 provisions of chapter 19A. Assistants to the general counsel  
16 are subject to the merit system provisions of chapter 19A.  
17 The general counsel or an assistant to the general counsel  
18 shall provide the necessary legal advice to the board in all  
19 matters and represent the board in all actions instituted in a  
20 state or federal court challenging the validity of any a rule  
21 or order of the board. The existence of a fact which  
22 disqualifies a person from election or from acting as a  
23 utilities board member disqualifies the person from employment  
24 as general counsel or assistant general counsel. The general  
25 counsel shall devote full time to the duties of the office.  
26 During employment the counsel shall not be a member of a  
27 political committee, contribute to a political campaign fund  
28 other than through the income tax checkoff for contributions  
29 to the Iowa election campaign fund and the presidential  
30 election campaign fund, participate in a political campaign,  
31 or be a candidate for a political office.

32 Sec. 99. Section 534.401, subsections 2, 3, and 4, Code  
33 1987, are amended to read as follows:

34 2. GENERAL SUPERVISORY POWER. The ~~supervisor~~  
35 superintendent has general supervision over all supervised

1 organizations.

2 The ~~supervisor~~ superintendent may, ~~with the approval of the~~  
3 ~~auditor of state,~~ appoint examiners and assistants necessary  
4 to properly execute the duties of the office. Any An examiner  
5 ~~so-appointed~~ shall have had at least one year of actual  
6 experience as examiner, officer, or employee, of a savings and  
7 loan association. Such The examiners' salaries shall be fixed  
8 by the ~~auditor of state~~ superintendent subject to the approval  
9 of the ~~comptroller~~ director of management and governor, which  
10 salaries shall be commensurate with ~~that~~ those in the range of  
11 other employees as prescribed by certain classifications in  
12 accordance with their experience and qualifications. In  
13 addition ~~such~~ the examiners shall be reimbursed for their  
14 actual and necessary expense.

15 Before entering upon their duties, the ~~supervisor of~~  
16 ~~savings and loan associations~~ superintendent and each examiner  
17 appointed by the ~~supervisor~~ superintendent shall take an oath  
18 of office and shall each give bond to the state, signed by a  
19 responsible surety company, in the penal sum of two thousand  
20 dollars, conditioned upon faithful and impartial discharge of  
21 the person's duty and on proper accounting for all funds and  
22 other valuables which may come into the person's hands. Such  
23 The bonds shall be approved by and filed with the auditor of  
24 state, together with oaths of office of ~~such officer~~ the  
25 officers.

26 The ~~supervisor shall have the right to pass~~ superintendent  
27 may adopt further ~~regulations~~ rules deemed necessary to enable  
28 savings and loan associations to properly carry on the  
29 activities authorized under this chapter ~~and which are not~~  
30 ~~inconsistent with the provisions of this chapter~~.

31 3. DUTIES. The ~~supervisor~~ superintendent shall, at least  
32 once each year, ~~examine or cause examination and audit to be~~  
33 ~~made into~~ of the affairs of every association subject to this  
34 chapter. If an association is insured under ~~the provisions of~~  
35 Title IV of the National Housing Act (~~48-Stat-B-12467~~, 12

1 U.S.C. 7 ch 13} ~~as-new-or-hereafter-amended~~, the supervisor  
2 superintendent may, in lieu of such examination and audit  
3 accept ~~any~~ an examination or audit made by the federal savings  
4 and loan insurance corporation. ~~Any-such~~ An association may,  
5 in lieu of such examination and audit by the supervisor  
6 superintendent, at the option of the supervisor superintendent  
7 be audited by a certified public accountant, or by a public  
8 accountant qualified and licensed to practice accountancy  
9 ~~under the-provisions-of~~ the Code of Iowa. At least two copies  
10 of each examination or audit report, signed and verified by  
11 the accountant making it, shall promptly be filed with the  
12 supervisor superintendent. ~~Whenever~~ When, in the judgment of  
13 the supervisor superintendent, the condition of any an  
14 association renders it necessary or expedient to make an extra  
15 examination or audit or to devote any extraordinary attention  
16 to its affairs, the supervisor superintendent shall cause such  
17 work to be done. A copy of every examination or audit report  
18 shall be furnished to the association examined, exclusive of  
19 confidential comments made by the examiner, and a copy of  
20 every report and comments and any other information pertaining  
21 to an association may be furnished to the federal home loan  
22 bank board, federal home loan bank, and federal savings and  
23 loan insurance corporation. A copy of such an examination or  
24 audit report shall be presented to the board of directors at  
25 its next regular or special meeting, and their action thereon  
26 on it shall be recorded in the minutes, and two certified  
27 copies of such the minutes shall be transmitted to the  
28 supervisor superintendent.

29 4. SUPERVISOR'S SUPERINTENDENT'S ANNUAL REPORT. The  
30 supervisor-of-savings-and-loan-associations-shall  
31 superintendent, as of December 31 of each year, shall prepare  
32 and publish a report showing in general terms the condition of  
33 all savings and loan associations doing business in this  
34 state, and containing such other general information as in the  
35 supervisor's superintendent's judgment ~~shall-seem~~ seems

1 desirable. Such The reports shall also list the names of all  
2 examiners and other assistants employed by the supervisor  
3 superintendent, together with the their respective salaries  
4 and expenses, and shall list all receipts from savings and  
5 loan associations, and shall show all expenditures made on  
6 account of the supervision and examination of such the  
7 associations.

8 Sec. 100. Section 534.403, Code 1987, is amended to read  
9 as follows:

10 534.403 EXAMINATIONS.

11 1. SUPERVISOR+S SUPERINTENDENT'S AUTHORITY -- EX-  
12 AMINATIONS. The supervisor superintendent and examiners shall  
13 have full access to all books and papers of an association  
14 which relate to its business, and to books, records, and  
15 papers kept by an officer, director, agent, or employee  
16 relating to, or upon which any record of its business is kept,  
17 and may summon witnesses and administer oaths or affirmations,  
18 in the examination of the directors, officers, agents, or  
19 employees of any-such an association, or any other person, in  
20 relation to its affairs, transactions, and condition, and may  
21 require and compel the production of records, books, papers,  
22 contracts, or other documents by court order, if not  
23 voluntarily produced.

24 2. EXPENSES, PER DIEM, VACATION AND SICK LEAVE. Where If  
25 the examination is made under the-provisions-of section  
26 534.401, subsection 3, each examiner shall file with the  
27 auditor-of-state superintendent an itemized, certified, and  
28 sworn voucher of the examiner's expense for the time such the  
29 examiner is actually engaged in such an examination. On the  
30 fifteenth and last days of each month each examiner shall file  
31 in triplicate with the auditor-of-state superintendent a  
32 certified statement of the actual days engaged in such  
33 examination examinations. The salaries shall be included in a  
34 semimonthly biweekly payroll. Upon approval of the auditor-of  
35 state superintendent, the director of revenue and finance is

1 authorized to issue warrants for the payment of said the  
2 vouchers, and salaries, including a prorated amount for  
3 vacation and sick leave, from the savings and loan revolving  
4 fund. Repayment to the state shall be made as provided by  
5 section 534.408, subsection 4. Savings and loan examiners  
6 shall be paid salaries at rates commensurate with, and shall  
7 be reimbursed for meals and lodging at the same rate as, that  
8 which is received by federal examiners operating under the  
9 federal home loan bank board.

10 3. RECORD REQUIRED. A record of such each examination  
11 shall be kept in the auditor's superintendent's office,  
12 showing in detail as to each association all matters connected  
13 with the conduct of the business, its financial standing, and  
14 everything touching its solvency, plan of business, and  
15 integrity.

16 Such The examinations and reports, and other information  
17 connected therewith with them, shall be kept confidential in  
18 the office of the auditor-of-state-and-the-supervisor-of  
19 savings-and-loan-associations superintendent, and shall are  
20 not be subject to publication or disclosure to others except  
21 as in this chapter provided. However, any evidence of  
22 felonious acts on the part of the officers, directors, or  
23 employees of such an association may be referred by the office  
24 of-the-auditor-of-state superintendent to proper authorities.  
25 Members of such associations, other than their officers and  
26 directors, shall are not be entitled to inspection of any such  
27 records or information, and shall are not be entitled to any  
28 information relative to the names of the members of any an  
29 association, or the amounts invested by them, as disclosed in  
30 the auditor's superintendent's office, or in the records of  
31 any-such an association.

32 4. REVOCATION OF AUTHORITY. If any-such an association  
33 refuse refuses to submit to such examination, the auditor  
34 superintendent shall revoke its certificate of authority.

35 Sec. 101. Section 534.405, Code 1987, is amended to read



1 as follows:

2 534.405 CONSERVATORSHIP -- OPERATION -- TERMINATION.

3 If the ~~supervisor~~ superintendent, as a result of any  
4 examination or from any a report made to the ~~supervisor-shall~~  
5 ~~find~~ supervisor finds that any a savings and loan association  
6 is violating the-provisions a provision of its certificate of  
7 incorporation, or bylaws, or the laws of this state, or of the  
8 United States, or any a lawful order of the ~~supervisor~~  
9 superintendent, or is conducting its business in an unsafe  
10 manner, the ~~supervisor~~ superintendent may by an order, direct  
11 discontinuance of such the violation or unsafe practice, and  
12 conformance with all requirements of law. No A conservator  
13 shall not be appointed for a solvent association where-such if  
14 a violation or unsafe practice can be corrected otherwise. If  
15 any-such an association shall-refuse refuses or neglect  
16 neglects to comply with such the order within the time  
17 specified therein in it, or if it shall-appear appears to the  
18 ~~supervisor~~ superintendent that any-such an association is in  
19 an unsafe condition or is conducting its business in an unsafe  
20 manner, or if the ~~supervisor-shall-find~~ superintendent finds  
21 that an impairment of capital exists to such extent that it  
22 threatens loss to the members, or if any an association  
23 refuses to submit its books, papers, and accounts to the  
24 inspection of the ~~supervisor~~ superintendent or the  
25 ~~supervisor's~~ superintendent's representative, the ~~supervisor~~  
26 superintendent, by written order signed by the ~~supervisor-and~~  
27 ~~the-auditor-of-state~~ superintendent, may appoint a conservator  
28 to take charge of the association and manage its business  
29 until the ~~supervisor-shall~~ superintendent permit permits the  
30 board of directors to resume management of the business or  
31 shall-reorganize reorganizes the association, or until a  
32 receiver shall-be is appointed to liquidate its affairs. Any  
33 A conservator so appointed shall has, subject to approval of  
34 the ~~supervisor-and-auditor-of-state~~ superintendent, have all  
35 the rights, powers, and privileges possessed by the officers,

1 board of directors, and members of the association. The  
2 conservator shall not retain special counsel or other experts,  
3 or incur any expenses other than normal operating expenses, or  
4 liquidate assets, except in the ordinary course of operations.  
5 The directors and officers shall remain in office and the  
6 employees shall remain in their respective positions, but the  
7 ~~supervisor~~ superintendent may remove any director, officer, or  
8 employee. While the association is in the charge of a  
9 conservator, members of ~~such~~ the association shall continue to  
10 make payments to the association in accordance with the terms  
11 ~~and-conditions~~ of their contracts and the conservator, in the  
12 conservator's discretion, may permit members to withdraw as  
13 ~~such~~ in the ordinary course of business, or under, and subject  
14 to ~~such~~ rules ~~and-regulations-as~~ the ~~supervisor~~ superintendent  
15 may prescribe ~~and-the~~. ~~The~~ conservator ~~shall-have-power-to~~  
16 may accept savings but ~~any-such~~ savings thereon received by  
17 the conservator may be segregated if the ~~supervisor~~  
18 superintendent ~~shall~~ so ~~order~~ orders in writing and if so  
19 ordered such savings ~~shall~~ are not be subject to offset and  
20 shall not be used to liquidate any an indebtedness of ~~such~~ the  
21 association existing at the time the conservator was appointed  
22 for it, or any subsequent indebtedness incurred for the  
23 purpose of liquidating the indebtedness of ~~such~~ the  
24 association existing at the time ~~such~~ a conservator was  
25 appointed. All expenses of the association during ~~such~~  
26 conservatorship shall be paid by the association. The  
27 appointment of a conservator shall be evidenced by the  
28 ~~supervisor~~ superintendent issuing a certificate, signed by the  
29 ~~supervisor-and-by-the-auditor-of-state~~ superintendent,  
30 delivered to the president, or the vice president, or to at  
31 least three members of the board of directors of the  
32 association, certifying that a conservator has been appointed  
33 pursuant to this section. Within six months from the date  
34 upon which the conservator ~~shall-take~~ takes charge of an  
35 association, the ~~supervisor~~ superintendent shall determine

1 ~~whether or-not-the-supervisor-shall~~ to restore the management  
2 of the association to the board of directors. Such The  
3 determination shall be evidenced by the ~~supervisor's~~  
4 superintendent's certificate under the seal of the office,  
5 delivered to the president, or vice president, or to the board  
6 of directors of the association, that the conservator  
7 ~~forthwith~~ is redelivering the management of the association to  
8 the board of directors of the association then in office.  
9 After the management of the association ~~shall-have~~ has been  
10 redelivered to the board of directors of an association, the  
11 association shall ~~thenceforth~~ be managed and operated as  
12 though no conservator had been appointed. At any time prior  
13 to the redelivery of the management to the board of directors,  
14 the ~~supervisor~~ superintendent shall determine whether ~~such~~ the  
15 association shall be required to reorganize. Such That  
16 determination shall be evidenced by a certificate, signed by  
17 the ~~supervisor,~~ and-by-the-auditor-of-state superintendent,  
18 under the seal of the office, delivered to an executive  
19 officer of the association, stating that unless the  
20 association ~~reorganize~~ reorganizes under the laws of this  
21 state within a period of sixty days from the date of ~~such~~ the  
22 certificate, or within such further time as the ~~supervisor~~  
23 ~~shall-approve~~ superintendent approves, the ~~supervisor~~  
24 superintendent shall ~~proceed-to~~ liquidate the association. If  
25 the association has the insurance protection provided by Title  
26 IV of the National Housing Act [~~48-Stat--57--12467,~~ 12 U.S.C.7  
27 ch 137]-~~as-now-or-hereafter-amended~~, a signed and sealed copy  
28 of each order and certificate mentioned in this section shall  
29 be promptly sent by the ~~supervisor~~ superintendent by  
30 registered mail to the federal savings and loan insurance  
31 corporation, Washington, D.C. If the association is insured  
32 by the federal savings and loan insurance corporation, that  
33 corporation shall be named receiver if the ~~supervisor-and~~  
34 ~~auditor-have~~ superintendent has determined the need for a  
35 receivership.

1 Sec. 102. Section 534.406, Code 1987, is amended to read  
2 as follows:

3 534.406 RECEIVERSHIP.

4 ~~When-any~~ If a building and loan or savings and loan  
5 association is conducting its business illegally, or in  
6 violation of its articles of incorporation or bylaws, or is  
7 practicing deception upon its members or the public, or is  
8 pursuing a plan of business that is injurious to the interest  
9 of its members, or if its affairs are in an unsafe condition,  
10 the ~~auditor-of-state~~ superintendent shall notify the directors  
11 of the association, and, if they fail to put its affairs upon  
12 a safe basis, the ~~auditor~~ superintendent shall advise the  
13 attorney general, who shall take the necessary steps to wind  
14 up its affairs in the manner provided by law. In the  
15 proceedings a receiver may be appointed by the court and the  
16 proceedings shall be the exclusive liquidation or insolvency  
17 proceeding and a receiver shall not be appointed in any other  
18 proceedings.

19 Sec. 103. Section 534.407, Code 1987, is amended to read  
20 as follows:

21 534.407 REVOCATION OF CERTIFICATE.

22 If a certificate of authority to do business ~~shall-have~~ has  
23 been issued to any an association, and it ~~shall-violate~~  
24 violates any of the provisions of this chapter, the ~~auditor-of~~  
25 state superintendent may revoke the same certificate.

26 Sec. 104. Section 534.408, subsections 2 through 7, Code  
27 Supplement 1987, are amended to read as follows:

28 2. INCORPORATION FEE. Simultaneously with the filing with  
29 the ~~supervisor~~ superintendent of a certificate of  
30 incorporation, the corporation shall pay an incorporation fee  
31 of one hundred dollars.

32 3. CHANGE OF LOCATION OR CHANGE OF NAME. ~~There~~ A fee of  
33 fifty dollars shall accompany each application to the  
34 ~~supervisor~~ superintendent for ~~leave~~ permission to change the  
35 location of the home office or to change the name of the

1 association ~~a-fee-of-fifty-dollars~~.

2 4. SUPERVISION AND EXAMINATION FEE. At the time of filing  
3 its annual report each association shall pay to the auditor-of  
4 ~~state~~ superintendent an annual filing fee of fifty dollars.  
5 The ~~supervisor~~ superintendent shall assess against any an  
6 association the actual and necessary expenses incidental to  
7 any examinations, or to supervision, or to any a special audit  
8 made pursuant to an order of the ~~supervisor~~ superintendent  
9 acting under authority of this chapter. The annual assessment  
10 to each association shall also include a fair proportion of  
11 the cost of administration of the savings and loan division.

12 5. MERGER FEE. At the time of filing with the ~~supervisor~~  
13 any superintendent a merger agreement, the association  
14 proposing to ~~so~~ merge shall submit therewith a fee of one  
15 hundred fifty dollars, which fee shall be paid in equal parts  
16 by the associations which are parties to the proposed merger.

17 6. FOR REORGANIZATION, TRANSFER OF ASSETS, AND  
18 DISSOLUTION. ~~There~~ A fee of fifty dollars shall accompany  
19 every a proposed plan of reorganization, every a proposal for  
20 the transfer of assets in bulk, and every a certificate of  
21 dissolution, filed with the ~~supervisor~~ superintendent for  
22 approval ~~a-fee-of-fifty-dollars~~.

23 7. FOR APPROVAL OF SUPERVISOR SUPERINTENDENT. The  
24 ~~supervisor-is-authorized~~ superintendent, in the ~~supervisor's~~  
25 superintendent's discretion, to may charge a fee of not  
26 exceeding ten dollars upon each application for the  
27 ~~supervisor's~~ superintendent's approval, as provided by this  
28 chapter.

29 Sec. 105. Section 534.511, subsections 6 and 8, Code 1987,  
30 are amended to read as follows:

31 6. MEMBER OR STOCKHOLDER APPROVAL. The plan of merger  
32 must be approved at an annual meeting of members or  
33 stockholders, or at a special meeting called to consider the  
34 plan, by a majority vote of the members represented in person  
35 or by proxy of each of the mutual associations or federal

1 mutual associations included in the plan, or a majority vote  
2 of each class of voting stock represented in person or by  
3 proxy of each of the stock associations, federal stock  
4 associations, bank holding companies, or banks included in the  
5 plan. If so approved, a copy of the minutes of the meeting,  
6 certified and acknowledged by the secretary or assistant  
7 secretary, shall be filed with the ~~supervisor~~ superintendent.

8 8. CERTIFICATION. The superintendent ~~of-savings-and-loan~~  
9 ~~associations~~ shall prepare a certificate of merger upon the  
10 occurrence of all of the events stated in subsections 3, 4, 5,  
11 6, and 7. This certificate shall include the name of the  
12 surviving association, federal association, or bank and the  
13 effective date of the merger. The original certificate shall  
14 be filed with the secretary of state. The superintendent  
15 shall provide a certified copy of the certificate to any  
16 person upon payment of a five dollar fee. A certified copy of  
17 this certificate ~~shall-be~~ is sufficient proof of the merger  
18 for purposes of establishing the liability for debts or the  
19 ownership of assets as provided in section 534.512,  
20 subsections 1 and 2. An association involved in a merger may  
21 transfer assets or receive assets under the plan of merger  
22 only after the certificate of merger has been issued by the  
23 superintendent.

24 Sec. 106. Section 534.515, subsections 3 through 13, Code  
25 1987, are amended to read as follows:

26 3. DEPOSIT OF SECURITIES. ~~No-such~~ An unincorporated  
27 building and loan association shall ~~be-permitted-to~~ not carry  
28 on its business within this state unless it ~~shall~~ first  
29 ~~deposit~~ deposits with the ~~auditor-of-state~~ superintendent at  
30 least fifty thousand dollars of first mortgages and negotiable  
31 notes in the same amount secured ~~thereby-upon~~ by real estate  
32 in the state, bearing interest at a rate not less than five  
33 percent per annum, which ~~said~~ mortgages shall ~~in-no-case~~ not  
34 exceed one-half the actual value of the real estate upon which  
35 they are taken.

1 4. ADDITIONAL DEPOSITS. The auditor-of-state-shall-have  
2 power-and-authority-to superintendent may require that such a  
3 further amount of such securities shall be deposited with the  
4 auditor superintendent as in the auditor's superintendent's  
5 judgment ~~may-thereafter-be~~ is necessary to protect the members  
6 of such the building and loan association, or the persons  
7 making periodical payments thereto to it.

8 5. SECURITIES HELD IN TRUST. The notes, mortgages, and  
9 securities so deposited with the auditor-of-state-shall  
10 superintendent, with all interest and accumulations thereon on  
11 them, shall be held in trust by the auditor superintendent for  
12 the purpose of fulfilling and carrying out all contracts made  
13 by such building and loan associations with the their members  
14 thereof, and with the persons making periodical payments  
15 thereto to them.

16 6. APPROVAL -- CERTIFICATE OF AUTHORITY. If the executive  
17 council approves the plan or method of business of any such a  
18 building and loan association, it shall endorse its approval  
19 upon the statement of the resources and liabilities and plan  
20 of business presented to it, and such the statement shall  
21 thereupon be filed in the office of the auditor-of-state  
22 superintendent, who shall issue a certificate to such the  
23 building and loan association to transact business within the  
24 state, if such the association has deposited with the auditor  
25 superintendent the mortgages and securities required by the  
26 other provisions of this chapter.

27 7. OFFICERS TO GIVE BONDS -- APPROVAL. Every An officer  
28 of such a building and loan association who signs or endorses  
29 checks, or handles any of the funds or securities thereof of  
30 the association, shall give such bond or fidelity insurance  
31 for the faithful performance of the officer's duty in such a  
32 sum as the auditor-of-state superintendent may require, and no  
33 such officer shall-be-deemed is qualified to enter upon the  
34 duties of the office until the officer's bond is approved by,  
35 and deposited with, the auditor-of-state superintendent. And

1 any-such The bond may be increased or additional sureties  
2 required by the auditor-of-state-whenever superintendent if in  
3 the auditor's superintendent's judgment it becomes necessary  
4 to protect the interest of the association or its members, or  
5 persons making periodical payments of money thereto to it.

6 8. EXAMINATION. The auditor-of-state superintendent may  
7 at any time the auditor-may-see superintendent deems proper  
8 make, or cause to be made, an examination of any such a  
9 building and loan association, or the auditor superintendent  
10 may call upon it for a report of its condition upon any given  
11 day which has passed, as often as four times each year, which  
12 report shall contain the information hereinafter required in  
13 this section.

14 9. EXPENSE OF EXAMINATION. The expense of making such an  
15 examination shall be paid by the building and loan  
16 association, and if made by the auditor superintendent in  
17 person the auditor superintendent shall be paid the auditor's  
18 superintendent's necessary expenses only; if made by an  
19 examiner designated by the auditor superintendent, the  
20 examiner shall receive not to exceed twenty-five dollars a day  
21 for the time employed by the auditor superintendent, and the  
22 examiners's examiner's necessary expenses.

23 10. ANNUAL REPORTS. On or before the first day of  
24 February of each year, every such building and loan  
25 association shall file with the auditor-of-state  
26 superintendent its annual report in writing for the year  
27 ending on the thirty-first day of December preceding, giving a  
28 complete statement in detail of all of its receipts from all  
29 sources, and all disbursements made during such the year,  
30 arranged and itemized as may-be required by the auditor-of  
31 state superintendent. Such The report shall also show the  
32 number of members or persons making periodical payments to  
33 such the association, the number and amount of loans made to  
34 such the persons, the interest received therefrom from them,  
35 the number and amounts of mortgages, contracts, or other



1 securities held by the association, the actual cash value of  
2 the real estate securing such the mortgages or contracts, the  
3 salary paid to each of its officers during the preceding year,  
4 the assets and ~~liability~~ liabilities of the association at the  
5 end of the year, and any other matters which in the judgment  
6 of the ~~auditor-of-state-may-be~~ superintendent are required to  
7 give the ~~auditor~~ superintendent full information as to the  
8 business transacted by such the building and loan association.

9 11. FAILURE TO FURNISH REPORTS. If any such a building  
10 and loan association ~~shall-fail~~ fails or ~~refuse~~ refuses to  
11 furnish the ~~auditor-of-state~~ superintendent the report  
12 required in subsection 10, the officers or persons conducting  
13 the business of such the building and loan association shall  
14 forfeit the sum of twenty-five dollars for each day that such  
15 the report is withheld, and the ~~auditor-of-state~~  
16 superintendent may maintain an action, jointly or severally,  
17 against them in the name of the state to recover such that  
18 penalty, and the same penalty shall be paid into the state  
19 treasury when recovered by the ~~auditor~~ superintendent.

20 12. CRIMINAL OFFENSES. If any officer or agent of any  
21 such building and loan association, or any person conducting  
22 the business thereof, shall knowingly and willfully swear  
23 falsely to any statement in regard to any matter in this  
24 chapter required to be made under oath, the person shall be  
25 guilty of perjury and punished accordingly. And if any  
26 officer, agent or employee of any such association, or any  
27 person transacting the business thereof, shall issue, utter,  
28 or offer to utter, any warrant, check, order, or promise to  
29 pay of such association, or shall sign, transfer, cancel, or  
30 surrender any note, bond, draft, mortgage, or other evidence  
31 of indebtedness belonging to such association, or shall  
32 demand, collect, or receive any money from any member or other  
33 person in the name of such association without being  
34 authorized so to do, the person shall be guilty of a  
35 fraudulent practice; or if any such officer, agent, or

1 employee of such association, or any person transacting the  
2 business thereof, shall embezzle, convert to the person's own  
3 use, or shall use or pledge for the person's own benefit or  
4 purpose, any moneys, securities, credits, or other property  
5 belonging to the association, the person shall be guilty of  
6 theft; or if the person shall knowingly solicit, transact, or  
7 attempt to transact any business for any such association  
8 which has not procured and does not hold the certificate of  
9 authority from the auditor-of-state superintendent to transact  
10 business in this state as provided herein in this section, the  
11 person shall be guilty of a serious misdemeanor; or if the  
12 person shall knowingly make, or cause to be made, any false  
13 entries in the books of the association, or shall, with intent  
14 to deceive any person making an examination of such  
15 association, as herein provided, exhibit to the person making  
16 the examination any false entry, paper, or statement, the  
17 person shall be guilty of a fraudulent practice.

18 13. REVOCATION OF CERTIFICATE -- RECEIVER. If any such  
19 building and loan association holding a certificate of  
20 authority to transact business within this state issued by the  
21 auditor superintendent as herein provided in this chapter,  
22 shall violate any of the provisions of this chapter, or shall  
23 fail to deposit with the auditor-of-state superintendent such  
24 further amount of mortgages or securities as the auditor  
25 superintendent may require under this chapter, the auditor-of  
26 state superintendent shall at once revoke such the certificate  
27 and notify the executive council of the its revocation  
28 thereof; and under the direction of the executive council,  
29 application shall be made by the attorney general to the  
30 proper court for the appointment of a receiver to wind up the  
31 affairs of the association; and-in-such. In the proceedings  
32 the amount due from the borrowing members or persons making  
33 periodical payments upon contracts or mortgages given by them,  
34 shall be ascertained in the manner provided in section  
35 534.405; and the amount owing upon such mortgages or contracts

1 from members of the association or persons making periodical  
2 payments thereto to it, shall be treated and considered as due  
3 and payable within a reasonable time, to be fixed by the court  
4 after the appointment of a receiver.

5 Sec. 107. Section 534.602, subsections 1 and 2, Code 1987,  
6 are amended to read as follows:

7 1. DOMESTIC COMPANIES -- BONDS -- CUSTODY. The officers  
8 and employees of any a domestic association who sign or  
9 endorse checks or handle any funds or securities of such an  
10 association shall give such bonds or fidelity insurance as the  
11 board of directors may require; and no such officer shall be  
12 deemed qualified to enter upon the duties of the office until  
13 the officer's bond is approved by the board of directors and  
14 by the ~~auditor-of-state~~ superintendent. ~~Such~~ The bonds shall  
15 be deposited and filed with the ~~auditor-of-state~~  
16 superintendent. ~~Such~~ The associations may in connection with  
17 obtaining such bonds or insurance acquire and hold membership  
18 in mutual insurance or bonding companies. No such bond shall  
19 be terminated or canceled because of failure to pay premium or  
20 for any other cause until after ten days' written notice to  
21 the ~~supervisor~~ superintendent of intention to cancel such the  
22 bond.

23 2. ADDITIONAL BONDS. All such bonds shall be increased or  
24 additional securities required by the board of directors or  
25 the ~~auditor-of-state~~ superintendent when it becomes necessary  
26 to protect the interests of the association or its members.

27 Sec. 108. Section 534.701, Code 1987, is amended to read  
28 as follows:

29 534.701 STATE RECIPROCITY.

30 When by the laws of any other state, territory, country, or  
31 nation, or by the decision or rulings of the appropriate and  
32 proper officers thereof, any greater taxes, fines, penalties,  
33 licenses, fees, deposits of money or other securities, or  
34 other obligations or prohibitions, are demanded of building  
35 and loan or savings and loan associations of this state, as a

1 condition to be complied with before doing business or  
2 granting loans in that state, so long as such laws continue in  
3 force, the same requirements, obligations, and prohibitions of  
4 whatever kind shall be imposed on all building and loan or  
5 savings and loan associations of such other state, territory,  
6 country, or nation doing business in this state, and upon  
7 their agents. ~~It is hereby made the duty of the auditor of~~  
8 ~~state to~~ The superintendent shall enforce the provisions of  
9 this section.

10 Sec. 109. Section 534.702, subsections 2 through 8, Code  
11 Supplement 1987, are amended to read as follows:

12 2. APPROVAL BY SUPERVISOR SUPERINTENDENT -- CERTIFICATE OF  
13 AUTHORITY. If upon receipt of the report the supervisor  
14 superintendent finds from a review of the report that the  
15 association is properly managed, that its financial condition  
16 is satisfactory, and that its business is conducted upon a  
17 safe and reliable plan and one equitable to its members, the  
18 supervisor superintendent shall issue a like certificate of  
19 authority, signed by the ~~auditor of state~~ superintendent as in  
20 the case of domestic associations.

21 3. CONDITIONS ATTENDING APPROVAL. A foreign association  
22 shall not be authorized to do business in this state if the  
23 foreign association's articles of incorporation are not found  
24 by the supervisor superintendent to be in substantial  
25 compliance with the laws of this state, and affording equal  
26 security and protection to its members.

27 4. DEPOSIT BY FOREIGN ASSOCIATION. Before the supervisor  
28 superintendent issues a certificate to a foreign association,  
29 it shall deposit with the ~~auditor of state~~ superintendent two  
30 hundred fifty thousand dollars, either in cash, or bonds of  
31 the United States or of the state of Iowa, or of a county or  
32 municipal corporation of the state, or notes secured by first  
33 mortgages on real estate, or a like amount in other security  
34 which is satisfactory to the ~~auditor of state~~ superintendent.

35 The foreign association may collect and use the interest on

1 any securities so deposited as long as it fulfills its  
2 obligations and complies with this chapter. Upon the approval  
3 of the auditor superintendent, it may also exchange the  
4 securities for other securities of equal value.

5 5. LIABILITY OF DEPOSIT. The deposit made with the  
6 auditor-of-state superintendent shall be held as security for  
7 all claims of resident members of the state against ~~said~~ the  
8 association, and ~~shall-be~~ is liable for all judgments or  
9 decrees thereon, and subject to the their payment of-the-same.

10 6. AUDITOR-OF-STATE SUPERINTENDENT AS PROCESS AGENT. Such  
11 The foreign associations shall also file with the auditor-of  
12 ~~this-state~~ superintendent a duly authorized copy of a  
13 resolution adopted by the board of directors of ~~such~~ the  
14 association, stipulating and agreeing that, if any legal  
15 process or notice affecting ~~such~~ the association ~~be~~ is served  
16 on the ~~said-state-auditor~~ superintendent, and a copy thereof  
17 be mailed, postage prepaid, by the party procuring and issuing  
18 ~~the-same~~ it, or the party's attorney, to ~~said~~ the association,  
19 addressed to its home office, then such service and mailing of  
20 ~~such~~ process or notice ~~shall-have~~ has the same effect as  
21 personal service on ~~said~~ the association within this state.

22 7. MANNER OF SERVICE. When proceedings have been  
23 commenced against, or affecting any a foreign building and  
24 loan or savings and loan association, as contemplated in  
25 subsection 6, and notice has been served upon the auditor-of  
26 ~~the-state~~ superintendent, the ~~same~~ notice shall be by  
27 duplicate copies, one of which shall be filed in the auditor's  
28 superintendent's office, and the other mailed by the auditor  
29 superintendent, postage prepaid, to the home office of ~~such~~  
30 the association.

31 8. AMENDMENT TO ARTICLES. Within ten days after the  
32 adoption of an amendment to its articles of incorporation or  
33 bylaws, a foreign association shall file a duly certified copy  
34 of the amendment with the ~~supervisor~~ superintendent.

35 Sec. 110. Section 534.703, Code 1987, is amended to read

1 as follows:

2 534.703 FEES -- FOREIGN ASSOCIATIONS.

3 Foreign building and loan or savings and loan associations  
4 shall pay to the ~~auditor-of-state~~ superintendent the following  
5 fees, which shall be paid by the ~~auditor~~ superintendent into  
6 the state treasury: For each an application to do business in  
7 this state, two hundred dollars; for each a certificate of  
8 authority ~~and-each~~ or an annual renewal thereof of a  
9 certificate, one hundred dollars; for filing each an annual  
10 statement of the assets of the association as shown by the  
11 statement filed, amounts to fifty thousand dollars or less,  
12 six dollars; if more than fifty thousand dollars and less than  
13 one hundred thousand dollars, ten dollars; if ~~more-than~~ one  
14 hundred thousand dollars or more and less than two hundred  
15 fifty thousand dollars, twenty dollars; if ~~more-than~~ two  
16 hundred fifty thousand dollars or more, and less than five  
17 hundred thousand dollars, forty dollars; if ~~more-than~~ five  
18 hundred thousand dollars or more and less than one million  
19 dollars, sixty dollars; and if ~~more-than~~ one million dollars  
20 or more, one hundred dollars.

21 Sec. 111. Section 534.705, subsection 1, unnumbered  
22 paragraph 1, Code 1987, is amended to read as follows:

23 All associations doing business in this state shall, on or  
24 before the first day of February of each year, file with the  
25 ~~auditor-of-state~~ superintendent a detailed report and  
26 financial statement of their business for the year ending the  
27 thirty-first day of December next preceding, and ~~such~~ the  
28 report shall be verified by the president and secretary or by  
29 three directors of the association, and ~~such-report~~ shall  
30 show:

31 Sec. 112. Section 534.705, subsection 3, Code 1987, is  
32 amended to read as follows:

33 3. VIOLATIONS. If an association ~~shall-fail-or-refuse~~  
34 fails or refuses to furnish the ~~auditor-of-state~~  
35 superintendent the report required in subsections 1 and 2 it

1 shall forfeit the sum of twenty-five dollars for every day  
2 such ~~the~~ report ~~shall-be~~ is withheld and the ~~auditor-of-state~~  
3 superintendent may maintain an action in the name of the state  
4 to recover such ~~that~~ penalty and the same penalty shall be  
5 paid into the treasury of the state.

6 Sec. 113. Section 544.7, subsection 4, paragraph c, Code  
7 1987, is amended to read as follows:

8 c. As an annuity to a widow spouse or representative of a  
9 deceased partner,

10 Sec. 114. Section 562B.15, Code 1987, is amended to read  
11 as follows:

12 562B.15 LANDLORD TO DELIVER POSSESSION OF MOBILE HOME  
13 SPACE.

14 At the commencement of the term the landlord shall deliver  
15 possession of the mobile home space to the tenant in  
16 compliance with the rental agreement and section 562B.16. The  
17 landlord may bring an action for possession against any a  
18 person wrongfully in possession and may recover the damages  
19 provided in section ~~562B.31~~ 562B.30, subsection 2.

20 Sec. 115. Section 601K.2, unnumbered paragraph 2, Code  
21 1987, is amended to read as follows:

22 The governor shall appoint the administrators of each of  
23 the divisions subject to confirmation by the senate. Each  
24 administrator shall serve at the pleasure of the governor and  
25 is exempt from the merit system provisions of chapter 19A.  
26 The governor shall set the salary of the division ~~directors~~  
27 administrators within the ranges set by the general assembly.

28 Sec. 116. Section 601K.36, Code 1987, is amended to read  
29 as follows:

30 601K.36 ADMINISTRATOR.

31 The administrator shall serve as executive officer of the  
32 commission and be is exempt from the merit system provisions  
33 of chapter 19A. The administrator ~~shall-be~~ is responsible to  
34 the commission and, pursuant to section 601K.2, with the  
35 approval of the commission shall employ and supervise the

1 commission's staff and be responsible for implementing policy  
2 set by the commission. The administrator shall carry out  
3 programs and policies as determined by the commission.

4 Sec. 117. Section 602.8102, subsection 4, Code Supplement  
5 1987, is amended to read as follows:

6 4. Upon the death of a judge or magistrate of the district  
7 court, give written notice to the ~~state-comptroller~~ department  
8 of management and the department of revenue and finance of the  
9 date of death. The clerk shall also give written notice of  
10 the death of a justice of the supreme court, ~~or~~ a judge of the  
11 court of appeals, or a judge or magistrate of the district  
12 court who resides in the clerk's county to the state  
13 commissioner of elections, as provided in section 46.12.

14 Sec. 118. Section 674.13, Code 1987, is amended to read as  
15 follows:

16 674.13 FURTHER CHANGE BARRED.

17 No A person shall not change the person's name more than  
18 once under ~~the provisions of~~ this chapter unless just cause is  
19 shown. However, ~~a person may change~~ in a decree dissolving a  
20 person's marriage, the person's name may be changed back to  
21 the name appearing on the person's original birth certificate  
22 ~~after each decree dissolving a marriage is entered~~, or a  
23 ~~person may request a name change~~ to a legal name previously  
24 acquired in a former marriage.

25 Sec. 119. Section 805.1, subsection 8, Code Supplement  
26 1987, is amended to read as follows:

27 8. A peace officer shall issue a citation in lieu of  
28 arrest to a person under eighteen years of age accused of  
29 violating committing a simple misdemeanor under the provisions  
30 of chapter 106, 106A, 109, 109A, 110, 110A, 110B, 111, 321, or  
31 321G, a violation of a county or municipal curfew or traffic  
32 ordinance, or a violation of section 123.47, and shall not  
33 detain or confine the person in a facility regulated under  
34 chapter 356 or 356A.

35 Sec. 120. Section 903.1, subsection 3, Code Supplement



1 1987, is amended to read as follows:

2 3. A person under eighteen years of age convicted of a  
3 simple misdemeanor under chapter 106, 106A, 109, 109A, 110,  
4 110A, 110B, 111, 321, or 321G, or a violation of a county or  
5 municipal curfew or traffic ordinance, or a violation of  
6 section 123.47, may be required to pay a fine, not to exceed  
7 one hundred dollars, as fixed by the court, or may be required  
8 to perform community service as ordered by the court.

9 The criminal penalty surcharge required by section 911.2  
10 shall be added to a fine imposed on a misdemeanant, and is not  
11 a part of or subject to the maximums set in this section.

12 Sec. 121. 1986 Iowa Acts, chapter 1245, section 1526, is  
13 amended to read as follows:

14 SEC. 1526. TRANSITION -- TERMS. The terms of all persons  
15 serving on the board of parole on June 30, 1986, expire on  
16 that date. Notwithstanding the four-year term specified in  
17 section ~~1511~~-of-this-Act 904A.1, appointments of the new  
18 members shall be as follows:

19 1. One full-time and one part-time member to serve from  
20 July 1, 1986, to ~~June~~ April 30, 1988.

21 2. One full-time and one part-time member to serve from  
22 July 1, 1986, to ~~June~~ April 30, 1989.

23 3. One member to serve from July 1, 1986, to ~~June~~ April  
24 30, 1990.

25 Thereafter, all appointments shall be for four-year terms  
26 beginning and ending as provided in section 69.19.

27 Sec. 122. Sections 144.6 through 144.8, 144.10, and  
28 144.11, Code 1987, are repealed.

29 EXPLANATION

30 The following amendments, along with style changes, are  
31 included in this bill.

32 Section 2.12 is amended to change the latest date for  
33 submission of the budgets of legislative agencies, to provide  
34 more realistic dates which reflect actual current practices.

35 Section 15.106(2) is amended to show that certain personnel

1 (department of economic development) are exempt from only the  
2 merit system provisions of chapter 19A. When chapter 19A was  
3 amended in the 1986 reorganization to include other personnel  
4 matters, a number of similar references to chapter 19A were  
5 not amended to limit them to the merit system. Other  
6 amendments in the bill related to this subject are the  
7 amendments to sections 18.8, 18.74, 18.115, 18.163, 99E.14,  
8 103A.6, 135.2, 175.7(2), 175A.5(2), 220.2, 220.6, 256.9(4),  
9 307.48, 474.10, 601K.2, and 601K.36.

10 Section 17A.6 is amended to authorize the editorial  
11 deletion of administrative rules which can have no further  
12 effect.

13 Section 27A.2 is amended to substitute the director of  
14 revenue and finance for the state comptroller. A number of  
15 similar changes could not be made editorially in the 1987  
16 Code, because it was not totally clear whether the director of  
17 management or the director of revenue and finance should be  
18 substituted. Other amendments related to this subject are  
19 those to sections 107.19, 175.22(4), 175A.13(2), 220.31(4),  
20 304.3(2, 4, 5), 331.556, 421.16, 444.7, 463.6, and  
21 602.8102(4). The intent has been to substitute the director  
22 or department of management if the language relates to budgets  
23 or local government finances; to substitute the director or  
24 department of revenue and finance if the language relates to  
25 payment of state moneys; and, in some cases to substitute both  
26 if it appeared that both might be involved. In one case,  
27 however, the appeal board is substituted.

28 Section 56.3 is amended to provide that funds of a  
29 candidate's committee cannot be attached for the personal  
30 debts of the candidate.

31 Section 79.23 is amended to substitute the department of  
32 natural resources for the state conservation commission in a  
33 provision related to certain employee benefits. Similar  
34 changes could not always be made editorially because it was  
35 not totally clear whether the department or one of the

1 commissions (natural resource or environmental protection)  
2 should be substituted. Another amendment related to this is  
3 to section 308.9(1).

4 Sections 86.24(5), 86.26, 86.29, 86.32, 86.39, and 86.42  
5 are amended to put the sections in approximately the form they  
6 had before the amendments in 1986 which were held  
7 unconstitutional by the Iowa supreme court.

8 Section 114.22 is amended to authorize the engineering and  
9 land surveying examining board to request an investigation by  
10 the department of inspections and appeals. The 1986  
11 reorganization gave a number of duties relating to hearings,  
12 appeals, audits, investigations, and inspections for various  
13 state entities and agencies to the department of inspections  
14 and appeals, but didn't establish how its assistance was to be  
15 invoked. The changes needed were more than could be done  
16 editorially. Other amendments related to this subject are  
17 those to sections 116.23(1), affecting the accountancy  
18 examining board; 117.34 and 117A.4(1, 2) affecting the real  
19 estate examining board; 118.13 and 118A.6 affecting the  
20 architectural and landscape architectural examining boards;  
21 169.14(1, 8) affecting the board of veterinary medicine;  
22 235.3(3, 4) deleting inspection authority for the  
23 administrator of the division in the department of human  
24 services that administers income and service programs for  
25 children and families; 237.7 affecting inspections of child  
26 foster care facilities; 237A.8 affecting hearings for child  
27 day care facilities; 239.7 affecting hearings for aid to  
28 dependent children; 249.11 affecting investigations and audits  
29 for state supplementary assistance; 249A.4 affecting hearings  
30 on medical assistance; and 322A.6, 325.11, 325.13(5), 325.19,  
31 325.21, 325.25, 327.16, 327A.4, 327A.14, 327C.8, 327C.12,  
32 327C.17, 327C.19, 327C.20, 327C.25, 327C.26, 327C.28, 327C.29,  
33 327D.53, 327D.83, 327D.85, 327D.89, 327G.12, 327G.16, 327G.17,  
34 and 327G.62 affecting the department of transportation.

35 Amendments to sections 144.5(3, 6), 144.9, 144.12,

1 144.13(1, 2), 144.13A, 144.14, 144.17(2), 144.26, 144.29,  
2 144.32, 144.43, and 331.502(12) along with the repeals of  
3 sections 144.6 through 144.8, 144.10, and 144.11 delete  
4 references to local and registrars and local districts from  
5 the vital statistics chapter, leaving only county registrars  
6 and county districts to work with the state registrar. The  
7 department of public health has been phasing out the local  
8 registrars, and it requested those amendments.

9 Section 235A.15(3) is amended to correct a paragraph  
10 reference relating to access to unfounded child abuse  
11 information. This keeps access, as it was before the 1987  
12 amendment, with registry or department personnel rather than  
13 with persons responsible for an abused child or persons named  
14 as abusers. The drafter and the department recommended this  
15 correction.

16 In section 273.13 and section 279.45, one of the references  
17 to the allowable percent of expenditures for administration  
18 was reduced from eight to five percent in 1986, but the other  
19 references in the section were, by error, not reduced. This  
20 bill changes the other references to five percent.

21 Section 280A.15 strikes a requirement for an affidavit as  
22 provided in section 43.17, which was repealed in 1986. No  
23 comparable requirement for an affidavit was found.

24 Section 282.2 is amended to change "child or ward" to  
25 "parent or guardian". This is the interpretation previously  
26 given to this section by the attorney general, and the error  
27 was made in the gender project which substituted "child or  
28 ward" for "he".

29 Section 303.88(4) is amended to incorporate an amendment in  
30 1986 to section 304A.6, subsection 6. That section was  
31 repealed in the reorganization Act, so the amendment was lost.  
32 Section 303.88 covers powers of the arts division  
33 administrator.

34 Section 321.23(4) is amended to delete a requirement for a  
35 finding by the department of transportation that a special use

1 vehicle "will not endanger any person" before the vehicle may  
2 be registered. The department must still find that the  
3 vehicle is not in an unsafe condition.

4 Section 323.1(10) is amended to substitute the department  
5 of transportation for the commerce commission as the agency to  
6 administer motor fuel and special fuel dealers' licenses.

7 This change was apparently overlooked in the reorganization  
8 Act, and the chapter appears to be more closely related to the  
9 department of transportation than to the utilities board.

10 Section 411.22(1a) is amended to make a substitution for  
11 confusing language, to provide that when a plaintiff-member of  
12 the retirement system recovers damages and the system is  
13 indemnified out of that recovery, the plaintiff-member's  
14 attorney fees may be allowed first.

15 Section 421.31(8) is amended to agree with other changes  
16 made in 1986. This subsection in the 1987 Code apportions  
17 interest from the permanent school fund among the area  
18 education agencies as provided in former section 302.13, which  
19 was repealed in 1986. This new language was inserted in  
20 section 8.6, subsection 9, which was then stricken. An  
21 amendment to section 421.31 picked up the duties in section  
22 8.6 which were transferred to the director of revenue and  
23 finance, but without recognizing the change proposed for  
24 subsection 9 of section 8.6.

25 Section 421.45 is also amended to agree with another change  
26 made in 1986. Former section 8.20 was amended to "six months"  
27 but then repealed and rewritten in section 421.45 without  
28 recognizing the change. This amendment incorporates the  
29 intended change to "six months".

30 Sections 534.401(2, 3, 4), 534.403, 534.405, 534.406,  
31 534.407, 534.408(2-7), 534.511(6, 8), 534.515(3-13),  
32 534.602(1, 2), 534.701, 534.702(2-8), 534.703, and 534.705 are  
33 amended to substitute the "superintendent" of the savings and  
34 loan division for references to the supervisor and auditor of  
35 state. These changes were not made editorially because of

1 some doubt whether any of the duties previously assigned to  
2 the auditor of state should go to the commerce department  
3 director.

4 Section 544.7(4c) is amended to change "widow" to "spouse"  
5 to conform to other gender word changes; this is in the  
6 Uniform Partnership Law, and provides that payments to the  
7 spouse are one of the exceptions to the rule that receipt of  
8 profits is prima facie evidence of the existence of a  
9 partnership.

10 Section 562B.15 is amended to change the reference which  
11 provided for damages for a tenant's failure to allow the  
12 landlord access; the substituted correct reference provides  
13 for damages for wrongful possession, which is the subject in  
14 this section.

15 Section 674.13 is amended to show that a person's name may  
16 be changed back to any previous legal name, and that this may  
17 be done in the dissolution decree, not "after" it.

18 Sections 805.1(8) and 903.1(3) are amended to correct an  
19 apparent typographical error and to make the provisions  
20 consistent with the 1987 amendment to section 232.8(1)  
21 excluding certain violations by a child from the jurisdiction  
22 of the juvenile court.

23 1986 Acts, chapter 1245, section 1526, is amended to make  
24 the interim terms of parole board members consistent with the  
25 standard terms specified in section 69.19.

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SENATE FILE 2238

AN ACT

RELATING TO STATUTORY CORRECTIONS WHICH ADJUST LANGUAGE TO REFLECT CURRENT PRACTICES, INSERT EARLIER OMISSIONS, DELETE REDUNDANCIES AND INACCURACIES, DELETE TEMPORARY LANGUAGE, RESOLVE INCONSISTENCIES AND CONFLICTS, UPDATE ONGOING PROVISIONS, REMOVE AMBIGUITIES AND PROVIDING EFFECTIVE DATES.

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

Section 1. Section 15.106, subsection 2, Code 1987, is amended to read as follows:

2. Employ personnel as necessary to carry out the duties and responsibilities of the department, consistent with the merit system provisions of chapter 19A for nonprofessional employees. Professional staff of the department are exempt from the merit system provisions of chapter 19A.

Sec. 2. Section 17A.6, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The Code editor, with the approval of the administrative rules review committee and the administrative rules coordinator, may delete a rule from the Iowa administrative code if the agency that adopted the rule has ceased to exist, no successor agency has jurisdiction over the rule, and no statutory authority exists supporting the rule.

Sec. 3. Section 18.8, unnumbered paragraph 6, Code 1987, is amended to read as follows:

The director shall appoint a superintendent of buildings and grounds, who shall serve at the pleasure of the director and shall is not be governed by the merit system provisions of chapter 19A.

Sec. 4. Section 18.74, Code 1987, is amended to read as follows:

18.74 APPOINTMENT.

The director of the department of general services shall appoint ~~a person to administer the provisions of this division--This person shall be known as~~ the superintendent of printing and to administer this division. The superintendent shall serve at the pleasure of the director ~~without being~~ and is not subject to the merit system provisions of chapter 19A.

Sec. 5. Section 18.115, unnumbered paragraph 1, Code Supplement 1987, is amended to read as follows:

~~In order to carry out the powers vested in the director by this chapter, the~~ The director of the department of general services shall appoint a state vehicle dispatcher and such other employees as ~~may be necessary to carry out the provisions of~~ administer this chapter. The state vehicle dispatcher shall serve at the pleasure of the director and shall is not be governed by the merit system provisions of chapter 19A. Subject to the approval of the director, the state vehicle dispatcher shall ~~have~~ has the following duties:

Sec. 6. Section 18.163, Code 1987, is amended to read as follows:

18.163 PERSONNEL.

The director of the department shall employ a risk manager and such other permanent full-time personnel as shall ~~be~~ necessary to administer this chapter. All permanent full-time personnel other than the risk manager shall ~~be~~ are subject to the merit system provisions of chapter 19A. The director is authorized to hire as independent contractors such other persons as ~~may be necessary to assist the risk manager in~~ establishing standards and procedures under sections 18.160 to 18.169.

Sec. 7. Section 27A.2, Code 1987, is amended to read as follows:

27A.2 MEMBERSHIP OF COMMISSION.

The director of the department of natural resources shall be is a permanent member from Iowa of the upper Mississippi riverway commission and may designate an alternate in accordance with article IV "a" of the compact. The governor shall appoint the three remaining members from Iowa of the commission from Iowa. Such The members may also be members of another board or commission established by law. The appointment of the remaining three members shall be is subject to confirmation by the senate. The members so appointed shall serve for staggered periods of four years, beginning and ending as provided in section 69.19. Commission members from this state shall be reimbursed, upon certification by the comptroller director of revenue and finance, be-reimbursed for the actual and necessary expenses incurred by them in the discharge of their duties.

Sec. 8. Section 56.3, subsection 2, Code Supplement 1987, is amended to read as follows:

2. A person who receives contributions in excess of one hundred dollars for a committee shall, not later than fifteen days from the date of receipt of the contributions or on demand of the treasurer, render to the treasurer the contributions and an account of the total of all contributions; including the name and address of each person making a contribution in excess of ten dollars, the amount of such-contribution the contributions, and the date on which the contributions were received. The treasurer shall deposit all contributions within seven days of receipt by the treasurer in an account maintained by the committee in a financial institution. All funds of a committee shall be segregated from any other funds of held by officers, members, or associates of the committee or the committee's candidate. However, if a candidate's committee receives contributions only from the candidate, or if a permanent organization temporarily engages in activity which qualifies it as a political committee and all expenditures of the organization

are made from existing general operating funds and funds are not solicited or received for this purpose from sources other than operating funds, then that committee is not required to maintain a separate account in a financial institution. The funds of a committee are not attachable for the personal debt of the committee's candidate or an officer, member, or associate of the committee.

Sec. 9. Section 79.23, Code 1987, is amended to read as follows:

79.23 CREDIT FOR ACCRUED SICK LEAVE.

When a state employee, excluding an employee covered under a collective bargaining agreement which provides otherwise, retires under a retirement system in the state maintained in whole or in part by public contributions or payments, the number of accrued days of active and banked sick leave of the employee shall be credited to the employee. When an employee retires, is eligible, and has applied for benefits under a retirement system authorized under chapter 97A or 97B, including the teachers insurance annuity association (TIAA) and the college retirement equity fund (CREF), or an employee dies on or after July 1, 1984, while the employee is in active employment but is eligible for retirement benefits under one of the listed chapters, the employee shall receive a cash payment for the employee's accumulated, unused sick leave in both the active and banked sick leave accounts, except when, in lieu of cash payment, payment is made for monthly premiums for health or life insurance or both as provided in a collective bargaining agreement negotiated under chapter 20. An employee of the department of public safety or the state conservation-commission department of natural resources who has earned benefits of payment of premiums under a collective bargaining agreement and who becomes a manager or supervisor and is no longer covered by the agreement shall not lose the benefits of payment of premium earned while covered by the agreement. The payment shall be calculated by multiplying the



number of hours of accumulated, unused sick leave by the employee's hourly rate of pay at the time of retirement. However, the total cash payments for accumulated, unused sick leave shall not exceed two thousand dollars per employee and are payable upon retirement or death. Banked sick leave is defined as accrued sick leave in excess of ninety days.

Sec. 10. Section 86.24, subsection 5, Code 1987, is amended to read as follows:

5. The decision of the industrial commissioner is final agency action and an appeal of the decision shall be made directly to the supreme court.

Sec. 11. Section 86.26, Code 1987, is amended to read as follows:

#### 86.26 JUDICIAL REVIEW.

Judicial review of decisions or orders of the industrial commissioner shall not be to the district court but shall be made directly to the supreme court, notwithstanding may be sought in accordance with chapter 17A, the Iowa Administrative Procedure Act. Notwithstanding chapter 17A, the Iowa Administrative Procedure Act, petitions for judicial review shall may be filed with the clerk of the supreme court as are other actions for appeal or review in the district court of the county in which the hearing under section 86.17 was held. The supreme court may transfer the action to the court of appeals. Such a review proceeding shall be accorded priority over other matters pending before the district court.

Sec. 12. Section 86.29, Code 1987, is amended to read as follows:

#### 86.29 THE JUDICIAL REVIEW PETITION.

In the Notwithstanding chapter 17A, the Iowa Administrative Procedure Act, in a petition for judicial review of a decision of the industrial commissioner in a contested case under this chapter or chapter 85, 85A, 85B, or 87, the opposing party shall be named the respondent, and the agency shall not be named as a respondent.

Sec. 13. Section 86.32, Code 1987, is amended to read as follows:

#### 86.32 COSTS OF JUDICIAL REVIEW.

In proceedings for judicial review of compensation cases the clerk of the supreme court shall charge no fee for any service rendered except the filing and docketing fees fee and transcript fees when the transcript of the contested case proceeding a judgment is required. The taxation of costs on judicial review shall be in the discretion of the supreme court.

Sec. 14. Section 86.39, Code 1987, is amended to read as follows:

#### 86.39 FEES -- APPROVAL -- LIEN.

All fees or claims for legal, medical, hospital, and burial services rendered under this chapter and chapters 85, 85A, 85B, and 87 are subject to the approval of the industrial commissioner, and no lien for such service is enforceable without the approval of the amount of the lien by the industrial commissioner. For services rendered in the district court or and appellate court courts, the attorney's fee is subject to the approval of a judge of the district court.

Sec. 15. Section 86.42, Code 1987, is amended to read as follows:

#### 86.42 JUDGMENT BY DISTRICT COURT ON AWARD.

Any party in interest may present a certified copy of an order or decision of the commissioner, from which a timely petition for judicial review has not been filed or if judicial review has been filed, which has not had execution or enforcement stayed as provided in section 17A.19, subsection 5, or an order or decision of a deputy commissioner from which a timely appeal has not been taken within the agency and which has become final by the passage of time as provided by rule and section 17A.15, or an agreement for settlement approved by the commissioner, and all papers in connection therewith, to

the district court of the county in which the hearing under section 86.17 was held, of Polk county, or of the county in which the petitioner resides or has its principal place of business where judicial review of the agency action may be commenced. The court shall render a decree or judgment and cause the clerk to notify the parties. The decree or judgment, in the absence of a petition for judicial review or if judicial review has been commenced, in the absence of a stay of execution or enforcement of the decision or order of the industrial commissioner, or in the absence of an act of any party which prevents a decision of a deputy industrial commissioner from becoming final, has the same effect and in all proceedings in relation thereto is the same as though rendered in a suit duly heard and determined by the court.

Sec. 16. Section 99E.14, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The commissioner shall designate three administrative positions within the division which require specific areas of expertise relating to the operation of the lottery. These three administrative positions are exempt from the merit system provisions of chapter 19A. The commissioner shall designate one of these three administrators to serve as acting commissioner in the commissioner's absence.

Sec. 17. Section 103A.6, Code 1987, is amended to read as follows:

103A.6 MERIT SYSTEM.

Employees of the commissioner shall, where if required by federal statutes, be are covered by the merit system provisions of chapter 19A.

Sec. 18. Section 107.19, unnumbered paragraph 6, Code 1987, is amended to read as follows:

All expenditures under this Act shall be chapter are subject to approval by the state comptroller director of management and the director of revenue and finance.

Sec. 19. Section 114.9, Code 1987, is amended to read as follows:

114.9 ORGANIZATION OF THE BOARD -- STAFF.

The board shall elect annually from its members a chairperson and a vice chairperson. The administrator of the professional licensing and regulation division of the department of commerce shall hire and provide staff to assist the board in implementing this chapter. The board shall hold at least one meeting at the seat-of-government location of the board's principal office, and meetings shall be called at other times by the administrator at the request of the chairperson or four members of the board. At any meeting of the board, a majority of members constitutes a quorum.

Sec. 20. Section 114.22, Code 1987, is amended to read as follows:

114.22 PROCEDURE.

Proceedings for any action under section 114.21 shall be begun by filing with the board written charges against the accused. Upon the filing of charges the board may request the department of inspections and appeals to conduct an investigation into the charges. The department of inspections and appeals shall report its findings to the board, and the board shall designate a time and place for a hearing, and shall notify the accused of this action and furnish the accused a copy of all charges at least thirty days prior to the date of the hearing. The accused shall have the right to appear personally or by counsel, to cross-examine witnesses, or to produce witnesses in defense.

Sec. 21. Section 116.3, subsection 2, unnumbered paragraph 2, Code 1987, is amended to read as follows:

The board shall meet as often as deemed necessary, but shall hold at least one meeting per year at the seat-of-government location of the board's principal office.

Sec. 22. Section 116.23, subsection 1, Code 1987, is amended to read as follows:

1. The board may initiate proceedings under this chapter either on its own motion or on the complaint of any person. Before scheduling a hearing under this section, the board may request the department of inspections and appeals to conduct an investigation into the charges to be addressed at the board hearing. The department of inspections and appeals shall report its findings to the board.

Sec. 23. Section 117.34, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The real estate examining board may upon its own motion and shall upon the verified complaint in writing of any person, provided if the complaint together with evidence, documentary or otherwise, presented in connection with the complaint, makes out a prima-facie case, request the department of inspections and appeals to investigate the actions of any real estate broker, real estate salesperson, or any other person who shall assume assumes to act in either capacity within this state, and may suspend or revoke any a license issued under the provisions of this chapter, at any time if the licensee has by false or fraudulent representation obtained a license, or if the licensee is found to be guilty of any of the following:

Sec. 24. Section 117.50, Code 1987, is amended to read as follows:

117.50 MEETINGS.

The real estate examining board shall hold at least one meeting per year at the seat-of-government location of the board's principal office and shall elect a chairperson annually. A majority of the members of the board shall constitute a quorum.

Sec. 25. Section 117A.4, subsections 1 and 2, Code 1987, are amended to read as follows:

1. The board ~~or the attorney general at the request of the~~ board may cause request the department of inspections and appeals to conduct an investigation and inspection to be made

of any subdivided land proposed to be offered for sale or lease in this state pursuant to this chapter ~~and may.~~ The department of inspections and appeals shall make a report of the its findings thereon.

2. Where If an inspection is to be made of subdivided land situated outside of this state and offered for sale in this state, ~~said the~~ inspection as authorized by subsection 1 shall be made by the department of inspections and appeals at the expense of the subdivider. After the application required by section 117A.2 is filed and after the filing fee required by section 117A.8 is received, the board may decide whether or not an inspection pursuant to this subsection is to be made. If the board requires an inspection, the department of inspections and appeals ~~or the attorney general at the request of the board~~ shall so notify the subdivider and the subdivider shall remit to the department ~~or the attorney general~~ an amount equivalent to the round trip cost of travel from this state to the location of the project, as estimated by the department ~~or the attorney general~~ and a further amount estimated to be necessary to cover the additional expenses of such inspection but not to exceed fifty dollars a day for each day incurred in the ~~examination of the project~~ inspection. The costs of any subsequent inspections deemed necessary shall be paid for by the subdivider. At the completion of any an inspection trip the department ~~or the attorney general~~ shall furnish the subdivider a statement as to the costs of the inspection trip, and ~~should said~~ if the costs be are less than the amount advanced by the subdivider to the department, or ~~the attorney general the remaining balance will~~ shall be refunded to the subdivider.

Sec. 26. Section 118.13, unnumbered paragraph 1, Code Supplement 1987, is amended to read as follows:

Proceedings for the revocation of a certificate shall be begun initiated by filing written charges against the accused with the board. A Upon the filing of charges the board may

request the department of inspections and appeals to conduct an investigation into the charges. The department of inspections and appeals shall report its findings to the board, and a time and place for the hearing of the charges shall be fixed by the board if the board determines that a hearing is warranted. Where if personal service or services service through counsel cannot be effected, services service may be had by publication. At the hearing, the accused shall have has the right to be represented by counsel, to introduce evidence, and to examine and cross-examine witnesses. The board ~~shall have the power to~~ may subpoena witnesses, to administer oaths to such witnesses, and to employ counsel. The board shall make a written report of its findings, which report shall be filed with the secretary of state, and which ~~shall be~~ is conclusive.

Sec. 27. Section 118A.4, Code 1987, is amended to read as follows:

118A.4 ORGANIZATION OF THE BOARD -- MEETINGS -- QUORUM.

The board shall elect annually from its members a chairperson and vice chairperson. The duties of the officers shall be such as are usually performed by such officers. The board shall hold at least one meeting each year at the ~~seat of~~ government location of the board's principal office, and meetings shall be called at other times by the secretary at the request of the chairperson or four members of the board. A majority of the members shall constitute a quorum. No action at any meeting can be taken without the affirmative votes of a majority of the members of the board.

Sec. 28. Section 118A.16, Code 1987, is amended to read as follows:

118A.16 PROCEDURE.

Any A person may file charges with the board against a landscape architect or the board may initiate charges. Such The charges shall be in writing, sworn to if by a complainant other than the board, and filed with the board. Unless the

charges are dismissed by the board as unfounded or trivial, the board shall may request the department of inspections and appeals to conduct an investigation into the charges. The department of inspections and appeals shall report its findings to the board, and the board shall hold a hearing within sixty days after the date on which they the charges are filed. The board shall fix the time and place for such hearing and shall cause a copy of the charges, together with a notice of the time and place fixed for the hearing, to be served on the accused at least thirty days before the date fixed for the hearing. Where personal service cannot be effected, service may be effected by publication. At such hearing, the accused shall have the right to appear personally or by counsel, to cross-examine witnesses against the accused, and to produce evidence and witnesses in defense. After the hearing, the board may suspend or revoke the certificate of registration. The board may restore the certificate of registration to any person whose certificate of registration has been revoked. Application for the restoration of a certificate of registration shall be made in such manner, form and content as the board may prescribe.

Sec. 29. Section 123.24, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The administrator may refuse to sell alcoholic liquor to a class "E" liquor control licensee who tenders a check or electronic funds transfer which is subsequently dishonored until the outstanding obligation is satisfied.

Sec. 30. Section 123.92, unnumbered paragraph 2, Code 1987, is amended to read as follows:

Every liquor control licensee and class "B" beer permittee shall furnish proof of financial responsibility either by the existence of a liability insurance policy ~~or by posting bond~~ in such an amount as determined by the division.

Sec. 31. Section 125.39, subsection 1, Code 1987, is amended to read as follows:

1. In addition to other requirements established by this chapter, a facility shall not be licensed pursuant to section 125.13 unless it is either a political subdivision, a licensed hospital, a licensed health maintenance organization, a corporation organized under chapter 496A, or a community mental health center operating under chapter 230A, or it is organized under the Iowa nonprofit corporation Act appearing as chapter 504A. In the latter case, one-third of the membership of the board of directors shall be representatives of such government units providing funds to the facility for treatment of substance abuse.

Sec. 32. Section 135.2, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The governor shall appoint the director of the department, subject to confirmation by the senate. The director shall serve at the pleasure of the governor. The director is exempt from the merit system provisions of chapter 19A. The governor shall set the salary of the director within the range established by the general assembly.

Sec. 33. Section 144.5, subsections 3 and 6, Code 1987, are amended to read as follows:

3. Direct, supervise, and control ~~the activities of local registrars and deputy local registrars,~~ and the activities of clerks of the district court related to the operation of the vital statistics system and provide registrars with necessary postage.

6. Delegate functions and duties vested in the state registrar to officers, employees of the department, and to the local county registrars as the state registrar deems necessary or expedient.

Sec. 34. Section 144.9, unnumbered paragraph 1 and subsection 1, Code 1987, are amended to read as follows:

The clerk of the district court ~~shall be~~ is the county registrar and with respect to the county registrar's ~~registration-district~~ shall:

1. Administer and enforce ~~the provisions of this chapter and the rules issued by the department, and exercise general supervision over the local and deputy local registrars in the county registrar's district.~~

Sec. 35. Section 144.12, Code 1987, is amended to read as follows:

144.12 FORMS UNIFORM.

In order to promote and maintain uniformity in the system of vital statistics, the forms of certificates, reports, and other returns, shall include as a minimum the items recommended by the federal agency responsible for national vital statistics, subject to approval and modification by the department. Forms shall be furnished by the department. The forms or other recording methods used by county ~~and local~~ registrars to record copies of records made under this chapter shall be prescribed by the department.

Sec. 36. Section 144.13, subsections 1 and 2, Code 1987, are amended to read as follows:

1. A certificate of birth for each live birth which occurs in this state shall be filed with the local county registrar of the district county in which the birth occurs within five days after the birth and shall be registered by the registrar if it has been completed and filed in accordance with this chapter; ~~provided that.~~ However, when a birth occurs in a moving conveyance, a birth certificate shall be filed in the district county in which the child was first removed from the conveyance.

2. When a birth occurs in an institution, the person in charge of the institution or the person's designated representative shall obtain the personal data, prepare the certificate, secure the signatures required by the certificate, and file the certificate with the local county

registrar. The physician in attendance shall certify to the facts of birth and provide the medical information required by the certificate within three days after the birth.

Sec. 37. Section 144.13A, Code Supplement 1987, is amended to read as follows:

144.13A REGISTRATION FEE.

The ~~local~~ county registrar and state registrar shall charge the parent a ten dollar fee for the registration of a certificate of birth. If the person responsible for the filing of the certificate of birth under section 144.13 is not the parent, the person shall is entitled to collect the fee from the parent. The fee shall be remitted to the appropriate registrar. If the expenses of the birth are reimbursed under the medical assistance program established by chapter 249A, or paid for under the statewide indigent patient care program established by chapter 255, or paid for under the obstetrical and newborn indigent patient care program established by chapter 255A, or if the parent is indigent and unable to pay the expenses of the birth and no other means of payment is available to the parent, the registration fee is waived. If the person responsible for the filing of the certificate is not the parent, the person is discharged from the duty to collect and remit the fee under this section if the person has made a good faith effort to collect the fee from the parent. The fees collected by the ~~local~~ county registrar and state registrar shall be remitted to the treasurer of state for deposit in the general fund of the state. It is the intent of the general assembly that the funds generated from the registration fees be appropriated and used for primary and secondary child abuse prevention programs.

Sec. 38. Section 144.14 unnumbered paragraph 1, Code 1987, is amended to read as follows:

Whoever A person who assumes the custody of a living infant of unknown parentage shall report on a form and in the manner prescribed by the state registrar within five days to the

~~local~~ county registrar of the ~~district~~ county in which the child was found, the following information:

Sec. 39. Section 144.17, subsection 2, Code 1987, is amended to read as follows:

2. That no record of birth of ~~such~~ that person can be found in the office of the state or ~~local~~ county custodian of birth records.

Sec. 40. Section 144.26, unnumbered paragraphs 1 and 2, Code 1987, are amended to read as follows:

A death certificate for each death which occurs in this state shall be filed with the ~~local~~ county registrar of the ~~district~~ county in which the death occurred occurs, within three days after the death and prior to final disposition, and shall be registered by the registrar if it has been completed and filed in accordance with this chapter. All information including the certifying physician's name shall be typewritten.

If the place of death is unknown, a death certificate shall be filed in the registration-~~district~~ county in which a dead body is found within three days after the body is found. If death occurs in a moving conveyance, a death certificate shall be filed in the registration-~~district~~ county in which the dead body was is first removed from the conveyance.

Sec. 41. Section 144.29, Code 1987, is amended to read as follows:

144.29 FETAL DEATHS.

A fetal death certificate for each fetal death which occurs in this state after a gestation period of twenty completed weeks or more shall be filed with the ~~local~~ county registrar of the ~~district~~ county in which the delivery of the dead fetus occurred occurs, within three days after delivery and prior to final disposition of the fetus and. The certificate shall be registered if it has been completed and filed in accordance with this chapter.

If the place of delivery of a dead fetus is unknown, a fetal death certificate shall be filed in the registration district county in which a dead fetus was is found, within three days after the fetus is found. If a fetal death occurs in a moving conveyance, a fetal death certificate shall be filed in the registration-district county in which the fetus was is first removed from the conveyance.

Sec. 42. Section 144.32, Code 1987, is amended to read as follows:

144.32 BURIAL-TRANSIT PERMIT.

The funeral director who first assumes custody of a dead body or fetus shall obtain a burial-transit permit prior to final disposition of the body or fetus and within seventy-two hours after death. When a person other than a funeral director assumes custody of a dead body or fetus, the person ~~shall be~~ is responsible for securing the permit required in this section. A burial-transit permit shall be issued by the local county registrar of the district county where the certificate of death or fetal death was filed, in accordance with ~~the requirements of~~ sections 144.26 to 144.31.

Sec. 43. Section 144.43, unnumbered paragraph 2, Code 1987, is amended to read as follows:

However, the following vital statistics may be inspected and copied as of right under chapter 22 when they are in the custody of a county ~~or of a local~~ registrar:

Sec. 44. Section 169.14, subsections 1 and 8, Code 1987, are amended to read as follows:

1. The board, upon its own motion or upon a verified complaint in writing, may request the department of inspections and appeals to conduct an investigation of the charges contained in the complaint. The department of inspections and appeals shall report its findings to the board, and the board may issue an order fixing the time and place for hearing if a hearing is deemed warranted. A written notice of the time and place of the hearing, together with a

statement of the charges, shall be served upon the licensee at least ten days before the hearing in the manner required for the service of notice of the commencement of an ordinary action.

8. ~~Judicial review of the~~ The board's action actions may be sought appealed to the department of inspections and appeals and judicial review may be sought in accordance with the terms of ~~chapter~~ chapters 10A and 17A.

Sec. 45. Section 175.7, subsection 2, Code 1987, is amended to read as follows:

2. The executive director shall advise the authority on matters relating to agricultural land and property and agricultural finance, and carry out all directives from the authority, and shall hire and supervise the authority's staff pursuant to its directions and under the merit system provisions of chapter 19A, except that principal administrative assistants with responsibilities in beginning farm loan programs, accounting, mortgage loan processing, and investment portfolio management are exempt from ~~that chapter~~ the merit system.

Sec. 46. Section 175.22, subsection 4, Code 1987, is amended to read as follows:

4. The authority shall submit to the governor, the auditor of state ~~and the state comptroller, the department of management, and the department of revenue and finance,~~ within thirty days of its receipt, a copy of the report of every external examination of the books and accounts of the authority other than copies of the reports of examinations made by the auditor of state.

Sec. 47. Section 175A.5, subsection 2, Code 1987, is amended to read as follows:

2. The executive director is a nonvoting ex officio member of the board, and shall advise the authority on matters relating to finance, carry out all directives from the authority, and hire and supervise the authority's staff

pursuant to its directions and under the merit system provisions of chapter 19A, except that principal administrative assistants with responsibilities in operating loan programs, accounting, and processing of applications for interest reduction are exempt from ~~that chapter~~ the merit system.

Sec. 48. Section 175A.13, subsection 2, Code 1987, is amended to read as follows:

2. The authority shall submit to the governor, the auditor of state, ~~and the director~~ department of management, and the department of revenue and finance, within thirty days of its receipt, a copy of the report of every external examination of the books and accounts of the authority other than copies of the reports of examinations made by the auditor of state.

Sec. 49. Section 220.2, subsection 1, unnumbered paragraph 2, Code Supplement 1987, is amended to read as follows:

A title guaranty division is created within the authority. The powers of the division ~~as relating to the issuance of title guaranties~~ shall be are vested in and shall be exercised by a division board of five members appointed by the governor subject to confirmation by the senate. The membership of the board shall include an attorney, an abstractor, a real estate broker, a representative of a mortgage-lender, and a representative of the housing development industry. The executive director of the authority shall appoint a an attorney as director of the title guaranty division who ~~shall be an attorney and~~ shall serve as an ex officio member of the board. The appointment of and compensation for the division director ~~shall be~~ is exempt from the merit system provisions of chapter 19A.

Sec. 50. Section 220.6, subsection 2, Code 1987, is amended to read as follows:

2. The executive director shall advise the authority on matters relating to housing and housing finance, carry out all directives from the authority, and hire and supervise the

authority's staff pursuant to its directions and under the merit system provisions of chapter 19A, except that principal administrative assistants with responsibilities in housing development, accounting, mortgage loan processing, and investment portfolio management ~~shall be~~ are exempt from the merit system.

Sec. 51. Section 220.31, subsection 4, Code 1987, is amended to read as follows:

4. The authority shall submit to the governor, the auditor of state, ~~and the state comptroller~~ department of management, and the department of revenue and finance, within thirty days of its receipt by the authority, a copy of the report of every external examination of the books and accounts of the authority other than copies of the reports of examinations made by the auditor of state.

Sec. 52. Section 235.3, subsections 3 and 4, Code 1987, are amended to read as follows:

3. ~~Make such~~ Adopt rules and regulations as ~~may be~~ necessary or advisable for the supervision of the private child-caring agencies or their officers thereof which the state-director administrator is empowered to license-inspect and supervise.

4. Supervise ~~and inspect~~ private institutions for the care of dependent, neglected, and delinquent children, and to make reports regarding ~~the same~~ the institutions.

Sec. 53. Section 235A.15, subsection 3, Code Supplement 1987, is amended to read as follows:

3. Access to unfounded child abuse information is authorized only to those persons identified in subsection 2, paragraph "a", paragraph "b", subparagraphs (2) and (5), and paragraph "e g", subparagraph (2).

Sec. 54. Section 256.9, subsection 4, Code Supplement 1987, is amended to read as follows:

4. Employ personnel and assign duties and responsibilities of the department. The director shall appoint a deputy



director and division administrators deemed necessary. They shall be appointed on the basis of their professional qualifications, experience in administration, and background. Members of the professional staff are not subject to the merit system provisions of chapter 19A and shall-be-employed pursuant are subject to section 256.10.

Sec. 55. Section 273.13, Code 1987, is amended to read as follows:

**273.13 ADMINISTRATIVE EXPENDITURES.**

During the budget year beginning July 1, 1989, and the three succeeding budget years, the board of directors of an area education agency in which the administrative expenditures as a percent of the area education agency's operating fund for a base year exceed eight five percent shall reduce its administrative expenditures to five percent of the area education agency's operating fund. During each of the four years, the board of directors shall reduce administrative expenditures of by twenty-five percent of the reduction in administrative expenditure required by this section. Thereafter, the administrative expenditures shall not exceed eight five percent of the operating fund. Annually, the board of directors shall certify to the department of public instruction education the amounts of the area education agency's expenditures and its operating fund. Base-year-and budget-year For the purposes of this section, "base year" and "budget year" mean base-year-and-budget-year the same as defined in section 442.6~~7~~--For-the-purposes-of-this-section, and "administrative expenditures" means expenditures for executive administration.

Sec. 56. Section 279.45, Code 1987, is amended to read as follows:

**279.45 ADMINISTRATIVE EXPENDITURES.**

For the budget year beginning July 1, 1989, and each of the following three budget years, the board of directors of a school district in which the administrative expenditures as a

percent of the school district's operating fund for a base year exceed five percent, shall reduce its administrative expenditures so that they are one-half percent less as a percent of the school district's operating fund than they were for the base year. However, a school district is not required to reduce its administrative expenditures below eight five percent of its operating fund. Thereafter, a school district shall not increase the percent of its administrative expenditures compared to its operating fund. Annually, the board of directors shall certify to the department of education the amounts of the school district's administrative expenditures and its operating fund. Base-year-and-budget year For the purposes of this section, "base year" and "budget year" mean base-year-and-budget-year the same as defined in section 442.6~~7~~--For-the-purposes-of-this-section, and "administrative expenditures" means expenditures for executive administration.

Sec. 57. Section 280A.15, subsection 2, Code 1987, is amended to read as follows:

2. Each A candidate for member of the board of directors of a merged area shall be nominated by a petition signed by not less than fifty eligible electors of the director district from which the member is to be elected. The petition shall state the number of the director district from which the candidate seeks election, and the candidate's name and status as an eligible elector of the director district. Signers of the petition, in addition to signing their names, shall show their residence, including street and number if any, the school district in which they reside, and the date they signed the petition. ~~Each nomination paper shall have appended to it an affidavit of an eligible elector other than the candidate in substantially the form provided in section 43:17 except as to party affiliation.~~ The petition shall include the affidavit of the candidate being nominated, stating the candidate's name and residence, and that the individual is a

candidate, is eligible for the office sought, and if elected will qualify for the office.

Sec. 58. Section 280B.6, subsection 1, Code 1987, is amended to read as follows:

1. Certificates may be sold at public sale ~~as provided by chapter 75~~ or at private sale at par, premium, or discount at the discretion of the board of directors. ~~However, chapter 76 Chapter 75~~ does not apply to the issuance of these certificates.

Sec. 59. Section 282.2, Code 1987, is amended to read as follows:

282.2 OFFSETTING TAX.

The parent or guardian whose child or ward attends school in any a district of which the child-or-ward parent or guardian is not a resident shall be allowed to deduct the amount of school tax paid by the parent or guardian in said district from the amount of tuition required to be paid.

Sec. 60. Section 303.88, subsection 4, Code 1987, is amended to read as follows:

4. Accept gifts, contributions, endowments, bequests, or other ~~funds moneys~~ available for all or any of the purposes of the division. Interest earned on the gifts, contributions, endowments, bequests, or other moneys accepted under this subsection shall be credited to the fund or funds to which the gifts, contributions, endowments, bequests, or other moneys have been deposited, and is available for all or any of the purposes of the division.

Sec. 61. Section 304.3, subsections 2 and 4, Code 1987, are amended to read as follows:

2. The ~~executive-director-of-the-owa-state-historical department~~ director of the department of cultural affairs.

4. The ~~state-comptroller~~ director of revenue and finance.

Sec. 62. Section 304.3, Code 1987, is amended by adding the following new subsection as subsection 5 and renumbering the present subsections 5 through 7 as subsections 6 through 8:

8:

NEW SUBSECTION. 5. The director of the department of management.

Sec. 63. Section 307.48, unnumbered paragraph 1, Code 1987, is amended to read as follows:

An ~~employee under the supervision of the department's administrator of highways and subject to chapter 19A department~~ who is was hired ~~on or after duty is~~ by the state highway commission on or before June 30, 1971, is not entitled to longevity pay. ~~However, this section does not apply to an employee under the supervision of the department's administrator of highways and subject to chapter 19A who was employed prior to duty in 1971 and whose employment continued after June 30, 1971.~~ An ~~employee under the supervision of the department's administrator of highways and subject to chapter 19A~~ eligible for longevity pay under this section whose employment is terminated on or after July 1, 1971, if ~~reemployed under the supervision of by the department's administrator of highways department,~~ forfeits any right the employee may have had to longevity pay.

Sec. 64. Section 308.9, subsection 1, Code 1987, is amended to read as follows:

1. When, as a result of its investigations and studies, the state transportation commission, in co-operation with the state-conservation-commission department of natural resources, finds that there may be a need in the future for the development and construction or reconstruction of segments of the great river road, and when the state transportation commission determines that in order to prevent conflicting costly economic development on areas of lands to be available for the great river road when needed for such future development, there is need to establish and to inform the public of the approximate location and widths of new or improved segments of the great river road to be needed, the state transportation commission may proceed to establish such the location and the approximate widths in the manner provided

in this section. The state transportation commission shall give notice and hold a public hearing on the matter in a convenient place in the area to be affected by the proposed improvement of the great river road. The state transportation commission shall consider and evaluate the testimony presented at the public hearing and it shall make a study and prepare a map showing the location of the proposed new or reconstructed segment of the great river road and the approximate widths of right of way needed. ~~There shall be shown on such~~ The map shall show the existing roadway and the property lines and record owners of lands to be needed. The approval of ~~such~~ the map shall be recorded by reference in the state transportation commission's minutes, and a notice of ~~such~~ the action and a copy of the map showing the lands or interest in the lands needed in any county shall be filed in the office of the county recorder of ~~such~~ that county. Notice of the action and of the filing shall be published once in a newspaper of general circulation in ~~such~~ the county, and within sixty days following the filing, notice of the filing shall be served in ~~by~~ registered mail on the owners of record on the date of filing and on the functional classification board of the county. Using the same procedures for approval, notice and publications, and notice to the affected record owners, the state transportation commission may ~~from time to time~~ amend the map.

Sec. 65. Section 321.23, subsection 4, Code 1987, is amended to read as follows:

4. ~~Any~~ A vehicle which does not meet the equipment requirements of this chapter due to the particular use for which it is designed or intended, may be registered by the department upon payment of appropriate fees and after inspection and certification by the department that the vehicle is not in an unsafe condition ~~and will not endanger any person~~. A person is not required to have a certificate of title to register a vehicle under this subsection. If the

owner elects to have a certificate of title issued for the vehicle, a fee of ten dollars shall be paid by the person making the application upon issuance of a certificate of title. If the department's inspection reveals that ~~that~~ the vehicle may be safely operated only under certain conditions or on certain types of roadways, the department may restrict the registration to limit operation of the vehicle to the appropriate conditions or roadways. This subsection ~~shall~~ does not apply to snowmobiles as defined in section 321G.1. Section 321.382 does not apply to a vehicle registered under this subsection which is operated exclusively by a handicapped person who has obtained a special identification device as provided in section 601E.6, ~~providing if~~ providing if the special identification device is carried in the vehicle and shown to any a peace officer on request.

Sec. 66. Section 321.89, subsection 4, unnumbered paragraph 2, Code Supplement 1987, is amended to read as follows:

The director of revenue and finance ~~transportation~~ shall establish by rule a claims procedure to be followed by police authorities in obtaining expenses and costs from the fund.

Sec. 67. Section 321A.3, subsection 4, Code Supplement 1987, is amended to read as follows:

4. The abstract of operating record provided under this section shall designate which speeding violations occurring on or after July 1, 1986, but before May 12, 1987, are for violations of ten miles per hour or less over the legal speed limit in speed zones that have a legal speed limit equal to or greater than thirty-five miles per hour but not greater than fifty-five miles per hour. ~~For speeding violations occurring on or after May 12, 1987, the abstract provided under this section shall designate which speeding violations are for ten miles per hour or less over the legal speed limit in speed zones that have a legal speed limit equal to or greater than thirty-five miles per hour but not greater than fifty-five miles per hour.~~

Sec. 68. Section 323.1, subsection 10, Code 1987, is amended to read as follows:

10. "Commission Department" means the Iowa-state-commerce commission department of inspections and appeals.

Sec. 69. Section 331.502, subsection 12, Code Supplement 1987, is amended by striking the subsection.

Sec. 70. Section 331.556, Code 1987, is amended to read as follows:

331.556 LOSS OF FUNDS -- REPLACEMENT.

1. A loss of funds in the custody of a treasurer resulting from an act of omission or commission for which the treasurer is responsible, except a loss covered by the treasurer's bond or a loss which occurs while the funds are deposited in an authorized depository, shall be replaced by the several counties of the state as provided in this section.

2. The auditor of state shall determine the amount of loss to be replaced after a complete examination of the accounts of the treasurer of the county where the loss has occurred. The auditor of state shall file a written report of the examination with the state-comptroller director of management.

3. When the loss which is to be replaced has been determined by the auditor of state, the state-comptroller director of management shall apportion the loss among the counties of the state, including the county in which the loss has occurred, in the proportion which the taxable property of each county bears to the total taxable property of all counties of the state. The written apportionment shall be filed in-the-office-of-state-comptroller with the department of management. The state-comptroller director of management shall certify to each treasurer the amount of the loss which has been apportioned to the various counties.

4. Upon receipt of the certification from the state comptroller director of management, each treasurer, except the treasurer of the county where the loss occurred, shall charge the general fund of the county with the amount apportioned to

the county and remit the amount to the state-comptroller director of revenue and finance. The amount apportioned to a county shall draw interest at the rate of one percent per month after thirty days from the date when the treasurer received the certification of the apportionment from the state comptroller director of management.

5. If the amount apportioned to a county is not paid, the default shall be reported by the state-comptroller director of management to the director of revenue and finance who shall levy upon the taxable property of the delinquent county a tax sufficient to raise the apportionment, a penalty of twenty-five percent of the apportionment, and interest. The tax levy shall be transmitted to the auditor of the delinquent county who shall include the levy on the next tax list of the county. The tax shall be collected and remitted to the state comptroller director of revenue and finance.

6. The treasurer of state shall credit the funds received under this section to a separate fund in the state treasury. The treasurer of state shall pay the reimbursement funds to the county where the loss occurred by warrant issued by the state-comptroller director of revenue and finance.

Sec. 71. Section 411.22, subsection 1, paragraph a, Code 1987, is amended to read as follows:

a. The retirement system shall be indemnified out of the recovery of damages to the extent of benefit payments made by the retirement system, with legal interest, except that the plaintiff member's attorney fees are-not-indemnifiable may be first allowed by the district court.

Sec. 72. Section 421.16, Code 1987, is amended to read as follows:

421.16 EXPENSES.

The director, deputy directors, secretary, and assistants shall-be are entitled to receive from the state their actual necessary expenses while traveling on the business of the department; such. The expenditures to shall be sworn to by

the party who incurred the expense, and approved by the director, ~~and allowed by the state comptroller.~~ ~~Provided, however, that~~ However, no such expense shall be allowed the director, deputy directors, secretary, or employees of the department while in the city of Des Moines or traveling between their homes and the city of Des Moines.

Sec. 73. Section 421.31, subsection 8, Code 1987, is amended by striking the subsection and inserting in lieu thereof the following:

8. INTEREST OF THE PERMANENT SCHOOL FUND. To transfer the interest of the permanent school fund to the credit of the first in the nation in education foundation as provided in section 302.1A.

Sec. 74. Section 421.45, Code 1987, is amended to read as follows:

421.45 CANCELLATION OF STATE WARRANTS.

The director of the department of revenue and finance, as of March 31, June 30, September 30, and December 31 of each year shall cancel and request the treasurer of state to stop payment on all state warrants which have been outstanding and unredeemed by the state treasurer for one-year six months or longer.

Sec. 75. Section 444.7, Code 1987, is amended to read as follows:

444.7 EXCESSIVE TAX PROHIBITED.

It is hereby made a simple misdemeanor for the board of supervisors to authorize, or the county auditor to carry upon the tax lists for any year, an amount of tax for any a public purpose in excess of the amount certified or authorized as provided by law. The ~~state comptroller~~ department of management shall prescribe and furnish the county auditors forms and instructions to aid them in determining the legality and authorized amount of tax levies. ~~In the case of an excessive levy, it shall be the duty of the~~ The county auditor to ~~shall~~ reduce it an excessive levy to the maximum amount

authorized by law, and in any event not in excess of the amount certified; and ~~in case of an illegal levy~~ the county auditor shall not enter or carry any a tax on the tax lists for such an illegal levy.

Sec. 76. Section 463.6, Code 1987, is amended to read as follows:

463.6 EXTENDING PAYMENT OF ASSESSMENTS.

In case if no appeal is taken to the issuance of said bonds, as provided by chapter 23, the board may extend the time of payment of said the unpaid assessment or any an installment or installments thereof of it as requested in the petition and may issue drainage refunding bonds, or, in case of an appeal, the board may issue such the bonds in accordance with the decision of the ~~state comptroller~~ appeal board provided said the assessments, installment, or installments thereof have not been entered on the delinquent tax lists and have not been previously extended.

Sec. 77. Section 474.10, Code 1987, is amended to read as follows:

474.10 GENERAL COUNSEL.

The board shall employ a competent attorney to serve as its general counsel, and assistants to the general counsel as it finds necessary for the full and efficient discharge of its duties. The general counsel is the attorney for, and legal advisor of, the board and is exempt from the merit system provisions of chapter 19A. Assistants to the general counsel are subject to the merit system provisions of chapter 19A. The general counsel or an assistant to the general counsel shall provide the necessary legal advice to the board in all matters and represent the board in all actions instituted in a state or federal court challenging the validity of any a rule or order of the board. The existence of a fact which disqualifies a person from election or from acting as a utilities board member disqualifies the person from employment as general counsel or assistant general counsel. The general

counsel shall devote full time to the duties of the office. During employment the counsel shall not be a member of a political committee, contribute to a political campaign fund other than through the income tax checkoff for contributions to the Iowa election campaign fund and the presidential election campaign fund, participate in a political campaign, or be a candidate for a political office.

Sec. 78. Section 516B.3, subsection 1, Code Supplement 1987, is amended to read as follows:

1. The commissioner shall require that insurance companies transacting business in this state not consider speeding violations occurring on or after July 1, 1986, but before May 12, 1987, which are for speeding violations for ten miles per hour or less over the legal speed limit in speed zones that have a legal speed limit greater than thirty-five miles per hour or speeding violations occurring on or after May 12, 1987, which are for speeding violations for ten miles per hour or less over the legal speed limit in speed zones that have a legal speed limit equal to or greater than thirty-five miles per hour but not greater than fifty-five miles per hour for the purpose of establishing rates for motor vehicle insurance charged by the insurer and shall require that insurance companies not cancel or refuse to renew any such policy for such violations. In any twelve-month period, this section applies only to the first two such violations which occur.

Sec. 79. Section 534.401, subsections 2, 3, and 4, Code 1987, are amended to read as follows:

2. GENERAL SUPERVISORY POWER. The supervisor superintendent has general supervision over all supervised organizations.

The supervisor superintendent may, with the approval of the auditor-of-state, appoint examiners and assistants necessary to properly execute the duties of the office. Any an examiner so appointed shall have had at least one year of actual experience as examiner, officer, or employee, of a savings and

loan association. Such the examiners' salaries shall be fixed by the auditor-of-state superintendent subject to the approval of the comptroller director of management and governor, which salaries shall be commensurate with that those in the range of other employees as prescribed by certain classifications in accordance with their experience and qualifications. In addition such the examiners shall be reimbursed for their actual and necessary expense.

Before entering upon their duties, the supervisor-of savings-and-loan-associations superintendent and each examiner appointed by the supervisor superintendent shall take an oath of office and shall each give bond to the state, signed by a responsible surety company, in the penal sum of two thousand dollars, conditioned upon faithful and impartial discharge of the person's duty and on proper accounting for all funds and other valuables which may come into the person's hands. Such The bonds shall be approved by and filed with the auditor of state, together with oaths of office of such-officer the officers.

The supervisor shall have the right to pass superintendent may adopt further regulations rules deemed necessary to enable savings and loan associations to properly carry on the activities authorized under this chapter and which are not inconsistent with the provisions of this chapter.

3. DUTIES. The supervisor superintendent shall, at least once each year, examine or cause examination and audit to be made into of the affairs of every association subject to this chapter. If an association is insured under the provisions of Title IV of the National Housing Act (48 Stat. 1246, 12 U.S.C. ch 13) as now or hereafter amended, the supervisor superintendent may, in lieu of such examination and audit accept any an examination or audit made by the federal savings and loan insurance corporation. Any such An association may, in lieu of such examination and audit by the supervisor superintendent, at the option of the supervisor superintendent

be audited by a certified public accountant, or by a public accountant qualified and licensed to practice accountancy under the provisions of the Code of Iowa. At least two copies of each examination or audit report, signed and verified by the accountant making it, shall promptly be filed with the supervisor superintendent. ~~Whenever~~ When, in the judgment of the supervisor superintendent, the condition of any an association renders it necessary or expedient to make an extra examination or audit or to devote any extraordinary attention to its affairs, the supervisor superintendent shall cause such work to be done. A copy of every examination or audit report shall be furnished to the association examined, exclusive of confidential comments made by the examiner, and a copy of every report and comments and any other information pertaining to an association may be furnished to the federal home loan bank board, federal home loan bank, and federal savings and loan insurance corporation. A copy of such an examination or audit report shall be presented to the board of directors at its next regular or special meeting, and their action thereon on it shall be recorded in the minutes, and two certified copies of such the minutes shall be transmitted to the supervisor superintendent.

4. SUPERVISOR'S SUPERINTENDENT'S ANNUAL REPORT. The supervisor-of-savings-and-loan-associations-shall superintendent, as of December 31 of each year, shall prepare and publish a report showing in general terms the condition of all savings and loan associations doing business in this state, and containing such other general information as in the supervisor's superintendent's judgment ~~shall seem~~ seems desirable. ~~Such~~ The reports shall also list the names of all examiners and other assistants employed by the supervisor superintendent, together with the their respective salaries and expenses, and shall list all receipts from savings and loan associations, and shall show all expenditures made on account of the supervision and examination of such the associations.

Sec. 80. Section 534.403, Code 1987, is amended to read as follows:

534.403 EXAMINATIONS.

1. SUPERVISOR'S SUPERINTENDENT'S AUTHORITY -- EXAMINATIONS. The supervisor superintendent and examiners shall have full access to all books and papers of an association which relate to its business, and to books, records, and papers kept by an officer, director, agent, or employee relating to, or upon which any record of its business is kept, and may summon witnesses and administer oaths or affirmations in the examination of the directors, officers, agents, or employees of any-such an association, or any other person, in relation to its affairs, transactions, and condition, and may require and compel the production of records, books, papers, contracts, or other documents by court order, if not voluntarily produced.

2. EXPENSES, PER DIEM, VACATION AND SICK LEAVE. Where if the examination is made under the provisions of section 534.401, subsection 3, each examiner shall file with the auditor-of-state superintendent an itemized, certified, and sworn voucher of the examiner's expense for the time such the examiner is actually engaged in such an examination. On the fifteenth and last days of each month each examiner shall file in triplicate with the auditor-of-state superintendent a certified statement of the actual days engaged in such examination examinations. The salaries shall be included in a semimonthly biweekly payroll. Upon approval of the auditor-of-state superintendent, the director of revenue and finance is authorized to issue warrants for the payment of said the vouchers and salaries, including a prorated amount for vacation and sick leave, from the savings and loan revolving fund. Repayment to the state shall be made as provided by section 534.408, subsection 4. Savings and loan examiners shall be paid salaries at rates commensurate with, and shall be reimbursed for meals and lodging at the same rate as, that

which is received by federal examiners operating under the federal home loan bank board.

3. RECORD REQUIRED. A record of such each examination shall be kept in the auditor's superintendent's office, showing in detail as to each association all matters connected with the conduct of the business, its financial standing, and everything touching its solvency, plan of business, and integrity.

Such The examinations and reports, and other information connected therewith with them, shall be kept confidential in the office of the auditor-of-state-and-the-supervisor-of-savings-and-loan-associations superintendent, and shall are not be subject to publication or disclosure to others except as in this chapter provided. However, any evidence of felonious acts on the part of the officers, directors, or employees of such an association may be referred by the office-of-the-auditor-of-state superintendent to proper authorities. Members of such associations, other than their officers and directors, shall are not be entitled to inspection of any such records or information, and shall are not be entitled to any information relative to the names of the members of any an association, or the amounts invested by them, as disclosed in the auditor's superintendent's office, or in the records of any such an association.

4. REVOCATION OF AUTHORITY. If any such an association refuse refuses to submit to such examination, the auditor superintendent shall revoke its certificate of authority.

Sec. 81. Section 534.405, Code 1987, is amended to read as follows:

534.405 CONSERVATORSHIP -- OPERATION -- TERMINATION.

If the supervisor superintendent, as a result of any examination or from any a report made to the supervisor-shall find superintendent finds that any a savings and loan association is violating the provisions a provision of its certificate of incorporation, or bylaws, or the laws of this

state, or of the United States, or any a lawful order of the supervisor superintendent, or is conducting its business in an unsafe manner, the supervisor superintendent may by an order: direct discontinuance of such the violation or unsafe practice, and conformance with all requirements of law. No A conservator shall not be appointed for a solvent association where such if a violation or unsafe practice can be corrected otherwise. If any such an association shall refuse refuses or neglect neglects to comply with such the order within the time specified therein in it, or if it shall appear appears to the supervisor superintendent that any such an association is in an unsafe condition or is conducting its business in an unsafe manner, or if the supervisor-shall find superintendent finds that an impairment of capital exists to such extent that it threatens loss to the members, or if any an association refuses to submit its books, papers, and accounts to the inspection of the supervisor superintendent or the supervisor's superintendent's representative, the supervisor superintendent, by written order signed by the supervisor-and-the-auditor-of-state superintendent, may appoint a conservator to take charge of the association and manage its business until the supervisor-shall superintendent permit permits the board of directors to resume management of the business or shall reorganize reorganizes the association, or until a receiver shall be is appointed to liquidate its affairs. Any A conservator so appointed shall has, subject to approval of the supervisor-and-auditor-of-state superintendent, have all the rights, powers, and privileges possessed by the officers, board of directors, and members of the association. The conservator shall not retain special counsel or other experts, or incur any expenses other than normal operating expenses, or liquidate assets, except in the ordinary course of operations. The directors and officers shall remain in office and the employees shall remain in their respective positions, but the supervisor superintendent may remove any director, officer, or



employee. While the association is in the charge of a conservator, members of such the association shall continue to make payments to the association in accordance with the terms and conditions of their contracts and the conservator, in the conservator's discretion, may permit members to withdraw as such in the ordinary course of business, or under, and subject to such rules and regulations as the supervisor superintendent may prescribe and the The conservator ~~shall have power to~~ may accept savings but ~~any such~~ savings thereon received by the conservator may be segregated if the supervisor superintendent ~~shall so order~~ orders in writing and if so ordered such savings ~~shall be~~ are not be subject to offset and shall not be used to liquidate any an indebtedness of such the association existing at the time the conservator was appointed for it, or any subsequent indebtedness incurred for the purpose of liquidating the indebtedness of such the association existing at the time such a conservator was appointed. All expenses of the association during such conservatorship shall be paid by the association. The appointment of a conservator shall be evidenced by the supervisor superintendent issuing a certificate, signed by the ~~supervisor and by the auditor of state~~ superintendent, delivered to the president, or the vice president, or to at least three members of the board of directors of the association, certifying that a conservator has been appointed pursuant to this section. Within six months from the date upon which the conservator ~~shall take~~ takes charge of an association, the supervisor superintendent shall determine whether ~~or not the supervisor shall~~ to restore the management of the association to the board of directors. Such The determination shall be evidenced by the supervisor's superintendent's certificate under the seal of the office, delivered to the president, or vice president, or to the board of directors of the association, that the conservator forthwith is redelivering the management of the association to

the board of directors of the association then in office. After the management of the association ~~shall have~~ has been redelivered to the board of directors of an association, the association shall thenceforth be managed and operated as though no conservator had been appointed. At any time prior to the redelivery of the management to the board of directors, the supervisor superintendent shall determine whether such the association shall be required to reorganize. Such That determination shall be evidenced by a certificate, signed by the supervisor, ~~and by the auditor of state~~ superintendent, under the seal of the office, delivered to an executive officer of the association, stating that unless the association reorganize reorganizes under the laws of this state within a period of sixty days from the date of such the certificate, or within such further time as the supervisor ~~shall approve~~ superintendent approves, the supervisor superintendent shall ~~proceed to~~ liquidate the association. If the association has the insurance protection provided by Title IV of the National Housing Act (~~48 Stat. 67-12467~~, 12 U.S.C. ch 137 ~~as now or hereafter amended~~), a signed and sealed copy of each order and certificate mentioned in this section shall be promptly sent by the supervisor superintendent by registered mail to the federal savings and loan insurance corporation, Washington, D.C. If the association is insured by the federal savings and loan insurance corporation, that corporation shall be named receiver if the ~~supervisor and auditor have~~ superintendent has determined the need for a receivership.

Sec. 82. Section 534.406, Code 1987, is amended to read as follows:

534.406 RECEIVERSHIP.

When ~~any~~ if a building and loan or savings and loan association is conducting its business illegally, or in violation of its articles of incorporation or bylaws, or is practicing deception upon its members or the public, or is

pursuing a plan of business that is injurious to the interest of its members, or if its affairs are in an unsafe condition, the auditor-of-state superintendent shall notify the directors of the association, and, if they fail to put its affairs upon a safe basis, the auditor superintendent shall advise the attorney general, who shall take the necessary steps to wind up its affairs in the manner provided by law. In the proceedings a receiver may be appointed by the court and the proceedings shall be the exclusive liquidation or insolvency proceeding and a receiver shall not be appointed in any other proceedings.

Sec. 83. Section 534.407, Code 1987, is amended to read as follows:

534.407 REVOCATION OF CERTIFICATE.

If a certificate of authority to do business shall have ~~has~~ been issued to any an association, and it shall ~~violate~~ violates any of the provisions of this chapter, the auditor-of-state superintendent may revoke the same certificate.

Sec. 84. Section 534.408, subsections 2 through 7, Code Supplement 1987, are amended to read as follows:

2. INCORPORATION FEE. Simultaneously with the filing with the supervisor superintendent of a certificate of incorporation, the corporation shall pay an incorporation fee of one hundred dollars.

3. CHANGE OF LOCATION OR CHANGE OF NAME. There A fee of fifty dollars shall accompany each application to the supervisor superintendent for leave permission to change the location of the home office or to change the name of the association a-fee-of-fifty-dollars.

4. SUPERVISION AND EXAMINATION FEE. At the time of filing its annual report each association shall pay to the auditor-of-state superintendent an annual filing fee of fifty dollars. The supervisor superintendent shall assess against any an association the actual and necessary expenses incidental to any examinations, or to supervision, or to any a special audi-

made pursuant to an order of the supervisor superintendent acting under authority of this chapter. The annual assessment to each association shall also include a fair proportion of the cost of administration of the savings and loan division.

5. MERGER FEE. At the time of filing with the supervisor any superintendent a merger agreement, the association proposing to ~~so~~ merge shall submit therewith a fee of one hundred fifty dollars, which fee shall be paid in equal parts by the associations which are parties to the proposed merger.

6. FOR REORGANIZATION, TRANSFER OF ASSETS, AND DISSOLUTION. There A fee of fifty dollars shall accompany every a proposed plan of reorganization, every a proposal for the transfer of assets in bulk, and every a certificate of dissolution, filed with the supervisor superintendent for approval, a-fee-of-fifty-dollars.

7. FOR APPROVAL OF SUPERVISOR SUPERINTENDENT. The supervisor ~~is-authorized~~ superintendent, in the supervisor's superintendent's discretion, to may charge a fee of not exceeding ten dollars upon each application for the supervisor's superintendent's approval, as provided by this chapter.

Sec. 85. Section 534.511, subsection 8, Code 1987, is amended to read as follows:

8. CERTIFICATION. The superintendent of-savings-and-loan associations shall prepare a certificate of merger upon the occurrence of all of the events stated in subsections 3, 4, 5, 6, and 7. This certificate shall include the name of the surviving association, federal association, or bank and the effective date of the merger. The original certificate shall be filed with the secretary of state. The superintendent shall provide a certified copy of the certificate to any person upon payment of a five dollar fee. A certified copy of this certificate ~~shall-be~~ is sufficient proof of the merger for purposes of establishing the liability for debts or the ownership of assets as provided in section 534.512.

subsections 1 and 2. An association involved in a merger may transfer assets or receive assets under the plan of merger only after the certificate of merger has been issued by the superintendent.

Sec. 86. Section 534.515, subsections 3 through 13, Code 1987, are amended to read as follows:

3. DEPOSIT OF SECURITIES. ~~No such An~~ unincorporated building and loan association shall ~~be permitted to not~~ carry on its business within this state unless it ~~shall~~ first deposit deposits with the auditor-of-state superintendent at least fifty thousand dollars of first mortgages and negotiable notes in the same amount secured ~~thereby upon by~~ real estate in the state, bearing interest at a rate not less than five percent per annum, which said mortgages shall ~~in no case not~~ exceed one-half the actual value of the real estate upon which they are taken.

4. ADDITIONAL DEPOSITS. ~~The auditor-of-state shall have power and authority to~~ superintendent may require that such a further amount of such securities ~~shall~~ be deposited with the auditor superintendent as in the auditor's superintendent's judgment ~~may thereafter be~~ is necessary to protect the members of such the building and loan association, or the persons making periodical payments thereto to it.

5. SECURITIES HELD IN TRUST. The notes, mortgages, and securities so deposited with the ~~auditor-of-state shall~~ superintendent, with all interest and accumulations thereon on them, shall be held in trust by the auditor superintendent for the purpose of fulfilling and carrying out all contracts made by such building and loan associations with the their members thereof, and with the persons making periodical payments thereto to them.

6. APPROVAL -- CERTIFICATE OF AUTHORITY. If the executive council approves the plan or method of business of any such a building and loan association, it shall endorse its approval upon the statement of the resources and liabilities and plan

of business presented to it, and such the statement shall thereupon be filed in the office of the auditor-of-state superintendent, who shall issue a certificate to such the building and loan association to transact business within the state, if such the association has deposited with the auditor superintendent the mortgages and securities required by the other provisions of this chapter.

7. OFFICERS TO GIVE BONDS -- APPROVAL. Every An officer of such a building and loan association who signs or endorses checks, or handles any of the funds or securities thereof of the association, shall give such bond or fidelity insurance for the faithful performance of the officer's duty in such a sum as the auditor-of-state superintendent may require, and no such officer ~~shall be deemed~~ is qualified to enter upon the duties of the office until the officer's bond is approved by, and deposited with, the auditor-of-state superintendent. And ~~any such~~ The bond may be increased or additional sureties required by the auditor-of-state whenever superintendent if in the auditor's superintendent's judgment it becomes necessary to protect the interest of the association or its members, or persons making periodical payments of money thereto to it.

8. EXAMINATION. The auditor-of-state superintendent may at any time the auditor may see superintendent deems proper make, or cause to be made, an examination of any such a building and loan association, or the auditor superintendent may call upon it for a report of its condition upon any given day which has passed, as often as four times each year, which report shall contain the information hereinafter required in this section.

9. EXPENSE OF EXAMINATION. The expense of making such an examination shall be paid by the building and loan association, and if made by the auditor superintendent in person the auditor superintendent shall be paid the auditor's superintendent's necessary expenses only; if made by an examiner designated by the auditor superintendent, the

examiner shall receive not to exceed twenty-five dollars a day for the time employed by the auditor superintendent, and the examiners' examiner's necessary expenses.

10. ANNUAL REPORTS. On or before the first day of February of each year, every such building and loan association shall file with the auditor-of-state superintendent its annual report in writing for the year ending on the thirty-first day of December preceding, giving a complete statement in detail of all of its receipts from all sources, and all disbursements made during such the year, arranged and itemized as may be required by the auditor-of-state superintendent. Such The report shall also show the number of members or persons making periodical payments to such the association, the number and amount of loans made to such the persons, the interest received therefrom from them, the number and amounts of mortgages, contracts, or other securities held by the association, the actual cash value of the real estate securing such the mortgages or contracts, the salary paid to each of its officers during the preceding year, the assets and liability liabilities of the association at the end of the year, and any other matters which in the judgment of the auditor-of-state may-be superintendent are required to give the auditor superintendent full information as to the business transacted by such the building and loan association.

11. FAILURE TO FURNISH REPORTS. If any such a building and loan association ~~shall fail~~ fails or ~~refuse~~ refuses to furnish the auditor-of-state superintendent the report required in subsection 10, the officers or persons conducting the business of such the building and loan association shall forfeit the sum of twenty-five dollars for each day that such the report is withheld, and the auditor-of-state superintendent may maintain an action, jointly or severally, against them in the name of the state to recover such that penalty, and the same penalty shall be paid into the state treasury, when recovered by the auditor superintendent.

12. CRIMINAL OFFENSES. If any officer or agent of any such building and loan association, or any person conducting the business thereof, shall knowingly and willfully swear falsely to any statement in regard to any matter in this chapter required to be made under oath, the person shall be guilty of perjury and punished accordingly. And if any officer, agent or employee of any such association, or any person transacting the business thereof, shall issue, utter, or offer to utter, any warrant, check, order, or promise to pay of such association, or shall sign, transfer, cancel, or surrender any note, bond, draft, mortgage, or other evidence of indebtedness belonging to such association, or shall demand, collect, or receive any money from any member or other person in the name of such association without being authorized so to do, the person shall be guilty of a fraudulent practice; or if any such officer, agent, or employee of such association, or any person transacting the business thereof, shall embezzle, convert to the person's own use, or shall use or pledge for the person's own benefit or purpose, any moneys, securities, credits, or other property belonging to the association, the person shall be guilty of theft; or if the person shall knowingly solicit, transact, or attempt to transact any business for any such association which has not procured and does not hold the certificate of authority from the auditor-of-state superintendent to transact business in this state as provided herein in this section, the person shall be guilty of a serious misdemeanor; or if the person shall knowingly make, or cause to be made, any false entries in the books of the association, or shall, with intent to deceive any person making an examination of such association, as herein provided, exhibit to the person making the examination any false entry, paper, or statement, the person shall be guilty of a fraudulent practice.

13. REVOCATION OF CERTIFICATE -- RECEIVER. If any such building and loan association holding a certificate of

authority to transact business within this state issued by the auditor superintendent as herein provided in this chapter, shall violate any of the provisions of this chapter, or shall fail to deposit with the auditor-of-state superintendent such further amount of mortgages or securities as the auditor superintendent may require under this chapter, the auditor-of-state superintendent shall at once revoke such the certificate and notify the executive council of the its revocation thereof; and under the direction of the executive council, application shall be made by the attorney general to the proper court for the appointment of a receiver to wind up the affairs of the association; ~~and in such~~. In the proceedings the amount due from the borrowing members or persons making periodical payments upon contracts or mortgages given by them shall be ascertained in the manner provided in section 534.405; and the amount owing upon such mortgages or contracts from members of the association or persons making periodical payments thereto to it, shall be treated and considered as due and payable within a reasonable time, to be fixed by the court after the appointment of a receiver.

Sec. 87. Section 534.602, subsections 1 and 2, Code 1987, are amended to read as follows:

1. DOMESTIC COMPANIES -- BONDS -- CUSTODY. The officers and employees of any a domestic association who sign or endorse checks or handle any funds or securities of such an association shall give such bonds or fidelity insurance as the board of directors may require; and no such officer shall be deemed qualified to enter upon the duties of the office until the officer's bond is approved by the board of directors and by the auditor-of-state superintendent. Such The bonds shall be deposited and filed with the auditor-of-state superintendent. Such The associations may in connection with obtaining such bonds or insurance acquire and hold membership in mutual insurance or bonding companies. No such bond shall be terminated or canceled because of failure to pay premium or

for any other cause until after ten days' written notice to the supervisor superintendent of intention to cancel such the bond.

2. ADDITIONAL BONDS. All such bonds shall be increased or additional securities required by the board of directors or the auditor-of-state superintendent when it becomes necessary to protect the interests of the association or its members.

Sec. 88. Section 534.701, Code 1987, is amended to read as follows:

534.701 STATE RECIPROCITY.

When by the laws of any other state, territory, country, or nation, or by the decision or rulings of the appropriate and proper officers thereof, any greater taxes, fines, penalties, licenses, fees, deposits of money or other securities, or other obligations or prohibitions, are demanded of building and loan or savings and loan associations of this state, as a condition to be complied with before doing business or granting loans in that state, so long as such laws continue in force, the same requirements, obligations, and prohibitions of whatever kind shall be imposed on all building and loan or savings and loan associations of such other state, territory, country, or nation doing business in this state, and upon their agents. ~~It is hereby made the duty of the auditor of state to~~ The superintendent shall enforce the provisions of this section.

Sec. 89. Section 534.702, subsections 2 through 8, Code Supplement 1987, are amended to read as follows:

2. APPROVAL BY SUPERVISOR SUPERINTENDENT -- CERTIFICATE OF AUTHORITY. If upon receipt of the report the supervisor superintendent finds from a review of the report that the association is properly managed, that its financial condition is satisfactory, and that its business is conducted upon a safe and reliable plan and one equitable to its members, the supervisor superintendent shall issue a like certificate of authority, signed by the auditor-of-state superintendent as in the case of domestic associations.

3. CONDITIONS ATTENDING APPROVAL. A foreign association shall not be authorized to do business in this state if the foreign association's articles of incorporation are not found by the supervisor superintendent to be in substantial compliance with the laws of this state, and affording equal security and protection to its members.

4. DEPOSIT BY FOREIGN ASSOCIATION. Before the supervisor superintendent issues a certificate to a foreign association, it shall deposit with the auditor-of-state superintendent two hundred fifty thousand dollars, either in cash, or bonds of the United States or of the state of Iowa, or of a county or municipal corporation of the state, or notes secured by first mortgages on real estate, or a like amount in other security which is satisfactory to the auditor-of-state superintendent.

The foreign association may collect and use the interest on any securities so deposited as long as it fulfills its obligations and complies with this chapter. Upon the approval of the auditor superintendent, it may also exchange the securities for other securities of equal value.

5. LIABILITY OF DEPOSIT. The deposit made with the auditor-of-state superintendent shall be held as security for all claims of resident members of the state against said the association, and shall be is liable for all judgments or decrees thereon, and subject to the their payment of-the-same.

6. AUDITOR-OF-STATE SUPERINTENDENT AS PROCESS AGENT. Such The foreign associations shall also file with the auditor-of this-state superintendent a duly authorized copy of a resolution adopted by the board of directors of such the association, stipulating and agreeing that, if any legal process or notice affecting such the association be is served on the said-state-auditor superintendent, and a copy thereof be mailed, postage prepaid, by the party procuring and issuing the-same it, or the party's attorney, to said the association, addressed to its home office, then such service and mailing of such process or notice shall have has the same effect as personal service on said the association within this state.

7. MANNER OF SERVICE. When proceedings have been commenced against, or affecting any a foreign building and loan or savings and loan association, as contemplated in subsection 6, and notice has been served upon the auditor-of the-state superintendent, the same notice shall be by duplicate copies, one of which shall be filed in the auditor's superintendent's office, and the other mailed by the auditor superintendent, postage prepaid, to the home office of such the association.

8. AMENDMENT TO ARTICLES. Within ten days after the adoption of an amendment to its articles of incorporation or bylaws, a foreign association shall file a duly certified copy of the amendment with the supervisor superintendent.

Sec. 90. Section 534.703, Code 1987, is amended to read as follows:

534.703 FEES -- FOREIGN ASSOCIATIONS.

Foreign building and loan or savings and loan associations shall pay to the auditor-of-state superintendent the following fees, which shall be paid by the auditor superintendent into the state treasury: For each an application to do business in this state, two hundred dollars; for each a certificate of authority and-each or an annual renewal thereof of a certificate, one hundred dollars; for filing each an annual statement of the assets of the association as shown by the statement filed, amounts to fifty thousand dollars or less, six dollars; if more than fifty thousand dollars and less than one hundred thousand dollars, ten dollars; if more-than one hundred thousand dollars or more and less than two hundred fifty thousand dollars, twenty dollars; if more-than two hundred fifty thousand dollars or more, and less than five hundred thousand dollars, forty dollars; if more-than five hundred thousand dollars or more and less than one million dollars, sixty dollars; and if more-than one million dollars or more, one hundred dollars.

Sec. 91. Section 534.705, subsection 1, unnumbered paragraph 1, Code 1987, is amended to read as follows:

All associations doing business in this state shall, on or before the first day of February of each year, file with the auditor-of-state superintendent a detailed report and financial statement of their business for the year ending the thirty-first day of December next preceding, and such the report shall be verified by the president and secretary or by three directors of the association, and such-report shall show:

Sec. 92. Section 534.705, subsection 3, Code 1987, is amended to read as follows:

3. VIOLATIONS. If an association ~~shall-fail-or-refuse~~ fails or refuses to furnish the auditor-of-state superintendent the report required in subsections 1 and 2 it shall forfeit the sum of twenty-five dollars for every day such the report shall-be is withheld and the auditor-of-state superintendent may maintain an action in the name of the state to recover such that penalty and the same penalty shall be paid into the treasury of the state.

Sec. 93. Section 544.7, subsection 4, paragraph c, Code 1987, is amended to read as follows:

c. As an annuity to a widow spouse or representative of a deceased partner,

Sec. 94. Section 562B.15, Code 1987, is amended to read as follows:

562B.15 LANDLORD TO DELIVER POSSESSION OF MOBILE HOME SPACE.

At the commencement of the term the landlord shall deliver possession of the mobile home space to the tenant in compliance with the rental agreement and section 562B.16. The landlord may bring an action for possession against any a person wrongfully in possession and may recover the damages provided in section ~~562B.31~~ 562B.30, subsection 2.

Sec. 95. Section 601K.2, unnumbered paragraph 2, Code 1987, is amended to read as follows:

The governor shall appoint the administrators of each of the divisions subject to confirmation by the senate. Each administrator shall serve at the pleasure of the governor and is exempt from the merit system provisions of chapter 19A. The governor shall set the salary of the division directors administrators within the ranges set by the general assembly.

Sec. 96. Section 601K.36, Code 1987, is amended to read as follows:

601K.36 ADMINISTRATOR.

The administrator shall serve as executive officer of the commission and be is exempt from the merit system provisions of chapter 19A. The administrator ~~shall-be is~~ responsible to the commission and, pursuant to section 601K.2, with the approval of the commission shall employ and supervise the commission's staff and be responsible for implementing policy set by the commission. The administrator shall carry out programs and policies as determined by the commission.

Sec. 97. Section ~~602.8102~~, subsection 4, Code Supplement 1987, is amended to read as follows:

4. Upon the death of a judge or magistrate of the district court, give written notice to the state-comptroller department of management and the department of revenue and finance of the date of death. The clerk shall also give written notice of the death of a justice of the supreme court, or a judge of the court of appeals, or a judge or magistrate of the district court who resides in the clerk's county to the state commissioner of elections, as provided in section 46.12.

Sec. 98. Section 674.13, Code 1987, is amended to read as follows:

674.13 FURTHER CHANGE BARRED.

No A person shall not change the person's name more than once under the provisions of this chapter unless just cause is shown. However, a person may change in a decree dissolving a

person's marriage, the person's name may be changed back to the name appearing on the person's original birth certificate after each decree dissolving a marriage is entered, or a person may request a name change to a legal name previously acquired in a former marriage.

Sec. 99. Section 805.1, subsection 8, Code Supplement 1987, is amended to read as follows:

8. A peace officer shall issue a citation in lieu of arrest to a person under eighteen years of age accused of violating committing a simple misdemeanor under the provisions of chapter 106, 106A, 109, 109A, 110, 110A, 110B, 111, 321, or 321G, a violation of a county or municipal curfew or traffic ordinance, or a violation of section 123.47, and shall not detain or confine the person in a facility regulated under chapter 356 or 356A.

Sec. 100. Section 903.1, subsection 3, Code Supplement 1987, is amended to read as follows:

3. A person under eighteen years of age convicted of a simple misdemeanor under chapter 106, 106A, 109, 109A, 110, 110A, 110B, 111, 321, or 321G, or a violation of a county or municipal curfew or traffic ordinance, or a violation of section 123.47, may be required to pay a fine, not to exceed one hundred dollars, as fixed by the court, or may be required to perform community service as ordered by the court.

Sec. 101. 1986 Iowa Acts, chapter 1245, section 1526, is amended to read as follows:

SEC. 1526. TRANSITION -- TERMS. The terms of all persons serving on the board of parole on June 30, 1986, expire on that date. Notwithstanding the four-year term specified in section ~~1511~~ of this Act 904A.1, appointments of the new members shall be as follows:

1. One full-time and one part-time member to serve from July 1, 1986, to June April 30, 1988.
2. One full-time and one part-time member to serve from July 1, 1986, to June April 30, 1989.

3. One member to serve from July 1, 1986, to June April 30, 1990.

Thereafter, all appointments shall be for four-year terms beginning and ending as provided in section 69.19.

Sec. 102. Sections 135.43, 135.44, 144.6 through 144.8, 144.10, and 144.11, Code 1987, are repealed.

Sec. 103. Sections 67 and 78 of this Act, being deemed of immediate importance, take effect upon its enactment.

\_\_\_\_\_  
JO ANN ZIMMERMAN  
President of the Senate

\_\_\_\_\_  
DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2238, Seventy-second General Assembly.

\_\_\_\_\_  
JOHN P. DWYER  
Secretary of the Senate

Approved  , 1988

\_\_\_\_\_  
TERRY E. BRANSTAD  
Governor