

Sen. Judiciary 215 amendment per 541 Do Cal 3/8 (p. 816)

FEB 7 1990

Place On Calendar

HOUSE FILE 2312
BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

(SUCCESSOR TO HSB 718)

Passed House, Date 3/2/90 (p. 816) Passed Senate, Date 3/26/90 (p. 1299)
Vote: Ayes 92 Nays 0 Vote: Ayes 49 Nays 1

Approved April 16, 1990

Repassed House as amended by Senate
3/28/90 (p. 1524)
95-0

A BILL FOR

- 1 An Act relating to nonsubstantive Code and Act corrections.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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HF 2312

1 Section 1. Section 2.47A, subsection 2, paragraph a, Code
2 Supplement 1989, is amended to read as follows:

3 a. Gather information relative to capital projects, ~~as~~
4 ~~defined-in-section-8.3A,~~ for the purpose of aiding the general
5 assembly to properly appropriate moneys for capital projects.

6 Sec. 2. Section 3.1, subsection 1, Code 1989, is amended
7 to read as follows:

8 1. Shall refer to the numbers of the sections or chapters
9 of the Code or Code Supplement to be amended or repealed, but
10 it ~~shall~~ is not be necessary to refer to ~~such~~ the sections or
11 chapters in the title.

12 Sec. 3. Section 8.6, subsection 13, Code Supplement 1989,
13 is amended to read as follows:

14 13. CAPITAL PROJECT BUDGETING REQUESTS. To compile
15 annually, no later than October 1, all capital project
16 budgeting requests of all state agencies, as ~~capital-project~~
17 ~~and-state-agency-are~~ defined in section 8.3A, and to
18 consolidate the requests, with individual state agency
19 priorities noted, into a report for submission to the
20 legislative capital projects committee not later than October
21 1, with any additional information regarding ~~such~~ the capital
22 project budgeting requests or priorities to be compiled and
23 submitted in the same manner no later than November 1.

24 Sec. 4. Section 8.6, subsection 14, unnumbered paragraph
25 1, Code Supplement 1989, is amended to read as follows:

26 To prepare annually, in cooperation with the department of
27 general services, a five-year capital project priority plan
28 for all state agencies, as ~~capital-project-and-state-agency~~
29 ~~are~~ defined in section 8.3A, to be submitted no later than
30 July 1, beginning in the year 1990, to the legislative capital
31 projects committee. The plan shall include but is not be
32 limited to the following:

33 Sec. 5. Section 8.22, subsection 1, unnumbered paragraph
34 2, Code Supplement 1989, is amended to read as follows:

35 The governor's program shall include a single budget

1 request for all capital projects, ~~as defined in section 8.3A,~~
2 proposed by the governor. The request shall include but is
3 not be limited to the following:

4 Sec. 6. Section 12.39, Code 1989, is amended to read as
5 follows:

6 12.39 LIABILITY.

7 The state and the treasurer of state are not liable to an
8 eligible lending institution in any manner for payment of the
9 principal or interest on the loan to an eligible borrower.

10 Any delay in payments or default on the part of an eligible
11 borrower does not in any manner affect the deposit investment
12 agreement between the eligible lending institution and the
13 treasurer of state.

14 Sec. 7. Section 15.287, Code Supplement 1989, is amended
15 to read as follows:

16 15.287 REVOLVING FUND.

17 The Iowa finance authority shall establish a revolving fund
18 for the program and shall transfer to the department moneys to
19 be administered by the department. The moneys in the
20 revolving fund are appropriated for purposes of the program.

21 Notwithstanding section 8.33, moneys in the fund at the end of
22 a fiscal year shall not revert to any other fund but shall
23 remain in the revolving fund. The fund shall consist of all
24 appropriations, grants, or gifts received by the authority or
25 the department specifically for use under this part, ~~revenues~~
26 ~~designated in section 98.35 to be deposited in the fund,~~ and
27 all repayments of loans or grants made under this part.

28 Sec. 8. Section 18.12, subsection 15, Code Supplement
29 1989, is amended to read as follows:

30 15. Prepare quarterly status reports for all ongoing
31 capital projects of all state agencies, ~~as capital project and~~
32 ~~state agency are~~ defined in section 8.3A, and submit the
33 status reports to the legislative capital projects committee.

34 Sec. 9. Section 28.154, Code Supplement 1989, is amended
35 to read as follow:

1 28.154 BOARD OF DIRECTORS.

2 1. The board of directors is established consisting of the
3 following standing members, and governor-appointed members,
4 and ex officio, nonvoting members:

5 a. The following standing members:

6 (1) One board member to represent each state university's
7 consortium appointed by the president of each state
8 university.

9 (2) A president of a merged area school, or the
10 president's designee, appointed by the Iowa association of
11 community college presidents.

12 (3) A president of an Iowa independent college or
13 university, or the president's designee, appointed by the Iowa
14 association of independent colleges and universities.

15 (4) The director of the department of economic development
16 or the director's designee.

17 (5) The chairperson of the Iowa product development
18 corporation.

19 (6) A shareholder member of the business development
20 finance corporation elected by the business development
21 finance corporation board.

22 (7) The secretary of agriculture or the secretary's
23 designee.

24 (8) The governor's science advisor.

25 (9) b. Five persons appointed by the governor, subject to
26 senate confirmation, three of whom shall be persons involved
27 directly in research and development of technology-based
28 industries or persons with experience in technology, and two
29 of whom shall be directly involved in agriculture-related
30 enterprises.

31 ~~b.~~ c. The following ex officio, nonvoting members:

32 Four board members, with one board member appointed by each
33 of the following persons: the speaker of the house of
34 representatives, the minority leader of the house of
35 representatives, the majority leader of the senate, and the

1 minority leader of the senate.

2 2. The board of directors shall be bipartisan and gender
3 balanced in accordance with sections 69.16 and 69.16A.

4 3. The terms of the appointed members ~~shall be for~~ are
5 four years and shall be staggered as determined by the
6 standing members. Any A vacancy shall be filled by the
7 appointing authority. Members are eligible for actual expense
8 reimbursement while fulfilling duties of the foundation. The
9 governor and the legislative council shall convene the initial
10 meeting of the board. The board shall elect a chairperson
11 from among its members.

12 Sec. 10. Section 96.14, subsection 7, Code 1989, is
13 amended to read as follows:

14 7. ORIGINAL NOTICE -- FORM. The original notice of suit
15 filed with the secretary of state shall be in form and
16 substance the same as now provided in suits against residents
17 of this state, except that ~~that~~ the part of ~~said~~ the notice
18 pertaining to the return day shall be in substantially the
19 following form, ~~to-wit~~:

20 "And unless you appear ~~thereto~~ and defend in the district
21 court of Iowa in and for county at the courthouse in
22, Iowa, before noon of the sixtieth day following the
23 filing of this notice with the secretary of state of this
24 state, you will be adjudged in default, your default entered
25 of record, and judgment rendered against you for the relief
26 prayed sought in plaintiff's petition."

27 Sec. 11. Section 99.6, Code 1989, is amended to read as
28 follows:

29 99.6 TEMPORARY RESTRAINING ORDER.

30 Where If a temporary injunction is prayed petitioned for,
31 the court, on the application of plaintiff, may issue an ex
32 parte restraining order, restraining the defendants and all
33 other persons from removing or in any manner interfering with
34 the furniture, fixtures, musical instruments, and movable
35 property used in conducting the alleged nuisance, until the

1 decision of the court granting or refusing ~~such~~ the temporary
2 injunction and until the further order of the court ~~thereon~~.

3 Sec. 12. Section 99.10, Code 1989, is amended to read as
4 follows:

5 99.10 NOTICE.

6 Three days' notice in writing shall be given the defendants
7 of the hearing of the application for temporary injunction,
8 and if then continued at the instance of defendant, the
9 temporary writ as prayed petitioned for shall be granted as a
10 matter of course.

11 Sec. 13. Section 99.11, Code 1989, is amended to read as
12 follows:

13 99.11 ANSWER.

14 Each defendant so notified shall serve upon the complainant
15 or the complainant's attorney a verified answer on or before
16 the date fixed in ~~said~~ the notice for ~~said~~ a hearing, and ~~such~~
17 the answer shall be filed with the clerk of the district court
18 of the county ~~wherein-such~~ where the cause is triable, but the
19 court may allow additional time for so answering, ~~provided~~
20 such. However, an extension of time shall not prevent the
21 issuing of ~~said~~ the temporary writ as prayed petitioned for.
22 The allegations of the answer shall be deemed to be traversed
23 without further pleading.

24 Sec. 14. Section 114.11, Code 1989, is amended to read as
25 follows:

26 114.11 SECRETARY STAFF -- DUTIES.

27 The secretary staff shall keep on file a record of all
28 certificates of registration granted and shall make annual
29 revisions of the record as necessary. In revising the record
30 the secretary staff shall communicate biennially by mail with
31 every professional engineer and surveyor registered under this
32 chapter, as provided in section 114.18.

33 Sec. 15. Section 114.12, Code 1989, is amended to read as
34 follows:

35 114.12 DISPOSITION OF FEES.

1 The secretary staff shall collect and account for all fees
2 provided for by this chapter and pay the same fees to the
3 treasurer of state who shall deposit the fees ~~in-the-general~~
4 ~~fund-of-the-state~~ as provided by law.

5 Sec. 16. Section 114.20, unnumbered paragraph 3, Code
6 1989, is amended to read as follows:

7 The application for registration shall be accompanied by a
8 fee as determined by the board. After the board determines
9 the applicant to be qualified under this section, a
10 certificate of registration shall be issued upon receipt of an
11 additional fee as determined by the board. All fees collected
12 shall be transmitted to the treasurer of state and deposited
13 ~~in-the-general-fund-of-the-state~~ as provided by law.

14 Sec. 17. Section 116.15, Code 1989, is amended to read as
15 follows:

16 116.15 SECRETARY STAFF TO COLLECT FEES -- DEPOSIT.

17 A-secretary Staff may be employed to collect and account
18 for all fees and pay them to the treasurer of state for
19 deposit ~~in-the-general-fund-of-the-state~~ as provided by law.
20 The board shall set the fees for examination as a certified
21 public accountant, and for examination as an accounting
22 practitioner, based upon the annual cost of administering the
23 examinations. The fees for registration and renewal of a
24 certificate and permit as a certified public accountant,
25 registration as a public accountant, registration of a foreign
26 public accountant, and licensure and renewal as an accounting
27 practitioner, shall be based upon the administrative costs of
28 sustaining the board which shall include, but ~~shall~~ are not be
29 limited to, the costs for:

- 30 1. Per diem, expenses, and travel for board members.
- 31 2. Office supplies and equipment.
- 32 3. ~~Clerical~~ Staff assistance.

33 Sec. 18. Section 117.14, Code Supplement 1989, is amended
34 to read as follows:

35 117.14 FEES AND EXPENSES.

1 All fees and charges collected by the real estate
2 commission under this chapter shall be paid into the ~~general~~
3 ~~fund-in-the~~ state treasury and deposited as provided by law,
4 except that the equivalent of ten dollars per year of the fees
5 for each real estate salesperson's or broker's license shall
6 be paid into the Iowa real estate education fund created in
7 section 117.54. All expenses incurred by the commission under
8 this chapter, including compensation of staff assigned to the
9 commission, shall be paid out of ~~the-general-fund-in~~ the state
10 treasury as provided by law, except for expenses incurred and
11 compensation paid for the real estate education director,
12 which shall be paid out of the real estate education fund.

13 Sec. 19. Section 117.27, subsection 3, Code Supplement
14 1989, is amended to read as follows:

15 3. ~~Director, assistants, and clerical~~ Staff assistance.

16 Sec. 20. Section 117B.6, subsection 1, paragraph b, and
17 subsection 2, Code Supplement 1989, are amended to read as
18 follows:

19 b. Salary, per diem, and expenses of ~~an-executive~~
20 ~~secretary, assistants, and employees~~ staff.

21 2. Fees collected by the board shall be transmitted to the
22 treasurer of state who shall deposit the fees ~~in-the-general~~
23 ~~fund-of-the-state~~ as provided by law.

24 Sec. 21. Section 118.2, Code 1989, is amended to read as
25 follows:

26 118.2 OFFICERS.

27 During the month of July of each year the board shall elect
28 from its members a president, vice president, and a secretary.
29 The duties of the officers ~~shall-be-such-as~~ are those usually
30 performed by such officers. The division ~~may-employ-an~~
31 ~~executive-secretary-whose-salary-shall-be-established-pursuant~~
32 ~~to-section-19A-9-subsection-2~~ shall provide staff assistance.

33 Sec. 22. Section 118.11, subsection 3, and unnumbered
34 paragraph 2, Code 1989, are amended to read as follows:

35 3. ~~Clerical~~ Staff assistance.

1 All fees shall be paid to the treasurer of state and
2 deposited ~~in-the-general-fund-of-the-state~~ as provided by law.

3 Sec. 23. Section 118A.4, Code 1989, is amended to read as
4 follows:

5 118A.4 ORGANIZATION OF THE BOARD -- MEETINGS -- QUORUM.

6 The board shall elect annually from its members a
7 chairperson and vice chairperson. The duties of the officers
8 ~~shall-be-such-as~~ are those usually performed by such officers.

9 The board shall hold at least one meeting each year at the
10 location of the board's principal office, and meetings shall
11 be called at other times by ~~the-secretary~~ division staff at
12 the request of the chairperson or four members of the board.

13 A majority of the members ~~shall-constitute~~ constitutes a
14 quorum. No action at any meeting can be taken without the
15 affirmative votes of a majority of the members of the board.

16 Sec. 24. Section 118A.14, subsection 3, and unnumbered
17 paragraph 2, Code 1989, are amended to read as follows:

18 3. ~~Clerical~~ Staff assistance.

19 All fees shall be collected by the secretary, paid to the
20 treasurer of state and deposited ~~in-the-general-fund-of-the~~
21 state as provided by law.

22 Sec. 25. Section 123.64, Code 1989, is amended to read as
23 follows:

24 123.64 NOTICE.

25 Three days' notice in writing shall be given the defendant
26 of the hearing of the application, and if then continued at
27 the defendant's instance the writ as prayed petitioned for
28 shall be granted as a matter of course.

29 Sec. 26. Section 147.74, unnumbered paragraph 7, Code
30 1989, is amended to read as follows:

31 Any A graduate of a school accredited on the board of
32 optometric examiners may use the prefix "Doctor", but shall
33 add after the person's name the letters "~~Opt.~~"-or
34 "Optometrist" "O.D."

35 Sec. 27. Section 166D.4, subsection 1, Code Supplement

1 1989, is amended to read as follows:

2 1. The pork producer board of directors within the area
3 proposed as a program area has approved by a two-thirds
4 majority vote ~~to-designate~~ designating the area as a program
5 area.

6 Sec. 28. Section 166D.9, subsection 3, paragraph a, Code
7 Supplement 1989, is amended to read as follows:

8 a. The swine have been removed from the premises, and the
9 premises have been cleaned and disinfected under supervision
10 of the department or the inspection service. The disinfectant
11 shall be approved by the department or inspection service.
12 The premises must have been maintained free of swine for
13 thirty days. However, the epidemiologist for good cause may
14 determine that premises shall be maintained free of swine for
15 a period greater or less than thirty days.

16 Sec. 29. Section 166D.10, subsection 3, paragraph b, Code
17 Supplement 1989, is amended to read as follows:

18 b. A feeder pig in a herd of unknown pseudorabies status
19 ~~as-provided~~ shall be subject to restricted movement.

20 Sec. 30. Section 185C.16, Code Supplement 1989, is amended
21 to read as follows:

22 185C.16 NOTICE OF REFERENDUM.

23 Notice of a referendum election to initiate or terminate a
24 promotional order shall be given by publication in a newspaper
25 of general circulation in this state at least ten days prior
26 to the date of the referendum and in any other reasonable
27 manner as ~~may-be~~ determined by the secretary for the initial
28 referendum and by the board for ~~extension~~ termination of the
29 promotional order.

30 Sec. 31. Section 192.30, Code 1989, is amended to read as
31 follows:

32 192.30 LAW TO BE ENFORCED BY SECRETARY OF AGRICULTURE OR
33 MUNICIPALITIES.

34 This chapter and chapters 190 and 191 shall be enforced by
35 the secretary or municipal corporations, which have entered

1 into agreements with the secretary under sections 192.11 and
2 192.48, both of whom shall make regulations which shall
3 conform to the Grade "A" Pasteurized Milk Ordinance with
4 ~~Administrative-Procedures---1978-Recommendations-of-the~~
5 United-States-Public-Health-Service, 1985 Revision, a
6 certified copy of which shall be on file at the secretary's
7 office or the office of the clerk of an authorized municipal
8 corporation. Where the mandatory compliance with provisions
9 of the appendixes therein is specified, the provisions shall
10 be deemed a requirement of the chapters.

11 Municipal corporations may establish grade "A" standards
12 for cottage cheese dry curd, cottage cheese, and low fat
13 cottage cheese as a part of the ordinance required by this
14 section; however no municipal corporation shall require a
15 grade "A" rating for these products as a condition precedent
16 to their sale within the city.

17 Sec. 32. Section 192.33, Code 1989, is amended to read as
18 follows:

19 192.33 RATING REQUIRED TO RETAIN PERMIT.

20 A pasteurized milk and milk products sanitation compliance
21 rating of ninety percent or more calculated according to the
22 rating system as contained in Public Health Service
23 Publication, "Method of Making Sanitation Ratings of Milk
24 Supplies, ~~1978-Edition~~ 1987 Revision", shall be necessary to
25 receive or retain a permit under section 192.5. Said
26 publication is hereby incorporated into this section by this
27 reference and made a part hereof insofar as applicable, a copy
28 of which shall be on file in the office of the secretary or
29 the office of the clerk of an authorized municipal corporation
30 at all times.

31 Sec. 33. Section 232.11, subsection 3, paragraph b, Code
32 1989, is amended to read as follows:

33 b. If the court determines that the parent, guardian, or
34 custodian cannot pay any part of the expenses of counsel to
35 represent the child, it shall appoint such counsel, who shall

1 be reimbursed according to ~~the provisions of~~ section 232.141,
2 subsection ~~±~~ 2, paragraph "b".

3 Sec. 34. Section 232.52, subsection 2, paragraph c,
4 subparagraph (2), Code 1989, is amended to read as follows:

5 (2) If the court deems appropriate, ordering the parent,
6 guardian, or custodian to reimburse the county for any costs
7 incurred as provided in section 232.141, subsection 5 1 or to
8 otherwise pay or provide for such care and treatment.

9 Sec. 35. Section 261.36, subsection 8, Code Supplement
10 1989, is amended to read as follows:

11 8. Implement various means of encouraging maximum lender
12 participation in the Iowa guaranteed loan ~~payment~~ program.

13 Sec. 36. Section 261.37, subsection 1, Code Supplement
14 1989, is amended to read as follows:

15 1. To review the Iowa guaranteed loan ~~and the Iowa~~
16 ~~guaranteed loan payment programs~~ program.

17 Sec. 37. Section 261.39, unnumbered paragraph 2, Code
18 Supplement 1989, is amended to read as follows:

19 All assets and liabilities of the student loan program
20 established pursuant to sections 261.5 to 261.8, Code 1977,
21 and existing on July 1, 1978, ~~shall be~~ are assets and
22 liabilities of the Iowa guaranteed loan ~~payment~~ program
23 established pursuant to this chapter.

24 Sec. 38. Section 261.42, Code Supplement 1989, is amended
25 to read as follows:

26 261.42 SHORT TITLE.

27 This division shall be known and may be cited as the "Iowa
28 Guaranteed Loan ~~Payment~~ Program".

29 Sec. 39. Section 280A.39, unnumbered paragraph 2, Code
30 1989, is amended to read as follows:

31 If the vote is favorable in each merged area, the boards of
32 each area shall proceed to transfer the assets, liabilities,
33 and facilities of the areas to the combined merged area, and
34 shall serve as the acting board of the combined merged area
35 until a new board of directors is elected. The acting board

1 shall submit to the director of the department of education a
2 plan for redistricting the combined merged area, and upon
3 receiving approval from the director, shall provide for the
4 election of a director from each new district at the next
5 regular school election. The directors elected from each new
6 district shall determine their terms by lot ~~as provided in~~
7 section-280A-11 so that the terms of one-third of the members,
8 as nearly as may be, expire each year. Election of directors
9 for the combined merged area shall follow the procedures
10 established for election of directors of a merged area. A
11 combined merged area is subject to all provisions of law and
12 regulations rules governing merged areas.

13 Sec. 40. Section 298.4, unnumbered paragraph 1, Code
14 Supplement 1989, is amended to read as follows:

15 The board of directors of a school district may certify for
16 levy by March 15 of a school year, a tax on all taxable
17 property in the school district for a district management
18 levy. The revenue from the tax levied in this section shall
19 be placed in the district management subfund of the general
20 fund of the school district. The district management levy
21 shall be expended only for the following purposes:

22 Sec. 41. Section 302.33, Code 1989, is amended to read as
23 follows:

24 302.33 SUIT -- ATTORNEY FEE.

25 If ~~such~~ the debtor ~~shall neglect to~~ does not comply with
26 ~~such~~ the notice, the auditor shall report the ~~same~~
27 noncompliance to the county attorney, who shall bring an
28 action to recover the ~~same~~ debt, and an injunction may issue
29 for cause, without bond when so prayed petitioned, and there
30 shall be allowed in the judgment, entered and taxed as a part
31 of the costs in the case, a reasonable sum as compensation to
32 plaintiff's attorney, not exceeding the amount ~~as~~ provided by
33 law for attorneys' fees.

34 Sec. 42. Section 307B.9, unnumbered paragraph 1, Code
35 Supplement 1989, is amended to read as follows:

1 Except as provided in this chapter, all obligations are
2 payable solely out of the pledged receipts as designated in
3 the bond proceedings. Tax funds which the authority receives
4 from a political subdivision of the state shall not be pledged
5 for payment of the obligations. Except for those tax funds
6 deposited in the special railroad facility fund as provided in
7 sections 307B.23, subsection 3 2, ~~435-9-and-324A-8~~, the state
8 shall not appropriate tax funds, directly or indirectly, to
9 the authority for the purpose of payment of obligations of the
10 authority. Obligations shall be authorized by resolution of
11 the board and bond proceedings shall provide for the purpose
12 of the obligations, the principal amount, the principal
13 maturity or maturities, not exceeding twenty-five years from
14 the date of issuance, the interest rate or rates or the
15 maximum interest rate, the date of the obligations and the
16 dates of payment of interest on them, their denomination, and
17 the establishment within or without the state of a place or
18 places of payment of bond service charges. As much as is
19 practicable within the legal and fiscal limitations inherent
20 in bond issuance, a portion of the bonds shall be issued in
21 denominations of five thousand dollars and smaller, in order
22 to allow smaller investors in the state to purchase the bonds.

23 Sec. 43. Section 307B.23, subsection 1, Code Supplement
24 1989, is amended to read as follows:

25 1. There is created in the office of the state treasurer a
26 "special railroad facility fund". This fund shall include
27 moneys ~~credited-to-this-fund-under-and-other-moneys~~ which by
28 law may be credited to the special railroad facility fund.
29 The moneys in the special railroad facility fund are
30 appropriated to and for the purposes of the authority as
31 provided in this chapter. The funds in the special railroad
32 facility fund shall not be considered as a part of the general
33 fund of the state, are not subject to appropriation for any
34 other purpose by the general assembly, and in determining a
35 general fund balance shall not be included in the general fund

1 of the state but shall remain in the special railroad facility
2 fund to be used for the purposes set forth in this section.
3 The treasurer of state shall act as custodian of the fund and
4 disburse amounts contained in it as directed by the authority.
5 The treasurer of state is authorized to invest the funds
6 deposited in the special railroad facility fund at the
7 direction of the authority and subject to any limitations
8 contained in the bond proceedings. The income from the
9 investment shall be credited to and deposited in the special
10 railroad facility fund. This fund shall be administered by
11 the authority and may be used to purchase or upgrade railroad
12 right-of-way and trackage facilities or to purchase general or
13 limited partnership interests in a partnership formed to
14 purchase, upgrade, or operate railroad right-of-way and
15 trackage facilities, to pay or secure obligations issued by
16 the authority, to pay obligations, judgments, or debts for
17 which the authority becomes liable in its capacity as a
18 general partner, or for any other use authorized under this
19 chapter. The fund may also be used to purchase or upgrade
20 railroad right-of-way and trackage facilities for the
21 development of railroad passenger tourism.

22 Sec. 44. Section 359.14, Code 1989, is amended to read as
23 follows:

24 359.14 CHANGING NAME -- PETITION -- NOTICE.

25 Any Eligible electors of a township ~~desirous-of-changing~~
26 wishing to change its name may petition the board of
27 supervisors and, if it ~~shall-appear~~ appears to ~~said the~~ board
28 that a majority of the ~~actual-resident-voters~~ eligible
29 electors of ~~such the~~ township are in favor of ~~such the~~ change,
30 ~~such the~~ board shall cause notices, attested by the auditor,
31 to be posted in three of the most public places of ~~such the~~
32 township, for at least thirty days ~~previous-to~~ before the next
33 regular session of ~~said the board, which.~~ The notice shall
34 ~~state the-fact~~ that a petition has been presented to ~~said the~~
35 board by the ~~citizens~~ eligible electors of ~~said the~~ township,

1 ~~praying-for~~ seeking a change of the name of the same township
2 and ~~recite~~ shall state the name ~~prayed-for~~ sought in ~~said the~~
3 petition, and that, unless those interested in the change of
4 ~~such~~ name ~~shall~~ appear at the next regular session of ~~said the~~
5 board and show cause why ~~said the~~ name shall not be changed,
6 there will be an order made granting ~~such~~ the change.

7 Sec. 45. Section 422.35, subsection 6, unnumbered
8 paragraph 1, Code Supplement 1989, is amended to read as
9 follows:

10 If the taxpayer is a small business corporation, subtract
11 an amount equal to sixty-five percent of the wages paid to
12 individuals, but ~~shall~~ not exceed twenty thousand dollars
13 per individual, named in paragraphs "a", "b", and "c" who were
14 hired for the first time by the taxpayer during the tax year
15 for work done in this state:

16 Sec. 46. Section 424.17, subsection 2, Code Supplement
17 1989, is amended to read as follows:

18 2. A person who willfully attempts to evade a charge
19 imposed by this chapter or the payment of the charge or a
20 person who makes or causes to be made a false or fraudulent
21 return with intent to evade the charge imposed by this chapter
22 or the payment of the charge tax is guilty of a class "D"
23 felony.

24 Sec. 47. Section 428.20, Code Supplement 1989, is amended
25 to read as follows:

26 428.20 "MANUFACTURER" DEFINED ---~~DUFY-TO-LIST~~.

27 A person who purchases, receives, or holds personal
28 property of any description for the purpose of adding to its
29 value by a process of manufacturing, refining, purifying,
30 combining of different materials, or by the packing of meats,
31 with a view to selling the property for gain or profit, is a
32 "manufacturer" for the purposes of this title, ~~and shall list~~
33 ~~such property for taxation.~~

34 Sec. 48. Section 447.4, Code 1989, is amended to read as
35 follows:

1 447.4 REDEMPTION FROM SALE FOR PART OF TAX.

2 In case a redemption is made of ~~any~~ real estate sold for a
3 ~~less~~ sum less than the taxes, penalty, interest, and costs,
4 the purchaser ~~shall~~ is entitled to receive only the amount
5 paid and a ratable part of ~~such~~ the penalty, interest, and
6 costs. In determining the interest and penalties to be paid
7 upon redemption from ~~such~~ sale, the sum due on ~~any~~ a parcel
8 sold shall be taken to be the full amount of taxes, interest,
9 and costs due ~~thereon~~ on the parcel at the time of ~~such~~ sale,
10 and the amount paid for ~~any-such~~ a parcel at ~~such~~ sale shall
11 be apportioned ratably among the several funds to which it
12 belongs. Real estate so sold ~~shall-be~~ is redeemable in the
13 same manner and with the same penalties as that sold for the
14 taxes of the preceding year.

15 Sec. 49. Section 455B.301, subsection 15, Code 1989, is
16 amended to read as follows:

17 15. "Solid waste" means garbage, refuse, rubbish, and
18 other similar discarded solid or semisolid materials,
19 including but not limited to such materials resulting from
20 industrial, commercial, agricultural, and domestic activities.
21 Solid waste may include vehicles, as defined by section 321.1,
22 subsection 1. However, this division does not prohibit the
23 use of dirt, stone, brick, or similar inorganic material for
24 fill, landscaping, excavation or grading at places other than
25 a sanitary disposal project. Solid waste does not include
26 hazardous waste as defined in section 455B.411 or source,
27 special nuclear, or by-product material as defined in the
28 Atomic Energy Act of 1954, as amended to January 1, 1979.

29 Sec. 50. Section 476.2, unnumbered paragraph 3, Code 1989,
30 is amended to read as follows:

31 The board ~~is-hereby-authorized-and-empowered-to~~ may
32 intervene in any proceedings before the federal power energy
33 regulatory commission or any other federal or state regulatory
34 body when it finds that any decision of ~~such~~ that tribunal
35 would adversely affect the costs of any public utility service

1 within the state of Iowa.

2 Sec. 51. Section 476.33, subsections 1, 2, and 3, Code
3 Supplement 1989, are amended to read as follows:

4 1. The board shall adopt rules pursuant to chapter 17A to
5 provide for the completion of proceedings under section 476.3
6 within ten months after the date of the filing of a petition
7 under section 476.3, subsection 2, and to provide for the
8 completion of proceedings under section 476.6 within ten
9 months after the date of filing of the new or changed rates,
10 charges, schedules, or regulations under that section. These
11 rules shall include reasonable time limitations for the
12 submission or completion of comments and testimony, and
13 exhibits, briefs, and hearings, and may provide for the
14 granting of additional time upon the request of a party to the
15 proceeding ~~or-division-staff~~ for good cause shown.

16 2. Additional time granted to a party ~~or-to-division-staff~~
17 under subsection 1 shall not extend the amount of time for
18 which a utility is required to file a bond or other
19 undertaking conditioned upon refund under section 476.3,
20 subsection 2.

21 3. If in a proceeding under section 476.6 additional time
22 is granted to a party ~~or-division-staff~~ under subsection 1,
23 the board may extend the ten-month period during which a
24 utility is prohibited from placing its entire rate increase
25 request into effect under section 476.6, but an extension
26 shall not exceed the aggregate amount of all additional time
27 granted under subsection 1.

28 Sec. 52. Section 490.1703, subsection 1, unnumbered
29 paragraph 1, Code Supplement 1989, is amended to read as
30 follows:

31 Except as provided in subsection 2, the repeal of a statute
32 by ~~this~~ 1989 Iowa Acts, chapter 288, does not affect:

33 Sec. 53. Section 523D.3, subsection 2, paragraph a, Code
34 Supplement 1989, is amended to read as follows:

35 a. Any material differences between the pro forma income

1 statement filed pursuant to this chapter either as part of the
2 most recent annual disclosure statement and the actual results
3 of operations during the fiscal year, if the material
4 differences substantially affect the financial safety or
5 soundness of the community.

6 Sec. 54. Section 523D.6, subsection 3, unnumbered
7 paragraph 3, Code Supplement 1989, is amended to read as
8 follows:

9 If you cancel this contract, any money or property
10 transferred to the provider, and any payments made by you will
11 be returned within thirty calendar days following receipt by
12 the provider of your cancellation notice, and any security
13 interest arising out of the transaction will be canceled,
14 except that the provider may retain the reasonable value of
15 care and services actually provided to the resident prior to
16 the resident vacating the provider's facility.

17 Sec. 55. Section 537.6202, subsection 1, unnumbered
18 paragraph 1, Code Supplement 1989, is amended to read as
19 follows:

20 Persons subject to this part shall file notification with
21 the administrator within thirty days after commencing business
22 in this state ~~or within thirty days after enactment of this~~
23 ~~Act, whichever is applicable,~~ and, thereafter, on or before
24 January 31 of each year. The notification must state all of
25 the following:

26 Sec. 56. Section 554.8403, subsection 4, paragraph b, Code
27 Supplement 1989, is amended to read as follows:

28 b. claims of which the user issuer has received a written
29 notification from the registered owner or the registered
30 pledgee if the notification was received at a time and in a
31 manner affording the issuer a reasonable opportunity to act on
32 it in accordance with the requirements of subsection 5;

33 Sec. 57. Section 724.5, Code 1989, is amended to read as
34 follows:

35 724.5 DUTY TO CARRY PERMIT TO CARRY WEAPONS.

1 ~~It shall be the duty of any~~ A person armed with a revolver,
2 pistol, or pocket billy concealed upon the person ~~to~~ shall
3 have in the person's immediate possession the permit provided
4 for in section 724.4, subsection ~~8~~ 4, paragraph ~~i~~, and ~~to~~
5 shall produce ~~same~~ the permit for inspection at the request of
6 any a peace officer. Failure to so produce ~~such~~ a permit
7 ~~shall constitute~~ is a simple misdemeanor.

8 Sec. 58. Section 903A.5, unnumbered paragraph 1, Code
9 1989, is amended to read as follows:

10 An inmate shall not be discharged from the custody of the
11 director of the Iowa department of corrections until the
12 inmate has served the full term for which the inmate was
13 sentenced, less good conduct time earned and not forfeited,
14 unless the inmate is pardoned or otherwise legally released.
15 Good conduct time earned and not forfeited shall apply to
16 reduce a mandatory minimum sentence being served pursuant to
17 section 204.406, 204.413, 902.7, 902.8, or ~~906.5~~ 902.11. An
18 inmate shall be deemed to be serving the sentence from the day
19 on which the inmate is received into the institution.
20 However, if an inmate was confined to a county jail or other
21 correctional or mental facility at any time prior to
22 sentencing, or after sentencing but prior to the case having
23 been decided on appeal, because of failure to furnish bail or
24 because of being charged with a nonbailable offense, the
25 inmate shall be given credit for the days already served upon
26 the term of the sentence. The clerk of the district court of
27 the county from which the inmate was sentenced, shall certify
28 to the warden the number of days so served.

29 Sec. 59. 1989 Iowa Acts, chapter 225, section 5, is
30 amended to read as follows:

31 SEC. 5. The governor's alliance on substance abuse,
32 created pursuant to executive order number 32 and in
33 accordance with the federal Anti-Drug Abuse Act of 1986, Pub.
34 L. No. 99-570, is transferred from the Iowa department of
35 public health to the drug enforcement and abuse prevention

1 coordinator and ~~shall-be~~ is under the control and supervision
2 of the coordinator. All state funds for this purpose shall be
3 transferred to the coordinator and the coordinator ~~shall-be~~ is
4 responsible for the preparation of federal grant applications
5 for specific grant programs under the federal Anti-Drug Abuse
6 Act of ~~1986~~ 1988, and the implementation and monitoring of
7 grant programs pursuant to regulations adopted pursuant to the
8 federal Anti-Drug Abuse Act of ~~1986~~ 1988.

9 Sec. 60. Sections 116.6, 356.37, and 476.8A, Code 1989,
10 are repealed.

11 EXPLANATION

12 This bill consists of corrections to the Code and Acts as
13 follows:

14 2.47A(2a) The section contains powers and duties of the
15 legislative capital projects committee. The definition of
16 "capital projects" was item-vetoed.

17 3.1(1) Requirements for "form of bills". Reference to the
18 Code Supplement added.

19 8.6(13,14) The section contains powers and duties of the
20 director of the department of management. The definition of
21 "capital project" was item-vetoed.

22 8.22(1) The section provides for the governor's budget
23 message. The definition of "capital project" was item-vetoed.

24 12.39 This division, including sections 12.31 through
25 12.39, was changed from "Linked Deposit Act" to "Linked
26 Investments for Tomorrow Act". The word "deposit" was changed
27 to "investment" throughout the division, except in this
28 section.

29 15.287 The amendment to section 98.35, transferring
30 certain revenues to the Iowa finance authority revolving fund,
31 was item-vetoed.

32 18.12(15) The section contains duties of the director of
33 the department of general services. The definition of
34 "capital project" in section 8.3A was item-vetoed.

35 28.154 Relates to the board of directors of the Wallace

1 technology transfer foundation. The members appointed by the
2 governor are placed in a separate paragraph rather than under
3 "standing members" and the ex officio members are listed in
4 the opening sentence. Note in subsection 3 that the terms of
5 the appointed members are staggered by the standing members,
6 so the two groups could not be considered all standing
7 members.

8 96.14(7) The section relates to unemployment compensation
9 and the subsection provides a form of notice of suit against a
10 nonresident employing unit. The amendment replaces the word
11 "prayed" and other outmoded language.

12 99.6, 99.10, and 99.11 The sections relate to a nuisance
13 action against property used for prostitution or illegal
14 gambling. The amendments replace the word "prayed" and make
15 other style changes.

16 114.11, 114.12, and 114.20 The sections relate to the
17 engineering and land surveying examining board. Under 1988
18 and 1989 Acts (see, e.g., 1989 Acts, chapter 321, section 11),
19 80 percent of fee revenues go to the professional licensing
20 revolving fund and only 20 percent to the general fund. Since
21 these are temporary provisions, the permanent law is amended
22 to recognize variations in temporary law. Also, the word
23 "secretary" is changed to "staff".

24 116.15 Relates to the accountancy examining board. See
25 explanation for amendments in chapter 114.

26 117.14 and 117.27(3) Relate to the real estate commission.
27 See explanation of chapter 114 amendments.

28 117B.6 Relates to the real estate appraiser examining
29 board. See explanation of amendments to chapter 114.

30 118.2 and 118.11 Relate to the architectural examining
31 board. See explanation of amendments to chapter 114. As to
32 118.2, apparently the pay plan provided for in section 19A.9,
33 subsection 2, remains applicable.

34 118A.4 and 118A.14 Relate to the landscape architectural
35 examining board. See explanation for chapter 114 amendments.

1 123.64 Relates to an injunction to abate a nuisance
2 connected with a violation of the alcoholic beverage control
3 laws. The amendment changes the outmoded word "prayed".
4 147.74 Changes prefix used by optometrists. Requested by
5 Iowa Optometric Association.
6 166D.4(1), 166D.9(5a), and 166D.10(36) Grammatical
7 corrections.
8 185C.16 Relates to the corn promotion board. 1989 Acts,
9 chapter 198, provided for automatic extension, and an election
10 for termination of a promotional order. The word "extension"
11 is amended here to conform to the rest of the section.
12 192.30 and 192.33 Update cites to federal standards
13 regarding milk and other dairy products.
14 232.11(3b) and 232.52(2c(2)) Amendments conform references
15 to 232.141 as it was amended by 1989 Acts, chapter 283,
16 section 23.
17 261.36(8), 261.37(1), 261.39 and 261.42 Eliminate
18 inaccurate references to "loan payment program" within the
19 division (sections 261.35-261.43) relating to the "loan
20 program". The loan payment program begins with section
21 261.44.
22 280A.39 The provision for determination by lot was struck
23 from 280A.11 in 1978 Acts, chapter 1095, section 15 (the
24 section was 280A.12 then). The amendment restates that
25 provision.
26 298.4 Apparently the word "district" was inadvertently
27 omitted.
28 302.33 Relates to debts payable to the permanent school
29 fund. The word "prayed" was changed and other language
30 updated.
31 307B.9 and 307B.23 The repeal of chapters 324A and 435 and
32 the partial amendment of section 307B.23 in two different
33 bills left errors. The moneys referred to in section 307B.9
34 are the repayment moneys from heartland rail corporation,
35 which were in subsection 3 of 307B.23; subsection 3 was

1 renumbered in the 1989 Code Supplement.

2 359.14 Amendment to change the word "prayed" and to update
3 other provisions. "Eligible electors", a term defined in
4 section 39.3 to mean a person eligible to register to vote, is
5 substituted for "actual resident voters" and "citizens".

6 422.35(6) Grammatical change.

7 424.17(2) Relates to an environmental protection charge.

8 It appears that the language was adapted from taxation
9 language and the word "tax" should have been omitted.

10 428.20 Provides a definition of "manufacturer" for the
11 requirement in section 428.23 that a manufacturer list real
12 property. The reference to listing personal property should
13 have been stricken.

14 447.4 Grammatical and style changes.

15 455B.301(15) Apparently a word was inadvertently omitted
16 from the defined term, "sanitary disposal project".

17 476.2 Relates to powers of the utilities board. The name
18 of the applicable federal agency was changed in the federal
19 Energy Organization Act in 1977, according to the utilities
20 division.

21 476.33(1, 2, 3) Authority for division staff to file
22 complaints with the utilities board was stricken in 1989 Acts,
23 chapter 97, section 1, and utilities division staff no longer
24 serves with the consumer advocate in contested cases before
25 the utilities board, under 1989 Acts, chapter 158, section 2,
26 so the references to "division staff" seeking additional time
27 are stricken.

28 490.1703 Relates to the new business corporation Act.
29 Since Acts chapter (288) repealed other statutes, not the Code
30 chapter 490, it appears that this correction is needed; it is
31 consistent with language used in subsection 2 of the same
32 section.

33 523D.3(2a) and 523D.6(3) Relate to providers of continuing
34 care and senior adult congregate living facilities.

35 Grammatical corrections.

1 537.6202(1) Relates to persons subject to notification and
2 fees under the consumer credit code. The language stricken
3 was ambiguous and also moot after July 31, 1989, at the
4 latest.

5 554.8403(4b) Relates to duties of "issuer" of a
6 certificated security. "User" was apparently a typo in 1977
7 amendments.

8 724.5 The reference to section 724.4, subsection 8, became
9 inaccurate when the subsection was renumbered, so the
10 reference is corrected and style changes made.

11 903A.5 Corrects internal cite which was not changed when
12 section was amended in 1988 Iowa Acts, chapter 1091, section
13 2.

14 89-225-5 The 1986 federal Act is correctly cited in the
15 first sentence, but the subsequent citations should be to the
16 1988 Act, according to the coordinator.

17 116.6 Repealed. Temporary section; effectiveness ended in
18 1975.

19 356.37 Repealed. Requirement for county jails needs
20 assessment before rules establishing minimum jail standards,
21 adopted in 1981, has apparently been completed and the section
22 is no longer relevant.

23 476.8A Repealed. The utilities board indicates that the
24 proceedings authorized by this section (rate changes resulting
25 from the Tax Reform Act of 1986) have been completed and there
26 is no longer a need for this section.

27 This bill may establish a state mandate under section
28 25B.3.

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H-5869

1 Amend House File 2312, as passed by the House, as
2 follows:

3 1. Page 2, by inserting after line 33 the
4 following:

5 "Sec. ____ . Section 18B.6, unnumbered paragraph 1,
6 Code Supplement 1989, is amended to read as follows:

7 The board established pursuant to section 18-5
8 18B.5 shall have all the general powers needed to
9 carry out its mission and duties, including but not
10 limited to the following powers:"

11 2. Page 13, line 7, by striking the figure
12 "324A-8," and inserting the following: "324A-8 or
13 other tax funds available pursuant to section
14 307B.26,"

15 3. Page 18, by inserting after line 32, the
16 following:

17 "Sec. ____ . Section 570A.2, subsection 2, Code
18 1989, is amended to read as follows:

19 2. If within two four business days of receipt of
20 a certified request a financial institution fails to
21 issue a memorandum upon the request of an agricultural
22 supply dealer and the request from the agricultural
23 supply dealer was proper under subsection 1, or if the
24 memorandum from the financial institution is
25 incomplete, or if the memorandum from the financial
26 institution states that the farmer does not have a
27 sufficient net worth or line of credit to assure
28 payment of the purchase price, the agricultural supply
29 dealer may decide to make the sale and secure the lien
30 provided in section 570A.3."

31 4. Page 18, by inserting after line 32, the
32 following:

33 "Sec. ____ . Section 602.6403, subsection 2, Code
34 Supplement 1989, is amended to read as follows:

35 2. The magistrate appointing commission for each
36 county shall prescribe the contents of an application,
37 in addition to any application form provided by the
38 supreme court, for an appointment pursuant to this
39 section. The commission shall publicize notice of any
40 vacancy to be filled in at least two publications in
41 the all official county newspaper newspapers in the
42 county. The commission shall accept applications for
43 a minimum of fifteen days prior to making an
44 appointment, and shall make available during that
45 period of time any printed application forms the
46 commission prescribes."

47 5. Page 19, by inserting after line 28 the
48 following:

49 "Sec. ____ . Section 910A.9, subsection 5, Code
50 Supplement 1989, is amended to read as follows:

H-5869

Page 2

1 5. The date on which the offender is expected to
2 be released from an institution or facility pursuant
3 to a plan of parole or work-release, or upon discharge
4 of sentence."

5 6. Renumber as necessary.

RECEIVED FROM THE SENATE

H-5869 FILED MARCH 26, 1990

House concurred 3/28 (p 1524)

HOUSE FILE 2312

S-5417

1 Amend House File 2312, as passed by the House, as
2 follows:

3 1. Page 2, by inserting after line 33 the
4 following:

5 "Sec. ____ . Section 18B.6, unnumbered paragraph 1,
6 Code Supplement 1989, is amended to read as follows:

7 The board established pursuant to section ~~18-5~~
8 18B.5 shall have all the general powers needed to
9 carry out its mission and duties, including but not
10 limited to the following powers:"

11 2. Page 13, line 7, by striking the figure
12 "324A-8," and inserting the following: "324A-8 or
13 other tax funds available pursuant to section
14 307B.26,".

15 3. Page 18, by inserting after line 32, the
16 following:

17 "Sec. ____ . Section 570A.2, subsection 2, Code
18 1989, is amended to read as follows:

19 2. If within ~~two~~ four business days of receipt of
20 a certified request a financial institution fails to
21 issue a memorandum upon the request of an agricultural
22 supply dealer and the request from the agricultural
23 supply dealer was proper under subsection 1, or if the
24 memorandum from the financial institution is
25 incomplete, or if the memorandum from the financial
26 institution states that the farmer does not have a
27 sufficient net worth or line of credit to assure
28 payment of the purchase price, the agricultural supply
29 dealer may decide to make the sale and secure the lien
30 provided in section 570A.3."

31 4. Page 18, by inserting after line 32, the
32 following:

33 "Sec. ____ . Section 602.6403, subsection 2, Code
34 Supplement 1989, is amended to read as follows:

35 2. The magistrate appointing commission for each
36 county shall prescribe the contents of an application,
37 in addition to any application form provided by the
38 supreme court, for an appointment pursuant to this
39 section. The commission shall publicize notice of any
40 vacancy to be filled in at least two publications in
41 the all official county newspaper newspapers in the
42 county. The commission shall accept applications for
43 a minimum of fifteen days prior to making an
44 appointment, and shall make available during that
45 period of time any printed application forms the
46 commission prescribes."

47 5. Page 19, by inserting after line 28 the
48 following:

49 "Sec. ____ . Section 910A.9, subsection 5, Code
50 Supplement 1989, is amended to read as follows:

- 1 5. The date on which the offender is expected to
- 2 be released from an institution or facility pursuant
- 3 to a plan of parole or work-release, or upon discharge
- 4 of sentence."
- 5 6. Renumber as necessary.

By COMMITTEE ON JUDICIARY
RICHARD VARN, Chairperson

S-5417 FILED MARCH 8, 1990

Adopted 3/26 (p. 1299)

NSB 718

Judiciary & Law Enforcement

A

HOUSE FILE 2312
BY (PROPOSED COMMITTEE ON
JUDICIARY AND LAW
ENFORCEMENT BILL)

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

A BILL FOR

1 An Act relating to nonsubstantive Code and Act corrections.

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

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1 Section 1. Section 2.47A, subsection 2, paragraph a, Code
2 Supplement 1989, is amended to read as follows:

3 a. Gather information relative to capital projects, as
4 ~~defined-in-section-8.3A~~ for the purpose of aiding the general
5 assembly to properly appropriate moneys for capital projects.

6 Sec. 2. Section 3.1, subsection 1, Code 1989, is amended
7 to read as follows:

8 1. Shall refer to the numbers of the sections or chapters
9 of the Code or Code Supplement to be amended or repealed, but
10 it ~~shall~~ is not be necessary to refer to such the sections or
11 chapters in the title.

12 Sec. 3. Section 8.6, subsection 13, Code Supplement 1989,
13 is amended to read as follows:

14 13. Capital project budgeting requests. To compile
15 annually, no later than October 1, all capital project
16 budgeting requests of all state agencies, as ~~capital-project~~
17 ~~and-state-agency-are~~ defined in section 8.3A, and to
18 consolidate the requests, with individual state agency
19 priorities noted, into a report for submission to the
20 legislative capital projects committee not later than October
21 1, with any additional information regarding such the capital
22 project budgeting requests or priorities to be compiled and
23 submitted in the same manner no later than November 1.

24 Sec. 4. Section 8.6, subsection 14, unnumbered paragraph
25 1, Code Supplement 1989, is amended to read as follows:

26 Capital project priority plan. To prepare annually, in
27 cooperation with the department of general services, a five-
28 year capital project priority plan for all state agencies, as
29 ~~capital-project-and-state-agency-are~~ defined in section 8.3A,
30 to be submitted no later than July 1, beginning in the year
31 1990, to the legislative capital projects committee. The plan
32 shall include but is not be limited to the following:

33 Sec. 5. Section 8.22, subsection 1, unnumbered paragraph
34 2, Code Supplement 1989, is amended to read as follows:

35 The governor's program shall include a single budget

1 request for all capital projects, ~~as defined in section 8.3A,~~
2 proposed by the governor. The request shall include but is
3 not be limited to the following:

4 Sec. 6. Section 12.39, Code 1989, is amended to read as
5 follows:

6 12.39 LIABILITY.

7 The state and the treasurer of state are not liable to an
8 eligible lending institution in any manner for payment of the
9 principal or interest on the loan to an eligible borrower.

10 Any delay in payments or default on the part of an eligible
11 borrower does not in any manner affect the deposit investment
12 agreement between the eligible lending institution and the
13 treasurer of state.

14 Sec. 7. Section 15.287, Code Supplement 1989, is amended
15 to read as follows:

16 15.287 REVOLVING FUND.

17 The Iowa finance authority shall establish a revolving fund
18 for the program and shall transfer to the department moneys to
19 be administered by the department. The moneys in the
20 revolving fund are appropriated for purposes of the program.
21 Notwithstanding section 8.33, moneys in the fund at the end of
22 a fiscal year shall not revert to any other fund but shall
23 remain in the revolving fund. The fund shall consist of all
24 appropriations, grants, or gifts received by the authority or
25 the department specifically for use under this part, ~~revenues~~
26 ~~designated in section 98.35 to be deposited in the fund,~~ and
27 all repayments of loans or grants made under this part.

28 Sec. 8. Section 18.12, subsection 15, Code Supplement
29 1989, is amended to read as follows:

30 15. Prepare quarterly status reports for all ongoing
31 capital projects of all state agencies, ~~as capital project and~~
32 ~~state agency are~~ defined in section 8.3A, and submit the
33 status reports to the legislative capital projects committee.

34 Sec. 9. Section 28.154, Code Supplement 1989, is amended
35 to read as follow:

1 28.154 BOARD OF DIRECTORS.

2 1. The board of directors is established consisting of the
3 following standing members, and governor-appointed members,
4 and ex officio, nonvoting members:

5 a. The following standing members:

6 (1) One board member to represent each state university's
7 consortium appointed by the president of each state
8 university.

9 (2) A president of a merged area school, or the
10 president's designee, appointed by the Iowa association of
11 community college presidents.

12 (3) A president of an Iowa independent college or
13 university, or the president's designee, appointed by the Iowa
14 association of independent colleges and universities.

15 (4) The director of the department of economic development
16 or the director's designee.

17 (5) The chairperson of the Iowa product development
18 corporation.

19 (6) A shareholder member of the business development
20 finance corporation elected by the business development
21 finance corporation board.

22 (7) The secretary of agriculture or the secretary's
23 designee.

24 (8) The governor's science advisor.

25 ~~(9)~~ b. Five persons appointed by the governor, subject to
26 senate confirmation, three of whom shall be persons involved
27 directly in research and development of technology-based
28 industries or persons with experience in technology, and two
29 of whom shall be directly involved in agriculture-related
30 enterprises.

31 ~~b.~~ c. The following ex officio, nonvoting members:

32 Four board members, with one board member appointed by each
33 of the following persons: the speaker of the house of
34 representatives, the minority leader of the house of
35 representatives, the majority leader of the senate, and the

1 minority leader of the senate.

2 2. The board of directors shall be bipartisan and gender
3 balanced in accordance with sections 69.16 and 69.16A.

4 3. The terms of the appointed members ~~shall be for~~ are
5 four years and shall be staggered as determined by the
6 standing members. Any A vacancy shall be filled by the
7 appointing authority. Members are eligible for actual expense
8 reimbursement while fulfilling duties of the foundation. The
9 governor and the legislative council shall convene the initial
10 meeting of the board. The board shall elect a chairperson
11 from among its members.

12 Sec. 10. Section 96.14, subsection 7, Code 1989, is
13 amended to read as follows:

14 7. Original notice -- form. The original notice of suit
15 filed with the secretary of state shall be in form and
16 substance the same as now provided in suits against residents
17 of this state, except that ~~that~~ the part of ~~said~~ the notice
18 pertaining to the return day shall be in substantially the
19 following form~~7-to-wit~~:

20 "And unless you appear thereto and defend in the district
21 court of Iowa in and for county at the courthouse in
22, Iowa, before noon of the sixtieth day following the
23 filing of this notice with the secretary of state of this
24 state, you will be adjudged in default, your default entered
25 of record, and judgment rendered against you for the relief
26 prayed sought in plaintiff's petition."

27 Sec. 11. Section 99.6, Code 1989, is amended to read as
28 follows:

29 99.6 TEMPORARY RESTRAINING ORDER.

30 Where If a temporary injunction is prayed petitioned for,
31 the court, on the application of plaintiff, may issue an ex
32 parte restraining order, restraining the defendants and all
33 other persons from removing or in any manner interfering with
34 the furniture, fixtures, musical instruments, and movable
35 property used in conducting the alleged nuisance, until the

1 decision of the court granting or refusing ~~such~~ the temporary
2 injunction and until the further order of the court thereon.

3 Sec. 12. Section 99.10, Code 1989, is amended to read as
4 follows:

5 99.10 NOTICE.

6 Three days' notice in writing shall be given the defendants
7 of the hearing of the application for temporary injunction,
8 and if then continued at the instance of defendant, the
9 temporary writ as prayed petitioned for shall be granted as a
10 matter of course.

11 Sec. 13. Section 99.11, Code 1989, is amended to read as
12 follows:

13 99.11 ANSWER.

14 Each defendant so notified shall serve upon the complainant
15 or the complainant's attorney a verified answer on or before
16 the date fixed in said the notice for said a hearing, and such
17 the answer shall be filed with the clerk of the district court
18 of the county wherein-such where the cause is triable, but the
19 court may allow additional time for so answering, provided
20 such. However, an extension of time shall not prevent the
21 issuing of said the temporary writ as prayed petitioned for.
22 The allegations of the answer shall be deemed to be traversed
23 without further pleading.

24 Sec. 14. Section 114.11, Code 1989, is amended to read as
25 follows:

26 114.11 SECRETARY STAFF -- DUTIES.

27 The secretary staff shall keep on file a record of all
28 certificates of registration granted and shall make annual
29 revisions of the record as necessary. In revising the record
30 the secretary staff shall communicate biennially by mail with
31 every professional engineer and surveyor registered under this
32 chapter, as provided in section 114.18.

33 Sec. 15. Section 114.12, Code 1989, is amended to read as
34 follows:

35 114.12 DISPOSITION OF FEES.

1 The secretary staff shall collect and account for all fees
2 provided for by this chapter and pay the same fees to the
3 treasurer of state who shall deposit the fees ~~in-the-general~~
4 fund-of-the-state as provided by law.

5 Sec. 16. Section 114.20, unnumbered paragraph 3, Code
6 1989, is amended to read as follows:

7 The application for registration shall be accompanied by a
8 fee as determined by the board. After the board determines
9 the applicant to be qualified under this section, a
10 certificate of registration shall be issued upon receipt of an
11 additional fee as determined by the board. All fees collected
12 shall be transmitted to the treasurer of state and deposited
13 ~~in-the-general-fund-of-the-state~~ as provided by law.

14 Sec. 17. Section 116.15, Code 1989, is amended to read as
15 follows:

16 116.15 SECRETARY STAFF TO COLLECT FEES --DEPOSIT.

17 A-secretary Staff may be employed to collect and account
18 for all fees and pay them to the treasurer of state for
19 deposit ~~in-the-general-fund-of-the-state~~ as provided by law.
20 The board shall set the fees for examination as a certified
21 public accountant, and for examination as an accounting
22 practitioner, based upon the annual cost of administering the
23 examinations. The fees for registration and renewal of a
24 certificate and permit as a certified public accountant,
25 registration as a public accountant, registration of a foreign
26 public accountant, and licensure and renewal as an accounting
27 practitioner, shall be based upon the administrative costs of
28 sustaining the board which shall include, but ~~shall~~ are not be
29 limited to, the costs for:

- 30 1. Per diem, expenses, and travel for board members.
- 31 2. Office supplies and equipment.
- 32 3. ~~Clerical~~ Staff assistance.

33 Sec. 18. Section 117.14, Code Supplement 1989, is amended
34 to read as follows:

35 117.14 FEES AND EXPENSES.

1 All fees and charges collected by the real estate
2 commission under this chapter shall be paid into the ~~general~~
3 ~~fund-in-the~~ state treasury and deposited as provided by law,
4 except that the equivalent of ten dollars per year of the fees
5 for each real estate salesperson's or broker's license shall
6 be paid into the Iowa real estate education fund created in
7 section 117.54. All expenses incurred by the commission under
8 this chapter, including compensation of staff assigned to the
9 commission, shall be paid out of ~~the-general-fund-in~~ the state
10 treasury as provided by law, except for expenses incurred and
11 compensation paid for the real estate education director,
12 which shall be paid out of the real estate education fund.

13 Sec. 19. Section 117.27, subsection 3, Code Supplement
14 1989, is amended to read as follows:

15 3. ~~Director, assistants, and clerical~~ Staff assistance.

16 Sec. 20. Section 117B.6, subsection 1, paragraph b, and
17 subsection 2, Code Supplement 1989, are amended to read as
18 follows:

19 b. Salary, per diem, and expenses of an ~~executive~~
20 ~~secretary, assistants, and employees~~ staff.

21 2. Fees collected by the board shall be transmitted to the
22 treasurer of state who shall deposit the fees ~~in-the-general~~
23 ~~fund-of-the-state~~ as provided by law.

24 Sec. 21. Section 118.2, Code 1989, is amended to read as
25 follows:

26 118.2 OFFICERS.

27 During the month of July of each year the board shall elect
28 from its members a president, vice president, and a secretary.
29 The duties of the officers ~~shall-be-such-as~~ are those usually
30 performed by such officers. The division ~~may-employ-an~~
31 ~~executive-secretary-whose-salary-shall-be-established-pursuant~~
32 ~~to-section-19A-9, subsection-2~~ shall provide staff assistance.

33 Sec. 22. Section 118.11, subsection 3, and unnumbered
34 paragraph 2, Code 1989, are amended to read as follows:

35 3. ~~Clerical~~ Staff assistance.

1 All fees shall be paid to the treasurer of state and
2 deposited ~~in-the-general-fund-of-the-state~~ as provided by law.

3 Sec. 23. Section 118A.4, Code 1989, is amended to read as
4 follows:

5 118A.4 ORGANIZATION OF THE BOARD -- MEETINGS -- QUORUM.

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

16 Sec. 24. Section 118A.14, subsection 3, and unnumbered
17 paragraph 2, Code 1989, are amended to read as follows:

18 3. ~~Clerical~~ Staff assistance.

19 All fees shall be collected by the secretary, paid to the
20 treasurer of state and deposited ~~in-the-general-fund-of-the~~
21 state as provided by law.

22 Sec. 25. Section 123.64, Code 1989, is amended to read as
23 follows:

24 123.64 NOTICE.

25 Three days' notice in writing shall be given the defendant
26 of the hearing of the application, and if then continued at
27 the defendant's instance the writ as prayed petitioned for
28 shall be granted as a matter of course.

29 Sec. 26. Section 147.74, unnumbered paragraph 7, Code
30 1989, is amended to read as follows:

31 Any A graduate of a school accredited on the board of
32 optometric examiners may use the prefix "Doctor", but shall
33 add after the person's name the letters "~~Opt.-or~~
34 "Optometrist" "O.D."

35 Sec. 27. Section 166D.4, subsection 1, Code Supplement

1 1989, is amended to read as follows:

2 1. The pork producer board of directors within the area
3 proposed as a program area has approved by a two-thirds
4 majority vote ~~to designate~~ designating the area as a program
5 area.

6 Sec. 28. Section 166D.9, subsection 3, paragraph a, Code
7 Supplement 1989, is amended to read as follows:

8 a. The swine have been removed from the premises, and the
9 premises have been cleaned and disinfected under supervision
10 of the department or the inspection service. The disinfectant
11 shall be approved by the department or inspection service.
12 The premises must have been maintained free of swine for
13 thirty days. However, the epidemiologist for good cause may
14 determine that premises shall be maintained free of swine for
15 a period greater or less than thirty days.

16 Sec. 29. Section 166D.10, subsection 3, paragraph b, Code
17 Supplement 1989, is amended to read as follows:

18 b. A feeder pig in a herd of unknown pseudorabies status
19 ~~as-provided~~ shall be subject to restricted movement.

20 Sec. 30. Section 185C.16, Code Supplement 1989, is amended
21 to read as follows:

22 185C.16 NOTICE OF REFERENDUM.

23 Notice of a referendum election to initiate or terminate a
24 promotional order shall be given by publication in a newspaper
25 of general circulation in this state at least ten days prior
26 to the date of the referendum and in any other reasonable
27 manner as ~~may-be~~ determined by the secretary for the initial
28 referendum and by the board for ~~extension~~ termination of the
29 promotional order.

30 Sec. 31. Section 192.30, Code 1989, is amended to read as
31 follows:

32 192.30 LAW TO BE ENFORCED BY SECRETARY OF AGRICULTURE OR
33 MUNICIPALITIES.

34 This chapter and chapters 190 and 191 shall be enforced by
35 the secretary or municipal corporations, which have entered

1 into agreements with the secretary under sections 192.11 and
2 192.48, both of whom shall make regulations which shall
3 conform to the Grade "A" Pasteurized Milk Ordinance with
4 ~~Administrative-Procedures----~~1978-Recommendations-of-the
5 ~~United-States-Public-Health-Service,~~ 1985 Revision, a
6 certified copy of which shall be on file at the secretary's
7 office or the office of the clerk of an authorized municipal
8 corporation. Where the mandatory compliance with provisions
9 of the appendixes therein is specified, the provisions shall
10 be deemed a requirement of the chapters.

11 Municipal corporations may establish grade "A" standards
12 for cottage cheese dry curd, cottage cheese, and low fat
13 cottage cheese as a part of the ordinance required by this
14 section; however no municipal corporation shall require a
15 grade "A" rating for these products as a condition precedent
16 to their sale within the city.

17 Sec. 32. Section 192.33, Code 1989, is amended to read as
18 follows:

19 192.33 RATING REQUIRED TO RETAIN PERMIT.

20 A pasteurized milk and milk products sanitation compliance
21 rating of ninety percent or more calculated according to the
22 rating system as contained in Public Health Service
23 Publication, "Method of Making Sanitation Ratings of Milk
24 Supplies, ~~1978-Edition~~ 1987 Revision", shall be necessary to
25 receive or retain a permit under section 192.5. Said
26 publication is hereby incorporated into this section by this
27 reference and made a part hereof insofar as applicable, a copy
28 of which shall be on file in the office of the secretary or
29 the office of the clerk of an authorized municipal corporation
30 at all times.

31 Sec. 33. Section 232.11, subsection 3, paragraph b, Code
32 1989, is amended to read as follows:

33 b. If the court determines that the parent, guardian, or
34 custodian cannot pay any part of the expenses of counsel to
35 represent the child, it shall appoint such counsel, who shall

1 be reimbursed according to ~~the provisions of~~ section 232.141,
2 subsection ~~±~~ 2, paragraph "b".

3 Sec. 34. Section 232.52, subsection 2, paragraph c,
4 subparagraph (2), Code 1989, is amended to read as follows:

5 (2) If the court deems appropriate, ordering the parent,
6 guardian, or custodian to reimburse the county for any costs
7 incurred as provided in section 232.141, subsection 5 1 or to
8 otherwise pay or provide for such care and treatment.

9 Sec. 35. Section 261.36, subsection 8, Code Supplement
10 1989, is amended to read as follows:

11 8. Implement various means of encouraging maximum lender
12 participation in the Iowa guaranteed loan payment program.

13 Sec. 36. Section 261.37, subsection 1, Code Supplement
14 1989, is amended to read as follows:

15 1. To review the Iowa guaranteed loan ~~and the Iowa~~
16 ~~guaranteed-loan-payment-programs~~ program.

17 Sec. 37. Section 261.39, unnumbered paragraph 2, Code
18 Supplement 1989, is amended to read as follows:

19 All assets and liabilities of the student loan program
20 established pursuant to sections 261.5 to 261.8, Code 1977,
21 and existing on July 1, 1978, ~~shall be~~ are assets and
22 liabilities of the Iowa guaranteed loan payment program
23 established pursuant to this chapter.

24 Sec. 38. Section 261.42, Code Supplement 1989, is amended
25 to read as follows:

26 261.42 SHORT TITLE.

27 This division shall be known and may be cited as the "Iowa
28 Guaranteed Loan Payment Program".

29 Sec. 39. Section 280A.39, unnumbered paragraph 2, Code
30 1989, is amended to read as follows:

31 If the vote is favorable in each merged area, the boards of
32 each area shall proceed to transfer the assets, liabilities,
33 and facilities of the areas to the combined merged area, and
34 shall serve as the acting board of the combined merged area
35 until a new board of directors is elected. The acting board

1 shall submit to the director of the department of education a
2 plan for redistricting the combined merged area, and upon
3 receiving approval from the director, shall provide for the
4 election of a director from each new district at the next
5 regular school election. The directors elected from each new
6 district shall determine their terms by lot ~~as provided in~~
7 section-200A-11 so that the terms of one-third of the members,
8 as nearly as may be, expire each year. Election of directors
9 for the combined merged area shall follow the procedures
10 established for election of directors of a merged area. A
11 combined merged area is subject to all provisions of law and
12 regulations rules governing merged areas.

13 Sec. 40. Section 298.4, unnumbered paragraph 1, Code
14 Supplement 1989, is amended to read as follows:

15 The board of directors of a school district may certify for
16 levy by March 15 of a school year, a tax on all taxable
17 property in the school district for a district management
18 levy. The revenue from the tax levied in this section shall
19 be placed in the district management subfund of the general
20 fund of the school district. The district management levy
21 shall be expended only for the following purposes:

22 Sec. 41. Section 302.33, Code 1989, is amended to read as
23 follows:

24 302.33 SUIT -- ATTORNEY FEE.

25 If such the debtor shall-neglect-to does not comply with
26 such the notice, the auditor shall report the same
27 noncompliance to the county attorney, who shall bring an
28 action to recover the same debt, and an injunction may issue
29 for cause, without bond when so prayed petitioned, and there
30 shall be allowed in the judgment, entered and taxed as a part
31 of the costs in the case, a reasonable sum as compensation to
32 plaintiff's attorney, not exceeding the amount as provided by
33 law for attorneys' fees.

34 Sec. 42. Section 307B.9, unnumbered paragraph 1, Code
35 Supplement 1989, is amended to read as follows:

1 Except as provided in this chapter, all obligations are
2 payable solely out of the pledged receipts as designated in
3 the bond proceedings. Tax funds which the authority receives
4 from a political subdivision of the state shall not be pledged
5 for payment of the obligations. Except for those tax funds
6 deposited in the special railroad facility fund as provided in
7 sections 307B.23, subsection 3 2, ~~435-9-and-324A-8~~, the state
8 shall not appropriate tax funds, directly or indirectly, to
9 the authority for the purpose of payment of obligations of the
10 authority. Obligations shall be authorized by resolution of
11 the board and bond proceedings shall provide for the purpose
12 of the obligations, the principal amount, the principal
13 maturity or maturities, not exceeding twenty-five years from
14 the date of issuance, the interest rate or rates or the
15 maximum interest rate, the date of the obligations and the
16 dates of payment of interest on them, their denomination, and
17 the establishment within or without the state of a place or
18 places of payment of bond service charges. As much as is
19 practicable within the legal and fiscal limitations inherent
20 in bond issuance, a portion of the bonds shall be issued in
21 denominations of five thousand dollars and smaller, in order
22 to allow smaller investors in the state to purchase the bonds.

23 Sec. 43. Section 307B.23, subsection 1, Code Supplement
24 1989, is amended to read as follows:

25 1. There is created in the office of the state treasurer a
26 "special railroad facility fund". This fund shall include
27 ~~moneys credited-to-this-fund-under-and-other-moneys~~ which by
28 law may be credited to the special railroad facility fund.
29 The moneys in the special railroad facility fund are
30 appropriated to and for the purposes of the authority as
31 provided in this chapter. The funds in the special railroad
32 facility fund shall not be considered as a part of the general
33 fund of the state, are not subject to appropriation for any
34 other purpose by the general assembly, and in determining a
35 general fund balance shall not be included in the general fund

1 of the state but shall remain in the special railroad facility
2 fund to be used for the purposes set forth in this section.
3 The treasurer of state shall act as custodian of the fund and
4 disburse amounts contained in it as directed by the authority.
5 The treasurer of state is authorized to invest the funds
6 deposited in the special railroad facility fund at the
7 direction of the authority and subject to any limitations
8 contained in the bond proceedings. The income from the
9 investment shall be credited to and deposited in the special
10 railroad facility fund. This fund shall be administered by
11 the authority and may be used to purchase or upgrade railroad
12 right-of-way and trackage facilities or to purchase general or
13 limited partnership interests in a partnership formed to
14 purchase, upgrade, or operate railroad right-of-way and
15 trackage facilities, to pay or secure obligations issued by
16 the authority, to pay obligations, judgments, or debts for
17 which the authority becomes liable in its capacity as a
18 general partner, or for any other use authorized under this
19 chapter. The fund may also be used to purchase or upgrade
20 railroad right-of-way and trackage facilities for the
21 development of railroad passenger tourism.

22 Sec. 44. Section 359.14, Code 1989, is amended to read as
23 follows:

24 359.14 CHANGING NAME -- PETITION -- NOTICE.

25 Any Eligible electors of a township desirous-of-changing
26 wishing to change its name may petition the board of
27 supervisors and, if it ~~shall appear~~ appears to ~~said the~~ the board
28 that a majority of the ~~actual-resident-voters~~ eligible
29 electors of such the township are in favor of such the change,
30 such the board shall cause notices, attested by the auditor,
31 to be posted in three of the most public places of such the
32 township, for at least thirty days ~~previous-to~~ before the next
33 regular session of ~~said the~~ the board, ~~which.~~ The notice shall
34 state ~~the-fact~~ that a petition has been presented to ~~said the~~ the
35 board by the ~~citizens~~ eligible electors of ~~said the~~ the township,

1 ~~praying-for~~ seeking a change of the name of the same township
2 and ~~recite~~ shall state the name ~~prayed-for~~ sought in ~~said~~ the
3 petition, and that, unless those interested in the change of
4 ~~such~~ name ~~shall~~ appear at the next regular session of ~~said~~ the
5 board and show cause why ~~said~~ the name shall not be changed,
6 there will be an order made granting ~~such~~ the change.

7 Sec. 45. Section 422.35, subsection 6, unnumbered
8 paragraph 1, Code Supplement 1989, is amended to read as
9 follows:

10 If the taxpayer is a small business corporation, subtract
11 an amount equal to sixty-five percent of the wages paid to
12 individuals, but ~~shall~~ not to exceed twenty thousand dollars
13 per individual, named in paragraphs "a", "b", and "c" who were
14 hired for the first time by the taxpayer during the tax year
15 for work done in this state:

16 Sec. 46. Section 424.17, subsection 2, Code Supplement
17 1989, is amended to read as follows:

18 2. A person who willfully attempts to evade a charge
19 imposed by this chapter or the payment of the charge or a
20 person who makes or causes to be made a false or fraudulent
21 return with intent to evade the charge imposed by this chapter
22 or the payment of the charge tax is guilty of a class "D"
23 felony.

24 Sec. 47. Section 428.20, Code Supplement 1989, is amended
25 to read as follows:

26 428.20 "MANUFACTURER" DEFINED ---~~DUTY-TO-LIST~~.

27 A person who purchases, receives, or holds personal
28 property of any description for the purpose of adding to its
29 value by a process of manufacturing, refining, purifying,
30 combining of different materials, or by the packing of meats,
31 with a view to selling the property for gain or profit, is a
32 "manufacturer" for the purposes of this title~~7-and-shall-list~~
33 ~~such-property-for-taxation~~.

34 Sec. 48. Section 447.4, Code 1989, is amended to read as
35 follows:

1 447.4 REDEMPTION FROM SALE FOR PART OF TAX.

2 In case a redemption is made of any real estate sold for a
3 less sum less than the taxes, penalty, interest, and costs,
4 the purchaser ~~shall~~ is entitled to receive only the amount
5 paid and a ratable part of such the penalty, interest, and
6 costs. In determining the interest and penalties to be paid
7 upon redemption from such sale, the sum due on any a parcel
8 sold shall be taken to be the full amount of taxes, interest,
9 and costs due thereon on the parcel at the time of such sale,
10 and the amount paid for any-such a parcel at such sale shall
11 be apportioned ratably among the several funds to which it
12 belongs. Real estate so sold ~~shall-be~~ is redeemable in the
13 same manner and with the same penalties as that sold for the
14 taxes of the preceding year.

15 Sec. 49. Section 455B.301, subsection 15, Code 1989, is
16 amended to read as follows:

17 15. "Solid waste" means garbage, refuse, rubbish, and
18 other similar discarded solid or semisolid materials,
19 including but not limited to such materials resulting from
20 industrial, commercial, agricultural, and domestic activities.
21 Solid waste may include vehicles, as defined by section 321.1,
22 subsection 1. However, this division does not prohibit the
23 use of dirt, stone, brick, or similar inorganic material for
24 fill, landscaping, excavation or grading at places other than
25 a sanitary disposal project. Solid waste does not include
26 hazardous waste as defined in section 455B.411 or source,
27 special nuclear, or by-product material as defined in the
28 Atomic Energy Act of 1954, as amended to January 1, 1979.

29 Sec. 50. Section 476.2, unnumbered paragraph 3, Code 1989,
30 is amended to read as follows:

31 The board ~~is-hereby-authorized-and-empowered-to~~ may
32 intervene in any proceedings before the federal power energy
33 regulatory commission or any other federal or state regulatory
34 body when it finds that any decision of such that tribunal
35 would adversely affect the costs of any public utility service

1 within the state of Iowa.

2 Sec. 51. Section 476.33, subsections 1, 2, and 3, Code
3 Supplement 1989, are amended to read as follows:

4 1. The board shall adopt rules pursuant to chapter 17A to
5 provide for the completion of proceedings under section 476.3
6 within ten months after the date of the filing of a petition
7 under section 476.3, subsection 2, and to provide for the
8 completion of proceedings under section 476.6 within ten
9 months after the date of filing of the new or changed rates,
10 charges, schedules, or regulations under that section. These
11 rules shall include reasonable time limitations for the
12 submission or completion of comments and testimony, and
13 exhibits, briefs, and hearings, and may provide for the
14 granting of additional time upon the request of a party to the
15 proceeding ~~or-division-staff~~ for good cause shown.

16 2. Additional time granted to a party ~~or-to-division-staff~~
17 under subsection 1 shall not extend the amount of time for
18 which a utility is required to file a bond or other
19 undertaking conditioned upon refund under section 476.3,
20 subsection 2.

21 3. If in a proceeding under section 476.6 additional time
22 is granted to a party ~~or-division-staff~~ under subsection 1,
23 the board may extend the ten-month period during which a
24 utility is prohibited from placing its entire rate increase
25 request into effect under section 476.6, but an extension
26 shall not exceed the aggregate amount of all additional time
27 granted under subsection 1.

28 Sec. 52. Section 490.1703, subsection 1, unnumbered
29 paragraph 1, Code Supplement 1989, is amended to read as
30 follows:

31 Except as provided in subsection 2, the repeal of a statute
32 by this 1989 Iowa Acts, chapter 288, does not affect:

33 Sec. 53. Section 523D.3, subsection 2, paragraph a, Code
34 Supplement 1989, is amended to read as follows:

35 a. Any material differences between the pro forma income

1 statement filed pursuant to this chapter either as part of the
2 most recent annual disclosure statement and the actual results
3 of operations during the fiscal year, if the material
4 differences substantially affect the financial safety or
5 soundness of the community.

6 Sec. 54. Section 523D.6, subsection 3, unnumbered
7 paragraph 3, Code Supplement 1989, is amended to read as
8 follows:

9 If you cancel this contract, any money or property
10 transferred to the provider, and any payments made by you will
11 be returned within thirty calendar days following receipt by
12 the provider of your cancellation notice, and any security
13 interest arising out of the transaction will be canceled,
14 except that the provider may retain the reasonable value of
15 care and services actually provided to the resident prior to
16 the resident vacating the provider's facility.

17 Sec. 55. Section 537.6202, subsection 1, unnumbered
18 paragraph 1, Code Supplement 1989, is amended to read as
19 follows:

20 Persons subject to this part shall file notification with
21 the administrator within thirty days after commencing business
22 in this state ~~or within thirty days after enactment of this~~
23 ~~Act, whichever is applicable,~~ and, thereafter, on or before
24 January 31 of each year. The notification must state all of
25 the following:

26 Sec. 56. Section 554.8403, subsection 4, paragraph b, Code
27 Supplement 1989, is amended to read as follows:

28 b. claims of which the ~~user~~ issuer has received a written
29 notification from the registered owner or the registered
30 pledgee if the notification was received at a time and in a
31 manner affording the issuer a reasonable opportunity to act on
32 it in accordance with the requirements of subsection 5;

33 Sec. 57. Section 724.5, Code 1989, is amended to read as
34 follows:

35 724.5 DUTY TO CARRY PERMIT TO CARRY WEAPONS.

1 ~~It shall be the duty of any~~ A person armed with a revolver,
2 pistol, or pocket billy concealed upon the person ~~to~~ shall
3 have in the person's immediate possession the permit provided
4 for in section 724.4, subsection ~~8~~ 4, paragraph i, and ~~to~~
5 shall produce ~~same~~ the permit for inspection at the request of
6 ~~any~~ a peace officer. Failure to so produce ~~such~~ a permit
7 ~~shall constitute~~ is a simple misdemeanor.

8 Sec. 58. Section 903A.5, unnumbered paragraph 1, Code
9 1989, is amended to read as follows:

10 An inmate shall not be discharged from the custody of the
11 director of the Iowa department of corrections until the
12 inmate has served the full term for which the inmate was
13 sentenced, less good conduct time earned and not forfeited,
14 unless the inmate is pardoned or otherwise legally released.
15 Good conduct time earned and not forfeited shall apply to
16 reduce a mandatory minimum sentence being served pursuant to
17 section 204.406, 204.413, 902.7, 902.8, or ~~906-5~~ 902.11. An
18 inmate shall be deemed to be serving the sentence from the day
19 on which the inmate is received into the institution.
20 However, if an inmate was confined to a county jail or other
21 correctional or mental facility at any time prior to
22 sentencing, or after sentencing but prior to the case having
23 been decided on appeal, because of failure to furnish bail or
24 because of being charged with a nonbailable offense, the
25 inmate shall be given credit for the days already served upon
26 the term of the sentence. The clerk of the district court of
27 the county from which the inmate was sentenced, shall certify
28 to the warden the number of days so served.

29 Sec. 59. 1989 Iowa Acts, chapter 225, section 5, is
30 amended to read as follows:

31 SEC. 5. The governor's alliance on substance abuse,
32 created pursuant to executive order number 32 and in
33 accordance with the federal Anti-Drug Abuse Act of 1986, Pub.
34 L. No. 99-570, is transferred from the Iowa department of
35 public health to the drug enforcement and abuse prevention

1 coordinator and ~~shall-be~~ is under the control and supervision
2 of the coordinator. All state funds for this purpose shall be
3 transferred to the coordinator and the coordinator ~~shall-be~~ is
4 responsible for the preparation of federal grant applications
5 for specific grant programs under the federal Anti-Drug Abuse
6 Act of ~~1986~~ 1988, and the implementation and monitoring of
7 grant programs pursuant to regulations adopted pursuant to the
8 federal Anti-Drug Abuse Act of ~~1986~~ 1988.

9 Sec. 60. Sections 116.6, 356.37, and 476.8A, Code 1989,
10 are repealed.

11 EXPLANATION

12 This bill consists of corrections to the Code and Acts as
13 follows:

14 2.47A(2a) The section contains powers and duties of the
15 legislative capital projects committee. The definition of
16 "capital projects" was item-vetoed.

17 3.1(1) Requirements for "form of bills". Reference to the
18 Code Supplement added.

19 8.6(13,14) The section contains powers and duties of the
20 director of the department of management. The definition of
21 "capital project" was item-vetoed.

22 8.22(1) The section provides for the governor's budget
23 message. The definition of "capital project" was item-vetoed.

24 12.39 This division, including sections 12.31 through
25 12.39, was changed from "Linked Deposit Act" to "Linked
26 Investments for Tomorrow Act". The word "deposit" was changed
27 to "investment" throughout the division, except in this
28 section.

29 15.287 The amendment to section 98.35, transferring
30 certain revenues to the Iowa finance authority revolving fund,
31 was item-vetoed.

32 18.12(15) The section contains duties of the director of
33 the department of general services. The definition of
34 "capital project" in section 8.3A was item-vetoed.

35 28.154 Relates to the board of directors of the Wallace

1 technology transfer foundation. The members appointed by the
2 governor are placed in a separate paragraph rather than under
3 "standing members" and the ex officio members are listed in
4 the opening sentence. Note in subsection 3 that the terms of
5 the appointed members are staggered by the standing members,
6 so the two groups could not be considered all standing
7 members.

8 96.14(7) The section relates to unemployment compensation
9 and the subsection provides a form of notice of suit against a
10 nonresident employing unit. The amendment replaces the word
11 "prayed" and other outmoded language.

12 99.6, 99.10, and 99.11 The sections relate to a nuisance
13 action against property used for prostitution or illegal
14 gambling. The amendments replace the word "prayed" and make
15 other style changes.

16 114.11, 114.12, and 114.20 The sections relate to the
17 engineering and land surveying examining board. Under 1988
18 and 1989 Acts (see, e.g., 1989 Acts, chapter 321, section 11),
19 80 percent of fee revenues go to the professional licensing
20 revolving fund and only 20 percent to the general fund. Since
21 these are temporary provisions, the permanent law is amended
22 to recognize variations in temporary law. Also, the word
23 "secretary" is changed to "staff".

24 116.15 Relates to the accountancy examining board. See
25 explanation for amendments in chapter 114.

26 117.14 and 117.27(3) Relate to the real estate commission.
27 See explanation of chapter 114 amendments.

28 117B.6 Relates to the real estate appraiser examining
29 board. See explanation of amendments to chapter 114.

30 118.2 and 118.11 Relate to the architectural examining
31 board. See explanation of amendments to chapter 114. As to
32 118.2, apparently the pay plan provided for in section 19A.9,
33 subsection 2, remains applicable.

34 118A.4 and 118A.14 Relate to the landscape architectural
35 examining board. See explanation for chapter 114 amendments.

1 123.64 Relates to an injunction to abate a nuisance
2 connected with a violation of the alcoholic beverage control
3 laws. The amendment changes the outmoded word "prayed".
4 147.74 Changes prefix used by optometrists. Requested by
5 Iowa Optometric Association.
6 166D.4(1), 166D.9(5a), and 166D.10(36) Grammatical
7 corrections.
8 185C.16 Relates to the corn promotion board. 1989 Acts,
9 chapter 198, provided for automatic extension, and an election
10 for termination of a promotional order. The word "extension"
11 is amended here to conform to the rest of the section.
12 192.30 and 192.33 Update cites to federal standards
13 regarding milk and other dairy products.
14 232.11(3b) and 232.52(2c(2)) Amendments conform references
15 to 232.141 as it was amended by 1989 Acts, chapter 283,
16 section 23.
17 261.36(8), 261.37(1), 261.39 and 261.42 Eliminate
18 inaccurate references to "loan payment program" within the
19 division (sections 261.35-261.43) relating to the "loan
20 program". The loan payment program begins with section
21 261.44.
22 280A.39 The provision for determination by lot was struck
23 from 280A.11 in 1978 Acts, chapter 1095, section 15 (the
24 section was 280A.12 then). The amendment restates that
25 provision.
26 298.4 Apparently the word "district" was inadvertently
27 omitted.
28 302.33 Relates to debts payable to the permanent school
29 fund. The word "prayed" was changed and other language
30 updated.
31 307B.9 and 307B.23 The repeal of chapters 324A and 435 and
32 the partial amendment of section 307B.23 in two different
33 bills left errors. The moneys referred to in section 307B.9
34 are the repayment moneys from heartland rail corporation,
35 which were in subsection 3 of 307B.23; subsection 3 was

1 renumbered in the 1989 Code Supplement.

2 359.14 Amendment to change the word "prayed" and to update
3 other provisions. "Eligible electors", a term defined in
4 section 39.3 to mean a person eligible to register to vote, is
5 substituted for "actual resident voters" and "citizens".

6 422.35(6) Grammatical change.

7 424.17(2) Relates to an environmental protection charge.

8 It appears that the language was adapted from taxation
9 language and the word "tax" should have been omitted.

10 428.20 Provides a definition of "manufacturer" for the
11 requirement in section 428.23 that a manufacturer list real
12 property. The reference to listing personal property should
13 have been stricken.

14 447.4 Grammatical and style changes.

15 455B.301(15) Apparently a word was inadvertently omitted
16 from the defined term, "sanitary disposal project".

17 476.2 Relates to powers of the utilities board. The name
18 of the applicable federal agency was changed in the federal
19 Energy Organization Act in 1977, according to the utilities
20 division.

21 476.33(1, 2, 3) Authority for division staff to file
22 complaints with the utilities board was stricken in 1989 Acts,
23 chapter 97, section 1, and utilities division staff no longer
24 serves with the consumer advocate in contested cases before
25 the utilities board, under 1989 Acts, chapter 158, section 2,
26 so the references to "division staff" seeking additional time
27 are stricken.

28 490.1703 Relates to the new business corporation Act.

29 Since Acts chapter (288) repealed other statutes, not the Code
30 chapter 490, it appears that this correction is needed; it is
31 consistent with language used in subsection 2 of the same
32 section.

33 523D.3(2a) and 523D.6(3) Relate to providers of continuing
34 care and senior adult congregate living facilities.

35 Grammatical corrections.

1 537.6202(1) Relates to persons subject to notification and
2 fees under the consumer credit code. The language stricken
3 was ambiguous and also moot after July 31, 1989, at the
4 latest.

5 554.8403(4b) Relates to duties of "issuer" of a
6 certificated security. "User" was apparently a typo in 1977
7 amendments.

8 724.5 The reference to section 724.4, subsection 8, became
9 inaccurate when the subsection was renumbered, so the
10 reference is corrected and style changes made.

11 903A.5 Corrects internal cite which was not changed when
12 section was amended in 1988 Iowa Acts, chapter 1091, section
13 2.

14 89-225-5 The 1986 federal Act is correctly cited in the
15 first sentence, but the subsequent citations should be to the
16 1988 Act, according to the coordinator.

17 116.6 Repealed. Temporary section; effectiveness ended in
18 1975.

19 356.37 Repealed. Requirement for county jails needs
20 assessment before rules establishing minimum jail standards,
21 adopted in 1981, has apparently been completed and the section
22 is no longer relevant.

23 476.8A Repealed. The utilities board indicates that the
24 proceedings authorized by this section (rate changes resulting
25 from the Tax Reform Act of 1986) have been completed and there
26 is no longer a need for this section.

27 This bill may establish a state mandate under section
28 25B.3.

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HOUSE FILE 2312

AN ACT

RELATING TO NONSUBSTANTIVE CODE AND ACT CORRECTIONS.

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

Section 1. Section 2.47A, subsection 2, paragraph a, Code Supplement 1989, is amended to read as follows:

a. Gather information relative to capital projects, ~~as defined in section 8.3A,~~ for the purpose of aiding the general assembly to properly appropriate moneys for capital projects.

Sec. 2. Section 3.1, subsection 1, Code 1989, is amended to read as follows:

1. Shall refer to the numbers of the sections or chapters of the Code or Code Supplement to be amended or repealed, but it ~~shall~~ is not be necessary to refer to ~~such~~ the sections or chapters in the title.

Sec. 3. Section 8.6, subsection 13, Code Supplement 1989, is amended to read as follows:

13. CAPITAL PROJECT BUDGETING REQUESTS. To compile annually, no later than October 1, all capital project budgeting requests of all state agencies, as ~~capital project and state agency~~ are defined in section 8.3A, and to consolidate the requests, with individual state agency priorities noted, into a report for submission to the legislative capital projects committee not later than October 1, with any additional information regarding ~~such~~ the capital project budgeting requests or priorities to be compiled and submitted in the same manner no later than November 1.

Sec. 4. Section 8.6, subsection 14, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

To prepare annually, in cooperation with the department of general services, a five-year capital project priority plan for all state agencies, as ~~capital project and state agency~~

are defined in section 8.3A, to be submitted no later than July 1, beginning in the year 1990, to the legislative capital projects committee. The plan shall include but is not be limited to the following:

Sec. 5. Section 8.22, subsection 1, unnumbered paragraph 2, Code Supplement 1989, is amended to read as follows:

The governor's program shall include a single budget request for all capital projects, ~~as defined in section 8.3A,~~ proposed by the governor. The request shall include but is not be limited to the following:

Sec. 6. Section 12.39, Code 1989, is amended to read as follows:

12.39 LIABILITY.

The state and the treasurer of state are not liable to an eligible lending institution in any manner for payment of the principal or interest on the loan to an eligible borrower. Any delay in payments or default on the part of an eligible borrower does not in any manner affect the deposit investment agreement between the eligible lending institution and the treasurer of state.

Sec. 7. Section 15.287, Code Supplement 1989, is amended to read as follows:

15.287 REVOLVING FUND.

The Iowa finance authority shall establish a revolving fund for the program and shall transfer to the department moneys to be administered by the department. The moneys in the revolving fund are appropriated for purposes of the program. Notwithstanding section 8.33, moneys in the fund at the end of a fiscal year shall not revert to any other fund but shall remain in the revolving fund. The fund shall consist of all appropriations, grants, or gifts received by the authority or the department specifically for use under this part, ~~revenues designated in section 98.35 to be deposited in the fund,~~ and all repayments of loans or grants made under this part.

Sec. 8. Section 18.12, subsection 15, Code Supplement 1989, is amended to read as follows:

15. Prepare quarterly status reports for all ongoing capital projects of all state agencies, as ~~capital-project-and state-agency-are~~ defined in section 8.3A, and submit the status reports to the legislative capital projects committee.

Sec. 9. Section 18B.6, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

The board established pursuant to section ~~18.5~~ 18B.5 shall have all the general powers needed to carry out its mission and duties, including but not limited to the following powers:

Sec. 10. Section 28.154, Code Supplement 1989, is amended to read as follow:

28.154 BOARD OF DIRECTORS.

1. The board of directors is established consisting of the following standing members, and governor-appointed members, and ex officio, nonvoting members:

a. The following standing members:

(1) One board member to represent each state university's consortium appointed by the president of each state university.

(2) A president of a merged area school, or the president's designee, appointed by the Iowa association of community college presidents.

(3) A president of an Iowa independent college or university, or the president's designee, appointed by the Iowa association of independent colleges and universities.

(4) The director of the department of economic development or the director's designee.

(5) The chairperson of the Iowa product development corporation.

(6) A shareholder member of the business development finance corporation elected by the business development finance corporation board.

(7) The secretary of agriculture or the secretary's designee.

(8) The governor's science advisor.

(9) b. Five persons appointed by the governor, subject to senate confirmation, three of whom shall be persons involved directly in research and development of technology-based industries or persons with experience in technology, and two of whom shall be directly involved in agriculture-related enterprises.

b. c. The following ex officio, nonvoting members:

Four board members, with one board member appointed by each of the following persons: the speaker of the house of representatives, the minority leader of the house of representatives, the majority leader of the senate, and the minority leader of the senate.

2. The board of directors shall be bipartisan and gender balanced in accordance with sections 69.16 and 69.16A.

3. The terms of the appointed members ~~shall be for~~ are four years and shall be staggered as determined by the standing members. Any A vacancy shall be filled by the appointing authority. Members are eligible for actual expense reimbursement while fulfilling duties of the foundation. The governor and the legislative council shall convene the initial meeting of the board. The board shall elect a chairperson from among its members.

Sec. 11. Section 96.14, subsection 7, Code 1989, is amended to read as follows:

7. ORIGINAL NOTICE -- FORM. The original notice of suit filed with the secretary of state shall be in form and substance the same as now provided in suits against residents of this state, except that ~~that the part of said the~~ notice pertaining to the return day shall be in substantially the following form-to-wit:

"And unless you appear thereto and defend in the district court of Iowa in and for county at the courthouse in, Iowa, before noon of the sixtieth day following the filing of this notice with the secretary of state of this state, you will be adjudged in default, your default entered of record, and judgment rendered against you for the relief prayed sought in plaintiff's petition."

Sec. 12. Section 99.6, Code 1989, is amended to read as follows:

99.6 TEMPORARY RESTRAINING ORDER.

Where If a temporary injunction is prayed petitioned for, the court, on the application of plaintiff, may issue an ex parte restraining order, restraining the defendants and all other persons from removing or in any manner interfering with the furniture, fixtures, musical instruments, and movable property used in conducting the alleged nuisance, until the decision of the court granting or refusing such the temporary injunction and until the further order of the court thereon.

Sec. 13. Section 99.10, Code 1989, is amended to read as follows:

99.10 NOTICE.

Three days' notice in writing shall be given the defendants of the hearing of the application for temporary injunction, and if then continued at the instance of defendant, the temporary writ as prayed petitioned for shall be granted as a matter of course.

Sec. 14. Section 99.11, Code 1989, is amended to read as follows:

99.11 ANSWER.

Each defendant so notified shall serve upon the complainant or the complainant's attorney a verified answer on or before the date fixed in said the notice for said a hearing, and such the answer shall be filed with the clerk of the district court of the county wherein-such where the cause is triable, but the court may allow additional time for so answering, -provided such. However, an extension of time shall not prevent the issuing of said the temporary writ as prayed petitioned for. The allegations of the answer shall be deemed to be traversed without further pleading.

Sec. 15. Section 114.11, Code 1989, is amended to read as follows:

114.11 SECRETARY STAFF -- DUTIES.

The secretary staff shall keep on file a record of all certificates of registration granted and shall make annual revisions of the record as necessary. In revising the record the secretary staff shall communicate biennially by mail with every professional engineer and surveyor registered under this chapter, as provided in section 114.18.

Sec. 16. Section 114.12, Code 1989, is amended to read as follows:

114.12 DISPOSITION OF FEES.

The secretary staff shall collect and account for all fees provided for by this chapter and pay the same fees to the treasurer of state who shall deposit the fees in-the-general fund-of-the-state as provided by law.

Sec. 17. Section 114.20, unnumbered paragraph 3, Code 1989, is amended to read as follows:

The application for registration shall be accompanied by a fee as determined by the board. After the board determines the applicant to be qualified under this section, a certificate of registration shall be issued upon receipt of an additional fee as determined by the board. All fees collected shall be transmitted to the treasurer of state and deposited in-the-general-fund-of-the-state as provided by law.

Sec. 18. Section 116.15, Code 1989, is amended to read as follows:

116.15 SECRETARY STAFF TO COLLECT FEES -- DEPOSIT.

A secretary Staff may be employed to collect and account for all fees and pay them to the treasurer of state for deposit in-the-general-fund-of-the-state as provided by law. The board shall set the fees for examination as a certified public accountant, and for examination as an accounting practitioner, based upon the annual cost of administering the examinations. The fees for registration and renewal of a certificate and permit as a certified public accountant, registration as a public accountant, registration of a foreign public accountant, and licensure and renewal as an accounting practitioner, shall be based upon the administrative costs of

sustaining the board which shall include, but shall are not be limited to, the costs for:

1. Per diem, expenses, and travel for board members.
2. Office supplies and equipment.
3. ~~Clerical~~ Staff assistance.

Sec. 19. Section 117.14, Code Supplement 1989, is amended to read as follows:

117.14 FEES AND EXPENSES.

All fees and charges collected by the real estate commission under this chapter shall be paid into the ~~general fund-in-the~~ state treasury and deposited as provided by law, except that the equivalent of ten dollars per year of the fees for each real estate salesperson's or broker's license shall be paid into the Iowa real estate education fund created in section 117.54. All expenses incurred by the commission under this chapter, including compensation of staff assigned to the commission, shall be paid out of the ~~general fund-in~~ the state treasury as provided by law, except for expenses incurred and compensation paid for the real estate education director, which shall be paid out of the real estate education fund.

Sec. 20. Section 117.27, subsection 3, Code Supplement 1989, is amended to read as follows:

3. ~~Director, assistants, and clerical~~ Staff assistance.

Sec. 21. Section 117B.6, subsection 1, paragraph b, and subsection 2, Code Supplement 1989, are amended to read as follows:

- b. Salary, per diem, and expenses of ~~an executive secretary, assistants, and employees~~ staff.
2. Fees collected by the board shall be transmitted to the treasurer of state who shall deposit the fees ~~in-the-general fund-of-the-state~~ as provided by law.

Sec. 22. Section 118.2, Code 1989, is amended to read as follows:

118.2 OFFICERS.

During the month of July of each year the board shall elect from its members a president, vice president, and a secretary.

The duties of the officers shall ~~be such as~~ are those usually performed by such officers. The division may employ an executive secretary whose salary shall be established pursuant to ~~section 19A.9, subsection 2~~ shall provide staff assistance.

Sec. 23. Section 118.11, subsection 3, and unnumbered paragraph 2, Code 1989, are amended to read as follows:

3. ~~Clerical~~ Staff assistance.

All fees shall be paid to the treasurer of state and deposited ~~in-the-general-fund-of-the-state~~ as provided by law.

Sec. 24. Section 118A.4, Code 1989, 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 those usually performed by such officers. The board shall hold at least one meeting each year at the location of the board's principal office, and meetings shall be called at other times by the ~~secretary~~ division staff at the request of the chairperson or four members of the board. A majority of the members shall ~~constitute~~ constitutes a quorum. No action at any meeting can be taken without the affirmative votes of a majority of the members of the board.

Sec. 25. Section 118A.14, subsection 3, and unnumbered paragraph 2, Code 1989, are amended to read as follows:

3. ~~Clerical~~ Staff assistance.

All fees shall be collected by the secretary, paid to the treasurer of state and deposited ~~in-the-general-fund-of-the state~~ as provided by law.

Sec. 26. Section 123.64, Code 1989, is amended to read as follows:

123.64 NOTICE.

Three days' notice in writing shall be given the defendant of the hearing of the application, and if then continued at the defendant's instance the writ as prayed petitioned for shall be granted as a matter of course.

Sec. 27. Section 147.74, unnumbered paragraph 7, Code 1989, is amended to read as follows:

Any A graduate of a school accredited on the board of optometric examiners may use the prefix "Doctor", but shall add after the person's name the letters "Opt."-or "Optometrist" "O.D."

Sec. 28. Section 166D.4, subsection 1, Code Supplement 1989, is amended to read as follows:

1. The pork producer board of directors within the area proposed as a program area has approved by a two-thirds majority vote to-designate designating the area as a program area.

Sec. 29. Section 166D.9, subsection 3, paragraph a, Code Supplement 1989, is amended to read as follows:

a. The swine have been removed from the premises, and the premises have been cleaned and disinfected under supervision of the department or the inspection service. The disinfectant shall be approved by the department or inspection service. The premises must have been maintained free of swine for thirty days. However, the epidemiologist for good cause may determine that premises shall be maintained free of swine for a period greater or less than thirty days.

Sec. 30. Section 166D.10, subsection 3, paragraph b, Code Supplement 1989, is amended to read as follows:

b. A feeder pig in a herd of unknown pseudorabies status ~~as-provided~~ shall be subject to restricted movement.

Sec. 31. Section 185C.16, Code Supplement 1989, is amended to read as follows:

185C.16 NOTICE OF REFERENDUM.

Notice of a referendum election to initiate or terminate a promotional order shall be given by publication in a newspaper of general circulation in this state at least ten days prior to the date of the referendum and in any other reasonable manner as ~~may-be~~ determined by the secretary for the initial referendum and by the board for extension termination of the promotional order.

Sec. 32. Section 192.30, Code 1989, is amended to read as follows:

192.30 LAW TO BE ENFORCED BY SECRETARY OF AGRICULTURE OR MUNICIPALITIES.

This chapter and chapters 190 and 191 shall be enforced by the secretary or municipal corporations, which have entered into agreements with the secretary under sections 192.11 and 192.48, both of whom shall make regulations which shall conform to the Grade "A" Pasteurized Milk Ordinance with ~~Administrative-Procedures----~~1978-Recommendations-of-the United-States-Public-Health-Service, 1985 Revision, a certified copy of which shall be on file at the secretary's office or the office of the clerk of an authorized municipal corporation. Where the mandatory compliance with provisions of the appendixes therein is specified, the provisions shall be deemed a requirement of the chapters.

Municipal corporations may establish grade "A" standards for cottage cheese dry curd, cottage cheese, and low fat cottage cheese as a part of the ordinance required by this section; however no municipal corporation shall require a grade "A" rating for these products as a condition precedent to their sale within the city.

Sec. 33. Section 192.33, Code 1989, is amended to read as follows:

192.33 RATING REQUIRED TO RETAIN PERMIT.

A pasteurized milk and milk products sanitation compliance rating of ninety percent or more calculated according to the rating system as contained in Public Health Service Publication, "Method of Making Sanitation Ratings of Milk Supplies, ~~1978-Edition~~ 1987 Revision", shall be necessary to receive or retain a permit under section 192.5. Said publication is hereby incorporated into this section by this reference and made a part hereof insofar as applicable, a copy of which shall be on file in the office of the secretary or the office of the clerk of an authorized municipal corporation at all times.

Sec. 34. Section 232.11, subsection 3, paragraph b, Code 1989, is amended to read as follows:

b. If the court determines that the parent, guardian, or custodian cannot pay any part of the expenses of counsel to represent the child, it shall appoint such counsel, who shall be reimbursed according to the provisions of section 232.141, subsection 1 2, paragraph "b".

Sec. 35. Section 232.52, subsection 2, paragraph c, subparagraph (2), Code 1989, is amended to read as follows:

(2) If the court deems appropriate, ordering the parent, guardian, or custodian to reimburse the county for any costs incurred as provided in section 232.141, subsection 5 1 or to otherwise pay or provide for such care and treatment.

Sec. 36. Section 261.36, subsection 8, Code Supplement 1989, is amended to read as follows:

8. Implement various means of encouraging maximum lender participation in the Iowa guaranteed loan payment program.

Sec. 37. Section 261.37, subsection 1, Code Supplement 1989, is amended to read as follows:

1. To review the Iowa guaranteed loan and the Iowa guaranteed loan payment programs program.

Sec. 38. Section 261.39, unnumbered paragraph 2, Code Supplement 1989, is amended to read as follows:

All assets and liabilities of the student loan program established pursuant to sections 261.5 to 261.8, Code 1977, and existing on July 1, 1978, shall be are assets and liabilities of the Iowa guaranteed loan payment program established pursuant to this chapter.

Sec. 39. Section 261.42, Code Supplement 1989, is amended to read as follows:

261.42 SHORT TITLE.

This division shall be known and may be cited as the "Iowa Guaranteed Loan Payment Program".

Sec. 40. Section 280A.39, unnumbered paragraph 2, Code 1989, is amended to read as follows:

If the vote is favorable in each merged area, the boards of each area shall proceed to transfer the assets, liabilities, and facilities of the areas to the combined merged area, and shall serve as the acting board of the combined merged area until a new board of directors is elected. The acting board shall submit to the director of the department of education a plan for redistricting the combined merged area, and upon receiving approval from the director, shall provide for the election of a director from each new district at the next regular school election. The directors elected from each new district shall determine their terms by lot ~~as provided in section 280A-11~~ so that the terms of one-third of the members, as nearly as may be, expire each year. Election of directors for the combined merged area shall follow the procedures established for election of directors of a merged area. A combined merged area is subject to all provisions of law and regulations rules governing merged areas.

Sec. 41. Section 298.4, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

The board of directors of a school district may certify for levy by March 15 of a school year, a tax on all taxable property in the school district for a district management levy. The revenue from the tax levied in this section shall be placed in the district management subfund of the general fund of the school district. The district management levy shall be expended only for the following purposes:

Sec. 42. Section 302.33, Code 1989, is amended to read as follows:

302.33 SUIT -- ATTORNEY FEE.

If such the debtor ~~shall neglect to~~ does not comply with such the notice, the auditor shall report the same noncompliance to the county attorney, who shall bring an action to recover the same debt, and an injunction may issue for cause, without bond when so prayed petitioned, and there shall be allowed in the judgment, entered and taxed as a part of the costs in the case, a reasonable sum as compensation to

plaintiff's attorney, not exceeding the amount as provided by law for attorneys' fees.

Sec. 43. Section 307B.9, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

Except as provided in this chapter, all obligations are payable solely out of the pledged receipts as designated in the bond proceedings. Tax funds which the authority receives from a political subdivision of the state shall not be pledged for payment of the obligations. Except for those tax funds deposited in the special railroad facility fund as provided in sections 307B.23, subsection 3 2, ~~435-9-and-324A-8~~ or other tax funds available pursuant to section 307B.26, the state shall not appropriate tax funds, directly or indirectly, to the authority for the purpose of payment of obligations of the authority. Obligations shall be authorized by resolution of the board and bond proceedings shall provide for the purpose of the obligations, the principal amount, the principal maturity or maturities, not exceeding twenty-five years from the date of issuance, the interest rate or rates or the maximum interest rate, the date of the obligations and the dates of payment of interest on them, their denomination, and the establishment within or without the state of a place or places of payment of bond service charges. As much as is practicable within the legal and fiscal limitations inherent in bond issuance, a portion of the bonds shall be issued in denominations of five thousand dollars and smaller, in order to allow smaller investors in the state to purchase the bonds.

Sec. 44. Section 307B.23, subsection 1, Code Supplement 1989, is amended to read as follows:

1. There is created in the office of the state treasurer a "special railroad facility fund". This fund shall include ~~moneys credited to this fund under and other moneys~~ which by law may be credited to the special railroad facility fund. The moneys in the special railroad facility fund are appropriated to and for the purposes of the authority as provided in this chapter. The funds in the special railroad

facility fund shall not be considered as a part of the general fund of the state, are not subject to appropriation for any other purpose by the general assembly, and in determining a general fund balance shall not be included in the general fund of the state but shall remain in the special railroad facility fund to be used for the purposes set forth in this section. The treasurer of state shall act as custodian of the fund and disburse amounts contained in it as directed by the authority. The treasurer of state is authorized to invest the funds deposited in the special railroad facility fund at the direction of the authority and subject to any limitations contained in the bond proceedings. The income from the investment shall be credited to and deposited in the special railroad facility fund. This fund shall be administered by the authority and may be used to purchase or upgrade railroad right-of-way and trackage facilities or to purchase general or limited partnership interests in a partnership formed to purchase, upgrade, or operate railroad right-of-way and trackage facilities, to pay or secure obligations issued by the authority, to pay obligations, judgments, or debts for which the authority becomes liable in its capacity as a general partner, or for any other use authorized under this chapter. The fund may also be used to purchase or upgrade railroad right-of-way and trackage facilities for the development of railroad passenger tourism.

Sec. 45. Section 359.14, Code 1989, is amended to read as follows:

359.14 CHANGING NAME -- PETITION -- NOTICE.

Any Eligible electors of a township desirous-of-changing wishing to change its name may petition the board of supervisors and, if it ~~shall appear~~ appears to said the board that a majority of the ~~actual-resident-voters~~ eligible electors of such the township are in favor of such the change, such the board shall cause notices, attested by the auditor, to be posted in three of the most public places of such the township, for at least thirty days ~~previous-to~~ before the next

regular session of said ~~the board~~, which. The notice shall state the fact that a petition has been presented to said the board by the citizens eligible electors of said the township, praying for seeking a change of the name of the same township and recite shall state the name prayed for sought in said the petition, and that, unless those interested in the change of such name shall appear at the next regular session of said the board and show cause why said the name shall not be changed, there will be an order made granting such the change.

Sec. 46. Section 422.35, subsection 6, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

If the taxpayer is a small business corporation, subtract an amount equal to sixty-five percent of the wages paid to individuals, but shall not to exceed twenty thousand dollars per individual, named in paragraphs "a", "b", and "c" who were hired for the first time by the taxpayer during the tax year for work done in this state:

Sec. 47. Section 424.17, subsection 2, Code Supplement 1989, is amended to read as follows:

2. A person who willfully attempts to evade a charge imposed by this chapter or the payment of the charge or a person who makes or causes to be made a false or fraudulent return with intent to evade the charge imposed by this chapter or the payment of the charge tax is guilty of a class "D" felony.

Sec. 48. Section 428.20, Code Supplement 1989, is amended to read as follows:

428.20 "MANUFACTURER" DEFINED ---~~BUTY-TO-LIST~~.

A person who purchases, receives, or holds personal property of any description for the purpose of adding to its value by a process of manufacturing, refining, purifying, combining of different materials, or by the packing of meats, with a view to selling the property for gain or profit, is a "manufacturer" for the purposes of this title ~~and shall list such property for taxation.~~

Sec. 49. Section 447.4, Code 1989, is amended to read as follows:

447.4 REDEMPTION FROM SALE FOR PART OF TAX.

In case a redemption is made of any real estate sold for a less sum less than the taxes, penalty, interest, and costs, the purchaser shall is entitled to receive only the amount paid and a ratable part of such the penalty, interest, and costs. In determining the interest and penalties to be paid upon redemption from such sale, the sum due on any a parcel sold shall be taken to be the full amount of taxes, interest, and costs due thereon on the parcel at the time of such sale, and the amount paid for any such a parcel at such sale shall be apportioned ratably among the several funds to which it belongs. Real estate so sold shall ~~be~~ is redeemable in the same manner and with the same penalties as that sold for the taxes of the preceding year.

Sec. 50. Section 455B.301, subsection 15, Code 1989, is amended to read as follows:

15. "Solid waste" means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by section 321.1, subsection 1. However, this division does not prohibit the use of dirt, stone, brick, or similar inorganic material for fill, landscaping, excavation or grading at places other than a sanitary disposal project. Solid waste does not include hazardous waste as defined in section 455B.411 or source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.

Sec. 51. Section 476.2, unnumbered paragraph 3, Code 1989, is amended to read as follows:

The board ~~is hereby authorized and empowered to~~ may intervene in any proceedings before the federal power energy regulatory commission or any other federal or state regulatory body when it finds that any decision of such that tribunal

would adversely affect the costs of any public utility service within the state of Iowa.

Sec. 52. Section 476.33, subsections 1, 2, and 3, Code Supplement 1989, are amended to read as follows:

1. The board shall adopt rules pursuant to chapter 17A to provide for the completion of proceedings under section 476.3 within ten months after the date of the filing of a petition under section 476.3, subsection 2, and to provide for the completion of proceedings under section 476.6 within ten months after the date of filing of the new or changed rates, charges, schedules, or regulations under that section. These rules shall include reasonable time limitations for the submission or completion of comments and testimony, and exhibits, briefs, and hearings, and may provide for the granting of additional time upon the request of a party to the proceeding ~~or-division-staff~~ for good cause shown.

2. Additional time granted to a party ~~or-to-division-staff~~ under subsection 1 shall not extend the amount of time for which a utility is required to file a bond or other undertaking conditioned upon refund under section 476.3, subsection 2.

3. If in a proceeding under section 476.6 additional time is granted to a party ~~or-division-staff~~ under subsection 1, the board may extend the ten-month period during which a utility is prohibited from placing its entire rate increase request into effect under section 476.6, but an extension shall not exceed the aggregate amount of all additional time granted under subsection 1.

Sec. 53. Section 490.1703, subsection 1, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

Except as provided in subsection 2, the repeal of a statute by this 1989 Iowa Acts, chapter 288, does not affect:

Sec. 54. Section 523D.3, subsection 2, paragraph a, Code Supplement 1989, is amended to read as follows:

a. Any material differences between the pro forma income statement filed pursuant to this chapter either as part of the most recent annual disclosure statement and the actual results of operations during the fiscal year, if the material differences substantially affect the financial safety or soundness of the community.

Sec. 55. Section 523D.6, subsection 3, unnumbered paragraph 3, Code Supplement 1989, is amended to read as follows:

If you cancel this contract, any money or property transferred to the provider, and any payments made by you will be returned within thirty calendar days following receipt by the provider of your cancellation notice, and any security interest arising out of the transaction will be canceled, except that the provider may retain the reasonable value of care and services actually provided to the resident prior to the resident vacating the provider's facility.

Sec. 56. Section 537.6202, subsection 1, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

Persons subject to this part shall file notification with the administrator within thirty days after commencing business in this state ~~or-within-thirty-days-after-enactment-of-this Act, whichever-is-applicable~~, and, thereafter, on or before January 31 of each year. The notification must state all of the following:

Sec. 57. Section 554.8403, subsection 4, paragraph b, Code Supplement 1989, is amended to read as follows:

b. claims of which the user issuer has received a written notification from the registered owner or the registered pledgee if the notification was received at a time and in a manner affording the issuer a reasonable opportunity to act on it in accordance with the requirements of subsection 5;

Sec. 58. Section 570A.2, subsection 2, Code 1989, is amended to read as follows:

2. If within two four business days of receipt of a certified request a financial institution fails to issue a memorandum upon the request of an agricultural supply dealer and the request from the agricultural supply dealer was proper under subsection 1, or if the memorandum from the financial institution is incomplete, or if the memorandum from the financial institution states that the farmer does not have a sufficient net worth or line of credit to assure payment of the purchase price, the agricultural supply dealer may decide to make the sale and secure the lien provided in section 570A.3.

Sec. 59. Section 602.6403, subsection 2, Code Supplement 1989, is amended to read as follows:

2. The magistrate appointing commission for each county shall prescribe the contents of an application, in addition to any application form provided by the supreme court, for an appointment pursuant to this section. The commission shall publicize notice of any vacancy to be filled in at least two publications in the all official county newspaper newspapers in the county. The commission shall accept applications for a minimum of fifteen days prior to making an appointment, and shall make available during that period of time any printed application forms the commission prescribes.

Sec. 60. Section 724.5, Code 1989, is amended to read as follows:

724.5 DUTY TO CARRY PERMIT TO CARRY WEAPONS.

~~It shall be the duty of any~~ A person armed with a revolver, pistol, or pocket billy concealed upon the person ~~to shall~~ have in the person's immediate possession the permit provided for in section 724.4, subsection ~~8~~ 4, paragraph i, and ~~to shall~~ produce ~~same the permit~~ for inspection at the request of ~~any a~~ peace officer. Failure to so produce ~~such a~~ permit ~~shall constitute is~~ a simple misdemeanor.

Sec. 61. Section 903A.5, unnumbered paragraph 1, Code 1989, is amended to read as follows:

An inmate shall not be discharged from the custody of the director of the Iowa department of corrections until the inmate has served the full term for which the inmate was sentenced, less good conduct time earned and not forfeited, unless the inmate is pardoned or otherwise legally released. Good conduct time earned and not forfeited shall apply to reduce a mandatory minimum sentence being served pursuant to section 204.406, 204.413, 902.7, 902.8, or 906-5 902.11. An inmate shall be deemed to be serving the sentence from the day on which the inmate is received into the institution. However, if an inmate was confined to a county jail or other correctional or mental facility at any time prior to sentencing, or after sentencing but prior to the case having been decided on appeal, because of failure to furnish bail or because of being charged with a nonbailable offense, the inmate shall be given credit for the days already served upon the term of the sentence. The clerk of the district court of the county from which the inmate was sentenced, shall certify to the warden the number of days so served.

Sec. 62. Section 910A.9, subsection 5, Code Supplement 1989, is amended to read as follows:

5. The date on which the offender is expected to be released from an institution ~~or facility~~ pursuant to a plan of parole ~~or work-release~~, or upon discharge of sentence.

Sec. 63. 1989 Iowa Acts, chapter 225, section 5, is amended to read as follows:

SEC. 5. The governor's alliance on substance abuse, created pursuant to executive order number 32 and in accordance with the federal Anti-Drug Abuse Act of 1986, Pub. L. No. 99-570, is transferred from the Iowa department of public health to the drug enforcement and abuse prevention coordinator and ~~shall be is~~ under the control and supervision of the coordinator. All state funds for this purpose shall be transferred to the coordinator and the coordinator ~~shall be is~~ responsible for the preparation of federal grant applications for specific grant programs under the federal Anti-Drug Abuse

Act of 1986 1988, and the implementation and monitoring of grant programs pursuant to regulations adopted pursuant to the federal Anti-Drug Abuse Act of 1986 1988.

Sec. 64. Sections 116.6, 356.37, and 476.8A, Code 1989, are repealed.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2312, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved April 16, 1990

TERRY E. BRANSTAD
Governor

HF 2312