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Place On Calendar

HOUSE FILE 2313

BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

(SUCCESSOR TO HSB 719)

Passed House, Date 3/2/90 (p. 813) Passed Senate, Date 4/5/90 (p. 1586)
Vote: Ayes 92 Nays 0 Vote: Ayes 48 Nays 1

Approved May 2, 1990

Repassed House year 6/14/90 (p. 2180)
85-0

A BILL FOR

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

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

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HF 2313

1 Section 1. Section 49.7, Code Supplement 1989, is amended
2 to read as follows:

3 49.7 WHEN REPRECINCTING REQUIRED.

4 Each county board of supervisors and city council shall
5 make any changes in precinct boundaries necessary to comply
6 with sections 49.3, 49.4 and 49.5 not earlier than July 1 nor
7 later than November 15 of the year immediately following each
8 year in which the federal decennial census is taken, unless
9 the general assembly by joint resolution establishes different
10 dates for compliance with these sections. Any or all of the
11 publications required by section 49.11 may be made after
12 November 15 if necessary. Each county board and city council
13 shall notify the state commissioner and the commissioner
14 ~~whenever~~ when the boundaries of election precincts are
15 changed, and shall provide a map delineating the new boundary
16 lines. Each county board and city council shall certify to
17 the state commissioner the populations of the new election
18 precincts or retained election precincts as determined under
19 the latest federal decennial census. Upon failure of a county
20 board or city council to make the required changes by the
21 dates specified by this section, as determined by the state
22 commissioner, the state commissioner shall make or cause to be
23 made the necessary changes as soon as possible, and shall
24 assess to the county or city, as the case may be, the expenses
25 incurred in so doing. The state commissioner may request the
26 services of personnel of and materials available to the
27 legislative service bureau to assist the state commissioner in
28 making ~~any~~ required changes in election precinct boundaries
29 which become the state commissioner's responsibility.

30 Sec. 2. Section 99B.1, subsection 18, Code Supplement
31 1989, is amended to read as follows:

32 18. "Net receipts" means gross receipts less amounts
33 awarded as prizes and less state and local sales tax paid upon
34 the gross receipts. Reasonable expenses, charges, fees, taxes
35 other than the state and local sales tax, and deductions

1 allowed by the department shall not exceed thirty twenty-five
2 percent of net receipts.

3 Sec. 3. Section 99D.13, subsection 2, Code Supplement
4 1989, is amended to read as follows:

5 2. Winnings from each racetrack forfeited under subsection
6 1 shall escheat to the state and to the extent appropriated by
7 the general assembly shall be used by the department of
8 agriculture and land stewardship to administer sections 99D.22
9 and 99D.27. The remainder shall be paid over to the
10 commission to pay all or part of the cost of drug testing at
11 the tracks. To the extent the remainder paid over to the
12 commission, less the cost of drug testing, is from unclaimed
13 winnings from harness racing meets, the remainder shall be
14 used as provided in subsection 3. To the extent the remainder
15 paid over to the commission, less the cost of drug testing, is
16 from unclaimed winnings from tracks licensed for dog or horse
17 races, the commission, at least quarterly, shall remit one-
18 third of the amount to the treasurer of the city in which the
19 racetrack is located, one-third of the amount to the treasurer
20 of the county in which the racetrack is located, and one-third
21 of the amount to the racetrack from which it was forfeited.
22 If the racetrack is not located in a city, then one-third
23 shall be deposited as provided in chapter 556. The amount
24 received by the racetrack under this subsection shall be used
25 only for retiring the debt of the racetrack facilities and for
26 capital improvements to the racetrack facilities.

27 Sec. 4. Section 136C.3, subsection 2, unnumbered paragraph
28 1, Code 1989, is amended to read as follows:

29 Establish minimum training standards including continuing
30 education requirements, and administer examinations and
31 disciplinary procedures for operators of radiation machines
32 and users of radioactive materials. A state of Iowa license
33 to practice medicine, osteopathy, chiropractic, podiatry,
34 dentistry, dental hygiene, or veterinary medicine, or
35 licensure as a physician assistant pursuant to chapter 148C,

1 or certification by the board of dental examiners in dental
2 radiography, or by the board of podiatry examiners in
3 podiatric radiology, or enrollment in a program or course of
4 study approved by the Iowa department of public health which
5 includes the application of radiation to humans satisfies the
6 minimum training standards for operation of radiation machines
7 only.

8 Sec. 5. Section 204.401, subsection 1, paragraph b,
9 subparagraph (5), Code Supplement 1989, is amended to read as
10 follows:

11 (5) Not more than ten grams of a mixture or substance
12 containing a detectable amount of lysergic acid diethylamide
13 (LSD).

14 Sec. 6. Section 232.141, subsection 3, paragraph c, Code
15 Supplement 1989, is amended to read as follows:

16 c. Costs incurred under subsection 2 which are not paid by
17 the county under paragraphs "a" and "b" shall be reimbursed by
18 the state. A county shall apply for reimbursement to the
19 ~~judicial~~ department of inspections and appeals which shall
20 prescribe rules and forms to implement this subsection.

21 Sec. 7. Section 275.23A, subsection 3, Code Supplement
22 1989, is amended to read as follows:

23 3. The school board shall notify the state commissioner of
24 elections and the county commissioner of elections of each
25 county in which a portion of the school district is located
26 ~~whenever~~ when the boundaries of director districts are
27 changed. The board shall provide the commissioners with maps
28 showing the new boundaries and shall also certify to the state
29 commissioner the populations of the new director districts as
30 determined under the latest federal decennial census. If,
31 following a federal decennial census a school district elects
32 not to redraw director districts under this section, the
33 school board shall so certify to the state commissioner of
34 elections, and the school board shall also certify to the
35 state commissioner the populations of the retained director

1 districts as determined under the latest federal decennial
2 census. Upon failure of a district board to make the required
3 changes by the dates established under this section as
4 determined by the state commissioner of elections, the state
5 commissioner of elections shall make or cause to be made the
6 necessary changes as soon as possible, and shall assess any
7 expenses incurred to the school district. The state
8 commissioner of elections may request the services of
9 personnel of and materials available to the legislative
10 service bureau to assist the state commissioner in making any
11 required boundary changes.

12 Sec. 8. Section 282.18, Code Supplement 1989, is amended
13 to read as follows:

14 282.18 OPEN ENROLLMENT.

15 For the school year commencing July 1, 1989, and each
16 succeeding school year, a parent or guardian residing in a
17 school district may enroll the parent's or guardian's child in
18 a public school in another school district in the manner
19 provided in this section.

20 By September 15 of the preceding school year the parent or
21 guardian shall informally notify the district of residence,
22 and not later than November 1 of the preceding school year,
23 the parent or guardian shall send notification to the district
24 of residence and to the department of education on forms
25 prescribed by the department of education that the parent or
26 guardian intends to enroll the parent's or guardian's child in
27 a public school in another school district. The parent or
28 guardian shall describe the reason that exists for enrollment
29 in the receiving district that is not present in the district
30 of residence. The board of the district of residence shall
31 transmit a copy of the form to the receiving school district
32 within five days after its receipt. During the 1990-1991
33 school year, if the board of the district of residence
34 determines that transmission of the request will result in a
35 loss of greater than five percent of the district's certified

1 enrollment for the previous year, the board of the district of
2 residence may deny the request for the 1990-1991 school year.
3 During the 1991-1992 school year, if the board of the district
4 of residence determines that transmission of the request will
5 result in a loss of greater than ten percent of the district's
6 certified enrollment for the previous year, the board of the
7 district of residence may deny the request for the 1991-1992
8 school year. If, however, a failure to transmit a request
9 will result in enrollment of ~~students~~ pupils from the same
10 nuclear family in different school districts, the request
11 shall be transmitted to the receiving district for enrollment.
12 The board of each school district shall adopt a policy
13 relating to the order in which requests for enrollment in
14 other districts shall be considered. The board of the
15 receiving school district shall enroll the pupil in a school
16 in the receiving district for the following school year unless
17 the receiving district does not have classroom space for the
18 pupil. In all districts involved with volunteer or court-
19 ordered desegregation, minority and nonminority ~~student~~ pupil
20 ratios shall be maintained according to the desegregation plan
21 or order. The superintendent of a district subject to
22 volunteer or court-ordered desegregation may deny a request
23 for transfer under this section if the superintendent finds
24 that enrollment or release of a pupil will adversely affect
25 the district's implementation of the desegregation order or
26 plan. If, however, a transfer request would facilitate a
27 voluntary or court-ordered desegregation plan, the district
28 shall give priority to granting the request over other
29 requests. A parent or guardian, whose request has been denied
30 because of a desegregation order or plan, may appeal the
31 decision of the superintendent to the board of the district in
32 which the request was denied. The board may either uphold or
33 overturn the superintendent's decision. A decision of the
34 board to uphold the denial of the request is subject to appeal
35 under section 290.1.

1 Each district shall provide notification to the parent or
2 guardian relating to the transmission or denial of the
3 request. A district of residence shall provide for
4 notification of transmission or denial to a parent or guardian
5 within three days of board action on the request. A receiving
6 district shall provide notification to a parent or guardian,
7 within fifteen days of receipt of the request, of whether the
8 ~~child~~ pupil will be enrolled in that district or whether the
9 request is to be denied.

10 A request under this section is for a period of not less
11 than four years unless the pupil will graduate, the pupil's
12 family moves to another school district, or the parent or
13 guardian petitions the receiving district for permission to
14 enroll the ~~child~~ pupil in a different district, which may
15 include the district of residence, within the four-year
16 period. If the parent or guardian requests permission of the
17 receiving district to enroll the ~~child~~ pupil in a different
18 district within the four-year period, the receiving district
19 school board may transmit a copy of the request to the other
20 school district within five days of the receipt of the
21 request. The new receiving district shall enroll the pupil in
22 a school in the district unless there is insufficient
23 classroom space in the district or unless enrollment of the
24 pupil would adversely affect court ordered or voluntary
25 desegregation orders affecting a district. A denial of a
26 request to change district enrollment within the four-year
27 period ~~shall be~~ is subject to appeal under section 290.1.

28 The board of directors of the district of residence shall
29 pay to the receiving district the lower district cost per
30 pupil of the two districts, plus any moneys received for the
31 pupil as a result of non-English speaking weighting under
32 section 442.4, subsection 6, for each school year. The
33 district of residence shall also transmit the phase III moneys
34 allocated to the district for the full-time equivalent
35 attendance of the pupil, who is the subject of the request, to

1 the receiving district specified in the request for transfer.
2 If a request filed under this section is for a child requiring
3 special education under chapter 281, the request to transfer
4 to the other district shall only be granted if the receiving
5 district maintains a special education instructional program
6 which is appropriate to meet the child's educational needs and
7 the enrollment of the child in the receiving district's
8 program would not cause the size of the class in that special
9 education instructional program in the receiving district to
10 exceed the maximum class size in rules adopted by the state
11 board of education for that program. For ~~pupils~~ children
12 requiring special education, the board of directors of the
13 district of residence shall pay to the receiving district the
14 actual costs incurred in providing the appropriate special
15 education. Quarterly payments shall be made to the receiving
16 district. If the transfer of a pupil from one district to
17 another results in a transfer from one area education agency
18 to another, the sending district shall forward a copy of the
19 request to the sending district's area education agency. The
20 receiving district shall forward a copy of the request to the
21 receiving district's area education agency. Any moneys
22 received by the area education agency of the sending district
23 for the ~~child~~ pupil who is the subject of the request shall be
24 forwarded to the receiving district's area education agency.
25 Notwithstanding section 285.1 relating to transportation of
26 nonresident pupils, the parent or guardian is responsible for
27 transporting the pupil without reimbursement to and from a
28 point on a regular school bus route of the receiving district.
29 A receiving district shall not send school vehicles into the
30 district of residence of the pupil using the open enrollment
31 option under this section, for the purpose of transporting the
32 pupil to and from school in the receiving district. If the
33 ~~child~~ pupil meets the economic eligibility requirements
34 established under the federal National School Lunch and Child
35 Nutrition Acts, 42 U.S.C. § 1751-1785, for free or reduced

1 price lunches, the sending district ~~shall-be~~ is responsible
2 for providing transportation or paying the pro rata cost of
3 the transportation to a parent or guardian for transporting
4 the ~~child~~ pupil to and from a point on a regular school bus
5 route of a contiguous receiving district unless the cost of
6 providing transportation or the pro rata cost of the
7 transportation to a parent or guardian exceeds the average
8 transportation cost per pupil transported for the previous
9 school year in the district. If the cost exceeds the average
10 transportation cost per pupil transported for the previous
11 school year, the sending district shall only be responsible
12 for that average per pupil amount. A sending district which
13 provides transportation for a ~~child~~ pupil to a contiguous
14 receiving district under this paragraph may withhold from the
15 district cost per pupil amount, that is to be paid to the
16 receiving district, an amount which represents the average or
17 pro rata cost per pupil for transportation, whichever is less.

18 A ~~child~~ pupil, whose parent or guardian has submitted a
19 request to enroll the ~~child~~ pupil in a public school in
20 another district, shall, if the request has resulted in the
21 enrollment of the ~~child~~ pupil in the other district, attend
22 school in the other district which is the subject of the
23 request. This requirement ~~shall~~ does not apply, however, if
24 the ~~child's~~ pupil's family moves out of the district of
25 residence.

26 Every school district shall adopt a policy which defines
27 the term "insufficient classroom space" for that district.

28 The board of directors of a school district subject to
29 volunteer or court-ordered desegregation may vote not to
30 participate in open enrollment under this section during the
31 school year commencing July 1, 1990, and ending June 30, 1991.
32 If a district chooses not to participate in open enrollment
33 under this paragraph, the district shall develop a policy for
34 implementation of open enrollment in the district for that
35 following school year. The policy shall contain objective

1 criteria for determining when a request would adversely impact
2 the desegregation order or plan and criteria for prioritizing
3 requests that do not have an adverse impact on the order or
4 plan.

5 A student pupil who attends a grade in grades nine through
6 twelve in a school district other than the district of
7 residence is not eligible to participate in interscholastic
8 athletic contests and athletic competitions during the first
9 year of enrollment under this section except for an
10 interscholastic sport in which the district of residence and
11 the other school district jointly participate or unless the
12 sport in which the student pupil wishes to participate is not
13 offered in the district of residence. However, a pupil who
14 has paid tuition and attended school, or has attended school
15 pursuant to a mutual agreement between the two districts, in a
16 district other than the pupil's district of residence for at
17 least one school year prior to ~~the effective date of this Act~~
18 March 10, 1989, ~~shall be~~ is eligible to participate in
19 interscholastic athletic contests and athletic competitions
20 under this section, but only as a member of a team from the
21 district that student pupil had attended.

22 ~~A student who has been paying tuition and attending school~~
23 ~~on or before March 25, 1989, in a district other than the~~
24 ~~student's district of residence shall be permitted to attend~~
25 ~~school in the district where the student has been paying~~
26 ~~tuition, during the 1989-1990 school year, by filing a request~~
27 ~~to use the open enrollment option under this section by August~~
28 ~~17, 1989.~~

29 ~~If a student has been paying tuition and attending an~~
30 ~~accredited nonpublic school during the 1988-1989 school year,~~
31 ~~which is located in a public school district other than the~~
32 ~~student's public school district of residence, and the~~
33 ~~nonpublic school discontinues the grade or school which the~~
34 ~~student would have attended during the 1989-1990 school year,~~
35 ~~after June 30, 1988, but before August 17, 1989, the student~~

1 shall-be-permitted-to-attend-a-public-school, located within
2 the-public-school-district-where-the-nonpublic-school-was
3 located, during-the-1989-1990-school-year-if-the-receiving
4 public-school-district-agrees-to-accept-the-student-and-the
5 student's-parent-or-guardian-files-a-request-to-use-the-open
6 enrollment-option-under-this-section-by-August-17, 1989.--The
7 public-school-district-where-the-nonpublic-school-was-located
8 shall-count-the-student-in-the-September-1989-enrollment
9 count.

10 A-student, whose-district-of-residence, for-the-purposes-of
11 school-attendance, changes-by-August-17-1989, shall-be
12 permitted-to-attend-school-during-the-1989-1990-school-year-in
13 the-district-in-which-the-student-attended-during-the-1988-
14 1989-school-year-if-a-request-to-use-the-open-enrollment
15 option-under-this-section-is-filed-by-August-17, 1989.

16 If a child pupil, for which a request to transfer has been
17 filed with a district, has been suspended or expelled in the
18 district, the receiving district named in the request may
19 refuse the request to transfer until the child pupil has been
20 reinstated in the sending district.

21 A laboratory school under chapter 265 shall-be is exempt
22 from the-provisions-of this section.

23 The director of the department of education shall recommend
24 rules to the state board of education for the orderly
25 implementation of this section. The state board shall adopt
26 rules as needed for the implementation of this section.

27 Sec. 9. Section 282.26, unnumbered paragraph 2, Code 1989,
28 is amended to read as follows:

29 The state board of regents and the department state board
30 of education may by rule permit such students to attend any
31 institution of higher learning under their jurisdiction.
32 Credit earned in any such course at a junior college, college,
33 or university may be applied toward credit for high school
34 graduation. ~~No-public~~ Public school funds shall not be
35 expended for payment of tuition or other costs for such

1 attendance at any a college or university, unless such the
2 payment is expressly permitted or required by law.

3 Sec. 10. Section 307.25, subsection 4, Code 1989, is
4 amended to read as follows:

5 4. Administer ~~the-provisions-of~~ chapters ~~322A7-3257-3277~~
6 327A, ~~327B7~~ 328, 329 and 330.

7 Sec. 11. Section 307.26, subsection 10, Code 1989, is
8 amended to read as follows:

9 10. Administer ~~the-provisions-of~~ chapters ~~327B~~-to 327C
10 through 327H.

11 Sec. 12. Section 307.27, Code 1989, is amended by adding
12 the following new subsections:

13 NEW SUBSECTION. 6. Administer the regulation of motor
14 vehicle franchisers pursuant to chapter 322A.

15 NEW SUBSECTION. 7. Administer the regulation of motor
16 vehicle certificated carriers pursuant to chapter 325.

17 NEW SUBSECTION. 8. Administer the regulation of motor
18 vehicle truck operators pursuant to chapter 327.

19 NEW SUBSECTION. 9. Administer the registration of
20 interstate commerce commission authority of motor carriers
21 pursuant to chapter 327B.

22 Sec. 13. Section 307B.3, subsection 8, Code 1989, is
23 amended by striking the subsection.

24 Sec. 14. Section 321.37, unnumbered paragraph 2, Code
25 1989, is amended by striking the unnumbered paragraph.

26 Sec. 15. Section 321.122, subsection 4, unnumbered
27 paragraphs 2 and 3, Code 1989, are amended by striking the
28 unnumbered paragraphs.

29 Sec. 16. Section 321.466, subsection 4, Code 1989, is
30 amended to read as follows:

31 4. The registered gross weight of any a vehicle or
32 combination of vehicles may also be increased by installing
33 and using ~~a-properly-registered~~ an auxiliary axle or axles,
34 and the combined registered gross weight of such the vehicle
35 and auxiliary axle or axles shall determine the total

1 registered gross weight thereof. No An auxiliary axle may
2 shall not be used to convert a single axle to a tandem axle
3 unless equipped with a device to equalize the load carried by
4 the single axle and the ~~said~~ auxiliary axle when in tandem and
5 when in motion or when standing, and the load transmitted to
6 the highway by either the single axle or the auxiliary axle
7 shall not exceed that permitted for ~~any~~ a single axle, nor
8 shall the load transmitted to the highway when in tandem and
9 when in motion or when standing, exceed that permitted for ~~any~~
10 a tandem axle.

11 Sec. 17. Section 321J.2, subsection 3, Code 1989, is
12 amended to read as follows:

13 3. No conviction for, deferred judgment for, or plea of
14 guilty to, a violation of this section which occurred more
15 than six years prior to the date of the violation charged
16 shall be considered in determining that the violation charged
17 is a second, third, or subsequent offense. For the purpose of
18 determining if a violation charged is a second, third, or
19 subsequent offense, deferred judgments pursuant to section
20 907.3 for violations of this section and convictions or the
21 equivalent of deferred judgments for violations in any other
22 states under statutes substantially corresponding to this
23 section shall be counted as previous offenses. The courts
24 shall judicially notice the statutes of other states which
25 define offenses substantially equivalent to the one defined in
26 this section and can therefore be considered corresponding
27 statutes. Each previous violation shall be considered a
28 separate previous offense ~~without-regard-to-whether-each~~ if
29 the violation was complete as to commission and conviction or
30 deferral of judgment following or prior to any other previous
31 violation.

32 Sec. 18. Section 321J.10, subsection 1, unnumbered
33 paragraph 1, Code 1989, is amended to read as follows:

34 Refusal to consent to a test under section 321J.6 does not
35 prohibit the withdrawal of a specimen for chemical testing

1 pursuant to a search warrant issued in the investigation of a
2 suspected violation of section 707.5 or 707.6A if all of the
3 following grounds exist:

4 Sec. 19. Section 325.26, unnumbered paragraph 1, Code
5 1989, is amended to read as follows:

6 No A certificate shall not be issued until and after the
7 applicant ~~shall have~~ has filed with the authority department
8 an insurance policy, ~~policies,~~ surety bond, or certificate of
9 insurance, in form ~~to be~~ approved by the authority department,
10 issued by ~~some company, association, reciprocal or~~
11 ~~interinsurance exchange or other~~ an insurer authorized to do
12 business in this state. The minimum limits of liability of
13 ~~any policies~~ a policy or surety bond ~~shall,~~ for each motor
14 vehicle ~~thereby covered,~~ be are as follows:

15 Sec. 20. Section 331.101, subsection 8, Code 1989, is
16 amended to read as follows:

17 8. "Clerk" means the clerk of the district court or a
18 ~~deputy clerk designated by the clerk of the district court~~ the
19 clerk's designee.

20 Sec. 21. Section 331.209, subsection 5, Code Supplement,
21 1989, is amended to read as follows:

22 5. Each county board shall notify the state commissioner
23 of elections ~~whenever~~ when the boundaries of supervisor
24 districts are changed, and shall provide a map delineating the
25 new boundary lines, and shall certify to the state
26 commissioner of elections the populations of the new
27 supervisor districts as determined under the latest federal
28 decennial census. Upon failure of a county board to make the
29 required changes by the dates specified by this section as
30 determined by the state commissioner of elections, the state
31 commissioner of elections shall make or cause to be made the
32 necessary changes as soon as possible, and shall assess to the
33 county the expenses incurred in so doing. The state
34 commissioner of elections may request the services of
35 personnel and materials available to the legislative service

1 bureau to assist the state commissioner in making any required
2 changes in supervisor district boundaries which become the
3 state commissioner's responsibility.

4 Sec. 22. Section 331.424, subsection 1, paragraph m, Code
5 1989, is amended to read as follows:

6 m. The maintenance and operation of the courts, including
7 but not limited to the salary and expenses of the clerk of the
8 district court, ~~deputy-clerks~~ and other employees of the
9 clerk's office, and bailiffs, establishment and operation of a
10 public defender's office, court costs if the prosecution fails
11 or if the costs cannot be collected from the person liable,
12 costs and expenses of prosecution under section 189A.17,
13 salaries and expenses of juvenile court officers under chapter
14 602, court-ordered costs in domestic abuse cases under section
15 236.5, the county's expense for confinement of prisoners under
16 chapter 356A, temporary assistance to the county attorney,
17 county contributions to a retirement system for bailiffs,
18 reimbursement for judicial magistrates under section 602.6501,
19 claims filed under section 622.93, interpreters' fees under
20 section 622B.7, uniform citation and complaint supplies under
21 section 805.6, and costs of prosecution under section 815.13.

22 Sec. 23. Section 422.43, subsection 11, Code 1989, is
23 amended by adding the following new unnumbered paragraph:

24 NEW UNNUMBERED PARAGRAPH. The tax on services on or
25 connected with new construction, reconstruction, alteration,
26 expansion, remodeling, or the services of a general building
27 contractor, architect, or engineer contracted for after June
28 1, 1990, is null and void.

29 Sec. 24. Section 423.4, subsection 10, Code 1989, is
30 amended to read as follows:

31 10. Vehicles registered or operated under chapter 326 and
32 used substantially in interstate commerce, section 423.5
33 notwithstanding. For purposes of this subsection,
34 "substantially in interstate commerce" means that a minimum of
35 twenty-five percent of the miles operated by the vehicle

1 accrues in states other than Iowa. This subsection applies
2 only to vehicles which are registered for a gross weight of
3 thirteen tons or more.

4 For purposes of this subsection, trailers and semitrailers
5 registered or operated under chapter 326 are deemed to be used
6 substantially in interstate commerce and to be registered for
7 a gross weight of thirteen tons or more.

8 Sec. 25. Section 441.10, unnumbered paragraph 1, Code
9 Supplement 1989, is amended to read as follows:

10 Immediately after the appointment of the assessor, and at
11 other times as the conference board directs, one or more
12 deputy assessors may be appointed by the assessor. Each
13 appointment shall be made from either the list of eligible
14 candidates provided by the director of revenue and finance,
15 which shall contain only the names of those persons who
16 achieve a score of seventy percent or greater on the
17 examination administered by the director of revenue and
18 finance, or the list of candidates eligible for appointment as
19 city or county assessor. Examinations for the position of
20 deputy assessor shall be conducted in the same manner as
21 examinations for the position of city or county assessor. ~~The~~
22 ~~applicable-provisions-of-section-441.5-regarding-the-register~~
23 ~~of-names-shall-also-apply-to-the-list-of-eligible-candidates~~
24 ~~established-under-the-provisions-of-this-section.~~

25 Sec. 26. Section 441.11, Code 1989, is amended to read as
26 follows:

27 441.11 INCUMBENT DEPUTY ASSESSORS.

28 The director of revenue and finance shall grant a
29 restricted certificate to any deputy assessor holding office
30 as of January 1, 1976. A deputy assessor possessing such a
31 certificate shall be considered eligible to remain in the
32 deputy's present position. To become eligible for another
33 deputy assessor position, a deputy assessor presently holding
34 office is required to obtain certification as provided for in
35 section 441.5 and 441.10.

1 Sec. 27. Section 452.10, unnumbered paragraph 2, Code
2 1989, is amended to read as follows:

3 Evidences of indebtedness which are obligations of or
4 guaranteed by the United States of America or any of its
5 agencies include investments, ~~which are authorized by the~~
6 ~~treasurer of state under this section,~~ in an unincorporated
7 investment company or investment trust registered under the
8 federal Investment Company Act of 1940, 15 U.S.C. § 80a, the
9 portfolio of which is limited to such United States government
10 obligations and to repurchase agreements fully collateralized
11 by the United States government obligations if the investment
12 company or investment trust takes delivery of the collateral
13 either directly or through an authorized custodian.

14 Sec. 28. Section 455A.8, subsections 1 and 2, Code
15 Supplement 1989, are amended to read as follows:

16 1. The Brushy Creek recreation trails advisory board shall
17 be organized within the parks and preserves division of the
18 department and shall be composed of ~~nine~~ ten members including
19 the following: the director of the department or the
20 director's designee who shall serve as a nonvoting ex officio
21 member, the park ranger responsible for the Brushy Creek
22 recreation area, a member of the state advisory board for
23 preserves established under chapter 111B, a person appointed
24 by the governor, and six persons appointed by the legislative
25 council. Each person appointed by the governor or legislative
26 council must actively participate in recreational trail
27 activities such as hiking, an equestrian sport, or a winter
28 sport at the Brushy Creek recreation area. The voting members
29 shall elect a chairperson at the board's first meeting each
30 year.

31 2. Each voting member of the board shall serve three
32 years, and shall be eligible for reappointment. However, the
33 park ranger responsible for Brushy Creek shall be replaced by
34 the ranger's successor. ~~The,~~ and the person representing the
35 state advisory board for preserves shall serve at the pleasure

1 of the board. The members, other than the director or the
2 director's designee and the park ranger, are entitled to
3 actual expenses incurred in performance of the duties of the
4 board. A majority of voting members constitutes a quorum, and
5 the affirmative vote of a majority present is necessary for
6 any action taken by the board, except that a lesser number may
7 adjourn a meeting. A vacancy in the membership of the board
8 does not impair the rights of a quorum to exercise all rights
9 and perform all duties of the board. The board shall meet as
10 required, but at least twice a year. The board shall meet
11 upon call of the chairperson, or upon written request of three
12 members of the board. Written notice of the time and place of
13 the meeting shall be given to each member.

14 Sec. 29. Section 516A.1, unnumbered paragraph 2, Code
15 1989, is amended to read as follows:

16 However, the named insured may reject all of such coverage,
17 or reject the uninsured motor vehicle or (hit-and-run motor
18 vehicle) coverage, or reject the underinsured motor vehicle
19 coverage, by written rejections signed by the named insured.
20 If rejection is made on a form or document furnished by an
21 insurance company or insurance agent, it shall be on a
22 separate sheet of paper which contains only the rejection and
23 information directly related to it. Such coverage need not be
24 provided in or supplemental to a renewal policy if the named
25 insured has rejected the coverage in connection with a policy
26 previously issued to the named insured by the same insurer.

27 Sec. 30. Section 523D.6, subsection 2, paragraph b, Code
28 Supplement 1989, is amended to read as follows:

29 b. Within three business days after the execution of a
30 contract to provide continuing care or senior adult congregate
31 living services, or at after the time of the transfer of any
32 money or other property to a provider by or on behalf of a
33 prospective resident, whichever occurs first.

34 Sec. 31. Section 601J.5, subsection 3, paragraph a, Code
35 Supplement 1989, is amended to read as follows:

1 a. If the activities that are not in compliance with
2 section 601J.4 are funded with state or federal funds which
3 are administered by the state and can be used by agencies or
4 organizations that are in compliance with section 601J.4, then
5 upon notice by the department, the director of revenue and
6 finance shall not permit the expenditure of ten percent of the
7 funds during the fiscal year 1986 immediately following the
8 notice, an additional twenty percent of funds during the
9 following year, an additional thirty percent during the third
10 year, and the remaining funds in the fourth year that the
11 activities remain in noncompliance. Any funds retained by the
12 director of revenue and finance shall be distributed returned
13 to the originating state agency for redistribution to agencies
14 and organizations eligible to receive the funds for
15 transportation purposes.

16 Sec. 32. Section 602.6106, Code 1989, is amended to read
17 as follows:

18 602.6106 SESSIONS NOT AT COUNTY SEATS -- EFFECT -- DUTY OF
19 CLERK.

20 When court is held at a place that is not the county seat,
21 all of the provisions of the Code relating to district courts
22 are applicable, except as follows: All proceedings in the
23 court have, within the territory over which the court has
24 jurisdiction, the same force and effect as though ordered in
25 the court at the county seat, but transcripts of judgments and
26 decrees, levies of writs of attachment upon real estate,
27 mechanics' liens, lis pendens, sales of real estate,
28 redemption, satisfaction of judgments and mechanics' liens,
29 and dismissals or decrees in lis pendens, together with all
30 other matters affecting titles to real estate, shall be
31 certified by the ~~deputy-clerk~~ clerk's designee to the clerk of
32 district court at the county seat who shall immediately enter
33 them upon the records at the county seat.

34 Sec. 33. Section 607A.3, subsection 1, Code 1989, is
35 amended to read as follows:

1 1. "Clerk" means clerk of the district court, ~~deputy~~
2 ~~clerk~~, or the clerk's designee.

3 Sec. 34. Section 633.26, Code 1989, is amended to read as
4 follows:

5 633.26 CLERK NOT TO PREPARE REPORTS.

6 No A clerk, deputy, or employee of
7 the clerk shall not act as attorney for a fiduciary, or make
8 or assist in making, drafting, or filling out any report of
9 any fiduciary or any other report to be filed in the clerk's
10 office.

11 Sec. 35. Section 691.6, subsection 3, Code 1989, is
12 amended to read as follows:

13 3. To adopt rules pursuant to chapter 17A, and subject to
14 the approval of the commissioner of public safety, regarding
15 the manner and techniques to be employed while conducting
16 autopsies; the nature, character, and extent of investigations
17 to be made in cases of homicide or suspected homicide
18 necessary to allow a medical examiner to render a full and
19 complete analysis and report; the format and matters to be
20 contained in all reports rendered by medical examiners; and
21 all other things necessary to carry out this chapter section.
22 All county medical examiners and peace officers are subject to
23 the rules.

24 Sec. 36. Section 694.1, subsection 2, Code 1989, is
25 amended to read as follows:

26 2. ~~Was, or is, in the company of another person~~ Is missing
27 under circumstances indicating that the missing person's
28 safety may be in danger.

29 Sec. 37. Section 713.3, Code 1989, is amended to read as
30 follows:

31 713.3 BURGLARY IN THE FIRST DEGREE.

32 A person commits burglary in the first degree if, while
33 perpetrating a burglary, the person has in the person's
34 possession an explosive or incendiary device or material, or a
35 dangerous weapon, or intentionally or recklessly inflicts

1 ~~physical~~ bodily injury on any person. Burglary in the first
2 degree is a class "B" felony.

3 Sec. 38. Section 730.5, subsection 2, Code 1989, is
4 amended to read as follows:

5 2. Except as provided in subsection 7, an employer shall
6 not require or request employees or applicants for employment
7 to submit to a drug test as a condition of employment,
8 preemployment, promotion, or change in status of employment.
9 An employer shall not request, require, or conduct random or
10 blanket drug testing of employees. However, this section does
11 not apply to preemployment drug tests authorized for peace
12 officers or correctional officers of the state, or to drug
13 tests required under federal statutes, or as required under
14 section 391, subpart H of the federal motor carrier safety
15 regulations adopted by the United States department of
16 transportation, or to drug tests conducted pursuant to a
17 nuclear regulatory commission policy statement, or to drug
18 tests conducted to determine if an employee is ineligible to
19 receive workers' compensation under section 85.16, subsection
20 2.

21 Sec. 39. Section 801.4, subsection 11, Code Supplement
22 1989, is amended to read as follows:

23 11. "Complaint" means a statement in writing, under oath
24 or affirmation, made before a magistrate or district court
25 clerk or clerk's deputy designee as the case may be, of the
26 commission of a public offense, and accusing someone ~~thereof~~
27 of committing the public offense. A complaint shall be
28 substantially in the form provided in the Iowa rules of
29 criminal procedure.

30 Sec. 40. Section 815.1, Code 1989, is amended to read as
31 follows:

32 815.1 COSTS PAYABLE BY STATE IN SPECIAL CASES.

33 All costs and fees incurred in a parole revocation
34 proceeding or in a criminal case brought against an inmate of
35 a state institution for a crime committed while confined in

1 the institution, or for a crime committed by the inmate while
2 placed outside the walls or confines of the institution under
3 the control and direction of a warden, supervisor, officer, or
4 employee of the institution, or for a crime committed by the
5 inmate during an escape or other unauthorized departure from
6 the institution or from the control of a warden, supervisor,
7 officer, or employee of the institution, or from wherever the
8 inmate may have been placed by authorized personnel of the
9 institution, are waived if the prosecution fails, or if the
10 person liable to pay the costs and fees cannot pay the costs
11 and fees. An award of attorney fees to a court-appointed
12 attorney incurred in these cases shall be paid out of the
13 state treasury from the general fund if the prosecution fails
14 or if the person liable to pay the attorney fees cannot pay
15 them. The facts shall be certified by the clerk of the
16 district court under the clerk's seal of office to the
17 director of revenue-and-finance inspections and appeals,
18 including a statement of the amount of fees or costs incurred,
19 approved by the presiding judge in writing. When a conviction
20 is rendered and the court orders restitution for costs of the
21 prosecution, the inmate, work releasee, or parolee shall make
22 restitution to the general fund pursuant to section 910.2.

23 Sec. 41. Section 815.11, Code 1989, is amended to read as
24 follows:

25 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.

26 Costs incurred under sections 814.9, 814.10, 814.11, 815.4,
27 815.5, 815.6, 815.7, 815.10, or the rules of criminal
28 procedure on behalf of an indigent shall be paid from funds
29 appropriated by the general assembly to the supreme-court
30 department of inspections and appeals for those purposes.

31 EXPLANATION

32 This bill makes the following changes:

33 49.7 The Code requires that populations be certified in
34 some instances where the precincts or districts are not
35 changed (see Section 275.23A(3)), but is silent as to this

1 requirement when districts are changed. The amendment here
2 adds a comparable requirement when election precincts are
3 changed in cities or counties.

4 99B.1(18) Relates to games of skill and chance, and
5 raffles. This amendment conforms to the amendment to section
6 99B.7, subsection 3, in 1989 Iowa Acts, chapter 231, section
7 20, which changed from seventy to seventy-five the percent of
8 gross receipts dedicated and distributed for educational,
9 civic, public, charitable, patriotic, or religious uses.

10 99D.13 Relates to winnings forfeited at each racetrack by
11 recognizing that funds paid to the racing commission for use
12 in payment of the cost of drug testing may only pay a part of
13 these costs.

14 136C.3(2) Relates to regulation of radiation machines.
15 The podiatric medical society plans a limited radiography
16 course for podiatric nurses and assistants.

17 204.401 Relates to determination of quantity of LSD.
18 Provides that in determining whether the amount of a substance
19 is not more than 10 grams of LSD, the total amount of a
20 mixture or substance containing a detectable amount of LSD is
21 to be considered.

22 232.141 Transfers payment responsibility for court-
23 appointed attorney's fees and other expenses for indigent
24 defense from judicial department to department of inspections
25 and appeals.

26 275.23A(3) Relates to school director districts. See
27 explanation for section 49.7.

28 282.18 The words "child", "pupil", and "student" were used
29 in this section. Since both "child" and "pupil" are defined
30 terms for certain purposes, these words are substituted for
31 "student", as appropriate. Two temporary paragraphs are
32 stricken.

33 282.26 Relates to specially qualified high school students
34 attending advanced courses in a college or university. The
35 board of education is substituted for the department of

1 education as a rulemaking authority, pursuant to sections
2 256.7(5), 256.9(2), and 256.11.

3 307.25(4) Relates to authority of the administrator for
4 aeronautics and public transit in the state department of
5 transportation. These chapters should be under the
6 administrator of motor vehicles, so they are added to section
7 307.27.

8 307.26 Relates to authority of the administrator for rail
9 and water. Amended to include supervision of carriers.

10 307.27 Relates to authority of the administrator of motor
11 vehicles. See explanation for amendment to section 307.25.

12 307B.3(8) Provides findings of purposes for enactment of
13 the Iowa railway finance authority Act. Subsection 8
14 described two pending bankruptcies which have been completed.

15 321.37 The stricken paragraph relates to registration of
16 auxiliary axles, which is no longer done.

17 321.122(4) The stricken paragraphs relate to registration
18 of auxiliary axles, which is no longer done.

19 321.466(4) See explanations for sections 321.37 and
20 321.122.

21 321J.2(3) Relates to determination of whether violation is
22 a second, third, or subsequent offense by providing that a
23 violation shall be considered a separate violation if the
24 violation is complete as to commission and conviction or
25 deferral of judgment.

26 321J.10(1) Provides that withdrawal of a specimen for
27 chemical testing pursuant to a search warrant is not
28 prohibited as the result of a refusal to consent to test under
29 section 321J.6 in the investigation of a suspected violation
30 of section 707.6A (vehicular homicide).

31 325.26 Relates to regulation of motor carriers. The
32 "authority" referred to was apparently the transportation
33 regulation authority which was eliminated in the 1986
34 reorganization.

35 331.101(8) Replaces designation of deputy clerk of the

1 district court with the clerk's designee. Position of deputy
2 clerk no longer formally recognized with changes in this bill.
3 331.209(5) See explanation of amendment to section 49.7.
4 331.424 See explanation of amendment to section
5 331.101(8).
6 422.43(11) The added material was enacted as a temporary
7 section in 1969 and was never codified, but is only reflected
8 in departmental rules. The department of revenue and finance
9 requested its codification.
10 423.4(10) Relates to use tax exemption of interstate
11 carriers. Subsection enacted in 1988 to exempt vehicles
12 registered under interstate carrier chapter from use tax.
13 Amendment adds vehicles operated under this chapter also.
14 441.10 and 441.11 Although section 441.5 still establishes
15 the examination procedures for both assessors and deputy
16 assessors, section 441.10, unnumbered paragraphs 2 and 3, now
17 contain separate provisions for registration of deputy
18 assessors.
19 452.10(2) Relates to investment of public funds by
20 eliminating requirement that treasurer of state authorize
21 investment in obligations of or guaranteed by the United
22 States.
23 455A.8(1,2) Changes are made to make consistent the
24 provisions relating to board members.
25 516A.1 Clarification of language.
26 523D.6(2b) Relates to providers of continuing care and
27 senior adult congregate living facilities. The "Notice of
28 Cancellation" form in subsection 3 allows three business days
29 after either the date the contract was executed or the money
30 or property was transferred to the provider. It was not clear
31 in subsection 2, paragraph b, that the three-day period
32 applied to both situations.
33 601J.5(3)(a) Reestablishes increasing penalty provision
34 related to transit funds by eliminating specific year tied to
35 penalty which appeared in original enactment.

1 602.6106, 607A.3, and 633.26 See explanation of amendment
2 to section 331.101(8).

3 691.6(3) Relates to duties of the state medical examiner.
4 It appears that the medical examiner's rulemaking authority
5 was meant to extend only to those duties listed in this
6 section, and not to the entire chapter relating to the
7 criminalistics laboratory.

8 694.1(2) Relates to the definition of a missing person.
9 The amendment is intended to bring the definition into
10 compliance with the federal definition in the national crime
11 information center operations manual.

12 713.3 Replaces "physical" injury with "bodily" injury
13 consistent with other Code provisions.

14 730.5 Relates to drug testing providing that the exemption
15 to drug testing does not apply to motor carriers, consistent
16 with United States department of transportation regulations.

17 801.4 See explanation of amendment to section 331.101(8).

18 815.1 and 815.11 See explanation of amendment to section
19 232.141.

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HOUSE FILE 2313

S-5447

1 Amend House File 2313, as passed by the House, as
2 follows:

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

5 "Sec. _____. Section 56.6, subsection 3, paragraph
6 i, Code Supplement 1989, is amended by striking the
7 paragraph.

8 Sec. _____. NEW SECTION. 56.31 REPORTING OF
9 HONORARIA.

10 1. The commission shall adopt rules requiring the
11 filing of periodic reports by officeholders showing
12 all honoraria received during the reporting period.

13 2. The rules shall require that:

14 a. Holders of statewide office must file reports
15 with the state commissioner of elections.

16 b. Holders of the office of state senator must
17 file reports with the secretary of the senate.

18 c. Holders of the office of state representative
19 must file reports with the chief clerk of the house of
20 representatives.

21 d. Holders of county and other offices must file
22 reports with the county commissioner of elections.

23 3. The reports shall be available for public
24 inspection."

25 2. Page 2, line 17, by striking the words "at
26 least quarterly" and inserting the following: "at
27 ~~least-quarterly~~ on an annual basis".

28 3. Page 12, by inserting after line 10 the
29 following:

30 "Sec. _____. Section 321E.16, Code 1989, is amended
31 to read as follows:

32 321E.16 VIOLATIONS -- PENALTIES.

33 Any person who is convicted of a violation of any
34 provision of this chapter or of rules adopted under
35 section 321E.15, other than length, height, width, or
36 weight allowed by any permit issued under this chapter
37 shall be punished by a fine of ~~not-less-than~~ one
38 hundred dollars for the first conviction, two hundred
39 fifty dollars for a second conviction within a twelve-
40 month period, and five hundred dollars for a third
41 conviction within a twelve-month period. The fine for
42 violation of the length, height, width, and weight
43 allowed by permit shall be based upon the difference
44 between the actual length, height, width, and weight
45 of the vehicle and load and the maximum allowable by
46 permit and in accordance with section 321.482 for
47 violations of length, height, or width limitations and
48 sections 321.482 and 321.463 for violation of weight
49 limitations. If a vehicle with indivisible load
50 traveling under permit is found to be in violation of

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1 weight limitations, the vehicle operator shall be
2 allowed a reasonable amount of time to remove any ice,
3 mud, snow, and other weight attributable to climatic
4 conditions accumulated along the route prior to
5 application of the penalties prescribed in sections
6 321.463 and 321.482. The department shall adopt rules
7 to require peace officer escorts for permit holders
8 convicted for the third time in a twelve-month period
9 of violating a provision of this chapter or a
10 provision of rules adopted pursuant to section
11 321E.15."

12 4. Page 12, by striking lines 27 through 31, and
13 inserting the following: "statutes. Each previous
14 violation on which conviction or deferral of judgment
15 was entered prior to the date of the violation charged
16 shall be considered and counted as a separate previous
17 offense without regard to whether each was complete as
18 to commission and conviction or deferral of judgment
19 following or prior to any other previous violation."

20 5. Page 14, lines 9 and 10, by striking the words
21 "establishment and operation of a public defender's
22 office," and inserting the following: "establishment
23 and operation of a public defender's office,".

A 24 6. Page 14, by inserting after line 21, the
25 following:

26 "Sec. _____. Section 331.555, subsection 4, Code
27 1989, is amended to read as follows:

28 4. The treasurer shall make a complete settlement
29 with the county semiannually and when the treasurer
30 leaves office as provided in ~~sections 452.6 and~~
31 section 452.7."

32 7. Page 14, by striking lines 22 through 28.

33 8. Page 17, by inserting after line 13, the
34 following:

35 "Sec. _____. Section 514F.1, Code Supplement 1989,
36 is amended to read as follows:

37 514F.1 UTILIZATION AND COST CONTROL REVIEW
38 COMMITTEES.

39 The boards of examiners under chapters 148, 149,
40 150, 150A, 151, and 152, ~~and 153~~ shall establish
41 utilization and cost control review committees of
42 licensees under the respective chapters, selected from
43 licensees who have practiced in Iowa for at least the
44 previous five years, or shall accredit and designate
45 other utilization and cost control organizations as
46 utilization and cost control committees under this
47 section, for the purposes of utilization review of the
48 appropriateness of levels of treatment and of giving
49 opinions as to the reasonableness of charges for
50 diagnostic or treatment services of licensees.

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1 Persons governed by the various chapters of Title XX
 2 of the Code and self-insurers for health care benefits
 3 to employees may utilize the services of the
 4 utilization and cost control review committees upon
 5 the payment of a reasonable fee for the services, to
 6 be determined by the respective boards of examiners.
 7 The respective boards of examiners under chapters 148,
 8 149, 150, 150A, 151, and ~~152, and 153~~ shall adopt
 9 rules necessary and proper for the implementation of
 10 this section pursuant to chapter 17A. It is the
 11 intent of this general assembly that conduct of the
 12 utilization and cost control review committees
 13 authorized under this section shall be exempt from
 14 challenge under federal or state antitrust laws or
 15 other similar laws in regulation of trade or
 16 commerce."

17 9. Page 20, by striking lines 13 through 16, and
 18 inserting the following: "tests required under
 19 federal statutes or federal regulations adopted as of
 20 July 1, 1990, or to drug tests conducted pursuant to
 21 a".

22 10. Page 21, by inserting after line 30 the
 23 following:

24 "Sec. ____ . Section 904A.1, Code Supplement 1989,
 25 is amended to read as follows:

26 904A.1 BOARD OF PAROLE.

27 The board of parole is created to consist of five
 28 members. Each member, except the chairperson, shall
 29 be compensated on a day-to-day basis. Each member
 30 shall serve a term of four years beginning ~~July 1~~ and
 31 ending as provided by section 69.19, except for
 32 members appointed to fill vacancies who shall serve
 33 for the balance of the unexpired term. The terms
 34 shall be staggered. The chairperson of the board
 35 shall be a full-time, salaried member of the board. A
 36 majority of the members of the board constitutes a
 37 quorum to transact business.

38 Sec. ____ . Section 452.6, Code 1989, is repealed."

39 11. Renumber as necessary.

By COMMITTEE ON JUDICIARY
 RICHARD VARN, Chairperson

S-5447 FILED MARCH 12, 1990

Adopted (4/5 p. 1586)

B-% 4/5 (p. 1586)

SENATE AMENDMENT TO HOUSE FILE 2313

H-6149

1 Amend House File 2313, as passed by the House, as
2 follows:

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

5 "Sec. _____. Section 56.6, subsection 3, paragraph
6 i, Code Supplement 1989, is amended by striking the
7 paragraph.

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9 HONORARIA.

10 1. The commission shall adopt rules requiring the
11 filing of periodic reports by officeholders showing
12 all honoraria received during the reporting period.

13 2. The rules shall require that:

14 a. Holders of statewide office must file reports
15 with the state commissioner of elections.

16 b. Holders of the office of state senator must
17 file reports with the secretary of the senate.

18 c. Holders of the office of state representative
19 must file reports with the chief clerk of the house of
20 representatives.

21 d. Holders of county and other offices must file
22 reports with the county commissioner of elections.

23 3. The reports shall be available for public
24 inspection."

25 2. Page 2, line 17, by striking the words "at
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27 ~~least-quarterly~~ on an annual basis".

28 3. Page 12, by inserting after line 10 the
29 following:

30 "Sec. _____. Section 321E.16, Code 1989, is amended
31 to read as follows:

32 321E.16 VIOLATIONS -- PENALTIES.

33 Any person who is convicted of a violation of any
34 provision of this chapter or of rules adopted under
35 section 321E.15, other than length, height, width, or
36 weight allowed by any permit issued under this chapter
37 shall be punished by a fine of ~~not-less-than~~ one
38 hundred dollars for the first conviction, two hundred
39 fifty dollars for a second conviction within a twelve-
40 month period, and five hundred dollars for a third
41 conviction within a twelve-month period. The fine for
42 violation of the length, height, width, and weight
43 allowed by permit shall be based upon the difference
44 between the actual length, height, width, and weight
45 of the vehicle and load and the maximum allowable by
46 permit and in accordance with section 321.482 for
47 violations of length, height, or width limitations and
48 sections 321.482 and 321.463 for violation of weight
49 limitations. If a vehicle with indivisible load
50 traveling under permit is found to be in violation of

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Page 2

1 weight limitations, the vehicle operator shall be
2 allowed a reasonable amount of time to remove any ice,
3 mud, snow, and other weight attributable to climatic
4 conditions accumulated along the route prior to
5 application of the penalties prescribed in sections
6 321.463 and 321.482. The department shall adopt rules
7 to require peace officer escorts for permit holders
8 convicted for the third time in a twelve-month period
9 of violating a provision of this chapter or a
10 provision of rules adopted pursuant to section
11 321E.15."

12 4. Page 12, by striking lines 27 through 31, and
13 inserting the following: "statutes. Each previous
14 violation on which conviction or deferral of judgment
15 was entered prior to the date of the violation charged
16 shall be considered and counted as a separate previous
17 offense ~~without regard to whether each was complete as~~
18 ~~to commission and conviction or deferral of judgment~~
19 ~~following or prior to any other previous violation."~~

20 5. Page 14, lines 9 and 10, by striking the words
21 "establishment and operation of a public defender's
22 office," and inserting the following: "establishment
23 and operation of a public defender's office;".

24 6. Page 14, by inserting after line 21, the
25 following:

26 "Sec. ____ . Section 331.555, subsection 4, Code
27 1989, is amended to read as follows:

28 4. The treasurer shall make a complete settlement
29 with the county semiannually and when the treasurer
30 leaves office as provided in ~~sections 452.6 and~~
31 ~~section 452.7."~~

32 7. Page 14, by striking lines 22 through 28.

33 8. Page 17, by inserting after line 13, the
34 following:

35 "Sec. ____ . Section 514F.1, Code Supplement 1989,
36 is amended to read as follows:

37 514F.1 UTILIZATION AND COST CONTROL REVIEW
38 COMMITTEES.

39 The boards of examiners under chapters 148, 149,
40 150, 150A, 151, and 152 ~~and 153~~ shall establish
41 utilization and cost control review committees of
42 licensees under the respective chapters, selected from
43 licensees who have practiced in Iowa for at least the
44 previous five years, or shall accredit and designate
45 other utilization and cost control organizations as
46 utilization and cost control committees under this
47 section, for the purposes of utilization review of the
48 appropriateness of levels of treatment and of giving
49 opinions as to the reasonableness of charges for
50 diagnostic or treatment services of licensees.

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Page 3

1 Persons governed by the various chapters of Title XX
2 of the Code and self-insurers for health care benefits
3 to employees may utilize the services of the
4 utilization and cost control review committees upon
5 the payment of a reasonable fee for the services, to
6 be determined by the respective boards of examiners.
7 The respective boards of examiners under chapters 148,
8 149, 150, 150A, 151, and 152, ~~and 153~~ shall adopt
9 rules necessary and proper for the implementation of
10 this section pursuant to chapter 17A. It is the
11 intent of this general assembly that conduct of the
12 utilization and cost control review committees
13 authorized under this section shall be exempt from
14 challenge under federal or state antitrust laws or
15 other similar laws in regulation of trade or
16 commerce."

17 9. Page 21, by inserting after line 30 the
18 following:

19 "Sec. ____ . Section 904A.1, Code Supplement 1989,
20 is amended to read as follows:

21 904A.1 BOARD OF PAROLE.

22 The board of parole is created to consist of five
23 members. Each member, except the chairperson, shall
24 be compensated on a day-to-day basis. Each member
25 shall serve a term of four years beginning ~~July 1~~ and
26 ending as provided by section 69.19, except for
27 members appointed to fill vacancies who shall serve
28 for the balance of the unexpired term. The terms
29 shall be staggered. The chairperson of the board
30 shall be a full-time, salaried member of the board. A
31 majority of the members of the board constitutes a
32 quorum to transact business.

33 Sec. ____ . Section 452.6, Code 1989, is repealed."

34 10. Renumber as necessary.

RECEIVED FROM THE SENATE

H-6149 FILED APRIL 5, 1990

Have covered 4/6 (p 2179)

15 HSB 719

HOUSE FILE 2313
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 statutory corrections which adjust language to
2 reflect current practices, insert earlier omissions, delete
3 redundancies and inaccuracies, delete temporary language,
4 resolve inconsistencies and conflicts, update ongoing
5 provisions, and remove ambiguities.

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

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1 Section 1. Section 49.7, Code Supplement 1989, is amended
2 to read as follows:

3 49.7 WHEN REPRECINCTING REQUIRED.

4 Each county board of supervisors and city council shall
5 make any changes in precinct boundaries necessary to comply
6 with sections 49.3, 49.4 and 49.5 not earlier than July 1 nor
7 later than November 15 of the year immediately following each
8 year in which the federal decennial census is taken, unless
9 the general assembly by joint resolution establishes different
10 dates for compliance with these sections. Any or all of the
11 publications required by section 49.11 may be made after
12 November 15 if necessary. Each county board and city council
13 shall notify the state commissioner and the commissioner
14 ~~whenever~~ when the boundaries of election precincts are
15 changed, and shall provide a map delineating the new boundary
16 lines. Each county board and city council shall certify to
17 the state commissioner the populations of the new election
18 precincts or retained election precincts as determined under
19 the latest federal decennial census. Upon failure of a county
20 board or city council to make the required changes by the
21 dates specified by this section, as determined by the state
22 commissioner, the state commissioner shall make or cause to be
23 made the necessary changes as soon as possible, and shall
24 assess to the county or city, as the case may be, the expenses
25 incurred in so doing. The state commissioner may request the
26 services of personnel of and materials available to the
27 legislative service bureau to assist the state commissioner in
28 making ~~any~~ required changes in election precinct boundaries
29 which become the state commissioner's responsibility.

30 Sec. 2. Section 56.6, subsection 3, paragraph i, Code
31 Supplement 1989, is amended by striking the paragraph.

32 Sec. 3. NEW SECTION. 56.31 REPORTING OF HONORARIA.

33 1. The commission shall adopt rules requiring the filing
34 of periodic reports by candidates and officeholders showing
35 all honoraria received during the reporting period.

1 2. The rules shall require that:

2 a. Candidates for and holders of statewide office must
3 file reports with the state commissioner of elections.

4 b. Candidates for and holders of the office of state
5 senator must file reports with the secretary of the senate.

6 c. Candidates for and holders of the office of state
7 representative must file reports with the chief clerk of the
8 house of representatives.

9 d. Candidates for and holders of county and other offices
10 must file reports with the county commissioner of elections.

11 3. The reports shall be available for public inspection.

12 Sec. 4. Section 99B.1, subsection 18, Code Supplement
13 1989, is amended to read as follows:

14 18. "Net receipts" means gross receipts less amounts
15 awarded as prizes and less state and local sales tax paid upon
16 the gross receipts. Reasonable expenses, charges, fees, taxes
17 other than the state and local sales tax, and deductions
18 allowed by the department shall not exceed thirty twenty-five
19 percent of net receipts.

20 Sec. 5. Section 99D.13, subsection 2, Code Supplement
21 1989, is amended to read as follows:

22 2. Winnings from each racetrack forfeited under subsection
23 1 shall escheat to the state and to the extent appropriated by
24 the general assembly shall be used by the department of
25 agriculture and land stewardship to administer sections 99D.22
26 and 99D.27. The remainder shall be paid over to the
27 commission to pay all or part of the cost of drug testing at
28 the tracks. To the extent the remainder paid over to the
29 commission, less the cost of drug testing, is from unclaimed
30 winnings from harness racing meets, the remainder shall be
31 used as provided in subsection 3. To the extent the remainder
32 paid over to the commission, less the cost of drug testing, is
33 from unclaimed winnings from tracks licensed for dog or horse
34 races, the commission, at least quarterly, shall remit one-
35 third of the amount to the treasurer of the city in which the

1 racetrack is located, one-third of the amount to the treasurer
2 of the county in which the racetrack is located, and one-third
3 of the amount to the racetrack from which it was forfeited.
4 If the racetrack is not located in a city, then one-third
5 shall be deposited as provided in chapter 556. The amount
6 received by the racetrack under this subsection shall be used
7 only for retiring the debt of the racetrack facilities and for
8 capital improvements to the racetrack facilities.

9 Sec. 6. Section 136C.3, subsection 2, unnumbered paragraph
10 1, Code 1989, is amended to read as follows:

11 Establish minimum training standards including continuing
12 education requirements, and administer examinations and
13 disciplinary procedures for operators of radiation machines
14 and users of radioactive materials. A state of Iowa license
15 to practice medicine, osteopathy, chiropractic, podiatry,
16 dentistry, dental hygiene, or veterinary medicine, or
17 licensure as a physician assistant pursuant to chapter 148C,
18 or certification by the board of dental examiners in dental
19 radiography, or by the board of podiatry examiners in
20 podiatric radiology, or enrollment in a program or course of
21 study approved by the Iowa department of public health which
22 includes the application of radiation to humans satisfies the
23 minimum training standards for operation of radiation machines
24 only.

25 Sec. 7. Section 204.401, subsection 1, paragraph b,
26 subparagraph (5), Code Supplement 1989, is amended to read as
27 follows:

28 (5) Not more than ten grams of a mixture or substance
29 containing a detectable amount of lysergic acid diethylamide
30 (LSD).

31 Sec. 8. Section 232.141, subsection 3, paragraph c, Code
32 Supplement 1989, is amended to read as follows:

33 c. Costs incurred under subsection 2 which are not paid by
34 the county under paragraphs "a" and "b" shall be reimbursed by
35 the state. A county shall apply for reimbursement to the

1 ~~judicial~~ department of inspections and appeals which shall
2 prescribe rules and forms to implement this subsection.

3 Sec. 9. Section 275.23A, subsection 3, Code Supplement
4 1989, is amended to read as follows:

5 3. The school board shall notify the state commissioner of
6 elections and the county commissioner of elections of each
7 county in which a portion of the school district is located
8 ~~whenever~~ when the boundaries of director districts are
9 changed. The board shall provide the commissioners with maps
10 showing the new boundaries and shall also certify to the state
11 commissioner the populations of the new director districts as
12 determined under the latest federal decennial census. If,
13 following a federal decennial census a school district elects
14 not to redraw director districts under this section, the
15 school board shall so certify to the state commissioner of
16 elections, and the school board shall also certify to the
17 state commissioner the populations of the retained director
18 districts as determined under the latest federal decennial
19 census. Upon failure of a district board to make the required
20 changes by the dates established under this section as
21 determined by the state commissioner of elections, the state
22 commissioner of elections shall make or cause to be made the
23 necessary changes as soon as possible, and shall assess any
24 expenses incurred to the school district. The state
25 commissioner of elections may request the services of
26 personnel of and materials available to the legislative
27 service bureau to assist the state commissioner in making any
28 required boundary changes.

29 Sec. 10. Section 282.18, Code Supplement 1989, is amended
30 to read as follows:

31 282.18 OPEN ENROLLMENT.

32 For the school year commencing July 1, 1989, and each
33 succeeding school year, a parent or guardian residing in a
34 school district may enroll the parent's or guardian's child in
35 a public school in another school district in the manner

1 provided in this section.

2 By September 15 of the preceding school year the parent or
3 guardian shall informally notify the district of residence,
4 and not later than November 1 of the preceding school year,
5 the parent or guardian shall send notification to the district
6 of residence and to the department of education on forms
7 prescribed by the department of education that the parent or
8 guardian intends to enroll the parent's or guardian's child in
9 a public school in another school district. The parent or
10 guardian shall describe the reason that exists for enrollment
11 in the receiving district that is not present in the district
12 of residence. The board of the district of residence shall
13 transmit a copy of the form to the receiving school district
14 within five days after its receipt. During the 1990-1991
15 school year, if the board of the district of residence
16 determines that transmission of the request will result in a
17 loss of greater than five percent of the district's certified
18 enrollment for the previous year, the board of the district of
19 residence may deny the request for the 1990-1991 school year.
20 During the 1991-1992 school year, if the board of the district
21 of residence determines that transmission of the request will
22 result in a loss of greater than ten percent of the district's
23 certified enrollment for the previous year, the board of the
24 district of residence may deny the request for the 1991-1992
25 school year. If, however, a failure to transmit a request
26 will result in enrollment of students pupils from the same
27 nuclear family in different school districts, the request
28 shall be transmitted to the receiving district for enrollment.
29 The board of each school district shall adopt a policy
30 relating to the order in which requests for enrollment in
31 other districts shall be considered. The board of the
32 receiving school district shall enroll the pupil in a school
33 in the receiving district for the following school year unless
34 the receiving district does not have classroom space for the
35 pupil. In all districts involved with volunteer or court-

1 ordered desegregation, minority and nonminority student pupil
2 ratios shall be maintained according to the desegregation plan
3 or order. The superintendent of a district subject to
4 volunteer or court-ordered desegregation may deny a request
5 for transfer under this section if the superintendent finds
6 that enrollment or release of a pupil will adversely affect
7 the district's implementation of the desegregation order or
8 plan. If, however, a transfer request would facilitate a
9 voluntary or court-ordered desegregation plan, the district
10 shall give priority to granting the request over other
11 requests. A parent or guardian, whose request has been denied
12 because of a desegregation order or plan, may appeal the
13 decision of the superintendent to the board of the district in
14 which the request was denied. The board may either uphold or
15 overturn the superintendent's decision. A decision of the
16 board to uphold the denial of the request is subject to appeal
17 under section 290.1.

18 Each district shall provide notification to the parent or
19 guardian relating to the transmission or denial of the
20 request. A district of residence shall provide for
21 notification of transmission or denial to a parent or guardian
22 within three days of board action on the request. A receiving
23 district shall provide notification to a parent or guardian,
24 within fifteen days of receipt of the request, of whether the
25 ~~child~~ pupil will be enrolled in that district or whether the
26 request is to be denied.

27 A request under this section is for a period of not less
28 than four years unless the pupil will graduate, the pupil's
29 family moves to another school district, or the parent or
30 guardian petitions the receiving district for permission to
31 enroll the ~~child~~ pupil in a different district, which may
32 include the district of residence, within the four-year
33 period. If the parent or guardian requests permission of the
34 receiving district to enroll the ~~child~~ pupil in a different
35 district within the four-year period, the receiving district

1 school board may transmit a copy of the request to the other
2 school district within five days of the receipt of the
3 request. The new receiving district shall enroll the pupil in
4 a school in the district unless there is insufficient
5 classroom space in the district or unless enrollment of the
6 pupil would adversely affect court ordered or voluntary
7 desegregation orders affecting a district. A denial of a
8 request to change district enrollment within the four-year
9 period ~~shall be~~ is subject to appeal under section 290.1.

10 The board of directors of the district of residence shall
11 pay to the receiving district the lower district cost per
12 pupil of the two districts, plus any moneys received for the
13 pupil as a result of non-English speaking weighting under
14 section 442.4, subsection 6, for each school year. The
15 district of residence shall also transmit the phase III moneys
16 allocated to the district for the full-time equivalent
17 attendance of the pupil, who is the subject of the request, to
18 the receiving district specified in the request for transfer.
19 If a request filed under this section is for a child requiring
20 special education under chapter 281, the request to transfer
21 to the other district shall only be granted if the receiving
22 district maintains a special education instructional program
23 which is appropriate to meet the child's educational needs and
24 the enrollment of the child in the receiving district's
25 program would not cause the size of the class in that special
26 education instructional program in the receiving district to
27 exceed the maximum class size in rules adopted by the state
28 board of education for that program. For ~~pupils~~ children
29 requiring special education, the board of directors of the
30 district of residence shall pay to the receiving district the
31 actual costs incurred in providing the appropriate special
32 education. Quarterly payments shall be made to the receiving
33 district. If the transfer of a pupil from one district to
34 another results in a transfer from one area education agency
35 to another, the sending district shall forward a copy of the

1 request to the sending district's area education agency. The
2 receiving district shall forward a copy of the request to the
3 receiving district's area education agency. Any moneys
4 received by the area education agency of the sending district
5 for the ~~child~~ pupil who is the subject of the request shall be
6 forwarded to the receiving district's area education agency.
7 Notwithstanding section 285.1 relating to transportation of
8 nonresident pupils, the parent or guardian is responsible for
9 transporting the pupil without reimbursement to and from a
10 point on a regular school bus route of the receiving district.
11 A receiving district shall not send school vehicles into the
12 district of residence of the pupil using the open enrollment
13 option under this section, for the purpose of transporting the
14 pupil to and from school in the receiving district. If the
15 ~~child~~ pupil meets the economic eligibility requirements,
16 established under the federal National School Lunch and Child
17 Nutrition Acts, 42 U.S.C. § 1751-1785, for free or reduced
18 price lunches, the sending district ~~shall be~~ is responsible
19 for providing transportation or paying the pro rata cost of
20 the transportation to a parent or guardian for transporting
21 the ~~child~~ pupil to and from a point on a regular school bus
22 route of a contiguous receiving district unless the cost of
23 providing transportation or the pro rata cost of the
24 transportation to a parent or guardian exceeds the average
25 transportation cost per pupil transported for the previous
26 school year in the district. If the cost exceeds the average
27 transportation cost per pupil transported for the previous
28 school year, the sending district shall only be responsible
29 for that average per pupil amount. A sending district which
30 provides transportation for a ~~child~~ pupil to a contiguous
31 receiving district under this paragraph may withhold from the
32 district cost per pupil amount, that is to be paid to the
33 receiving district, an amount which represents the average or
34 pro rata cost per pupil for transportation, whichever is less.
35 A ~~child~~ pupil, whose parent or guardian has submitted a

1 request to enroll the ~~child~~ pupil in a public school in
2 another district, shall, if the request has resulted in the
3 enrollment of the ~~child~~ pupil in the other district, attend
4 school in the other district which is the subject of the
5 request. This requirement ~~shall~~ does not apply, however, if
6 the ~~child's~~ pupil's family moves out of the district of
7 residence.

8 Every school district shall adopt a policy which defines
9 the term "insufficient classroom space" for that district.

10 The board of directors of a school district subject to
11 volunteer or court-ordered desegregation may vote not to
12 participate in open enrollment under this section during the
13 school year commencing July 1, 1990, and ending June 30, 1991.
14 If a district chooses not to participate in open enrollment
15 under this paragraph, the district shall develop a policy for
16 implementation of open enrollment in the district for that
17 following school year. The policy shall contain objective
18 criteria for determining when a request would adversely impact
19 the desegregation order or plan and criteria for prioritizing
20 requests that do not have an adverse impact on the order or
21 plan.

22 A ~~student~~ pupil who attends a grade in grades nine through
23 twelve in a school district other than the district of
24 residence is not eligible to participate in interscholastic
25 athletic contests and athletic competitions during the first
26 year of enrollment under this section except for an
27 interscholastic sport in which the district of residence and
28 the other school district jointly participate or unless the
29 sport in which the ~~student~~ pupil wishes to participate is not
30 offered in the district of residence. However, a pupil who
31 has paid tuition and attended school, or has attended school
32 pursuant to a mutual agreement between the two districts, in a
33 district other than the pupil's district of residence for at
34 least one school year prior to ~~the effective date of this Act~~
35 March 10, 1989, ~~shall be~~ is eligible to participate in

1 interscholastic athletic contests and athletic competitions
2 under this section, but only as a member of a team from the
3 district that student pupil had attended.

4 A student who has been paying tuition and attending school
5 on or before March 25, 1989, in a district other than the
6 student's district of residence shall be permitted to attend
7 school in the district where the student has been paying
8 tuition during the 1989-1990 school year, by filing a request
9 to use the open enrollment option under this section by August
10 17, 1989.

11 If a student has been paying tuition and attending an
12 accredited nonpublic school during the 1988-1989 school year,
13 which is located in a public school district other than the
14 student's public school district of residence, and the
15 nonpublic school discontinues the grade or school which the
16 student would have attended during the 1989-1990 school year
17 after June 30, 1988, but before August 17, 1989, the student
18 shall be permitted to attend a public school located within
19 the public school district where the nonpublic school was
20 located during the 1989-1990 school year if the receiving
21 public school district agrees to accept the student and the
22 student's parent or guardian files a request to use the open
23 enrollment option under this section by August 17, 1989. The
24 public school district where the nonpublic school was located
25 shall count the student in the September 1989 enrollment
26 count.

27 A student whose district of residence, for the purposes of
28 school attendance, changes by August 17, 1989, shall be
29 permitted to attend school during the 1989-1990 school year in
30 the district in which the student attended during the 1988-
31 1989 school year if a request to use the open enrollment
32 option under this section is filed by August 17, 1989.

33 If a child pupil, for which a request to transfer has been
34 filed with a district, has been suspended or expelled in the
35 district, the receiving district named in the request may

1 refuse the request to transfer until the child pupil has been
2 reinstated in the sending district.

3 A laboratory school under chapter 265 ~~shall be~~ is exempt
4 from ~~the provisions of~~ this section.

5 The director of the department of education shall recommend
6 rules to the state board of education for the orderly
7 implementation of this section. The state board shall adopt
8 rules as needed for the implementation of this section.

9 Sec. 11. Section 282.26, unnumbered paragraph 2, Code
10 1989, is amended to read as follows:

11 The state board of regents and the ~~department~~ state board
12 of education may by rule permit such students to attend any
13 institution of higher learning under their jurisdiction.
14 Credit earned in any such course at a junior college, college,
15 or university may be applied toward credit for high school
16 graduation. ~~No-public~~ Public school funds shall not be
17 expended for payment of tuition or other costs for such
18 attendance at any a college or university, unless such the
19 payment is expressly permitted or required by law.

20 Sec. 12. Section 307.25, subsection 4, Code 1989, is
21 amended to read as follows:

22 4. Administer ~~the provisions of~~ chapters ~~322A-325-327~~
23 ~~327A, 327B, 328, 329 and 330.~~

24 Sec. 13. Section 307.26, subsection 10, Code 1989, is
25 amended to read as follows:

26 10. Administer ~~the provisions of~~ chapters ~~327B to~~ 327C
27 through 327H.

28 Sec. 14. Section 307.27, Code 1989, is amended by adding
29 the following new subsections:

30 NEW SUBSECTION. 6. Administer the regulation of motor
31 vehicle franchisers pursuant to chapter 322A.

32 NEW SUBSECTION. 7. Administer the regulation of motor
33 vehicle certificated carriers pursuant to chapter 325.

34 NEW SUBSECTION. 8. Administer the regulation of motor
35 vehicle truck operators pursuant to chapter 327.

1 NEW SUBSECTION. 9. Administer the registration of
2 interstate commerce commission authority of motor carriers
3 pursuant to chapter 327B.

4 Sec. 15. Section 307B.3, subsection 8, Code 1989, is
5 amended by striking the subsection.

6 Sec. 16. Section 321.37, unnumbered paragraph 2, Code
7 1989, is amended by striking the unnumbered paragraph.

8 Sec. 17. Section 321.122, subsection 4, unnumbered
9 paragraphs 2 and 3, Code 1989, are amended by striking the
10 unnumbered paragraphs.

11 Sec. 18. Section 321.466, subsection 4, Code 1989, is
12 amended to read as follows:

13 4. The registered gross weight of any a vehicle or
14 combination of vehicles may also be increased by installing
15 and using ~~a-properly-registered~~ an auxiliary axle or axles,
16 and the combined registered gross weight of ~~such the~~ vehicle
17 and auxiliary axle or axles shall determine the total
18 registered gross weight ~~thereof~~. ~~No~~ An auxiliary axle ~~may~~
19 shall not be used to convert a single axle to a tandem axle
20 unless equipped with a device to equalize the load carried by
21 the single axle and the ~~said~~ auxiliary axle when in tandem and
22 when in motion or when standing, and the load transmitted to
23 the highway by either the single axle or the auxiliary axle
24 shall not exceed that permitted for any a single axle, nor
25 shall the load transmitted to the highway when in tandem and
26 when in motion or when standing, exceed that permitted for any
27 a tandem axle.

28 Sec. 19. Section 321J.2, subsection 3, Code 1989, is
29 amended to read as follows:

30 3. No conviction for, deferred judgment for, or plea of
31 guilty to, a violation of this section which occurred more
32 than six years prior to the date of the violation charged
33 shall be considered in determining that the violation charged
34 is a second, third, or subsequent offense. For the purpose of
35 determining if a violation charged is a second, third, or

1 subsequent offense, deferred judgments pursuant to section
2 907.3 for violations of this section and convictions or the
3 equivalent of deferred judgments for violations in any other
4 states under statutes substantially corresponding to this
5 section shall be counted as previous offenses. The courts
6 shall judicially notice the statutes of other states which
7 define offenses substantially equivalent to the one defined in
8 this section and can therefore be considered corresponding
9 statutes. Each previous violation shall be considered a
10 separate previous offense ~~without-regard-to-whether-each~~ if
11 the violation was complete as to commission and conviction or
12 deferral of judgment following or prior to any other previous
13 violation.

14 Sec. 20. Section 321J.10, subsection 1, unnumbered
15 paragraph 1, Code 1989, is amended to read as follows:

16 Refusal to consent to a test under section 321J.6 does not
17 prohibit the withdrawal of a specimen for chemical testing
18 pursuant to a search warrant issued in the investigation of a
19 suspected violation of section 707.5 or 707.6A if all of the
20 following grounds exist:

21 Sec. 21. Section 321J.21, Code 1989, is amended to read as
22 follows:

23 321J.21 DRIVING WHILE LICENSE DENIED OR REVOKED.

24 A person whose motor vehicle license or nonresident
25 operating privilege has been denied or revoked as provided in
26 this chapter and who drives a motor vehicle ~~upon-the-highways~~
27 of in this state while the license or privilege is denied or
28 revoked commits a serious misdemeanor. The department, upon
29 receiving the record of the conviction of a person under this
30 section upon a charge of driving a motor vehicle while the
31 license of the person was revoked or denied, shall extend the
32 period of revocation or denial for an additional like period,
33 and the department shall not issue a new license during the
34 additional period.

35 Sec. 22. Section 325.26, unnumbered paragraph 1, Code

1 1989, is amended to read as follows:

2 No A certificate shall not be issued until and after the
3 applicant ~~shall have~~ has filed with the authority department
4 an insurance policy, ~~policies,~~ surety bond, or certificate of
5 insurance, in form ~~to be~~ approved by the authority department,
6 issued by ~~some company, association, reciprocal or~~
7 ~~interinsurance exchange or other~~ an insurer authorized to do
8 business in this state. The minimum limits of liability of
9 ~~any policies~~ a policy or surety bond ~~shall~~, for each motor
10 vehicle ~~thereby covered, be~~ are as follows:

11 Sec. 23. Section 331.101, subsection 8, Code 1989, is
12 amended to read as follows:

13 8. "Clerk" means the clerk of the district court or a
14 ~~deputy clerk designated by the clerk of the district court~~ the
15 clerk's designee.

16 Sec. 24. Section 331.209, subsection 5, Code Supplement,
17 1989, is amended to read as follows:

18 5. Each county board shall notify the state commissioner
19 of elections ~~whenever~~ when the boundaries of supervisor
20 districts are changed, and shall provide a map delineating the
21 new boundary lines, and shall certify to the state
22 commissioner of elections the populations of the new
23 supervisor districts as determined under the latest federal
24 decennial census. Upon failure of a county board to make the
25 required changes by the dates specified by this section as
26 determined by the state commissioner of elections, the state
27 commissioner of elections shall make or cause to be made the
28 necessary changes as soon as possible, and shall assess to the
29 county the expenses incurred in so doing. The state
30 commissioner of elections may request the services of
31 personnel and materials available to the legislative service
32 bureau to assist the state commissioner in making any required
33 changes in supervisor district boundaries which become the
34 state commissioner's responsibility.

35 Sec. 25. Section 331.424, subsection 1, paragraph m, Code

1 1989, is amended to read as follows:

2 m. The maintenance and operation of the courts, including
3 but not limited to the salary and expenses of the clerk of the
4 district court, ~~deputy-clerks~~ and other employees of the
5 clerk's office, and bailiffs, establishment and operation of a
6 public defender's office, court costs if the prosecution fails
7 or if the costs cannot be collected from the person liable,
8 costs and expenses of prosecution under section 189A.17,
9 salaries and expenses of juvenile court officers under chapter
10 602, court-ordered costs in domestic abuse cases under section
11 236.5, the county's expense for confinement of prisoners under
12 chapter 356A, temporary assistance to the county attorney,
13 county contributions to a retirement system for bailiffs,
14 reimbursement for judicial magistrates under section 602.6501,
15 claims filed under section 622.93, interpreters' fees under
16 section 622B.7, uniform citation and complaint supplies under
17 section 805.6, and costs of prosecution under section 815.13.

18 Sec. 26. Section 422.43, subsection 11, Code 1989, is
19 amended by adding the following new unnumbered paragraph:

20 NEW UNNUMBERED PARAGRAPH. The tax on services on or
21 connected with new construction, reconstruction, alteration,
22 expansion, remodeling, or the services of a general building
23 contractor, architect, or engineer contracted for after June
24 1, 1990, is null and void.

25 Sec. 27. Section 423.4, subsection 10, Code 1989, is
26 amended to read as follows:

27 10. Vehicles registered or operated under chapter 326 and
28 used substantially in interstate commerce, section 423.5
29 notwithstanding. For purposes of this subsection,
30 "substantially in interstate commerce" means that a minimum of
31 twenty-five percent of the miles operated by the vehicle
32 accrues in states other than Iowa. This subsection applies
33 only to vehicles which are registered for a gross weight of
34 thirteen tons or more.

35 For purposes of this subsection, trailers and semitrailers

1 registered or operated under chapter 326 are deemed to be used
2 substantially in interstate commerce and to be registered for
3 a gross weight of thirteen tons or more.

4 Sec. 28. Section 441.10, unnumbered paragraph 1, Code
5 Supplement 1989, is amended to read as follows:

6 Immediately after the appointment of the assessor, and at
7 other times as the conference board directs, one or more
8 deputy assessors may be appointed by the assessor. Each
9 appointment shall be made from either the list of eligible
10 candidates provided by the director of revenue and finance,
11 which shall contain only the names of those persons who
12 achieve a score of seventy percent or greater on the
13 examination administered by the director of revenue and
14 finance, or the list of candidates eligible for appointment as
15 city or county assessor. Examinations for the position of
16 deputy assessor shall be conducted in the same manner as
17 examinations for the position of city or county assessor. ~~The~~
18 ~~applicable-provisions-of-section-441.5-regarding-the-register~~
19 ~~of-names-shall-also-apply-to-the-list-of-eligible-candidates~~
20 ~~established-under-the-provisions-of-this-section.~~

21 Sec. 29. Section 441.11, Code 1989, is amended to read as
22 follows:

23 441.11 INCUMBENT DEPUTY ASSESSORS.

24 The director of revenue and finance shall grant a
25 restricted certificate to any deputy assessor holding office
26 as of January 1, 1976. A deputy assessor possessing such a
27 certificate shall be considered eligible to remain in the
28 deputy's present position. To become eligible for another
29 deputy assessor position, a deputy assessor presently holding
30 office is required to obtain certification as provided for in
31 section 441.5 and 441.10.

32 Sec. 30. Section 452.10, unnumbered paragraph 2, Code
33 1989, is amended to read as follows:

34 Evidences of indebtedness which are obligations of or
35 guaranteed by the United States of America or any of its

1 agencies include investments, ~~which are authorized by the~~
2 ~~treasurer of state under this section,~~ in an unincorporated
3 investment company or investment trust registered under the
4 federal Investment Company Act of 1940, 15 U.S.C. § 80a, the
5 portfolio of which is limited to such United States government
6 obligations and to repurchase agreements fully collateralized
7 by the United States government obligations if the investment
8 company or investment trust takes delivery of the collateral
9 either directly or through an authorized custodian.

10 Sec. 31. Section 455A.8, subsections 1 and 2, Code
11 Supplement 1989, are amended to read as follows:

12 1. The Brushy Creek recreation trails advisory board shall
13 be organized within the parks and preserves division of the
14 department and shall be composed of ~~nine~~ ten members including
15 the following: the director of the department or the
16 director's designee who shall serve as a nonvoting ex officio
17 member, the park ranger responsible for the Brushy Creek
18 recreation area, a member of the state advisory board for
19 preserves established under chapter 111B, a person appointed
20 by the governor, and six persons appointed by the legislative
21 council. Each person appointed by the governor or legislative
22 council must actively participate in recreational trail
23 activities such as hiking, an equestrian sport, or a winter
24 sport at the Brushy Creek recreation area. The voting members
25 shall elect a chairperson at the board's first meeting each
26 year.

27 2. Each voting member of the board shall serve three
28 years, and shall be eligible for reappointment. However, the
29 park ranger responsible for Brushy Creek shall be replaced by
30 the ranger's successor. ~~The,~~ and the person representing the
31 state advisory board for preserves shall serve at the pleasure
32 of the board. The members, other than the director or the
33 director's designee and the park ranger, are entitled to
34 actual expenses incurred in performance of the duties of the
35 board. A majority of voting members constitutes a quorum, and

1 the affirmative vote of a majority present is necessary for
2 any action taken by the board, except that a lesser number may
3 adjourn a meeting. A vacancy in the membership of the board
4 does not impair the rights of a quorum to exercise all rights
5 and perform all duties of the board. The board shall meet as
6 required, but at least twice a year. The board shall meet
7 upon call of the chairperson, or upon written request of three
8 members of the board. Written notice of the time and place of
9 the meeting shall be given to each member.

10 Sec. 32. Section 516A.1, unnumbered paragraph 2, Code
11 1989, is amended to read as follows:

12 However, the named insured may reject all of such coverage,
13 or reject the uninsured motor vehicle or (hit-and-run motor
14 vehicle) coverage, or reject the underinsured motor vehicle
15 coverage, by written rejections signed by the named insured.
16 If rejection is made on a form or document furnished by an
17 insurance company or insurance agent, it shall be on a
18 separate sheet of paper which contains only the rejection and
19 information directly related to it. Such coverage need not be
20 provided in or supplemental to a renewal policy if the named
21 insured has rejected the coverage in connection with a policy
22 previously issued to the named insured by the same insurer.

23 Sec. 33. Section 523D.6, subsection 2, paragraph b, Code
24 Supplement 1989, is amended to read as follows:

25 b. Within three business days after the execution of a
26 contract to provide continuing care or senior adult congregate
27 living services, or ~~at~~ after the time of the transfer of any
28 money or other property to a provider by or on behalf of a
29 prospective resident, whichever occurs first.

30 Sec. 34. Section 601J.5, subsection 3, paragraph a, Code
31 Supplement 1989, is amended to read as follows:

32 a. If the activities that are not in compliance with
33 section 601J.4 are funded with state or federal funds which
34 are administered by the state and can be used by agencies or
35 organizations that are in compliance with section 601J.4, then

1 upon notice by the department, the director of revenue and
2 finance shall not permit the expenditure of ten percent of the
3 funds during the fiscal year 1986 immediately following the
4 notice, an additional twenty percent of funds during the
5 following year, an additional thirty percent during the third
6 year, and the remaining funds in the fourth year that the
7 activities remain in noncompliance. Any funds retained by the
8 director of revenue and finance shall be distributed returned
9 to the originating state agency for redistribution to agencies
10 and organizations eligible to receive the funds for
11 transportation purposes.

12 Sec. 35. Section 602.6106, Code 1989, is amended to read
13 as follows:

14 602.6106 SESSIONS NOT AT COUNTY SEATS -- EFFECT -- DUTY OF
15 CLERK.

16 When court is held at a place that is not the county seat,
17 all of the provisions of the Code relating to district courts
18 are applicable, except as follows: All proceedings in the
19 court have, within the territory over which the court has
20 jurisdiction, the same force and effect as though ordered in
21 the court at the county seat, but transcripts of judgments and
22 decrees, levies of writs of attachment upon real estate,
23 mechanics' liens, lis pendens, sales of real estate,
24 redemption, satisfaction of judgments and mechanics' liens,
25 and dismissals or decrees in lis pendens, together with all
26 other matters affecting titles to real estate, shall be
27 certified by the ~~deputy-clerk~~ clerk's designee to the clerk of
28 district court at the county seat who shall immediately enter
29 them upon the records at the county seat.

30 Sec. 36. Section 607A.3, subsection 1, Code 1989, is
31 amended to read as follows:

32 1. "Clerk" means clerk of the district court, ~~deputy~~
33 ~~clerk~~, or the clerk's designee.

34 Sec. 37. Section 633.26, Code 1989, is amended to read as
35 follows:

1 633.26 CLERK NOT TO PREPARE REPORTS.

2 No A clerk, deputy, of the district court or employee of
3 the clerk shall not act as attorney for a fiduciary, or make
4 or assist in making, drafting, or filling out any report of
5 any fiduciary or any other report to be filed in the clerk's
6 office.

7 Sec. 38. Section 691.6, subsection 3, Code 1989, is
8 amended to read as follows:

9 3. To adopt rules pursuant to chapter 17A, and subject to
10 the approval of the commissioner of public safety, regarding
11 the manner and techniques to be employed while conducting
12 autopsies; the nature, character, and extent of investigations
13 to be made in cases of homicide or suspected homicide
14 necessary to allow a medical examiner to render a full and
15 complete analysis and report; the format and matters to be
16 contained in all reports rendered by medical examiners; and
17 all other things necessary to carry out this chapter section.
18 All county medical examiners and peace officers are subject to
19 the rules.

20 Sec. 39. Section 694.1, subsection 2, Code 1989, is
21 amended to read as follows:

22 2. ~~Was, or is, in the company of another person~~ Is missing
23 under circumstances indicating that the missing person's
24 safety may be in danger.

25 Sec. 40. Section 713.3, Code 1989, is amended to read as
26 follows:

27 713.3 BURGLARY IN THE FIRST DEGREE.

28 A person commits burglary in the first degree if, while
29 perpetrating a burglary, the person has in the person's
30 possession an explosive or incendiary device or material, or a
31 dangerous weapon, or intentionally or recklessly inflicts
32 ~~physical~~ bodily injury on any person. Burglary in the first
33 degree is a class "B" felony.

34 Sec. 41. Section 730.5, subsection 2, Code 1989, is
35 amended to read as follows:

1 2. Except as provided in subsection 7, an employer shall
2 not require or request employees or applicants for employment
3 to submit to a drug test as a condition of employment,
4 preemployment, promotion, or change in status of employment.
5 An employer shall not request, require, or conduct random or
6 blanket drug testing of employees. However, this section does
7 not apply to preemployment drug tests authorized for peace
8 officers or correctional officers of the state, or to drug
9 tests required under federal statutes, or as required under
10 section 391, subpart H of the federal motor carrier safety
11 regulations adopted by the United States department of
12 transportation, or to drug tests conducted pursuant to a
13 nuclear regulatory commission policy statement, or to drug
14 tests conducted to determine if an employee is ineligible to
15 receive workers' compensation under section 85.16, subsection
16 2.

17 Sec. 42. Section 801.4, subsection 11, Code Supplement
18 1989, is amended to read as follows:

19 11. "Complaint" means a statement in writing, under oath
20 or affirmation, made before a magistrate or district court
21 clerk or clerk's deputy designee as the case may be, of the
22 commission of a public offense, and accusing someone thereof
23 of committing the public offense. A complaint shall be
24 substantially in the form provided in the Iowa rules of
25 criminal procedure.

26 Sec. 43. Section 815.1, Code 1989, is amended to read as
27 follows:

28 815.1 COSTS PAYABLE BY STATE IN SPECIAL CASES.

29 All costs and fees incurred in a parole revocation
30 proceeding or in a criminal case brought against an inmate of
31 a state institution for a crime committed while confined in
32 the institution, or for a crime committed by the inmate while
33 placed outside the walls or confines of the institution under
34 the control and direction of a warden, supervisor, officer, or
35 employee of the institution, or for a crime committed by the

1 inmate during an escape or other unauthorized departure from
2 the institution or from the control of a warden, supervisor,
3 officer, or employee of the institution, or from wherever the
4 inmate may have been placed by authorized personnel of the
5 institution, are waived if the prosecution fails, or if the
6 person liable to pay the costs and fees cannot pay the costs
7 and fees. An award of attorney fees to a court-appointed
8 attorney incurred in these cases shall be paid out of the
9 state treasury from the general fund if the prosecution fails
10 or if the person liable to pay the attorney fees cannot pay
11 them. The facts shall be certified by the clerk of the
12 district court under the clerk's seal of office to the
13 director of revenue-and-finance inspections and appeals,
14 including a statement of the amount of fees or costs incurred,
15 approved by the presiding judge in writing. When a conviction
16 is rendered and the court orders restitution for costs of the
17 prosecution, the inmate, work releasee, or parolee shall make
18 restitution to the general fund pursuant to section 910.2.

19 Sec. 44. Section 815.11, Code 1989, is amended to read as
20 follows:

21 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.
22 Costs incurred under sections 814.9, 814.10, 814.11, 815.4,
23 815.5, 815.6, 815.7, 815.10, or the rules of criminal
24 procedure on behalf of an indigent shall be paid from funds
25 appropriated by the general assembly to the supreme-court
26 department of inspections and appeals for those purposes.

27 EXPLANATION

28 This bill makes the following changes:
29 49.7 The Code requires that populations be certified in
30 some instances where the precincts or districts are not
31 changed (see Section 275.23A(3)), but is silent as to this
32 requirement when districts are changed. The amendment here
33 adds a comparable requirement when election precincts are
34 changed in cities or counties.
35 56.6(3)(i) and 56.31 Relates to periodic reports of

1 honoria received by candidates and officeholders. Strikes
2 section relating to reporting of honoraria to the campaign
3 finance disclosure commission and replaces with reporting to
4 appropriate chamber or other appropriate office.

5 99B.1(18) Relates to games of skill and chance, and
6 raffles. This amendment conforms to the amendment to section
7 99B.7, subsection 3, in 1989 Iowa Acts, chapter 231, section
8 20, which changed from seventy to seventy-five the percent of
9 gross receipts dedicated and distributed for educational,
10 civic, public, charitable, patriotic, or religious uses.

11 99D.13 Relates to winnings forfeited at each racetrack by
12 recognizing that funds paid to the racing commission for use
13 in payment of the cost of drug testing may only pay a part of
14 these costs.

15 136C.3(2) Relates to regulation of radiation machines.
16 The podiatric medical society plans a limited radiography
17 course for podiatric nurses and assistants.

18 204.401 Relates to determination of quantity of LSD.
19 Provides that in determining whether the amount of a substance
2 is not more than 10 grams of LSD, the total amount of a
2 mixture or substance containing a detectable amount of LSD is
22 to be considered.

23 232.141 Transfers payment responsibility for court-
24 appointed attorney's fees and other expenses for indigent
25 defense from judicial department to department of inspections
26 and appeals.

27 275.23A(3) Relates to school director districts. See
28 explanation for section 49.7.

29 282.18 The words "child", "pupil", and "student" were used
30 in this section. Since both "child" and "pupil" are defined
31 terms for certain purposes, these words are substituted for
32 "student", as appropriate. Two temporary paragraphs are
33 stricken.

34 282.26 Relates to specially qualified high school students
35 attending advanced courses in a college or university. The

1 board of education is substituted for the department of
2 education as a rulemaking authority, pursuant to sections
3 256.7(5), 256.9(2), and 256.11.

4 307.25(4) Relates to authority of the administrator for
5 aeronautics and public transit in the state department of
6 transportation. These chapters should be under the
7 administrator of motor vehicles, so they are added to section
8 307.27.

9 307.26 Relates to authority of the administrator for rail
10 and water. Amended to include supervision of carriers.

11 307.27 Relates to authority of the administrator of motor
12 vehicles. See explanation for amendment to section 307.25.

13 307B.3(8) Provides findings of purposes for enactment of
14 the Iowa railway finance authority Act. Subsection 8
15 described two pending bankruptcies which have been completed.

16 321.37 The stricken paragraph relates to registration of
17 auxiliary axles, which is no longer done.

18 321.122(4) The stricken paragraphs relate to registration
19 of auxiliary axles, which is no longer done.

20 321.466(4) See explanations for sections 321.37 and
21 321.122.

22 321J.2(3) Relates to determination of whether violation is
23 a second, third, or subsequent offense by providing that a
24 violation shall be considered a separate violation if the
25 violation is complete as to commission and conviction or
26 deferral of judgment.

27 321J.10(1) Provides that withdrawal of a specimen for
28 chemical testing pursuant to a search warrant is not
29 prohibited as the result of a refusal to consent to test under
30 section 321J.6 in the investigation of a suspected violation
31 of section 707.6A (vehicular homicide).

32 321J.21 Style change.

33 325.26 Relates to regulation of motor carriers. The
34 "authority" referred to was apparently the transportation
35 regulation authority which was eliminated in the 1986

1 reorganization.

2 331.101(8) Replaces designation of deputy clerk of the
3 district court with the clerk's designee. Position of deputy
4 clerk no longer formally recognized with changes in this bill.

5 331.209(5) See explanation of amendment to section 49.7.

6 331.424 See explanation of amendment to section
7 331.101(8).

8 422.43(11) The added material was enacted as a temporary
9 section in 1969 and was never codified, but is only reflected
10 in departmental rules. The department of revenue and finance
11 requested its codification.

12 423.4(10) Relates to use tax exemption of interstate
13 carriers. Subsection enacted in 1988 to exempt vehicles
14 registered under interstate carrier chapter from use tax.
15 Amendment adds vehicles operated under this chapter also.

16 441.10 and 441.11 Although section 441.5 still establishes
17 the examination procedures for both assessors and deputy
18 assessors, section 441.10, unnumbered paragraphs 2 and 3, now
19 contain separate provisions for registration of deputy
20 assessors.

21 452.10(2) Relates to investment of public funds by
22 eliminating requirement that treasurer of state authorize
23 investment in obligations of or guaranteed by the United
24 States.

25 455A.8(1,2) Changes are made to make consistent the
26 provisions relating to board members.

27 516A.1 Clarification of language.

28 523D.6(2b) Relates to providers of continuing care and
29 senior adult congregate living facilities. The "Notice of
30 Cancellation" form in subsection 3 allows three business days
31 after either the date the contract was executed or the money
32 or property was transferred to the provider. It was not clear
33 in subsection 2, paragraph b, that the three-day period
34 applied to both situations.

35 601J.5(3)(a) Reestablishes increasing penalty provision

1 related to transit funds by eliminating specific year tied to
2 penalty which appeared in original enactment.

3 602.6106, 607A.3, and 633.26 See explanation of amendment
4 to section 331.101(8).

5 691.6(3) Relates to duties of the state medical examiner.
6 It appears that the medical examiner's rulemaking authority
7 was meant to extend only to those duties listed in this
8 section, and not to the entire chapter relating to the
9 criminalistics laboratory.

10 694.1(2) Relates to the definition of a missing person.
11 The amendment is intended to bring the definition into
12 compliance with the federal definition in the national crime
13 information center operations manual.

14 713.3 Replaces "physical" injury with "bodily" injury
15 consistent with other Code provisions.

16 730.5 Relates to drug testing providing that the exemption
17 to drug testing does not apply to motor carriers, consistent
18 with United States department of transportation regulations.

19 801.4 See explanation of amendment to section 331.101(8).

20 815.1 and 815.11 See explanation of amendment to section
21 232.141.

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HOUSE FILE 2313

AN ACT

RELATING TO STATUTORY CORRECTIONS WHICH ADJUST LANGUAGE TO REFLECT CURRENT PRACTICES, INSERT EARLIER OMISSIONS, DELETE REDUNDANCIES AND INACCURACIES, DELETE TEMPORARY LANGUAGE, RESOLVE INCONSISTENCIES AND CONFLICTS, UPDATE ONGOING PROVISIONS, AND REMOVE AMBIGUITIES.

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

Section 1. Section 49.7, Code Supplement 1989, is amended to read as follows:

49.7 WHEN REPRECINCTING REQUIRED.

Each county board of supervisors and city council shall make any changes in precinct boundaries necessary to comply with sections 49.3, 49.4 and 49.5 not earlier than July 1 nor later than November 15 of the year immediately following each year in which the federal decennial census is taken, unless the general assembly by joint resolution establishes different dates for compliance with these sections. Any or all of the publications required by section 49.11 may be made after November 15 if necessary. Each county board and city council shall notify the state commissioner and the commissioner whenever when the boundaries of election precincts are changed, and shall provide a map delineating the new boundary lines. Each county board and city council shall certify to the state commissioner the populations of the new election precincts or retained election precincts as determined under the latest federal decennial census. Upon failure of a county

board or city council to make the required changes by the dates specified by this section, as determined by the state commissioner, the state commissioner shall make or cause to be made the necessary changes as soon as possible, and shall assess to the county or city, as the case may be, the expenses incurred in so doing. The state commissioner may request the services of personnel of and materials available to the legislative service bureau to assist the state commissioner in making any required changes in election precinct boundaries which become the state commissioner's responsibility.

Sec. 2. Section 56.6, subsection 3, paragraph i, Code Supplement 1989, is amended by striking the paragraph.

Sec. 3. NEW SECTION. 56.31 REPORTING OF HONORARIA.

1. The commission shall adopt rules requiring the filing of periodic reports by officeholders showing all honoraria received during the reporting period.

2. The rules shall require that:

- a. Holders of statewide office must file reports with the state commissioner of elections.
- b. Holders of the office of state senator must file reports with the secretary of the senate.
- c. Holders of the office of state representative must file reports with the chief clerk of the house of representatives.
- d. Holders of county and other offices must file reports with the county commissioner of elections.

3. The reports shall be available for public inspection.

Sec. 4. Section 99B.1, subsection 18, Code Supplement 1989, is amended to read as follows:

18. "Net receipts" means gross receipts less amounts awarded as prizes and less state and local sales tax paid upon the gross receipts. Reasonable expenses, charges, fees, taxes other than the state and local sales tax, and deductions allowed by the department shall not exceed thirty twenty-five percent of net receipts.

Sec. 5. Section 99D.13, subsection 2, Code Supplement 1989, is amended to read as follows:

2. Winnings from each racetrack forfeited under subsection 1 shall escheat to the state and to the extent appropriated by the general assembly shall be used by the department of agriculture and land stewardship to administer sections 99D.22 and 99D.27. The remainder shall be paid over to the commission to pay all or part of the cost of drug testing at the tracks. To the extent the remainder paid over to the commission, less the cost of drug testing, is from unclaimed winnings from harness racing meets, the remainder shall be used as provided in subsection 3. To the extent the remainder paid over to the commission, less the cost of drug testing, is from unclaimed winnings from tracks licensed for dog or horse races, the commission, at-least-quarterly on an annual basis, shall remit one-third of the amount to the treasurer of the city in which the racetrack is located, one-third of the amount to the treasurer of the county in which the racetrack is located, and one-third of the amount to the racetrack from which it was forfeited. If the racetrack is not located in a city, then one-third shall be deposited as provided in chapter 556. The amount received by the racetrack under this subsection shall be used only for retiring the debt of the racetrack facilities and for capital improvements to the racetrack facilities.

Sec. 6. Section 136C.3, subsection 2, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Establish minimum training standards including continuing education requirements, and administer examinations and disciplinary procedures for operators of radiation machines and users of radioactive materials. A state of Iowa license to practice medicine, osteopathy, chiropractic, podiatry, dentistry, dental hygiene, or veterinary medicine, or licensure as a physician assistant pursuant to chapter 148C, or certification by the board of dental examiners in dental radiography, or by the board of podiatry examiners in podiatric radiology, or enrollment in a program or course of study approved by the Iowa department of public health which

includes the application of radiation to humans satisfies the minimum training standards for operation of radiation machines only.

Sec. 7. Section 204.401, subsection 1, paragraph b, subparagraph (5), Code Supplement 1989, is amended to read as follows:

(5) Not more than ten grams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD).

Sec. 8. Section 232.141, subsection 3, paragraph c, Code Supplement 1989, is amended to read as follows:

c. Costs incurred under subsection 2 which are not paid by the county under paragraphs "a" and "b" shall be reimbursed by the state. A county shall apply for reimbursement to the judicial department of inspections and appeals which shall prescribe rules and forms to implement this subsection.

Sec. 9. Section 275.23A, subsection 3, Code Supplement 1989, is amended to read as follows:

3. The school board shall notify the state commissioner of elections and the county commissioner of elections of each county in which a portion of the school district is located whenever when the boundaries of director districts are changed. The board shall provide the commissioners with maps showing the new boundaries and shall also certify to the state commissioner the populations of the new director districts as determined under the latest federal decennial census. If, following a federal decennial census a school district elects not to redraw director districts under this section, the school board shall so certify to the state commissioner of elections, and the school board shall also certify to the state commissioner the populations of the retained director districts as determined under the latest federal decennial census. Upon failure of a district board to make the required changes by the dates established under this section as determined by the state commissioner of elections, the state commissioner of elections shall make or cause to be made the

necessary changes as soon as possible, and shall assess any expenses incurred to the school district. The state commissioner of elections may request the services of personnel of and materials available to the legislative service bureau to assist the state commissioner in making any required boundary changes.

Sec. 10. Section 282.18, Code Supplement 1989, is amended to read as follows:

282.18 OPEN ENROLLMENT.

For the school year commencing July 1, 1989, and each succeeding school year, a parent or guardian residing in a school district may enroll the parent's or guardian's child in a public school in another school district in the manner provided in this section.

By September 15 of the preceding school year the parent or guardian shall informally notify the district of residence, and not later than November 1 of the preceding school year, the parent or guardian shall send notification to the district of residence and to the department of education on forms prescribed by the department of education that the parent or guardian intends to enroll the parent's or guardian's child in a public school in another school district. The parent or guardian shall describe the reason that exists for enrollment in the receiving district that is not present in the district of residence. The board of the district of residence shall transmit a copy of the form to the receiving school district within five days after its receipt. During the 1990-1991 school year, if the board of the district of residence determines that transmission of the request will result in a loss of greater than five percent of the district's certified enrollment for the previous year, the board of the district of residence may deny the request for the 1990-1991 school year. During the 1991-1992 school year, if the board of the district of residence determines that transmission of the request will result in a loss of greater than ten percent of the district's certified enrollment for the previous year, the board of the

district of residence may deny the request for the 1991-1992 school year. If, however, a failure to transmit a request will result in enrollment of students pupils from the same nuclear family in different school districts, the request shall be transmitted to the receiving district for enrollment. The board of each school district shall adopt a policy relating to the order in which requests for enrollment in other districts shall be considered. The board of the receiving school district shall enroll the pupil in a school in the receiving district for the following school year unless the receiving district does not have classroom space for the pupil. In all districts involved with volunteer or court-ordered desegregation, minority and nonminority student pupil ratios shall be maintained according to the desegregation plan or order. The superintendent of a district subject to volunteer or court-ordered desegregation may deny a request for transfer under this section if the superintendent finds that enrollment or release of a pupil will adversely affect the district's implementation of the desegregation order or plan. If, however, a transfer request would facilitate a voluntary or court-ordered desegregation plan, the district shall give priority to granting the request over other requests. A parent or guardian, whose request has been denied because of a desegregation order or plan, may appeal the decision of the superintendent to the board of the district in which the request was denied. The board may either uphold or overturn the superintendent's decision. A decision of the board to uphold the denial of the request is subject to appeal under section 290.1.

Each district shall provide notification to the parent or guardian relating to the transmission or denial of the request. A district of residence shall provide for notification of transmission or denial to a parent or guardian within three days of board action on the request. A receiving district shall provide notification to a parent or guardian, within fifteen days of receipt of the request, of whether the

child pupil will be enrolled in that district or whether the request is to be denied.

A request under this section is for a period of not less than four years unless the pupil will graduate, the pupil's family moves to another school district, or the parent or guardian petitions the receiving district for permission to enroll the child pupil in a different district, which may include the district of residence, within the four-year period. If the parent or guardian requests permission of the receiving district to enroll the child pupil in a different district within the four-year period, the receiving district school board may transmit a copy of the request to the other school district within five days of the receipt of the request. The new receiving district shall enroll the pupil in a school in the district unless there is insufficient classroom space in the district or unless enrollment of the pupil would adversely affect court ordered or voluntary desegregation orders affecting a district. A denial of a request to change district enrollment within the four-year period ~~shall be~~ is subject to appeal under section 290.1.

The board of directors of the district of residence shall pay to the receiving district the lower district cost per pupil of the two districts, plus any moneys received for the pupil as a result of non-English speaking weighting under section 442.4, subsection 6, for each school year. The district of residence shall also transmit the phase III moneys allocated to the district for the full-time equivalent attendance of the pupil, who is the subject of the request, to the receiving district specified in the request for transfer. If a request filed under this section is for a child requiring special education under chapter 281, the request to transfer to the other district shall only be granted if the receiving district maintains a special education instructional program which is appropriate to meet the child's educational needs and the enrollment of the child in the receiving district's program would not cause the size of the class in that special

education instructional program in the receiving district to exceed the maximum class size in rules adopted by the state board of education for that program. For pupils children requiring special education, the board of directors of the district of residence shall pay to the receiving district the actual costs incurred in providing the appropriate special education. Quarterly payments shall be made to the receiving district. If the transfer of a pupil from one district to another results in a transfer from one area education agency to another, the sending district shall forward a copy of the request to the sending district's area education agency. The receiving district shall forward a copy of the request to the receiving district's area education agency. Any moneys received by the area education agency of the sending district for the child pupil who is the subject of the request shall be forwarded to the receiving district's area education agency. Notwithstanding section 285.1 relating to transportation of nonresident pupils, the parent or guardian is responsible for transporting the pupil without reimbursement to and from a point on a regular school bus route of the receiving district. A receiving district shall not send school vehicles into the district of residence of the pupil using the open enrollment option under this section, for the purpose of transporting the pupil to and from school in the receiving district. If the child pupil meets the economic eligibility requirements established under the federal National School Lunch and Child Nutrition Acts, 42 U.S.C. § 1751-1785, for free or reduced price lunches, the sending district ~~shall be~~ is responsible for providing transportation or paying the pro rata cost of the transportation to a parent or guardian for transporting the child pupil to and from a point on a regular school bus route of a contiguous receiving district unless the cost of providing transportation or the pro rata cost of the transportation to a parent or guardian exceeds the average transportation cost per pupil transported for the previous school year in the district. If the cost exceeds the average

transportation cost per pupil transported for the previous school year, the sending district shall only be responsible for that average per pupil amount. A sending district which provides transportation for a child pupil to a contiguous receiving district under this paragraph may withhold from the district cost per pupil amount, that is to be paid to the receiving district, an amount which represents the average or pro rata cost per pupil for transportation, whichever is less.

A child pupil, whose parent or guardian has submitted a request to enroll the child pupil in a public school in another district, shall, if the request has resulted in the enrollment of the child pupil in the other district, attend school in the other district which is the subject of the request. This requirement shall does not apply, however, if the child's pupil's family moves out of the district of residence.

Every school district shall adopt a policy which defines the term "insufficient classroom space" for that district.

The board of directors of a school district subject to volunteer or court-ordered desegregation may vote not to participate in open enrollment under this section during the school year commencing July 1, 1990, and ending June 30, 1991. If a district chooses not to participate in open enrollment under this paragraph, the district shall develop a policy for implementation of open enrollment in the district for that following school year. The policy shall contain objective criteria for determining when a request would adversely impact the desegregation order or plan and criteria for prioritizing requests that do not have an adverse impact on the order or plan.

A student pupil who attends a grade in grades nine through twelve in a school district other than the district of residence is not eligible to participate in interscholastic athletic contests and athletic competitions during the first year of enrollment under this section except for an interscholastic sport in which the district of residence and

the other school district jointly participate or unless the sport in which the student pupil wishes to participate is not offered in the district of residence. However, a pupil who has paid tuition and attended school, or has attended school pursuant to a mutual agreement between the two districts, in a district other than the pupil's district of residence for at least one school year prior to the effective-date-of-this-Act March 10, 1989, shall be is eligible to participate in interscholastic athletic contests and athletic competitions under this section, but only as a member of a team from the district that student pupil had attended.

~~A student who has been paying tuition and attending school on or before March 25, 1989, in a district other than the student's district of residence shall be permitted to attend school in the district where the student has been paying tuition during the 1989-1990 school year, by filing a request to use the open enrollment option under this section by August 17, 1989.~~

~~If a student has been paying tuition and attending an accredited nonpublic school during the 1988-1989 school year which is located in a public school district other than the student's public school district of residence, and the nonpublic school discontinues the grade or school which the student would have attended during the 1989-1990 school year after June 30, 1989, but before August 17, 1989, the student shall be permitted to attend a public school, located within the public school district where the nonpublic school was located, during the 1989-1990 school year if the receiving public school district agrees to accept the student and the student's parent or guardian files a request to use the open enrollment option under this section by August 17, 1989. The public school district where the nonpublic school was located shall count the student in the September 1989 enrollment count.~~

~~A student whose district of residence, for the purposes of school attendance, changes by August 17, 1989, shall be~~

~~permitted-to-attend-school-during-the-1989-1990-school-year-in
the-district-in-which-the-student-attended-during-the-1980-
1989-school-year-if-a-request-to-use-the-open-enrollment
option-under-this-section-is-filed-by-August-17-1989.~~

If a child pupil, for which a request to transfer has been filed with a district, has been suspended or expelled in the district, the receiving district named in the request may refuse the request to transfer until the child pupil has been reinstated in the sending district.

A laboratory school under chapter 265 ~~shall-be~~ is exempt from the provisions of this section.

The director of the department of education shall recommend rules to the state board of education for the orderly implementation of this section. The state board shall adopt rules as needed for the implementation of this section.

Sec. 11. Section 282.26, unnumbered paragraph 2, Code 1989, is amended to read as follows:

The state board of regents and the department state board of education may by rule permit such students to attend any institution of higher learning under their jurisdiction. Credit earned in any such course at a junior college, college, or university may be applied toward credit for high school graduation. ~~No-public~~ Public school funds shall not be expended for payment of tuition or other costs for such attendance at any a college or university, unless such the payment is expressly permitted or required by law.

Sec. 12. Section 307.25, subsection 4, Code 1989, is amended to read as follows:

4. Administer the ~~provisions-of~~ chapters ~~322A, 325, 327, 327A, 327B, 328, 329 and 330.~~

Sec. 13. Section 307.26, subsection 10, Code 1989, is amended to read as follows:

10. Administer the ~~provisions-of~~ chapters ~~327B to~~ 327C through 327H.

Sec. 14. Section 307.27, Code 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 6. Administer the regulation of motor vehicle franchisers pursuant to chapter 322A.

NEW SUBSECTION. 7. Administer the regulation of motor vehicle certificated carriers pursuant to chapter 325.

NEW SUBSECTION. 8. Administer the regulation of motor vehicle truck operators pursuant to chapter 327.

NEW SUBSECTION. 9. Administer the registration of interstate commerce commission authority of motor carriers pursuant to chapter 327B.

Sec. 15. Section 307B.3, subsection 8, Code 1989, is amended by striking the subsection.

Sec. 16. Section 321.37, unnumbered paragraph 2, Code 1989, is amended by striking the unnumbered paragraph.

Sec. 17. Section 321.122, subsection 4, unnumbered paragraphs 2 and 3, Code 1989, are amended by striking the unnumbered paragraphs.

Sec. 18. Section 321.466, subsection 4, Code 1989, is amended to read as follows:

4. The registered gross weight of any a vehicle or combination of vehicles may also be increased by installing and using ~~a-properly-registered~~ an auxiliary axle or axles, and the combined registered gross weight of such the vehicle and auxiliary axle or axles shall determine the total registered gross weight thereof. ~~No~~ An auxiliary axle may shall not be used to convert a single axle to a tandem axle unless equipped with a device to equalize the load carried by the single axle and the ~~said~~ auxiliary axle when in tandem and when in motion or when standing, and the load transmitted to the highway by either the single axle or the auxiliary axle shall not exceed that permitted for any a single axle, nor shall the load transmitted to the highway when in tandem and when in motion or when standing, exceed that permitted for any a tandem axle.

Sec. 19. Section 321E.16, Code 1989, is amended to read as follows:

321E.16 VIOLATIONS -- PENALTIES.

Any person who is convicted of a violation of any provision of this chapter or of rules adopted under section 321E.15, other than length, height, width, or weight allowed by any permit issued under this chapter shall be punished by a fine of not less than one hundred dollars for the first conviction, two hundred fifty dollars for a second conviction within a twelve-month period, and five hundred dollars for a third conviction within a twelve-month period. The fine for violation of the length, height, width, and weight allowed by permit shall be based upon the difference between the actual length, height, width, and weight of the vehicle and load and the maximum allowable by permit and in accordance with section 321.482 for violations of length, height, or width limitations and sections 321.482 and 321.463 for violation of weight limitations. If a vehicle with indivisible load traveling under permit is found to be in violation of weight limitations, the vehicle operator shall be allowed a reasonable amount of time to remove any ice, mud, snow, and other weight attributable to climatic conditions accumulated along the route prior to application of the penalties prescribed in sections 321.463 and 321.482. The department shall adopt rules to require peace officer escorts for permit holders convicted for the third time in a twelve-month period of violating a provision of this chapter or a provision of rules adopted pursuant to section 321E.15.

Sec. 20. Section 321J.2, subsection 3, Code 1989, is amended to read as follows:

3. No conviction for, deferred judgment for, or plea of guilty to, a violation of this section which occurred more than six years prior to the date of the violation charged shall be considered in determining that the violation charged is a second, third, or subsequent offense. For the purpose of determining if a violation charged is a second, third, or subsequent offense, deferred judgments pursuant to section 907.3 for violations of this section and convictions or the equivalent of deferred judgments for violations in any other

states under statutes substantially corresponding to this section shall be counted as previous offenses. The courts shall judicially notice the statutes of other states which define offenses substantially equivalent to the one defined in this section and can therefore be considered corresponding statutes. Each previous violation on which conviction or deferral of judgment was entered prior to the date of the violation charged shall be considered and counted as a separate previous offense without regard to whether each was complete as to commission and conviction or deferral of judgment following or prior to any other previous violation.

Sec. 21. Section 321J.10, subsection 1, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Refusal to consent to a test under section 321J.6 does not prohibit the withdrawal of a specimen for chemical testing pursuant to a search warrant issued in the investigation of a suspected violation of section 707.5 or 707.6A if all of the following grounds exist:

Sec. 22. Section 325.26, unnumbered paragraph 1, Code 1989, is amended to read as follows:

No A certificate shall not be issued until and after the applicant shall have has filed with the authority department an insurance policy, policies, surety bond, or certificate of insurance, in form to be approved by the authority department, issued by some company, association, reciprocal or interinsurance exchange or other an insurer authorized to do business in this state. The minimum limits of liability of any policies a policy or surety bond shall, for each motor vehicle thereby covered, be are as follows:

Sec. 23. Section 331.101, subsection 8, Code 1989, is amended to read as follows:

8. "Clerk" means the clerk of the district court or a deputy clerk designated by the clerk of the district court the clerk's designee.

Sec. 24. Section 331.209, subsection 5, Code Supplement 1989, is amended to read as follows:

5. Each county board shall notify the state commissioner of elections whenever when the boundaries of supervisor districts are changed, and shall provide a map delineating the new boundary lines, and shall certify to the state commissioner of elections the populations of the new supervisor districts as determined under the latest federal decennial census. Upon failure of a county board to make the required changes by the dates specified by this section as determined by the state commissioner of elections, the state commissioner of elections shall make or cause to be made the necessary changes as soon as possible, and shall assess to the county the expenses incurred in so doing. The state commissioner of elections may request the services of personnel and materials available to the legislative service bureau to assist the state commissioner in making any required changes in supervisor district boundaries which become the state commissioner's responsibility.

Sec. 25. Section 331.424, subsection 1, paragraph m, Code 1989, is amended to read as follows:

m. The maintenance and operation of the courts, including but not limited to the salary and expenses of the clerk of the district court, ~~deputy clerks~~ and other employees of the clerk's office, and bailiffs, ~~establishment and operation of a public defender's office,~~ court costs if the prosecution fails or if the costs cannot be collected from the person liable, costs and expenses of prosecution under section 189A.17, salaries and expenses of juvenile court officers under chapter 602, court-ordered costs in domestic abuse cases under section 236.5, the county's expense for confinement of prisoners under chapter 356A, temporary assistance to the county attorney, county contributions to a retirement system for bailiffs, reimbursement for judicial magistrates under section 602.6501, claims filed under section 622.93, interpreters' fees under section 622B.7, uniform citation and complaint supplies under section 805.6, and costs of prosecution under section 815.13.

Sec. 26. Section 331.555, subsection 4, Code 1989, is amended to read as follows:

4. The treasurer shall make a complete settlement with the county semiannually and when the treasurer leaves office as provided in ~~sections 452.6 and~~ section 452.7.

Sec. 27. Section 423.4, subsection 10, Code 1989, is amended to read as follows:

10. Vehicles registered or operated under chapter 326 and used substantially in interstate commerce, section 423.5 notwithstanding. For purposes of this subsection, "substantially in interstate commerce" means that a minimum of twenty-five percent of the miles operated by the vehicle accrues in states other than Iowa. This subsection applies only to vehicles which are registered for a gross weight of thirteen tons or more.

For purposes of this subsection, trailers and semitrailers registered or operated under chapter 326 are deemed to be used substantially in interstate commerce and to be registered for a gross weight of thirteen tons or more.

Sec. 28. Section 441.10, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

Immediately after the appointment of the assessor, and at other times as the conference board directs, one or more deputy assessors may be appointed by the assessor. Each appointment shall be made from either the list of eligible candidates provided by the director of revenue and finance, which shall contain only the names of those persons who achieve a score of seventy percent or greater on the examination administered by the director of revenue and finance, or the list of candidates eligible for appointment as city or county assessor. Examinations for the position of deputy assessor shall be conducted in the same manner as examinations for the position of city or county assessor. ~~The applicable provisions of section 441.5 regarding the register of names shall also apply to the list of eligible candidates established under the provisions of this section.~~

Sec. 29. Section 441.11, Code 1989, is amended to read as follows:

441.11 INCUMBENT DEPUTY ASSESSORS.

The director of revenue and finance shall grant a restricted certificate to any deputy assessor holding office as of January 1, 1976. A deputy assessor possessing such a certificate shall be considered eligible to remain in the deputy's present position. To become eligible for another deputy assessor position, a deputy assessor presently holding office is required to obtain certification as provided for in section 441.5 and 441.10.

Sec. 30. Section 452.10, unnumbered paragraph 2, Code 1989, is amended to read as follows:

Evidences of indebtedness which are obligations of or guaranteed by the United States of America or any of its agencies include investments, ~~which are authorized by the treasurer of state under this section~~ in an unincorporated investment company or investment trust registered under the federal Investment Company Act of 1940, 15 U.S.C. § 80a, the portfolio of which is limited to such United States government obligations and to repurchase agreements fully collateralized by the United States government obligations if the investment company or investment trust takes delivery of the collateral either directly or through an authorized custodian.

Sec. 31. Section 455A.8, subsections 1 and 2, Code Supplement 1989, are amended to read as follows:

1. The Brushy Creek recreation trails advisory board shall be organized within the parks and preserves division of the department and shall be composed of ~~nine~~ ten members including the following: the director of the department or the director's designee who shall serve as a nonvoting ex officio member, the park ranger responsible for the Brushy Creek recreation area, a member of the state advisory board for preserves established under chapter 111B, a person appointed by the governor, and six persons appointed by the legislative council. Each person appointed by the governor or legislative

council must actively participate in recreational trail activities such as hiking, an equestrian sport, or a winter sport at the Brushy Creek recreation area. The voting members shall elect a chairperson at the board's first meeting each year.

2. Each voting member of the board shall serve three years, and shall be eligible for reappointment. However, the park ranger responsible for Brushy Creek shall be replaced by the ranger's successor--~~The,~~ and the person representing the state advisory board for preserves shall serve at the pleasure of the board. The members, other than the director or the director's designee and the park ranger, are entitled to actual expenses incurred in performance of the duties of the board. A majority of voting members constitutes a quorum, and the affirmative vote of a majority present is necessary for any action taken by the board, except that a lesser number may adjourn a meeting. A vacancy in the membership of the board does not impair the rights of a quorum to exercise all rights and perform all duties of the board. The board shall meet as required, but at least twice a year. The board shall meet upon call of the chairperson, or upon written request of three members of the board. Written notice of the time and place of the meeting shall be given to each member.

Sec. 32. Section 514F.1, Code Supplement 1989, is amended to read as follows:

514F.1 UTILIZATION AND COST CONTROL REVIEW COMMITTEES.

The boards of examiners under chapters 148, 149, 150, 150A, 151, ~~and 152~~ and 153 shall establish utilization and cost control review committees of licensees under the respective chapters, selected from licensees who have practiced in Iowa for at least the previous five years, or shall accredit and designate other utilization and cost control organizations as utilization and cost control committees under this section, for the purposes of utilization review of the appropriateness of levels of treatment and of giving opinions as to the reasonableness of charges for diagnostic or treatment services

of licensees. Persons governed by the various chapters of Title XX of the Code and self-insurers for health care benefits to employees may utilize the services of the utilization and cost control review committees upon the payment of a reasonable fee for the services, to be determined by the respective boards of examiners. The respective boards of examiners under chapters 148, 149, 150, 150A, 151, and 152 and 153 shall adopt rules necessary and proper for the implementation of this section pursuant to chapter 17A. It is the intent of this general assembly that conduct of the utilization and cost control review committees authorized under this section shall be exempt from challenge under federal or state antitrust laws or other similar laws in regulation of trade or commerce.

Sec. 33. Section 516A.1, unnumbered paragraph 2, Code 1989, is amended to read as follows:

However, the named insured may reject all of such coverage, or reject the uninsured motor vehicle or [hit-and-run motor vehicle] coverage, or reject the underinsured motor vehicle coverage, by written rejections signed by the named insured. If rejection is made on a form or document furnished by an insurance company or insurance agent, it shall be on a separate sheet of paper which contains only the rejection and information directly related to it. Such coverage need not be provided in or supplemental to a renewal policy if the named insured has rejected the coverage in connection with a policy previously issued to the named insured by the same insurer.

Sec. 34. Section 523D.6, subsection 2, paragraph b, Code Supplement 1989, is amended to read as follows:

b. Within three business days after the execution of a contract to provide continuing care or senior adult congregate living services, or at after the time of the transfer of any money or other property to a provider by or on behalf of a prospective resident, whichever occurs first.

Sec. 35. Section 601J.5, subsection 3, paragraph a, Code Supplement 1989, is amended to read as follows:

a. If the activities that are not in compliance with section 601J.4 are funded with state or federal funds which are administered by the state and can be used by agencies or organizations that are in compliance with section 601J.4, then upon notice by the department, the director of revenue and finance shall not permit the expenditure of ten percent of the funds during the fiscal year 1986 immediately following the notice, an additional twenty percent of funds during the following year, an additional thirty percent during the third year, and the remaining funds in the fourth year that the activities remain in noncompliance. Any funds retained by the director of revenue and finance shall be distributed returned to the originating state agency for redistribution to agencies and organizations eligible to receive the funds for transportation purposes.

Sec. 36. Section 602.6106, Code 1989, is amended to read as follows:

602.6106 SESSIONS NOT AT COUNTY SEATS -- EFFECT -- DUTY OF CLERK.

When court is held at a place that is not the county seat, all of the provisions of the Code relating to district courts are applicable, except as follows: All proceedings in the court have, within the territory over which the court has jurisdiction, the same force and effect as though ordered in the court at the county seat, but transcripts of judgments and decrees, levies of writs of attachment upon real estate, mechanics' liens, lis pendens, sales of real estate, redemption, satisfaction of judgments and mechanics' liens, and dismissals or decrees in lis pendens, together with all other matters affecting titles to real estate, shall be certified by the deputy-clerk clerk's designee to the clerk of district court at the county seat who shall immediately enter them upon the records at the county seat.

Sec. 37. Section 607A.3, subsection 1, Code 1989, is amended to read as follows:

1. "Clerk" means clerk of the district court, ~~deputy clerk,~~ or the clerk's designee.

Sec. 38. Section 633.26, Code 1989, is amended to read as follows:

633.26 CLERK NOT TO PREPARE REPORTS.

No A clerk, ~~deputy,~~ of the district court or employee of the clerk shall not act as attorney for a fiduciary, or make or assist in making, drafting, or filling out any report of any fiduciary or any other report to be filed in the clerk's office.

Sec. 39. Section 691.6, subsection 3, Code 1989, is amended to read as follows:

3. To adopt rules pursuant to chapter 17A, and subject to the approval of the commissioner of public safety, regarding the manner and techniques to be employed while conducting autopsies; the nature, character, and extent of investigations to be made in cases of homicide or suspected homicide necessary to allow a medical examiner to render a full and complete analysis and report; the format and matters to be contained in all reports rendered by medical examiners; and all other things necessary to carry out this chapter section. All county medical examiners and peace officers are subject to the rules.

Sec. 40. Section 694.1, subsection 2, Code 1989, is amended to read as follows:

~~2. Was, or is, in the company of another person~~ is missing under circumstances indicating that the missing person's safety may be in danger.

Sec. 41. Section 713.3, Code 1989, is amended to read as follows:

713.3 BURGLARY IN THE FIRST DEGREE.

A person commits burglary in the first degree if, while perpetrating a burglary, the person has in the person's possession an explosive or incendiary device or material, or a dangerous weapon, or intentionally or recklessly inflicts physical ~~bodily~~ injury on any person. Burglary in the first degree is a class "B" felony.

Sec. 42. Section 730.5, subsection 2, Code 1989, is amended to read as follows:

2. Except as provided in subsection 7, an employer shall not require or request employees or applicants for employment to submit to a drug test as a condition of employment, preemployment, promotion, or change in status of employment. An employer shall not request, require, or conduct random or blanket drug testing of employees. However, this section does not apply to preemployment drug tests authorized for peace officers or correctional officers of the state, or to drug tests required under federal statutes, or as required under section 391, subpart H of the federal motor carrier safety regulations adopted by the United States department of transportation, or to drug tests conducted pursuant to a nuclear regulatory commission policy statement, or to drug tests conducted to determine if an employee is ineligible to receive workers' compensation under section 85.16, subsection 2.

Sec. 43. Section 801.4, subsection 11, Code Supplement 1989, is amended to read as follows:

11. "Complaint" means a statement in writing, under oath or affirmation, made before a magistrate or district court clerk or clerk's deputy designee as the case may be, of the commission of a public offense, and accusing someone thereof of committing the public offense. A complaint shall be substantially in the form provided in the Iowa rules of criminal procedure.

Sec. 44. Section 815.1, Code 1989, is amended to read as follows:

815.1 COSTS PAYABLE BY STATE IN SPECIAL CASES.

All costs and fees incurred in a parole revocation proceeding or in a criminal case brought against an inmate of a state institution for a crime committed while confined in the institution, or for a crime committed by the inmate while placed outside the walls or confines of the institution under the control and direction of a warden, supervisor, officer, or

employee of the institution, or for a crime committed by the inmate during an escape or other unauthorized departure from the institution or from the control of a warden, supervisor, officer, or employee of the institution, or from wherever the inmate may have been placed by authorized personnel of the institution, are waived if the prosecution fails, or if the person liable to pay the costs and fees cannot pay the costs and fees. An award of attorney fees to a court-appointed attorney incurred in these cases shall be paid out of the state treasury from the general fund if the prosecution fails or if the person liable to pay the attorney fees cannot pay them. The facts shall be certified by the clerk of the district court under the clerk's seal of office to the director of ~~revenue-and-finance~~ inspections and appeals, including a statement of the amount of fees or costs incurred, approved by the presiding judge in writing. When a conviction is rendered and the court orders restitution for costs of the prosecution, the inmate, work releasee, or parolee shall make restitution to the general fund pursuant to section 910.2.

Sec. 45. Section 815.11, Code 1989, is amended to read as follows:

815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.

Costs incurred under sections 814.9, 814.10, 814.11, 815.4, 815.5, 815.6, 815.7, 815.10, or the rules of criminal procedure on behalf of an indigent shall be paid from funds appropriated by the general assembly to the supreme-court department of inspections and appeals for those purposes.

Sec. 46. Section 904A.1, Code Supplement 1989, is amended to read as follows:

904A.1 BOARD OF PAROLE.

The board of parole is created to consist of five members. Each member, except the chairperson, shall be compensated on a day-to-day basis. Each member shall serve a term of four years beginning ~~July 1~~ and ending as provided by section 69.19, except for members appointed to fill vacancies who shall serve for the balance of the unexpired term. The terms

shall be staggered. The chairperson of the board shall be a full-time, salaried member of the board. A majority of the members of the board constitutes a quorum to transact business.

Sec. 47. Section 452.6, Code 1989, is 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 2313, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 2, 1990

TERRY E. BRANSTAD
Governor