

Internal Judiciary Branch (3152, 3153, 3164, 3155) 5/9/91 (p. 1743)

MAY 7 1991

HOUSE FILE 709

Judiciary & Law Enforcement
Re Pass 5/1/91 (p. 2161)

BY MCKINNEY and VAN MAANEN

Passed House, Date 5/2/91 (p. 2171) Passed Senate, Date 5/10/91 (p. 1751)

Vote: Ayes 92 Nays 0 Vote: Ayes 47 Nays 3

Approved June 10, 1991

*Repassed House 5/11/91 (p. 2426)
93-1*

*Repassed Senate as further amended by the
5/11/91 (p. 1833)
44-1*

A BILL FOR

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

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

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HF 709

1 Section 1. Section 2.10, subsections 1 and 3, Code 1991,
2 are amended to read as follows:

3 1. Every member of the general assembly except the
4 presiding officer of the senate, the speaker of the house, and
5 the majority and minority floor leader of each house, and the
6 president pro tempore of the senate and speaker pro tempore of
7 the house, shall receive an annual salary of eighteen thousand
8 one hundred dollars for the year 1991 and subsequent years
9 while serving as a member of the general assembly. The
10 ~~minority-floor-leader-of-each-house-shall-receive-an-annual~~
11 ~~salary-of-twenty-seven-thousand-nine-hundred-dollars-for-the~~
12 ~~year-1991-and-subsequent-years-while-serving-in-the-capacity-~~
13 In addition, each such member shall receive the sum of fifty
14 dollars per day for expenses of office, except travel, for
15 each day the general assembly is in session commencing with
16 the first day of a legislative session and ending with the day
17 of final adjournment of each legislative session as indicated
18 by the journals of the house and senate, except that ~~in-the~~
19 event if the length of the first regular session of the
20 general assembly exceeds one hundred ten calendar days and the
21 second regular session exceeds one hundred calendar days, such
22 the payments shall be made only for one hundred ten calendar
23 days for the first session and one hundred calendar days for
24 the second session. However, members from Polk county shall
25 receive thirty-five dollars per day. Each member shall
26 receive a seventy-five dollar per month allowance for
27 legislative district constituency postage, travel, telephone
28 costs, and other expenses. Travel expenses shall be paid at
29 the rate established by section 18.117 for actual travel in
30 going to and returning from the seat of government by the
31 nearest traveled route for not more than one time per week
32 during a legislative session. However, any increase from time
33 to time in the mileage rate established by section 18.117
34 shall not become effective for members of the general assembly
35 until the convening of the next general assembly following the

1 session in which the increase is adopted; and this provision
2 shall prevail over any inconsistent provision of any present
3 or future statute.

4 3. The speaker of the house, presiding officer of the
5 senate, and the majority and minority floor leader of each
6 house shall each receive an annual salary of twenty-seven
7 thousand nine hundred dollars for the year 1991 and subsequent
8 years while serving in that capacity. The president pro
9 tempore of the senate and the speaker pro tempore of the house
10 shall receive an annual salary of nineteen thousand one
11 hundred dollars for the year 1991 and subsequent years while
12 serving in that capacity. Expense and travel allowances shall
13 be the same for the speaker of the house and the presiding
14 officer of the senate, the president pro tempore of the senate
15 and the speaker pro tempore of the house, and the majority and
16 minority leader of each house as provided for other members of
17 the general assembly.

18 Sec. 2. Section 2.14, subsection 5, Code 1991, is amended
19 to read as follows:

20 5. When the general assembly is not in session, a member
21 of the general assembly shall be paid ~~forty-dollars~~ the per
22 day diem and necessary travel and actual expenses, as
23 specified in section 2.10, subsection 6, incurred in attending
24 meetings of a standing committee or subcommittee of which the
25 legislator is a member in addition to regular compensation.
26 ~~Such-compensation~~ However, the per diem and expenses shall be
27 allowed only if the member attends a meeting of the committee
28 or subcommittee for at least four hours.

29 Sec. 3. Section 2.35, unnumbered paragraph 2, Code 1991,
30 is amended to read as follows:

31 Members shall be appointed prior to the adjournment of the
32 first regular session of each general assembly and shall serve
33 for terms ending upon the convening of the following general
34 assembly or when their successors are appointed, whichever is
35 later. Vacancies shall be filled in the same manner as

1 original appointments are made and shall be for the remainder
2 of the unexpired term of the vacancy. The members of the
3 committee shall be reimbursed for actual and necessary
4 expenses incurred in the performance of their duties and shall
5 ~~receive-forty-dollars~~ be paid the per diem specified in
6 section 2.10, subsection 6, for each day in which engaged in
7 the performance of their duties. However, per diem
8 compensation and expenses shall not be paid when the general
9 assembly is actually in session at the seat of government.
10 Expenses and per diem shall be paid from funds appropriated
11 pursuant to section 2.12.

12 Sec. 4. Section 2.42, subsection 11, Code 1991, is amended
13 to read as follows:

14 11. To ~~appoint~~ approve the appointment of the Iowa Code
15 editor and the administrative code editor, establish the
16 salaries of the persons employed in that office and establish
17 policies with regard to the printing and publishing of the
18 Iowa administrative code and bulletin, and the Iowa Code of
19 Iowa, Code Supplement, and session laws, including but not
20 limited to: The style and format to be used in ~~publishing~~
21 ~~such-documents~~ those publications, the frequency of
22 ~~publications publishing,~~ the contents of ~~such the~~
23 publications, the numbering system to be used in the Iowa
24 Code, Code Supplement, and session laws, the preparation of
25 editorial comments or notations, the correction of errors, the
26 type of print to be used, the number of volumes to be
27 published, recommended revisions of the Iowa Code, Code
28 Supplement, and session laws, the letting of contracts for the
29 publication of the Iowa Code, Code Supplement, and session
30 laws, the pricing of these publications, and any other matters
31 deemed necessary to the publication of a uniform and
32 understandable ~~code-of-laws~~ publications.

33 Sec. 5. Section 2.44, unnumbered paragraph 1, Code 1991,
34 is amended to read as follows:

35 Members of the legislative council shall be reimbursed for

1 actual and necessary expenses incurred in the performance of
2 their duties, and shall ~~receive-a~~ be paid the per diem of
3 forty-dollars specified in section 2.10, subsection 6, for
4 each day in which engaged in the performance of such their
5 duties. However, ~~such the~~ per diem compensation and expenses
6 shall not be paid when the general assembly is actually in
7 session at the seat of government. ~~Such~~ The expenses and per
8 diem shall be paid in the manner provided for in section 2.12.

9 Sec. 6. Section 2.91, subsection 2, Code 1991, is amended
10 to read as follows:

11 2. Members shall be appointed to a term of four years
12 commencing on July 1 of the year of appointment. Vacancies
13 shall be filled in the same manner as original appointments
14 are made and shall be for the remainder of the unexpired term
15 of the vacancy. The members of the commission shall be
16 reimbursed for actual and necessary expenses incurred in the
17 performance of their duties and shall ~~receive-forty-dollars~~ be
18 paid the per diem specified in section 2.10, subsection 6, for
19 each day in which engaged in the performance of such their
20 duties. However, ~~such~~ per diem compensation and expenses
21 shall not be paid when the general assembly is actually in
22 session at the seat of government. Per diem and expenses of
23 the commission and its members shall be paid from funds
24 appropriated pursuant to section 2.12.

25 Sec. 7. Section 7.17, Code 1991, is amended to read as
26 follows:

27 7.17 OFFICE OF ADMINISTRATIVE RULES CO-ORDINATOR.

28 The governor shall establish the office of the
29 administrative rules co-ordinator, and appoint its staff,
30 which shall be a part of the governor's office. The
31 administrative rules co-ordinator shall receive all notices
32 and rules ~~promulgated~~ adopted pursuant to chapter 17A and
33 provide the governor with an opportunity to review and object
34 to any rule as provided in chapter 17A. The administrative
35 rules co-ordinator in consultation with the Code

1 administrative code editor shall prescribe a uniform style and
2 form by which an agency shall prepare and file a rule pursuant
3 to chapter 17A, which shall correlate each rule to a uniform
4 numbering system devised by the administrative rules co-
5 ordinator. The administrative rules co-ordinator shall review
6 all submitted rules for style and form and may return or
7 revise a rule which is not in proper style and form. In
8 prescribing the style and form, the administrative rules co-
9 ordinator shall require that the agency include a reference to
10 the statute which the rules are intended to implement.

11 Sec. 8. Section 14.1, Code 1991, is amended to read as
12 follows:

13 14.1 ~~CODE-EDITOR~~ DIVISIONS -- EDITORS.

14 1. The Iowa Code and administrative code divisions are
15 established within the legislative service bureau.

16 2. The director of the legislative service bureau shall
17 appoint the Iowa Code editor and the administrative code
18 editor, subject to the approval of the legislative council
19 shall-appoint-a-Code-editor-who, as provided in section 2.42.
20 The Iowa Code editor and the administrative code editor shall
21 serve as the heads of their respective divisions, at the
22 pleasure of the director of the legislative service bureau,
23 and subject to the approval of the legislative council.

24 3. The Iowa Code and administrative code divisions are
25 responsible for the editing, compiling, and proofreading of
26 the publications they prepare, as provided in this chapter and
27 notwithstanding section 18.76. The Iowa Code division is
28 entitled to the temporary possession of the original enrolled
29 Acts and resolutions as necessary to prepare them for
30 publication.

31 Sec. 9. NEW SECTION. 14.5 DUTIES OF ADMINISTRATIVE CODE
32 DIVISION.

33 The administrative code division shall:

34 1. Cause the Iowa administrative bulletin and the Iowa
35 administrative code to be published as provided in chapter

1 17A.

2 2. Cause the Iowa court rules to be published, as directed
3 by the supreme court after consultation with the legislative
4 council. The Iowa court rules shall consist of all rules
5 prescribed by the supreme court. The court rules shall be
6 published in loose-leaf form, appropriately indexed, and
7 supplements shall be prepared and distributed as directed by
8 the supreme court. The Iowa court rules and supplements to
9 the court rules shall be priced as provided in section 17.22.

10 3. Cause to be published annually in pamphlet form a
11 correct list of state officers and deputies, members of boards
12 and commissions, judges of the supreme, appellate, and
13 district courts including district associate judges and
14 judicial magistrates, and members of the general assembly.
15 The offices of the governor and secretary of state shall
16 cooperate in the preparation of the list. This pamphlet shall
17 be published as soon after July 1 as it becomes apparent that
18 it will be reasonably current.

19 4. Notify the administrative rules coordinator if a rule
20 is not in proper style or form.

21 5. Perform other duties as directed by the director of the
22 legislative service bureau, the legislative council, or the
23 administrative rules review committee and as provided by law.

24 Sec. 10. Section 14.6, Code 1991, is amended to read as
25 follows:

26 14.6 ~~CODE-EDITOR'S~~ DUTIES OF IOWA CODE DIVISION.

27 ~~The code-editor's-duties~~ Iowa Code division shall be:

28 1. Submit ~~such~~ recommendations as the Iowa Code editor
29 deems proper to each general assembly for the purpose of
30 amending, revising, and codifying, such and repealing portions
31 of the ~~law-as-may-be~~ statutes which are inaccurate,
32 inconsistent, outdated, conflicting, redundant, or ambiguous,
33 and ~~to lay-said~~ present the recommendations before the
34 presiding-officers-of-each-house in bill form to the
35 appropriate committees of the general assembly.

1 ~~2.--Edit and compile the Code so that the same may be~~
2 ~~printed as herein provided.~~

3 3 2. Prepare the manuscript copy Cause the annual session
4 laws to be published, as provided in section 14.10, including
5 copies of all laws, Acts, and joint resolutions passed at each
6 session of the general assembly, and arrange the same in
7 chapters with comprehensive index and in such manner that each
8 chapter will show the number of the house or senate file, and
9 cause the same to be printed by the superintendent of
10 printing. In so doing the Code editor shall have the right to
11 the possession of the enrolled Acts and shall have sole charge
12 of the editing and proofreading notwithstanding the provisions
13 of section 18.76.

14 ~~4.--Prepare and cause to be published, at times and in the~~
15 ~~manner the supreme court specifies after consultation with the~~
16 ~~legislative council, the rules of civil procedure, the rules~~
17 ~~of criminal procedure, the rules of appellate procedure, and~~
18 ~~other rules prescribed by the supreme court.~~

19 ~~5.--Notify the administrative rules co-ordinator that a~~
20 ~~rule is not in proper style or form.~~

21 3. Cause the Iowa Code and Iowa Code Supplement to be
22 published as provided in section 14.12.

23 4. Perform other duties as directed by the director of the
24 legislative service bureau or the legislative council and as
25 provided by law.

26 Sec. 11. Section 14.10, Code 1991, is amended to read as
27 follows:

28 14.10 SESSION LAWS.

29 1. The arrangement of the Acts and resolutions, and the
30 size, style, type, binding, general arrangement, and tables of
31 the session laws shall be printed and published in such the
32 manner as specified determined by the Iowa Code editor in
33 consultation with accordance with the policies set by the
34 legislative council as provided in section 2.42.

35 ~~2.--The Acts of each general assembly shall be arranged in~~

~~1 the order determined by the Code editor and approved by the
2 legislative council.~~

3 2. Chapters of the first regular session shall be
4 numbered from one and chapters of the second regular session
5 shall be numbered from one thousand one.

6 3. Rules filed by the supreme court shall be included in
7 accordance with section 602.4202.

8 4. A list of elective state officers and deputies, supreme
9 court justices, judges of the court of appeals, and members of
10 the general assembly shall be published annually with the
11 session laws.

12 ~~5. There shall also be inserted in the session laws, the A~~
13 statement of the condition of the state treasury shall be
14 included, as provided by the Constitution of the State of
15 Iowa. Said The statement shall be furnished by the director
16 of revenue and finance.

17 6. The enrolling clerks of the house and senate shall make
18 ~~arrangements whereby~~ arrange for the Iowa Code editor with
19 division to receive suitable copies of all Acts and
20 resolutions as soon as the same they are enrolled.

21 Sec. 12. Section 14.12, Code 1991, is amended to read as
22 follows:

23 14.12 STYLE OF IOWA CODE AND CODE SUPPLEMENTS.

24 ~~The Code shall be prepared and published substantially in~~
25 ~~the following form and style:~~

26 ~~1.--The printing of the text shall be in a manner specified~~
27 ~~by the Code editor and approved by the legislative council.~~

28 ~~2.--The Code shall be numbered in a manner specified by the~~
29 ~~Code editor and approved by the legislative council.~~

30 1. A new Iowa Code shall be issued as soon as possible
31 after the final adjournment of the second regular session of
32 the general assembly. A new Code Supplement shall be issued
33 as soon as possible after the first regular session of the
34 general assembly. A Code Supplement may be issued after a
35 special session of the general assembly or as required by the

1 legislative council.

2 2. The entire Iowa Code shall be maintained on a computer
3 data base which shall be updated as soon as possible after
4 each session of the general assembly. The Iowa Code and Code
5 Supplement shall be prepared and printed on a good quality of
6 paper in one or more volumes, in the manner determined by the
7 Iowa Code editor in accordance with the policies of the
8 legislative council, as provided in section 2.42.

9 3. An edition of the Iowa Code or Code Supplement shall
10 contain each Code section in its new or amended form.
11 However, a new section or amendment which does not take effect
12 until after the probable publication date of a succeeding Iowa
13 Code or Code Supplement may be deferred for publication in
14 that succeeding Iowa Code or Code Supplement. The sections
15 shall be inserted in each edition in a logical order as
16 determined by the Iowa Code editor in accordance with the
17 policies of the legislative council.

18 3 4. Each section of an Iowa Code or Code Supplement shall
19 be indicated by a number printed in boldface type.

20 ~~4.--Each section and shall have an appropriate catchwords~~
21 ~~or headnote printed in boldface type contrasting with the text~~
22 ~~and followed immediately by the text of the section.~~

23 5. Proper Appropriate historical references or source
24 notes shall immediately follow the last word of may be placed
25 following each section.

26 6. The Iowa Code provided for herein published after the
27 second regular session of the general assembly shall include:

28 a. An analysis of the Code by titles and chapters.

29 b. The Declaration of Independence.

30 c. The Articles of Confederation.

31 d. The Constitution of the United States.

32 e. ~~Laws~~ The laws of the United States relating to the
33 authentication of records.

34 f. The Constitution of the State of Iowa.

35 g. The Act admitting Iowa into the union as a state.

1 h. Chapter A chapter title, number, and chapter analysis
2 at the head of each chapter. The chapter number shall be
3 printed at the top of each page.

4 i. All of the statutes of Iowa of a general and permanent
5 nature, except as provided in subsection 3.

6 j. An A comprehensive index and a summary index covering
7 the Constitution and statutes of the state of Iowa ~~and to the~~
8 ~~extent the rules are printed in the Code, rules of civil~~
9 ~~procedure, rules of criminal procedure, rules of appellate~~
10 ~~procedure, and other rules prescribed by the supreme court.~~

11 ~~7.--The rules of civil procedure, rules of criminal~~
12 ~~procedure, or rules of appellate procedure, and other rules~~
13 ~~prescribed by the supreme court shall be published either in~~
14 ~~the Code or a supplement to the Code in a manner specified by~~
15 ~~the supreme court after consultation with the legislative~~
16 ~~council.--The publication as provided in section 14.21 may be~~
17 ~~made in lieu of a Code or supplement publication for all or a~~
18 ~~portion of the various rules if specified by the supreme court~~
19 ~~after consultation with the legislative council.--In~~
20 ~~determining the manner of publication consideration shall be~~
21 ~~given to whether specific rules are subject to change by~~
22 ~~submission to the general assembly or by order of the court.~~

23 ~~8.--The Code editor may insert under any section a~~
24 ~~reference to any other related section, subject matter, or~~
25 ~~editorial comment or annotation deemed useful to a proper~~
26 ~~understanding of the Code.~~

27 ~~9.--The chapter number shall appear at the top of each~~
28 ~~page.~~

29 ~~10.--The Code shall be printed upon a good quality of paper~~
30 ~~in a manner specified by the Code editor according to the~~
31 ~~recommendations prepared by the superintendent of printing and~~
32 ~~approved by the legislative council.~~

33 7. The Code Supplement published after the first regular
34 session of the general assembly shall include:

35 a. All of the statutes of Iowa of a general and permanent

1 nature which were enacted or amended during that session,
2 except as provided in subsection 3, and an indication of all
3 sections repealed during that session, and any amendments to
4 the Constitution of the State of Iowa passed by the general
5 assembly in that session.

6 b. A chapter title and number for each chapter or part of
7 a chapter included.

8 c. An index covering the material included.

9 8. A Code or Code Supplement may include appropriate
10 tables showing the disposition of Acts of the general assembly
11 and other reference material as determined by the Iowa Code
12 editor in accordance with policies of the legislative council.

13 Sec. 13. Section 14.13, Code 1991, is amended to read as
14 follows:

15 14.13 EDITORIAL POWERS AND DUTIES.

16 1. The Iowa Code editor in preparing the copy for an
17 edition of the Iowa Code or a Code Supplement, and the
18 administrative code editor in preparing the copy for an
19 edition of the Iowa administrative code and or bulletin may:

20 a. ~~Correct all misspelled words in the original~~
21 ~~enrollments and filed rules.~~

22 ~~b. Correct all manifest and grammatical and clerical~~
23 ~~errors including punctuation but without changing the meaning.~~

24 c b. Correct internal references to sections which are
25 cited erroneously or have been repealed, and names of
26 agencies, officers, or other entities which have been changed,
27 when there appears to be no doubt as to the proper methods of
28 making the corrections. ~~The code editor shall maintain a~~
29 ~~record of the corrections made under this paragraph.~~ ~~The~~
30 ~~record shall be available to the public.~~

31 ~~d~~ c. ~~Transpose sections or~~ Transfer, divide, or combine
32 sections so as to give to distinct subject matters a section
33 number but without changing the meaning or parts of sections
34 and add or amend headnotes to sections and subsections.

35 Pursuant to section 3.3, the headnotes are not part of the

1 law.

2 e 2. Prepare The Iowa Code editor may prepare and publish
3 comments deemed necessary for a proper explanation of the
4 manner of printing ~~the~~ a section or chapter of the Iowa Code.

5 ~~2~~ 3. The Iowa Code editor or designee, in carrying-out-the
6 ~~duties-specified-in-this-chapter-relating-to-publication~~
7 preparing the copy for an edition of the Iowa Code or a Code
8 Supplement, and the administrative code editor in preparing
9 the copy for an edition of the Iowa administrative code, shall
10 edit them the copy in order that words which designate one
11 gender ~~will-be~~ are changed to reflect both genders when the
12 provisions of law apply to persons of both genders. ~~The Code~~
13 ~~editor-or-designee-shall-not-make-any-substantive-changes-to~~
14 ~~the-code-or-Iowa-administrative-code-while-performing-the~~
15 ~~editorial-work.~~

16 4. The Iowa Code editor or designee shall seek direction
17 from the senate committee on judiciary and the house committee
18 on judiciary and law enforcement when making Iowa Code or Code
19 Supplement changes, and the administrative code editor shall
20 seek direction from the administrative rules review committee
21 and the administrative rules coordinator when making Iowa
22 administrative code changes, which appear to require
23 substantial editing and which might otherwise be interpreted
24 to exceed the scope of the ~~code-editor's~~ authority granted in
25 this section.

26 5. The Iowa Code editor or designee and the administrative
27 code editor shall maintain a record of the changes made under
28 this subsection section. The record shall be available to the
29 public.

30 6. The Iowa Code editor and the administrative code editor
31 shall not make editorial changes which go beyond the authority
32 granted in this section or other law.

33 3 7. The effective date of all editorial changes in an
34 edition of the Iowa Code or supplement-to-the a Code
35 Supplement is the date the legislative council approves the

1 ~~printing-contract~~ selling price for that publication ~~of-that~~
2 ~~edition-or-supplement~~. The effective date of all editorial
3 changes for the Iowa administrative code is the date those
4 changes are published in the Iowa administrative code.

5 Sec. 14. Section 14.17, Code 1991, is amended to read as
6 follows:

7 14.17 CITATION OF PERMANENT CODE OR SUPPLEMENTS AND
8 SESSION LAWS.

9 1. The permanent Iowa Codes ~~or-supplements-thereto~~ and
10 Code Supplements published subsequent to the adjournment of
11 the 1982 regular session of the Sixty-ninth General Assembly
12 shall be known and may be cited as "Iowa Code chapter (or
13 section)", or "Iowa Code ~~supplement~~ Supplement chapter
14 (or section)", inserting the appropriate chapter or
15 section number ~~and-year-of-edition~~. If the year of edition is
16 needed, it may be inserted before or after the words "Iowa
17 Code" or "Iowa Code Supplement". In Iowa publications, the
18 word "Iowa" may be omitted if the meaning is clear.

19 2. The session laws of each general assembly shall be
20 known as "Acts of the General Assembly, Session,
21 Chapter (or File No.), Section" (inserting the
22 appropriate numbers) and shall be cited as ".... Iowa Acts,
23 chapter, section" (inserting the appropriate year,
24 chapter, and section number).

25 3. The Iowa Code, Code Supplement, and session laws
26 published under authority of the state are the only
27 authoritative publications of the statutes of this state. No
28 other publications of the statutes of the state shall be cited
29 in the courts or in the reports or rules of the courts.

30 4. The Iowa administrative code and the Iowa
31 administrative bulletin shall be cited as provided in section
32 17A.6.

33 Sec. 15. Section 14.21, Code 1991, is amended to read as
34 follows:

35 14.21 PUBLICATION AVAILABILITY OF PARTS OF THE IOWA CODE

1 AND COURT-RULES ADMINISTRATIVE CODE.

2 The Iowa Code editor-in-consultation-with-the
 3 superintendent-of-printing division and the administrative
 4 code division, in accordance with policies established by the
 5 legislative council, may cause to-be-printed-from-time-to
 6 time,-in-the-form-of-leaflets,-folders,-or-pamphlets-and-in
 7 such-numbers-as-the-Code-editor-deems-reasonable, parts of the
 8 Code or administrative code to be made available for the use
 9 of public officers and other persons. The orders-shall-be
 10 limited-to-actual-needs-as-shown-by-experience-or-other
 11 competent-proof,-and-the-printing-shall-be-done-in-an
 12 economical-manner-approved-by-the-legislative-council. This
 13 authority shall be exercised in a manner planned to avoid
 14 delay in the other publications of the divisions.

15 The-Code-editor-shall-cause-to-be-compiled,-indexed,-and
 16 published-in-loose-leaf-form-the-Iowa-court-rules,-which-shall
 17 consist-of-all-rules-prescribed-by-the-supreme-court.---The
 18 Code-editor,-in-consultation-with-the-superintendent-of
 19 printing,-shall-cause-to-be-printed-and-distributed
 20 supplements-to-the-compilation-on-or-before-the-effective-date
 21 of-either-new-rules,-or-amendments-to-or-the-repeal-of
 22 existing-rules.---All-expenses-incurred-by-the-Code-editor
 23 under-this-paragraph-shall-be-defrayed-under-section-14:22.
 24 There-shall-be-established-a-price-for-the-compilation-of
 25 rules,-and-a-separate-price-for-each-supplement.---The-price-of
 26 the-compilation-and-of-supplements-shall-represent-the-costs
 27 of-compiling-and-indexing,-the-amounts-charged-for-printing
 28 and-distribution,-and-a-cost-for-labor-determined-by-the
 29 legislative-council-in-consultation-with-the-state-printer.
 30 On-request-a-single-copy-of-each-compilation-and-of-each
 31 supplement-shall-be-distributed-free-of-charge-to-each-of-the
 32 persons-or-agencies-referred-to-in-section-18:97,-subsections
 33 17-2,-5,-6,-7,-8-and-14.

34 Sec. 16. Section 17.3, subsection 8, Code 1991, is amended
 35 by striking the subsection.

1 Sec. 17. Section 17A.4, subsection 1, paragraph a, and
2 subsection 2, Code 1991, are amended to read as follows:

3 a. Give notice of its intended action by submitting three
4 copies of the notice to the administrative rules coordinator,
5 who shall assign an ARC number to each rulemaking document and
6 forward two copies to the Code administrative code editor for
7 publication in the "Iowa Administrative Bulletin" created
8 pursuant to section 17A.6. Any notice of intended action
9 shall be published at least thirty-five days in advance of the
10 action. The notice shall include a statement of either the
11 terms or substance of the intended action or a description of
12 the subjects and issues involved, and the time when, the place
13 where, and the manner in which interested persons may present
14 their views.

15 2. When an agency for good cause finds that notice and
16 public participation would be unnecessary, impracticable, or
17 contrary to the public interest, the provisions of subsection
18 1 shall be inapplicable. The agency shall incorporate in each
19 rule issued in reliance upon this provision either the finding
20 and a brief statement of the reasons ~~therefor~~ for the finding,
21 or a statement that the rule is within a very narrowly
22 tailored category of rules whose issuance has previously been
23 exempted from subsection 1 by a special rule relying on this
24 provision and including such a finding and statement of
25 reasons for the entire category. If the administrative rules
26 review committee by a two-thirds vote, the governor, or the
27 attorney general files with the Code administrative code
28 editor an objection to the adoption of any rule pursuant to
29 this subsection, that rule shall cease to be effective one
30 hundred eighty days after the date the objection was filed. A
31 copy of the objection, properly dated, shall be forwarded to
32 the agency at the time of filing the objection. In any action
33 contesting a rule adopted pursuant to this subsection, the
34 burden of proof shall be on the agency to show that the
35 procedures of subsection 1 were impracticable, unnecessary, or

1 contrary to the public interest and that, if a category of
2 rules was involved, the category was very narrowly tailored.

3 Sec. 18. Section 17A.4, subsection 4, paragraph a, and
4 subsection 6, Code 1991, are amended to read as follows:

5 a. If the administrative rules review committee created by
6 section 17A.8, the governor, or the attorney general finds
7 objection to all or some portion of a proposed or adopted rule
8 because that rule is deemed to be unreasonable, arbitrary,
9 capricious, or otherwise beyond the authority delegated to the
10 agency, the committee, governor, or attorney general may, in
11 writing, notify the agency of the objection. In the case of a
12 rule issued under subsection 2, or a rule made effective under
13 ~~the-terms-of~~ section 17A.5, subsection 2, paragraph "b", the
14 committee, governor, or attorney general may notify the agency
15 of such an objection. The committee, governor, or the
16 attorney general shall also file a certified copy of such an
17 objection in the office of the Code administrative code editor
18 and a notice to the effect that an objection has been filed
19 shall be published in the next issue of the Iowa
20 administrative bulletin and in the Iowa administrative code
21 when that rule is printed in it. The burden of proof shall
22 then be on the agency in any proceeding for judicial review or
23 for enforcement of the rule heard subsequent to the filing to
24 establish that the rule or portion of the rule timely objected
25 to according to the above procedure is not unreasonable,
26 arbitrary, capricious, or otherwise beyond the authority
27 delegated to it.

28 6. The governor may rescind an adopted rule by executive
29 order within seventy days of the rule becoming effective. The
30 governor shall provide a copy of the executive order to the
31 Code administrative code editor who shall include it in the
32 next publication of the Iowa administrative bulletin.

33 Sec. 19. Section 17A.5, subsection 1, Code 1991, is
34 amended to read as follows:

35 1. Each agency shall file in the office of the

1 administrative rules coordinator three certified copies of
2 each rule adopted by it. The administrative rules coordinator
3 shall assign an ARC number to each rulemaking document and
4 forward two copies to the Code administrative code editor.
5 The administrative rules coordinator shall keep a permanent
6 register of the rules open to public inspection.

7 Sec. 20. Section 17A.6, subsection 1, unnumbered paragraph
8 1, and subsections 2, 3, 5, and 6, Code 1991, are amended to
9 read as follows:

10 The Code administrative code editor shall cause the "Iowa
11 Administrative Bulletin" to be published in pamphlet form at
12 least every other week containing the following:

13 2. Subject to the direction of the administrative rules
14 coordinator, the Code administrative code editor shall cause
15 the "Iowa Administrative Code" to be compiled, indexed, and
16 published in loose-leaf form containing all rules adopted and
17 filed by each agency. The Code administrative code editor
18 further shall cause loose-leaf supplements to the Iowa
19 administrative code to be published as determined by the
20 administrative rules coordinator and the administrative rules
21 review committee, containing all rules filed for publication
22 in the prior time period. The supplements shall be in such
23 form that they may be inserted in the appropriate places in
24 the permanent compilation. The administrative rules co-
25 ordinator shall devise a uniform numbering system for rules
26 and may renumber rules before publication to conform with the
27 system.

28 3. The Code administrative code editor may omit or cause
29 to be omitted from the Iowa administrative code or bulletin
30 any rule the publication of which would be unduly cumbersome,
31 expensive or otherwise inexpedient, if the rule in printed or
32 processed form is made available on application to the
33 adopting agency at no more than its cost of reproduction, and
34 if the Iowa administrative code or bulletin contains a notice
35 stating the specific subject matter of the omitted rule and

1 stating how a copy thereof of the omitted rule may be
2 obtained.

3 5. All expenses incurred by the Code administrative code
4 editor under this section shall be defrayed under the
5 ~~provisions of~~ section 14.22.

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

13 Sec. 21. Section 17A.8, subsection 3, Code 1991, is
14 amended to read as follows:

15 3. A committee member shall be paid ~~a forty-dollar~~ the per
16 diem specified in section 2.10, subsection 6, for each day in
17 attendance and shall be reimbursed for actual and necessary
18 expenses. There is appropriated from money in the general
19 fund not otherwise appropriated an amount sufficient to pay
20 costs incurred under this section.

21 Sec. 22. Section 17A.8, subsection 4, Code 1991, is
22 amended to read as follows:

23 4. The committee shall choose a chairperson from its
24 membership and prescribe its rules of procedure. The
25 committee may employ a secretary or may appoint the Code
26 administrative code editor or a designee to act as secretary.

27 Sec. 23. Section 18.97, subsection 14, paragraph a, Code
28 1991, is amended to read as follows:

29 a. Iowa Code editor and administrative code editor.

30 Sec. 24. Section 18B.5, subsection 5, Code 1991, is
31 amended to read as follows:

32 5. The directors actively engaged in international trade,
33 the directors representing international trade associations,
34 and the directors appointed by the Iowa association of
35 independent colleges and universities are entitled to receive

1 ~~forty-dollars~~ a per diem as specified in section 7E.6 for each
2 day spent in performance of duties as directors, and shall be
3 reimbursed for all actual and necessary expenses incurred in
4 the performance of duties as directors.

5 Sec. 25. Section 97B.8, unnumbered paragraph 3, Code 1991,
6 is amended to read as follows:

7 The members who are executives of a domestic life insurance
8 company, a state or national bank, and a major industrial
9 corporation, and the member who is a retired member of the
10 system, shall be paid their actual expenses incurred in
11 performance of their duties and shall receive ~~in-addition~~
12 ~~forty-dollars~~ a per diem as specified in section 7E.6 for each
13 day of service not exceeding forty days per year. Legislative
14 members shall ~~receive-forty-dollars~~ be paid the per diem
15 specified in section 2.10, subsection 6, for each day of
16 service, and their actual expenses incurred in the performance
17 of their duties. The per diem and expenses of the legislative
18 members shall be paid from funds appropriated under section
19 2.12. The members who are active members of the system and
20 the director of the department shall be paid their actual
21 expenses incurred in the performance of their duties as
22 members of the board and performance of their duties as
23 members of the board shall not affect their salaries,
24 vacations, or leaves of absence for sickness or injury. The
25 appointive terms of the members appointed by the governor are
26 for a period of six years beginning and ending as provided in
27 section 69.19. If there is a vacancy in the membership of the
28 board, the governor has the power of appointment. Appointees
29 to this board are subject to confirmation by the senate.

30 Sec. 26. Section 135.11, subsection 18, Code 1991, is
31 amended to read as follows:

32 18. Issue an annual report to the governor ~~by-October-1-of~~
33 ~~each-year~~ as provided in section 7E.3, subsection 4.

34 Sec. 27. Section 136.10, Code 1991, is amended to read as
35 follows:

1 136.10 PUBLICATION OF PROCEEDINGS.

2 Upon request of the board the department shall incorporate
3 the proceedings of the board, or any part thereof of the
4 proceedings, in its ~~biennial~~ annual report to the governor,
5 and ~~the same~~ those proceedings shall then be published as a
6 part of the official report of the department.

7 Sec. 28. Section 141.22A, subsection 3, Code 1991, as
8 amended by 1991 Iowa Acts, House File 655, section 2, if
9 enacted by the Seventy-fourth General Assembly, 1991 Session,
10 is amended to read as follows:

11 3. The hospital shall notify the designated officer of the
12 emergency care provider service who in turn shall notify any
13 of the persons, who submitted a significant exposure report,
14 involved in attending or transporting the individual ~~who~~
15 ~~submitted-a-significant-exposure-report~~. The identity of the
16 designated officer shall not be revealed to the individual.
17 The designated officer shall inform the hospital of those
18 parties who received the notification, and following receipt
19 of this information and upon request of the individual, the
20 hospital shall inform the individual of the parties to whom
21 notification was provided.

22 Sec. 29. Section 179.2, subsection 3, Code 1991, is
23 amended to read as follows:

24 3. Appointive members of the commission shall receive
25 ~~forty-dollars~~ a per diem as specified in section 7E.6 for each
26 day spent on official business of the commission, not to
27 exceed six hundred dollars per annum, and their actual
28 necessary expenses, while engaged in commission activity.

29 Sec. 30. Section 183A.10, Code 1991, is amended to read as
30 follows:

31 183A.10 EXPENSES OF MEMBERS.

32 The members of the council shall receive ~~forty-dollars~~ a
33 per diem as specified in section 7E.6 for each day spent on
34 official business of the council, not to exceed six hundred
35 dollars per annum, and their actual necessary expenses, while

1 engaged in council activity.

2 Sec. 31. Section 185.14, Code 1991, is amended to read as
3 follows:

4 185.14 PER DIEM AND EXPENSES.

5 Each member of the board shall receive ~~thirty-dollars-per~~
6 day a per diem as specified in section 7E.6 and actual
7 expenses in performing official board functions not to exceed
8 forty days per year. No member of the board shall be a
9 salaried employee of the board or any organization or agency
10 which is receiving funds from the board. The board shall meet
11 at least once every three months, and at such other times as
12 deemed necessary by the board.

13 Sec. 32. Section 185C.14, Code 1991, is amended to read as
14 follows:

15 185C.14 PER DIEM AND EXPENSES.

16 Each member of the board shall receive ~~thirty-dollars-per~~
17 day a per diem as specified in section 7E.6 and actual
18 expenses in performing official board functions not to exceed
19 forty days per year. No member of the board shall be a
20 salaried employee of the board or any organization or agency
21 which is receiving funds from the board. The board shall meet
22 at least once every three months, and at such other times as
23 deemed necessary by the board.

24 Sec. 33. Section 218.3, unnumbered paragraph 1 and
25 subsection 1, Code 1991, are amended to read as follows:

26 The primary authority and responsibility to control,
27 manage, direct, and operate the institutions set forth in
28 section 218.1 is hereby assigned ~~to-the-administrators-of-the~~
29 various-divisions-of within the state department of human
30 services as follows:

31 1. The ~~administrator-of-the-division-of-child-and-family~~
32 services director of the department of human services shall
33 ~~have~~ has primary authority and responsibility relative to the
34 following institutions: The state training school, and the
35 Iowa juvenile home.

1 Sec. 34. Section 232.52, subsection 2, paragraph e, Code
2 1989, as amended by 1990 Iowa Acts, chapter 1239, section 7,
3 is amended to read as follows:

4 e. An order transferring the guardianship of the child,
5 subject to the continuing jurisdiction and custody of the
6 court for the purposes of section 232.54, to the director of
7 the department of human services for purposes of placement in
8 the state training school or other facility, provided that the
9 child is at least twelve years of age and the court finds the
10 placement to be in the best interests of the child or
11 necessary for the protection of the public, and that the child
12 has been found to have committed an act which is a forcible
13 felony, as defined in section 702.11, or the court finds any
14 three of the following conditions exist:

15 (1) The child is at least fifteen years of age--~~The~~ and
16 the court finds ~~such~~ the placement to be in the best interests
17 of the child or necessary to the protection of the public.

18 (2) The child has committed an act which is a crime
19 against a person and which would be an aggravated misdemeanor
20 or a felony if the act were committed by an adult.

21 (3) The child has previously been found to have committed
22 a delinquent act.

23 (4) The child has previously been placed in a treatment
24 facility outside the child's home.

25 Sec. 35. Section 246.310A, Code 1991, is amended to read
26 as follows:

27 246.310A INSTITUTION READING ROOMS.

28 The director shall, as necessary, provide ~~for the provision~~
29 ~~of~~ suitable space for reading material for inmates. For
30 purposes of this section, "~~suitable~~ reading materials
31 material" does not include material depicting or describing
32 the genitals, sex acts, masturbation, excretory functions, or
33 sadomasochistic abuse which the average person, taking the
34 material as a whole and applying contemporary community
35 standards with respect to what is suitable material for

1 inmates, would find appeals to the prurient interest and is
2 patently offensive; and the material, taken as a whole, lacks
3 serious literary, scientific, political, or artistic value.
4 The space shall be located so that any visitors, other than
5 those authorized pursuant to section 246.512, shall not be
6 able to view the space or the materials located within that
7 space.

8 Sec. 36. Section 261.12, subsection 2, Code 1991, is
9 amended to read as follows:

10 2. The amount of a tuition grant to a qualified part-time
11 student enrolled in a course of study including at least three
12 semester hours but fewer than twelve semester hours for the
13 fall and spring semesters, or the trimester or quarter
14 equivalent, shall be equal to the amount of a tuition grant
15 that would be paid to a full-time student times a number which
16 represents ~~twelve-semester-hours, or the trimester or quarter~~
17 ~~equivalent, divided by~~ the number of hours in which the part-
18 time student is actually enrolled, divided by twelve semester
19 hours or the trimester or quarter equivalent.

20 Sec. 37. Section 279.7A, Code 1991, is amended to read as
21 follows:

22 279.7A INTEREST IN PUBLIC CONTRACTS PROHIBITED --
23 EXCEPTION.

24 A member of the board of directors of a school corporation
25 shall not have an interest, direct or indirect, in a contract
26 for the purchase of goods, including materials and profits,
27 and the performance of services for the director's school
28 corporation. A contract entered into in violation of this
29 section is void. This section does not apply to contracts for
30 the purchase of goods or services, which benefit a director,
31 if the benefit to the director does not exceed one thousand
32 five hundred dollars in a fiscal year, and contracts made by a
33 school board, upon competitive bid in writing, publicly
34 invited and opened.

35 Sec. 38. 1991 Iowa Acts, House File 455, section 25, if

1 enacted by the 1991 Session of the Seventy-fourth General
2 Assembly, is amended to read as follows:

3 SEC. 25. NEW SECTION. 299B.6 FAILURE TO MAKE ADEQUATE
4 PROGRESS.

5 If the results of ~~tests~~ evaluations, administered to a
6 child of compulsory attendance age who is under competent
7 private instruction, indicate that the student has failed to
8 make adequate progress, the parent, guardian, or legal
9 custodian shall cause the child to attend an accredited public
10 or nonpublic school at the beginning of the next school year
11 unless, before the beginning of the next school year, the
12 child retakes the same test evaluation and the results
13 indicate that adequate progress has been made, the child has
14 demonstrated adequate performance in the opinion of an
15 evaluator and documented in a report under section 299B.4,
16 subsection 7, or the director of the department of education,
17 or the director's designee, grants approval for competent
18 private instruction to continue under a plan for remediation.

19 A child who is required to attend an accredited public or
20 nonpublic school under this section shall continue attendance
21 at an accredited public or nonpublic school until the child
22 achieves adequate progress.

23 For purposes of this chapter, "adequate progress" means,
24 for children in all grade levels of competent private
25 instruction, test evaluation scores which are above the
26 thirtieth percentile, nationally normed, in each of the areas
27 of reading, mathematics, and language arts, and which indicate
28 either that the child has made six months' progress from the
29 previous test evaluation results or that the child is at or
30 above grade level for the child's age. For children in grade
31 levels six and above, "adequate progress" also means that the
32 child has achieved test evaluation scores in both science and
33 social studies which are above the thirtieth percentile,
34 nationally normed, and which either indicate that the child
35 has made six months' progress from the previous test

1 evaluation results or that the child is at or above grade
2 level for the child's age.

3 Sec. 39. Section 309.10, unnumbered paragraph 2, Code
4 1991, is amended to read as follows:

5 A county shall not use farm-to-market road funds as
6 described in this section unless the total funds that the
7 county transferred or provided during the prior fiscal year
8 pursuant to section 331.429, subsection 1, paragraphs "a",
9 "b", "d", and "e", are at least seventy-five percent of the
10 ~~maximum-funds-the-county-could-have-transferred-in-the-prior~~
11 ~~fiscal-year-from~~ sum of the following:

12 1. From the general fund of the county, the dollar
13 equivalent of a tax of sixteen and seven-eighths cents per
14 thousand dollars of assessed value on all taxable property in
15 the county ~~and-from~~.

16 2. From the rural services fund of the county, the dollar
17 equivalent of a tax of three dollars and three-eighths of a
18 cent per thousand dollars of assessed value on all taxable
19 property not located within the corporate limits of a city in
20 the county.

21 Sec. 40. Section 312.2, subsection 8, Code 1991, is
22 amended to read as follows:

23 8. The treasurer of state, before making any allotments to
24 counties under this section, shall reduce the allotment to a
25 county for the secondary road fund by the amount by which the
26 total funds that the county transferred or provided during the
27 prior fiscal year under section 331.429, subsection 1,
28 paragraphs "a", "b", "d", and "e", are less than seventy-five
29 percent of the ~~maximum-funds-that-the-county-could-have~~
30 ~~transferred-in-the-prior-fiscal-year-from~~ sum of the
31 following:

32 a. From the general fund of the county, the dollar
33 equivalent of a tax of sixteen and seven-eighths cents per
34 thousand dollars of assessed value on all taxable property in
35 the county ~~and-from~~.

1 b. From the rural services fund of the county, the dollar
2 equivalent of a tax of three dollars and three-eighths of a
3 cent per thousand dollars of assessed value on all taxable
4 property not located within the corporate limits of a city in
5 the county.

6 PARAGRAPH DIVIDED. Funds remaining in the secondary road
7 fund of the counties due to a reduction of allocations to
8 counties for failure to maintain a minimum local tax effort
9 shall be reallocated to counties that are not reduced under
10 this subsection pursuant to the allocation provisions of
11 section 312.3, subsection 1, based upon the needs and area of
12 the county. Information necessary to make allocations under
13 this subsection shall be provided by the state department of
14 transportation or the director of the department of management
15 upon request by the treasurer of state.

16 Sec. 41. Section 312.3, subsection 1, paragraph b, Code
17 1991, is amended to read as follows:

18 b. "Local effort" means the ratio expressed as a percent
19 of the total funds that the county transferred or provided
20 during the base period pursuant to section 331.429, subsection
21 1, paragraphs "a", "b", "d", and "e", to the ~~maximum-funds-the~~
22 ~~county-could-have-transferred-during-the-base-period-from~~ sum
23 of the following:

24 (1) From the general fund of the county, the dollar
25 equivalent of a tax of sixteen and seven-eighths cents per
26 thousand dollars of assessed value on all taxable property in
27 the county ~~and-from~~.

28 (2) From the rural services fund of the county, the dollar
29 equivalent of a tax of three dollars and three-eighths of a
30 cent per thousand dollars of assessed value on all taxable
31 property not located within the corporate limits of a city in
32 the county.

33 Sec. 42. Section 312.5, subsection 5, paragraph b, Code
34 1991, is amended to read as follows:

35 b. "Local effort" means the ratio expressed as a percent

1 of the total funds that the county transferred or provided
2 during the base period pursuant to section 331.429, subsection
3 1, paragraphs "a", "b", "d", and "e", to the ~~maximum-funds-the~~
4 ~~county-could-have-transferred-during-the-base-period-from~~ sum
5 of the following:

6 (1) From the general fund of the county, the dollar
7 equivalent of a tax of sixteen and seven-eighths cents per
8 thousand dollars of assessed value on all taxable property in
9 the county ~~and-from.~~

10 (2) From the rural services fund of the county, the dollar
11 equivalent of a tax of three dollars and three-eighths of a
12 cent per thousand dollars of assessed value on all taxable
13 property not located within the corporate limits of a city in
14 the county.

15 Sec. 43. Section 317.25, Code 1991, as amended by 1991
16 Iowa Acts, Senate File 34, section 1, is amended to read as
17 follows:

18 317.25 TEASEL, MULTIFLORA ROSE, AND PURPLE LOOSESTRIPE
19 PROHIBITED -- EXCEPTIONS.

20 A person shall not sell, offer for sale, or distribute
21 teasel (*Dipsacus*) biennial, the multiflora rose (*rosa*
22 multiflora), purple loosestrife (*lythrum salicaria*), or seeds
23 of them in any form in this state. However, this section does
24 not prohibit the sale, offer for sale, or distribution of the
25 multiflora rose (*rosa multiflora*) used for understock for
26 either cultivated roses or ornamental shrubs in gardens. This
27 section also does not prohibit the sale, offer for sale, or
28 distribution of varieties of the purple loosestrife (*lythrum*
29 *virgatum*) when used for ornamental gardens, and which are
30 sterile or nonaggressive according to a list published by the
31 state weed commissioner pursuant to chapter 17A. A person
32 engaged in the business of selling purple loosestrife shall
33 keep accurate records, as specified by the department of
34 agriculture and land stewardship, of each variety of purple
35 loosestrife sold, offered for sale, or distributed. The

1 person shall allow the department of agriculture and land
2 stewardship to inspect the records during regular business
3 hours. Any person violating the provisions of this section is
4 subject to a fine of not exceeding one hundred dollars.

5 Sec. 44. Section 321J.17, Code 1991, is amended to read as
6 follows:

7 321J.17 CIVIL PENALTY -- SEPARATE FUND -- REINSTATEMENT.

8 When the department revokes a person's motor vehicle
9 license or nonresident operating privilege under this chapter,
10 the department shall assess the person a civil penalty of one
11 hundred dollars. The money collected by the department under
12 this section shall be transmitted to the treasurer of state
13 who shall deposit the money in a the separate fund dedicated
14 ~~to-and-used-for-the-purposes-of-chapter-912-and-section~~
15 ~~709-107,-and-for-the-operation-of-a-missing-person~~
16 ~~clearinghouse-and-domestic-abuse-registry-by-the-department-of~~
17 ~~public-safety.--Notwithstanding-section-8-337,-any-balance-in~~
18 ~~the-fund-on-June-30-of-any-fiscal-year-shall-not-revert-to-the~~
19 ~~general-fund-of-the-state~~ established in section 912.14. A
20 temporary restricted license shall not be issued or a motor
21 vehicle license or nonresident operating privilege reinstated
22 until the civil penalty has been paid.

23 Sec. 45. Section 384.14, unnumbered paragraph 2, Code
24 1991, is amended to read as follows:

25 Each member is entitled to receive actual and necessary
26 expenses incurred in the performance of committee duties.
27 Each member other than the state official members is also
28 entitled to receive ~~forty-dollars-compensation~~ a per diem as
29 specified in section 7E.6 for each day spent in performance of
30 committee duties.

31 Sec. 46. Section 444.22, Code 1991, is amended to read as
32 follows:

33 444.22 ANNUAL LEVY.

34 In each year the director of revenue and finance shall fix
35 the rate in percentage to be levied upon the assessed

1 valuation of the taxable property of the state necessary to
2 raise such the amount for general state purposes as shall be
3 designated by the department of management ~~under-the~~
4 ~~provisions-of-section-8-67-subsection-5.~~

5 Sec. 47. Section 455A.17, subsection 3, Code 1991, is
6 amended to read as follows:

7 3. The delegates to the congress on resources enhancement
8 and protection shall organize, discuss, and make
9 recommendations to the governor, the general assembly, and the
10 natural resource commission regarding issues concerning
11 resources enhancement and protection. The director shall call
12 the congress and serve as temporary chairperson. The
13 delegates are entitled to a per diem ~~of-forty-dollars~~ as
14 specified in section 7E.6 for expenses of office while
15 attending the congress.

16 Sec. 48. Section 502.208, subsection 10, Code 1991, is
17 amended to read as follows:

18 10. The administrator may by rule or order require as a
19 condition of registration by qualification, and at the expense
20 of the applicant or registrant, that a report by an
21 accountant, engineer, appraiser, or other professional person
22 be filed. The administrator may also designate one or more
23 employees of the securities department bureau to make an
24 examination of the business and records of an issuer of
25 securities for which a registration statement has been filed
26 by qualification, at the expense of the applicant or
27 registrant.

28 Sec. 49. Section 502.601, Code 1991, is amended to read as
29 follows:

30 502.601 ADMINISTRATION.

31 1. This chapter shall be administered by the commissioner
32 of insurance of the state of Iowa. The administrator shall
33 appoint a deputy administrator who shall be exempt from the
34 merit system provided for in chapter 19A. The deputy
35 administrator ~~shall-be~~ is the principal operations officer of

1 the securities ~~department~~ bureau and ~~shall-be~~ is responsible
2 to the administrator for the routine administration of the
3 chapter and the management of the securities department
4 bureau. In the absence of the administrator, whether because
5 of vacancy in the office, by reason of absence, physical
6 disability, or other cause, the deputy administrator shall be
7 the acting administrator and shall, for the time being, have
8 and exercise the authority conferred upon the administrator.
9 The administrator may by order from time to time delegate to
10 the deputy administrator any or all of the functions assigned
11 to the administrator in this chapter. The administrator shall
12 employ officers, attorneys, accountants, and other employees
13 as ~~shall-be~~ needed for the administration of the chapter.

14 2. It is unlawful for the administrator or any officer or
15 employee of the securities ~~department~~ bureau to use for
16 personal benefit any information which is filed with or
17 obtained by the administrator and which is not made public.
18 ~~No-provision-of-this~~ This chapter ~~authorizes~~ does not
19 authorize the administrator or any such officer or employee to
20 disclose any such information except among themselves or to
21 other securities administrators, regulatory authorities, or
22 governmental agencies, or when necessary or appropriate in a
23 proceeding or investigation under this chapter. ~~No-provision~~
24 ~~of-this~~ This chapter ~~either~~ neither creates or nor derogates
25 from any privileges which exist at common law or otherwise
26 when documentary or other evidence is sought under a subpoena
27 directed to the administrator or any officer or employee of
28 the securities ~~department~~ bureau.

29 Sec. 50. Section 510.5, subsection 6, as enacted by 1991
30 Iowa Acts, Senate File 518, section 5, is amended to read as
31 follows:

32 6. An insurer shall review its books and records each
33 quarter and determine if any producer, as defined by section
34 510A.2, has become, by operation of section ~~510.2~~ 510.2A,
35 subsection 3 4, a managing general agent as defined in that

1 section. If the insurer determines that a producer has become
2 a managing general agent by operation of section 510.2 510.2A,
3 subsection 3 4, the insurer shall promptly notify the producer
4 and the commissioner of such determination and the insurer and
5 producer shall fully comply with the provisions of this
6 chapter within thirty days.

7 Sec. 51. Section 510.9, as enacted by 1991 Iowa Acts,
8 Senate File 518, is amended to read as follows:

9 510.9 EXEMPTION.

10 A managing general agent who complies with sections 510.1
11 510.1A through 510.8 for a block of business, shall not also
12 be required to comply with sections 510.20 and 510.21 with
13 regard to the same block of business.

14 Sec. 52. Section 514.4, unnumbered paragraph 7, Code 1991,
15 is amended to read as follows:

16 A corporation shall not reimburse or compensate a provider
17 director or a subscriber director more than ~~forty-dollars~~ the
18 per diem specified in section 7E.6 plus necessary and actual
19 expenses for attendance at a meeting of the board of
20 directors.

21 Sec. 53. Section 515.119, Code 1991, as enacted by 1991
22 Iowa Acts, Senate File 518, section 42, is amended to read as
23 follows:

24 515.119 COMPLIANCE WITH LAW -- CHANGE OF ARTICLES.

25 An insurance company organized under this chapter, or doing
26 business in, this state, or any foreign or alien company doing
27 business in this state, shall conform to the provisions of
28 this chapter and all other laws of this state applicable to
29 the insurance company.

30 Sec. 54. Section 521B.2, subsection 3, paragraph a, as
31 enacted by 1991 Iowa Acts, Senate File 518, section 15, is
32 amended to read as follows:

33 3. a. Credit is allowed if the reinsurance is ceded to an
34 assuming insurer which is domiciled and licensed in, or in the
35 case of a United States branch of an alien assuming insurer,

1 is entered through, a state which employs standards regarding
2 credit for reinsurance substantially similar to those
3 applicable under this section, and the assuming insurer or
4 United States branch of an alien assuming insurer does both of
5 the following:

6 (1) Maintains a surplus with respect to policyholders in
7 an amount of not less than twenty million dollars.

8 (2) Submits to the authority of this state to examine its
9 books and records.

10 Sec. 55. Section 524.310, subsection 4, as enacted by 1991
11 Iowa Acts, House File 260, is amended to read as follows:

12 4. a. A person may reserve the exclusive use of a
13 corporate name for a state bank by delivering an application
14 to the secretary of state for filing. The application must
15 ~~comply with section 490-402 and~~ set forth the name and address
16 of the applicant and the name proposed to be reserved. If the
17 secretary of state finds that the corporate name applied for
18 is available ~~and complies with section 490-402~~, the secretary
19 of state shall reserve the name for the applicant's exclusive
20 use for a nonrenewable one hundred twenty day period.

21 b. The owner of a reserved corporate name may transfer the
22 reservation to another person by delivering to the secretary
23 of state a signed notice of the transfer that states the name
24 and address of the transferee.

25 Sec. 56. Section 534.519, subsection 3, Code 1991, is
26 amended to read as follows:

27 3. Except as otherwise provided in this chapter, a mutual
28 holding company has all powers set forth in section 496A-4
29 490.302.

30 Sec. 57. Section 682.38, Code 1991, is amended to read as
31 follows:

32 682.38 LIABILITY ---REPORTS-REQUIRED.

33 The clerk shall be liable upon the clerk's bond for all
34 such funds, moneys, or securities which may be deposited with
35 the clerk, and shall make complete verified statements thereof

1 to-the-board-of-supervisors-at-the-January-and-June-sessions
2 each-year as required by the supreme court.

3 Sec. 58. Section 709.10, Code 1991, is amended to read as
4 follows:

5 709.10 COST OF MEDICAL EXAMINATION IN CRIMES OF SEXUAL
6 ABUSE.

7 The cost of a medical examination for the purpose of
8 gathering evidence and the cost of treatment for the purpose
9 of preventing venereal disease shall be ~~borne-by-the~~
10 department-of-justice paid from the fund established in
11 section 912.14.

12 Sec. 59. Section 714.8, subsection 14, unnumbered
13 paragraph 1, Code 1991, as enacted by 1991 Iowa Acts, Senate
14 File 174, section 1, is amended to read as follows:

15 Makes payment pursuant to an agreement with a dealer or
16 market agency for livestock held by the dealer or market
17 agency by use of a financial instrument which is a check,
18 share draft, draft, or written order on any financial
19 institution, as defined in section 543.1, if after seven days
20 from the date that possession of the livestock is transferred
21 pursuant to the purchase, the financial institution refuses
22 payment on the instrument because of insufficient funds in the
23 maker's account.

24 Sec. 60. Section 809.17, Code 1991, is amended to read as
25 follows:

26 809.17 PROCEEDS APPLIED TO VARIOUS PROGRAMS.

27 Except as provided in section 809.21, proceeds from the
28 disposal of seized or forfeited property pursuant to this
29 chapter may be transferred in whole or in part to the victim
30 reparation compensation fund created ~~pursuant-to-chapter-912~~
31 in section 912.14 at the discretion of the recipient agency,
32 political subdivision, or department.

33 Sec. 61. Section 911.3, Code 1991, as amended by 1991 Iowa
34 Acts, House File 173, section 817, and Senate File 209,
35 section 37, is amended to read as follows:

1 911.3 DISPOSITION OF SURCHARGE.

2 When a court assesses a surcharge under section 911.2, the
 3 clerk of the district court shall transmit sixteen and two-
 4 thirds percent of the surcharge collected to the treasurer of
 5 state to be deposited pursuant to in the fund established in
 6 section 321B-17 912.14. Ninety-four percent of the remainder
 7 of the surcharge collected shall be transmitted to the
 8 treasurer of state by the fifteenth day of the following
 9 month. The treasurer of state shall deposit that money in the
 10 general fund of the state. The clerk of the district court
 11 shall transmit six percent of the remainder of the surcharge
 12 to the county treasurer or shall remit six percent of the
 13 remainder of the surcharge to the city that was the plaintiff
 14 in any action for deposit in the general fund of the city.

15 Sec. 62. NEW SECTION. 912.14 VICTIM COMPENSATION FUND.

16 A victim compensation fund is established as a separate
 17 fund in the state treasury. Moneys deposited in the fund
 18 shall be administered by the department and dedicated to and
 19 used for the purposes of section 709.10 and this chapter.
 20 Notwithstanding section 8.33, any balance in the fund on June
 21 30 of any fiscal year shall not revert to the general fund of
 22 the state.

23 Sec. 63. Sections 14.7 through 14.9, 14.11, 14.14 through
 24 14.16, 14.18 through 14.20, and 217.37, Code 1991, are
 25 repealed.

26 Sec. 64. The amendments in this Act to sections 2.14,
 27 2.35, 2.44, 2.91, 17A.8, 18B.5, 97B.8, 179.2, 183A.10, 185.14,
 28 185C.14, 384.14, 455A.17, and 514.4 are retroactively
 29 applicable to January 1, 1991.

30 Sec. 65. The amendment in this Act to section 232.52,
 31 subsection 2, paragraph e, takes effect at 12:01 a.m. on
 32 October 1, 1991.

33 EXPLANATION

34 This bill makes the following changes:

35 2.10(1)(3): In provisions governing legislative salaries

1 and expenses, the president pro tempore of the senate and
2 speaker pro tempore of the house who are covered in subsection
3 3, are added to the list of exceptions in subsection 1 and the
4 salary amount for the minority leaders is moved to subsection
5 3, since it is compatible with the others first mentioned
6 there.

7 2.14(5), 2.35, 2.44, 2.91, 17A.8(3), and 97B.8: Modify
8 remaining references to the \$40 per diem level for legislators
9 in order to conform with 1989 Acts, chapter 303, section 13,
10 which established the per diem level at \$50 effective January
11 1, 1991. The modifications are retroactively applicable to
12 January 1, 1991.

13 2.42(11): Adds reference to the administrative code editor
14 and the Code Supplement to the provision prescribing the
15 legislative council's duties in regard to the legal
16 publications under its jurisdiction. See also the amendments
17 to chapter 14.

18 7.17: Substitutes "administrative code editor" for "Code
19 editor" in provisions relating to the office of the
20 administrative rules coordinator.

21 14.1: Establishes the Iowa Code and administrative code
22 divisions within the legislative service bureau and provides
23 for appointment of the Iowa Code editor and the administrative
24 code editor.

25 14.5: A new section compiles the duties presently handled
26 by the administrative code division. Subsection 2 is from
27 sections 14.6(4), 14.12(7), and part of 14.21. The
28 requirement to distribute court rules supplements on or before
29 the effective date of the rules is left to the supreme court's
30 discretion. Subsection 3 is from section 14.7. Subsection 4
31 is from section 14.6(5).

32 14.6: Modifies the section relating to the Code editor's
33 duties to reflect current practices. Subsections 4 and 5 are
34 stricken and rewritten in proposed section 14.5. The stricken
35 parts of new subsection 2 are written into sections 14.10 and

1 14.12.

2 14.10: Amends session laws requirements to provide for
3 inclusion of certain supreme court rules and make other
4 conforming changes.

5 14.12: Expands provisions on Code requirements to include
6 the Code Supplement, and reflect other current practices.

7 14.13: Rewrites authority of the Code editor to add the
8 administrative code editor where needed. In addition, this
9 section changes the effective date of Code or Code Supplement
10 editorial changes to the date that the legislative council
11 approves the selling price for the publication, rather than
12 the date of the printing contract for the publication.

13 14.17: Combines four citation sections, includes a
14 reference to the administrative rules, and conforms to present
15 practices.

16 14.21: Provides authority to make parts of the Code or
17 administrative code available, but leaves the form optional,
18 subject to legislative council approval. The former second
19 paragraph is rewritten in section 14.5.

20 17.3(8): Strikes the director of public health from the
21 list of officials and departments required to file biennial
22 reports after June 30, and annual summary reports, because of
23 conflicts with section 135.11(18) and section 7E.3(4). See
24 also amendments to sections 135.11(18) and 136.10.

25 17A.4(1)(2)(4)(6), 17A.5(1), 17A.6(1)(2)(3)(5)(6), and
26 17A.8(4): Substitute "administrative code editor" for "Code
27 editor" in the administrative rules chapter.

28 17A.8(3): See explanation to section 2.14(5).

29 18.97(14a): Adds the administrative code editor to the
30 list of officials eligible to receive the number of copies of
31 the publications (Code, supplement, Acts, court rules,
32 administrative code, and bulletin) needed to enable them to
33 perform the duties of their offices.

34 18B.5(5), 97B.3, 179.2(3), 183A.10, 185.14, 185C.14,
35 384.14, 455A.17(3), and 514.4: Modify remaining references to

1 per diem levels for members of state executive branch boards,
2 committees, commissions, and councils, in order to conform
3 with 1989 Iowa Acts, chapter 303, section 15, which
4 established the per diem level at \$50 effective January 1,
5 1991. The modifications are retroactively applicable to
6 January 1, 1991, and relate to per diems for the following:
7 INTERNET board of directors; investment board of the Iowa
8 public employees' retirement system; Iowa dairy industry
9 commission; Iowa pork producers council; Iowa soybean
10 promotion board; Iowa corn promotion board; city finance
11 committee; Iowa congress on resources enhancement and
12 protection; and nonprofit health service corporation boards of
13 directors.

14 97B.8: See explanations for sections 2.14(5) and 18B.5(5).

15 135.11(18) and 136.10: Section 17.3(8) requires the
16 director of public health to file a biennial report. However,
17 section 135.11(18) requires the director to file an annual
18 report. Annual reports are provided for generally in section
19 7E.3(4). To remove the inconsistencies, section 7E.3(4) is
20 inserted as a cross-reference in section 135.11(18), section
21 17.3(8) is stricken, and section 136.10 is amended to require
22 annual reports.

23 141.22A(3): Amends House File 655, as enacted during the
24 legislative session, by making a grammatical correction.

25 179.2(3): See explanation to section 18B.5(5).

26 183A.10: See explanation for section 18B.5(5).

27 185.14: See explanation for section 18B.5(5).

28 185C.14: See explanation for section 18B.5(5).

29 218.3, unnumbered paragraph 1 and (1): Amends a provision
30 relating to authority over the state training school and Iowa
31 juvenile home to conform to 1990 changes in chapter 1239,
32 section 4, placing the authority with the director of the
33 department of human services rather than the administrator of
34 the division of child and family services.

35 232.52(2e): Revises provision governing orders

1 transferring guardianship to the department of human services
2 in certain delinquency cases, by correcting a clerical error
3 which occurred in 1990 Acts, chapter 1239, section 7, when
4 subparagraph (2) was omitted and too many conditions placed in
5 subparagraph (1). The 1990 revision takes effect October 1,
6 1991. This 1991 correction takes effect at 12:01 a.m. on that
7 date.

8 246.310A: Amends new law on providing "suitable space for
9 reading material" in correctional institutions, by removing
10 the word "suitable" in the definition of "reading material".
11 Only "suitable space" is required in the section as enacted.

12 261.12(2): Amends the chapter governing the college
13 student aid commission by correcting a 1989 drafting error in
14 language setting forth the formula for tuition grants to part-
15 time students. The enactment reversed the divisor and
16 dividend in the formula.

17 279.7A: Amends provision relating to conflicts of interest
18 in school board contracts, by specifying that the prohibition
19 applies to each member individually. The board as a whole
20 would necessarily have an interest in its own contract.

21 299B.6: Amends a provision in House File 455, if enacted,
22 to correspond to other references throughout the bill to
23 "evaluations," rather than "tests".

24 309.10, unnumbered paragraph 2, 312.2(8), and 312.3(1):
25 Amend provisions restricting the use of road funds, to avoid
26 an ungrammatical sentence structure by setting out separately
27 the factors for determining the amount which must be
28 transferred from the general fund of the county and from the
29 rural services fund of the county.

30 312.2(8): See explanation for section 309.10.

31 312.3(1b): See explanation for section 309.10.

32 312.5(5b): See explanation for section 309.10.

33 317.25: Amends Senate File 34, which was enacted during
34 the current legislative session, by clarifying that the
35 department of agriculture and land stewardship keeps records

1 concerning purple loosestrife.

2 321J.17, 709.10, 809.17, 911.3, and 912.14: These changes
3 relate to the funds used for victim compensation pursuant to
4 chapter 912. While the fund is currently established in
5 section 321J.17, various Code references refer to it as being
6 established in chapter 912. These changes take the fund out
7 of section 321J.17 and establish it in section 912.14. The
8 fund still receives the penalties assessed pursuant to section
9 321J.17 under the bill. The bill deletes the provision that
10 the fund may be used for the operation of the missing person
11 clearinghouse and domestic abuse registry by the department of
12 public safety, as during the last legislative session, these
13 programs received appropriations from the general fund. The
14 changes include changes to various references in the Code to
15 the fund.

16 384.14: See explanation for section 18B.5(5).

17 444.22: In a provision relating to statewide property
18 taxes, deletes reference to subsection 5 of section 8.6, which
19 has been stricken. If the intent of the general assembly was
20 to delete the role of the department of management, further
21 amendment will be needed in describing the amount to be
22 levied.

23 455A.17(3): See explanation for section 18B.5(5).

24 502.208(10) and 502.601: Change "securities department" to
25 "securities bureau" because it is now part of the insurance
26 division within the commerce department. This change complies
27 with the uniform terminology provisions in chapter 7E. New
28 section 502.207B, enacted in 1990, uses the term "securities
29 bureau".

30 510.5(6), 510.9, 515.119, 521B.2(3): Amends Senate File
31 518, as enacted during this legislative session, by correcting
32 improper references and punctuation errors.

33 514.4: See explanation to section 18B.5(5).

34 515.119 and 521B.2(3): See explanation to section
35 510.5(6).

1 524.310(4): Amends House File 260, as enacted during this
2 legislative session, by removing a redundant reference.

3 534.519(3): In provision governing savings and loan
4 associations reorganizing as mutual holding companies,
5 substitutes a reference to the "general powers" provision of
6 the new corporation law (section 490.302) for an obsolete
7 reference to section 496A.4. The sections are not identical
8 but both include "all powers necessary or convenient".

9 682.38: Amends a provision relating to estate and trust
10 funds deposited with the clerk of the district court by
11 eliminating the requirement for the clerk to report on those
12 funds to the board of supervisors and substituting a report to
13 the supreme court. The county board no longer has
14 jurisdiction over the clerk.

15 709.10: See explanation to section 321J.17.

16 714.8(14): Amends Senate File 174, as enacted during this
17 legislative session, by clarifying an omission of the words
18 "or market agency" as used previously in the same sentence.

19 809.17, 911.3, 912.14: See explanation to section 321J.17.

20 14.7 - 14.9, 14.11, 14.14 - 14.16, 14.18 - 14.20: Repealed
21 sections of chapter 14 are generally rewritten in other
22 places. Section 14.7 is rewritten in section 14.5(3), section
23 14.8 in section 14.6(1), section 14.9 in section 14.12(7),
24 section 14.11 in section 14.1(3), and sections 14.15 and 14.16
25 in section 14.12(1,2). However, section 14.14 seems to be
26 obsolete in authorizing the Code editor to delete references
27 to Code years, because Code years are not used in the text of
28 statutes now except when needed to reference an item which
29 appears in a specific Code year. Sections 14.18 through 14.20
30 are covered in section 14.17.

31 217.37: Repeals a provision relating to rules of the
32 department of human services for case-by-case determination of
33 the noninstitutionalized spouse's support of Medicaid
34 recipients. The provision conflicts with a 1990 enactment
35 (section 249A.3(9)) providing a \$24,000 minimum community

- 1 spouse resource allowance.
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

HOUSE FILE 709

S-3753

1 Amend House File 709, as passed by the House, as
2 follows:

3 1. Page 34, by inserting after line 22, the
4 following:

5 "Sec. ____ . Senate File 541, section 13, unnumbered
6 paragraph 2, if enacted by the Seventy-fourth General
7 Assembly, 1991 Session, is amended to read as follows:

8 Funds appropriated by this subsection are the funds
9 anticipated to be received from the federal government
10 under Pub. L. No. ~~100-508~~ 101-508, section 5032, which
11 provides for the child care and development block
12 grant. The department shall expend the funds
13 appropriated by this section as provided in the
14 federal law making the funds available and in
15 conformance with chapter 17A.

16 Sec. ____ . Senate File 541, section 14, unnumbered
17 paragraph 1, if enacted by the Seventy-fourth General
18 Assembly, 1991 Session, is amended to read as follows:

19 There is appropriated from the fund created by
20 section 8.41 to the department of human services for
21 the federal fiscal year beginning October 1, 1990, and
22 ending September 30, 1991, the following amount:"

23 2. By renumbering as necessary.

By COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

3753 FILED MAY 9, 1991

Adopted 5/10/91 (p. 1148)

S-3752

1 Amend House File 709 as passed by the House, as
2 follows:

3 1. Page 32, by inserting after line 29, the
4 following:

5 "Sec. 10000. Section 602.8105, subsection 1,
6 paragraph a, Code 1991, is amended to read as follows:

7 a. For filing and docketing a petition other than
8 for modification of a dissolution decree to which a
9 written stipulation is attached at the time of filing
10 containing the agreement of the parties to the terms
11 of the modification, or an appeal or writ of error,
12 forty-five dollars. Four dollars of the fee shall be
13 deposited in the court revenue distribution account
14 established under section 602.8108, and forty-one
15 dollars of the fee shall be paid into the state
16 treasury. Of the amount paid to the state treasury,
17 one dollar shall be deposited in the judicial
18 retirement fund established in section 602.9104 to be
19 used to pay retirement benefits of the judicial
20 retirement system, and the remainder shall be
21 deposited in the general fund of the state. In
22 counties having a population of one-hundred ninety-
23 five thousand or over, an additional five dollars
24 shall be charged and collected, to be known as the
25 journal publication fee and used for the purposes
26 provided for in section 618.13."

27 2. Page 34, by inserting after line 32, the
28 following:

29 "Sec. ____ . EFFECTIVE DATE AND RETROACTIVITY
30 PROVISIONS.

31 Section 10000 of this Act, being deemed of
32 immediate importance, takes effect upon enactment, and
33 applies retroactively to cases filed on or after
34 January 1, 1991."

35 3. By renumbering and correcting internal
36 references as necessary.

By COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-3752 FILED MAY 9, 1991

Adopted 5/10/91 (p. 1749)

S-3755

1 Amend House File 209, as passed by the House, as
2 follows:

3 1. Page 28, by inserting after line 4 the
4 following:

5 "Sec. ____ . Section 321J.4A, subsection 3, Code
6 1991, is amended to read as follows:

7 3. If the court issues an impoundment order, the
8 registration certificate and registration plates shall
9 be surrendered to the court either three days after
10 the order is issued or on the date specified by the
11 court, whichever is later. If the registration plates
12 have been surrendered to the department pursuant to
13 section 321A.17, the defendant shall notify the court.
14 The court shall forward the notice and impoundment
15 order to the county treasurer. The court shall
16 forward surrendered registration certificates to the
17 county recorder treasurer within seven days after
18 surrender. The court may destroy the surrendered
19 registration plates. Except as provided in subsection
20 5, new registration plates shall not be issued to the
21 defendant or owner until the driver's license of the
22 violator has been reissued or reinstated. The court
23 shall notify the director within ten days after
24 issuing an impoundment order.

25 Sec. ____ . Section 321J.4A, subsection 4, paragraph
26 a, subparagraph (2), Code 1991, is amended to read as
27 follows:

28 (2) The defendant or owner has a temporary
29 restricted license issued pursuant to section ~~321J-20~~
30 321J.4, subsection 8.

31 Sec. ____ . Section 321J.4A, subsection 5, Code
32 1991, is amended to read as follows:

33 5. A registered owner shall not sell a motor
34 vehicle during the time its registration plates and
35 registration certificate have been ordered surrendered
36 or during the time its registration plates bear a
37 special series number, unless the registered owner
38 applies to the department for consent to transfer
39 title to the motor vehicle. If the department is
40 satisfied that the proposed sale is in good faith and
41 for valid consideration, that the registered owner
42 will be deprived of custody and control of the motor
43 vehicle, and that the sale is not for the purpose of
44 circumventing the provisions of this section, the
45 department may certify its consent to the county
46 recorder treasurer. The county recorder treasurer
47 shall then transfer the registration-certificate title
48 to the new owner upon proper application and issue new
49 registration plates. After the registration plates
50 and registration certificate have been ordered

S-3755

Page 2

1 surrendered to the court under this section, if the
2 title to the motor vehicle is transferred by the
3 cancellation of a conditional sales contract, a sale
4 upon execution, or by decree or order of a court of
5 competent jurisdiction, the department shall order the
6 registration-certificate title surrendered to the new
7 registered owner. The county recorder treasurer shall
8 then transfer the registration-certificate title and
9 issue new registration plates to the new registered
10 owner."

Adopted 5/10/91 (p. 1747)

By COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

HOUSE FILE 709

S-3754

1 Amend House File 709, as passed by the House, as
2 follows:

3 1. Page 33, by inserting after line 32 the
4 following:

5 "Sec. ____ . Section 910A.15, unnumbered paragraph
6 1, Code 1991, is amended to read as follows:

7 A prosecuting witness who is a child minor, as
8 defined in section 702-5 599.1, in a any case
9 ~~involving a violation of chapter 209 or sections 26-27~~
10 ~~26-37-26-67 or 28-12~~, is entitled to have the
11 witness's interests represented by a guardian ad litem
12 at all stages of the proceedings ~~arising from such~~
13 ~~violation~~. The guardian ad litem ~~shall~~ may be a
14 practicing attorney and shall be designated by the
15 court after due consideration is given to the desires
16 and needs of the child minor and the compatibility of
17 the child minor and the child's minor's interests with
18 the prospective guardian ad litem. If a guardian ad
19 litem has previously been appointed for the child
20 minor in a proceeding under chapter 232 or a
21 proceeding in which the juvenile court has waived
22 jurisdiction under section 232.45, the court ~~shall~~ may
23 appoint the same guardian ad litem under this section.
24 The guardian ad litem shall receive notice of and may
25 attend all depositions, hearings and trial proceedings
26 to support the child minor and advocate for the
27 protection of the child minor but shall not be allowed
28 to separately introduce evidence or to directly
29 examine or cross-examine witnesses. However, the
30 guardian ad litem shall file reports to the court as
31 required by the court."

32 2. By renumbering and correcting internal
33 references as necessary.

By COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-3754 FILED MAY 9, 1991

Adopted 5/10/91 (p. 1748)

S-3759

1 Amend House File 709, as passed by the House, as
2 follows:

3 1. Page 19, by inserting after line 4 the
4 following:

5 "Sec. ____ . Section 21.2, subsection 1, paragraph
6 f, Code 1991, is amended to read as follows:

7 f. A nonprofit corporation other than a county or
8 district fair or agricultural society, whose
9 facilities or indebtedness are supported in whole or
10 in part with property tax revenue and which is
11 licensed to conduct pari-mutuel wagering pursuant to
12 chapter 99D or a nonprofit corporation which is a
13 successor to the nonprofit corporation which built the
14 facility.

15 Sec. ____ . Section 22.1, unnumbered paragraphs 1
16 and 2, Code 1991, are amended to read as follows:

17 As used in this chapter, "public records" includes
18 all records, documents, tape, or other information,
19 stored or preserved in any medium, of or belonging to
20 this state or any county, city, township, school
21 corporation, political subdivision, nonprofit
22 corporation other than a county or district fair or
23 agricultural society whose facilities or indebtedness
24 are supported in whole or in part with property tax
25 revenue and which is licensed to conduct pari-mutuel
26 wagering pursuant to chapter 99D, or tax-supported
27 district in this state, or any branch, department,
28 board, bureau, commission, council, or committee of
29 any of the foregoing.

30 The term "government body" means this state, or any
31 county, city, township, school corporation, political
32 subdivision, tax supported district, nonprofit
33 corporation other than a county or district fair or
34 agricultural society whose facilities or indebtedness
35 are supported in whole or in part with property tax
36 revenue and which is licensed to conduct pari-mutuel
37 wagering pursuant to chapter 99D, or other entity of
38 this state, or any branch, department, board, bureau,
39 commission, council, committee, official or officer,
40 of any of the foregoing or any employee delegated the
41 responsibility for implementing the requirements of
42 this chapter."

By JIM LIND

S-3759 FILED MAY 10, 1991

ADOPTED (p 1750)

HOUSE FILE 709

S-3757

1 Amend House File 709, as passed by the House, as
2 follows:

3 1. Page 11, line 23, by striking the words "~~but~~
4 ~~without-changing-the-meaning~~" and inserting the
5 following: "but without changing the meaning".

6 2. Page 11, by striking lines 28 through 30 and
7 inserting the following: "making the corrections.

8 The Code editor shall maintain a record of the
9 corrections made under this paragraph. The record
10 shall be available to the public."

By WILLIAM D. PALMER

S-3757 FILED MAY 10, 1991

ADOPTED (p. 1748)

SENATE AMENDMENT TO HOUSE FILE 709

H-4113

1 Amend House File 709, as passed by the House, as
2 follows:

3 1. Page 11, line 23, by striking the words "but
4 ~~without-changing-the-meaning~~" and inserting the
5 following: "but without changing the meaning".

6 2. Page 11, by striking lines 28 through 30 and
7 inserting the following: "making the corrections.
8 The Code editor shall maintain a record of the
9 corrections made under this paragraph. The record
10 shall be available to the public."

11 3. Page 19, by inserting after line 4 the
12 following:

13 "Sec. ____ . Section 21.2, subsection 1, paragraph
14 f, Code 1991, is amended to read as follows:

15 f. A nonprofit corporation other than a county or
16 district fair or agricultural society, whose
17 facilities or indebtedness are supported in whole or
18 in part with property tax revenue and which is
19 licensed to conduct pari-mutuel wagering pursuant to
20 chapter 99D or a nonprofit corporation which is a
21 successor to the nonprofit corporation which built the
22 facility.

23 Sec. ____ . Section 22.1, unnumbered paragraphs 1
24 and 2, Code 1991, are amended to read as follows:

25 As used in this chapter, "public records" includes
26 all records, documents, tape, or other information,
27 stored or preserved in any medium, of or belonging to
28 this state or any county, city, township, school
29 corporation, political subdivision, nonprofit
30 corporation other than a county or district fair or
31 agricultural society whose facilities or indebtedness
32 are supported in whole or in part with property tax
33 revenue and which is licensed to conduct pari-mutuel
34 wagering pursuant to chapter 99D, or tax-supported
35 district in this state, or any branch, department,
36 board, bureau, commission, council, or committee of
37 any of the foregoing.

38 The term "government body" means this state, or any
39 county, city, township, school corporation, political
40 subdivision, tax supported district, nonprofit
41 corporation other than a county or district fair or
42 agricultural society whose facilities or indebtedness
43 are supported in whole or in part with property tax
44 revenue and which is licensed to conduct pari-mutuel
45 wagering pursuant to chapter 99D, or other entity of
46 this state, or any branch, department, board, bureau,
47 commission, council, committee, official or officer,
48 of any of the foregoing or any employee delegated the
49 responsibility for implementing the requirements of
50 this chapter."

H-4113

Page 2

1 4. Page 28, by inserting after line 4 the
2 following:

3 "Sec. ____ . Section 321J.4A, subsection 3, Code
4 1991, is amended to read as follows:

5 3. If the court issues an impoundment order, the
6 registration certificate and registration plates shall
7 be surrendered to the court either three days after
8 the order is issued or on the date specified by the
9 court, whichever is later. If the registration plates
10 have been surrendered to the department pursuant to
11 section 321A.17, the defendant shall notify the court.
12 The court shall forward the notice and impoundment
13 order to the county treasurer. The court shall
14 forward surrendered registration certificates to the
15 county recorder treasurer within seven days after
16 surrender. The court may destroy the surrendered
17 registration plates. Except as provided in subsection
18 5, new registration plates shall not be issued to the
19 defendant or owner until the driver's license of the
20 violator has been reissued or reinstated. The court
21 shall notify the director within ten days after
22 issuing an impoundment order.

23 Sec. ____ . Section 321J.4A, subsection 4, paragraph
24 a, subparagraph (2), Code 1991, is amended to read as
25 follows:

26 (2) The defendant or owner has a temporary
27 restricted license issued pursuant to section 321J-20
28 321J.4, subsection 8.

29 Sec. ____ . Section 321J.4A, subsection 5, Code
30 1991, is amended to read as follows:

31 5. A registered owner shall not sell a motor
32 vehicle during the time its registration plates and
33 registration certificate have been ordered surrendered
34 or during the time its registration plates bear a
35 special series number, unless the registered owner
36 applies to the department for consent to transfer
37 title to the motor vehicle. If the department is
38 satisfied that the proposed sale is in good faith and
39 for valid consideration, that the registered owner
40 will be deprived of custody and control of the motor
41 vehicle, and that the sale is not for the purpose of
42 circumventing the provisions of this section, the
43 department may certify its consent to the county
44 recorder treasurer. The county recorder treasurer
45 shall then transfer the registration-certificate title
46 to the new owner upon proper application and issue new
47 registration plates. After the registration plates
48 and registration certificate have been ordered
49 surrendered to the court under this section, if the
50 title to the motor vehicle is transferred by the

H-4113

Page 3

1 cancellation of a conditional sales contract, a sale
2 upon execution, or by decree or order of a court of
3 competent jurisdiction, the department shall order the
4 ~~registration-certificate title~~ surrendered to the new
5 registered owner. The county ~~recorder~~ treasurer shall
6 then transfer the ~~registration-certificate title~~ and
7 issue new registration plates to the new registered
8 owner."

9 5. Page 32, by inserting after line 29, the
10 following:

11 "Sec. 10000. Section 602.8105, subsection 1,
12 paragraph a, Code 1991, is amended to read as follows:

13 a. For filing and docketing a petition other than
14 for modification of a dissolution decree to which a
15 written stipulation is attached at the time of filing
16 containing the agreement of the parties to the terms
17 of the modification, or an appeal or writ of error,
18 forty-five dollars. Four dollars of the fee shall be
19 deposited in the court revenue distribution account
20 established under section 602.8108, and forty-one
21 dollars of the fee shall be paid into the state
22 treasury. Of the amount paid to the state treasury,
23 one dollar shall be deposited in the judicial
24 retirement fund established in section 602.9104 to be
25 used to pay retirement benefits of the judicial
26 retirement system, and the remainder shall be
27 deposited in the general fund of the state. In
28 counties having a population of one-hundred ninety-
29 five thousand or over, an additional five dollars
30 shall be charged and collected, to be known as the
31 journal publication fee and used for the purposes
32 provided for in section 618.13."

33 6. Page 33, by inserting after line 32 the
34 following:

35 "Sec. . Section 910A.15, unnumbered paragraph
36 1, Code 1991, is amended to read as follows:

37 A ~~prosecuting~~ witness who is a child minor, as
38 defined in section 702-5 599.1, in a any case
39 ~~involving a violation of chapter 709 or section 726-2,~~
40 ~~726-37-726-67 or 728-127~~ is entitled to have the
41 witness's interests represented by a guardian ad litem
42 at all stages of the proceedings ~~arising from such~~
43 ~~violation~~. The guardian ad litem ~~shall~~ may be a
44 practicing attorney and shall be designated by the
45 court after due consideration is given to the desires
46 and needs of the child minor and the compatibility of
47 the child minor and the child's minor's interests with
48 the prospective guardian ad litem. If a guardian ad
49 litem has previously been appointed for the child
50 minor in a proceeding under chapter 232 or a

H-4113

Page 1

1 proceeding in which the juvenile court has waived
 2 jurisdiction under section 232.45, the court shall may
 3 appoint the same guardian ad litem under this section.
 4 The guardian ad litem shall receive notice of and may
 5 attend all depositions, hearings and trial proceedings
 6 to support the child minor and advocate for the
 7 protection of the child minor but shall not be allowed
 8 to separately introduce evidence or to directly
 9 examine or cross-examine witnesses. However, the
 10 guardian ad litem shall file reports to the court as
 11 required by the court."

12 7. Page 34, by inserting after line 22, the
 13 following:

14 "Sec. _____. Senate File 541, section 13, unnumbered
 15 paragraph 2, if enacted by the Seventy-fourth General
 16 Assembly, 1991 Session, is amended to read as follows:

17 Funds appropriated by this subsection are the funds
 18 anticipated to be received from the federal government
 19 under Pub. L. No. 100-508 101-508, section 5082, which
 20 provides for the child care and development block
 21 grant. The department shall expend the funds
 22 appropriated by this section as provided in the
 23 federal law making the funds available and in
 24 conformance with chapter 17A.

25 Sec. _____. Senate File 541, section 14, unnumbered
 26 paragraph 1, if enacted by the Seventy-fourth General
 27 Assembly, 1991 Session, is amended to read as follows:

28 There is appropriated from the fund created by
 29 section 8.41 to the department of human services for
 30 the federal fiscal year beginning October 1, 1990, and
 31 ending September ~~30~~ 30, 1991, the following amount:"

32 8. Page 34, by inserting after line 32, the
 33 following:

34 "Sec. _____. EFFECTIVE DATE AND RETROACTIVITY
 35 PROVISIONS.

36 Section 10000 of this Act, being deemed of
 37 immediate importance, takes effect upon enactment, and
 38 applies retroactively to cases filed on or after
 39 January 1, 1991."

40 9. By renumbering, relettering, or redesignating
 41 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-4113 FILED MAY 10, 1991

Amendments 4119, 4141, 4142 - Concurred 5/11/91 (p. 2436)

HOUSE FILE 709

H-4119

1 Amend the Senate amendment, H-4113, to House File
 2 709, as passed by the House, as follows:

3 1. Page 3, by striking lines 9 through 32.

4 2. By striking page 3, line 33 through page 4,
 5 line 11.

6 3. Page 4, by striking lines 32 through 39.

By McKEAN of Jones

H-4119 FILED MAY 10, 1991

Adopted 5/11/91 (p. 2436)

HOUSE FILE 709

H-4141

1 Amend the Senate amendment, H-4113, to House File
2 709, as passed by the House, as follows:

3 1. Page 4, by inserting after line 31 the follow-
4 ing:

5 "Sec. _____. House File 479, section 418, if enacted
6 by the Seventy-fourth General Assembly, 1991 Session,
7 is repealed.""

8 2. By renumbering as necessary.

By JAY of Appanoose

H-4141 FILED MAY 11, 1991

ADOPTED (p. 2435)

HOUSE FILE 709

H-4142

1 Amend the Senate amendment H-4113, to House File
2 709, as passed by the House as follows:

3 1. Page 1, by inserting after line 10, the
4 following:

5 "_____. Page 18, by inserting after line 12, the
6 following:

7 "Sec. _____. Section 17A.8, subsection 1, paragraphs
8 a and b, Code 1991, are amended to read as follows:

9 a. ~~Three~~ Five senators appointed by the majority
10 leader of the senate.

11 b. ~~Three~~ Five representatives appointed by the
12 speaker of the house."

13 2. By renumbering as necessary.

By BISIGNANO of Polk

H-4142 FILED MAY 11, 1991

ADOPTED (p. 2436)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 709

S-3786

- 1 Amend the Senate amendment, H-4113, to House File
2 709, as passed by the House, as follows:
3 1. Page 1, by inserting after line 10, the
4 following:
5 "____. Page 18, by inserting after line 12, the
6 following:
7 "Sec. ____ . Section 17A.6, subsection 1, paragraphs
8 a and b, Code 1991, are amended to read as follows:
9 a. ~~Three~~ Five senators appointed by the majority
10 leader of the senate.
11 b. ~~Three~~ Five representatives appointed by the
12 speaker of the house."
13 2. Page 3, by striking lines 9 through 32.
14 3. By striking page 3, line 33 through page 4,
15 line 11.
16 4. Page 4, by inserting after line 31 the follow-
17 ing:
18 "Sec. ____ . House File 479, section 418, if enacted
19 by the Seventy-fourth General Assembly, 1991 Session,
20 is repealed."
21 5. Page 4, by striking lines 32 through 39.
22 6. By renumbering, relettering, or redesignating
23 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3786 FILED MAY 11, 1991
Sen CONCURRED (*g. 1835*)

HOUSE FILE 709

AN ACT

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

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

Section 1. Section 2.10, subsections 1 and 3, Code 1991, are amended to read as follows:

1. Every member of the general assembly except the presiding officer of the senate, the speaker of the house, and the majority and minority floor leader of each house, and the president pro tempore of the senate and speaker pro tempore of the house, shall receive an annual salary of eighteen thousand one hundred dollars for the year 1991 and subsequent years while serving as a member of the general assembly. The minority-floor-leader-of-each-house-shall-receive-an-annual salary-of-twenty-seven-thousand-nine-hundred-dollars-for-the year-1991-and-subsequent-years-while-serving-in-the-capacity. In addition, each such member shall receive the sum of fifty dollars per day for expenses of office, except travel, for each day the general assembly is in session commencing with the first day of a legislative session and ending with the day of final adjournment of each legislative session as indicated by the journals of the house and senate, except that in the event if the length of the first regular session of the general assembly exceeds one hundred ten calendar days and the second regular session exceeds one hundred calendar days, such the payments shall be made only for one hundred ten calendar days for the first session and one hundred calendar days for the second session. However, members from Polk county shall

receive thirty-five dollars per day. Each member shall receive a seventy-five dollar per month allowance for legislative district constituency postage, travel, telephone costs, and other expenses. Travel expenses shall be paid at the rate established by section 18.117 for actual travel in going to and returning from the seat of government by the nearest traveled route for not more than one time per week during a legislative session. However, any increase from time to time in the mileage rate established by section 18.117 shall not become effective for members of the general assembly until the convening of the next general assembly following the session in which the increase is adopted; and this provision shall prevail over any inconsistent provision of any present or future statute.

3. The speaker of the house, presiding officer of the senate, and the majority and minority floor leader of each house shall each receive an annual salary of twenty-seven thousand nine hundred dollars for the year 1991 and subsequent years while serving in that capacity. The president pro tempore of the senate and the speaker pro tempore of the house shall receive an annual salary of nineteen thousand one hundred dollars for the year 1991 and subsequent years while serving in that capacity. Expense and travel allowances shall be the same for the speaker of the house and the presiding officer of the senate, the president pro tempore of the senate and the speaker pro tempore of the house, and the majority and minority leader of each house as provided for other members of the general assembly.

Sec. 2. Section 2.14, subsection 5, Code 1991, is amended to read as follows:

5. When the general assembly is not in session, a member of the general assembly shall be paid forty dollars the per day diem and necessary travel and actual expenses, as specified in section 2.10, subsection 6, incurred in attending meetings of a standing committee or subcommittee of which the legislator is a member in addition to regular compensation.

Such compensation. However, the per diem and expenses shall be allowed only if the member attends a meeting of the committee or subcommittee for at least four hours.

Sec. 3. Section 2.35, unnumbered paragraph 2, Code 1991, is amended to read as follows:

Members shall be appointed prior to the adjournment of the first regular session of each general assembly and shall serve for terms ending upon the convening of the following general assembly or when their successors are appointed, whichever is later. Vacancies shall be filled in the same manner as original appointments are made and shall be for the remainder of the unexpired term of the vacancy. The members of the committee shall be reimbursed for actual and necessary expenses incurred in the performance of their duties and shall ~~receive forty dollars be paid the per diem specified in~~ section 2.10, subsection 6, for each day in which engaged in the performance of their duties. However, per diem compensation and expenses shall not be paid when the general assembly is actually in session at the seat of government. Expenses and per diem shall be paid from funds appropriated pursuant to section 2.12.

Sec. 4. Section 2.42, subsection 11, Code 1991, is amended to read as follows:

11. To appoint approve the appointment of the Iowa Code editor and the administrative code editor, establish the salaries of the persons employed in that office and establish policies with regard to the printing and publishing of the Iowa administrative code and bulletin, and the Iowa Code of Iowa, Code Supplement, and session laws, including but not limited to: The style and format to be used in publishing such documents those publications, the frequency of publications publishing, the contents of such the publications, the numbering system to be used in the Iowa Code, Code Supplement, and session laws, the preparation of editorial comments or notations, the correction of errors, the type of print to be used, the number of volumes to be

published, recommended revisions of the Iowa Code, Code Supplement, and session laws, the letting of contracts for the publication of the Iowa Code, Code Supplement, and session laws, the pricing of these publications, and any other matters deemed necessary to the publication of a uniform and understandable Code-of-laws publications.

Sec. 5. Section 2.44, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Members of the legislative council shall be reimbursed for actual and necessary expenses incurred in the performance of their duties, and shall ~~receive-a be paid the per diem of forty dollars specified in section 2.10, subsection 6,~~ for each day in which engaged in the performance of such their duties. However, such the per diem compensation and expenses shall not be paid when the general assembly is actually in session at the seat of government. Such The expenses and per diem shall be paid in the manner provided for in section 2.12.

Sec. 6. Section 2.91, subsection 2, Code 1991, is amended to read as follows:

2. Members shall be appointed to a term of four years commencing on July 1 of the year of appointment. Vacancies shall be filled in the same manner as original appointments are made and shall be for the remainder of the unexpired term of the vacancy. The members of the commission shall be reimbursed for actual and necessary expenses incurred in the performance of their duties and shall ~~receive forty dollars be paid the per diem specified in section 2.10, subsection 6,~~ for each day in which engaged in the performance of such their duties. However, such per diem compensation and expenses shall not be paid when the general assembly is actually in session at the seat of government. Per diem and expenses of the commission and its members shall be paid from funds appropriated pursuant to section 2.12.

Sec. 7. Section 7.17, Code 1991, is amended to read as follows:

7.17 OFFICE OF ADMINISTRATIVE RULES CO-ORDINATOR.

The governor shall establish the office of the administrative rules co-ordinator, and appoint its staff, which shall be a part of the governor's office. The administrative rules co-ordinator shall receive all notices and rules promulgated adopted pursuant to chapter 17A and provide the governor with an opportunity to review and object to any rule as provided in chapter 17A. The administrative rules co-ordinator in consultation with the Code administrative code editor shall prescribe a uniform style and form by which an agency shall prepare and file a rule pursuant to chapter 17A, which shall correlate each rule to a uniform numbering system devised by the administrative rules co-ordinator. The administrative rules co-ordinator shall review all submitted rules for style and form and may return or revise a rule which is not in proper style and form. In prescribing the style and form, the administrative rules co-ordinator shall require that the agency include a reference to the statute which the rules are intended to implement.

Sec. 8. Section 14.1, Code 1991, is amended to read as follows:

14.1 ~~CODE-EDITOR~~ DIVISIONS -- EDITORS.

1. The Iowa Code and administrative code divisions are established within the legislative service bureau.

2. The director of the legislative service bureau shall appoint the Iowa Code editor and the administrative code editor, subject to the approval of the legislative council shall appoint a Code editor who, as provided in section 2.42. The Iowa Code editor and the administrative code editor shall serve as the heads of their respective divisions, at the pleasure of the director of the legislative service bureau, and subject to the approval of the legislative council.

3. The Iowa Code and administrative code divisions are responsible for the editing, compiling, and proofreading of the publications they prepare, as provided in this chapter and notwithstanding section 18.76. The Iowa Code division is entitled to the temporary possession of the original enrolled

Acts and resolutions as necessary to prepare them for publication.

Sec. 9. NEW SECTION. 14.5 DUTIES OF ADMINISTRATIVE CODE DIVISION.

The administrative code division shall:

1. Cause the Iowa administrative bulletin and the Iowa administrative code to be published as provided in chapter 17A.

2. Cause the Iowa court rules to be published, as directed by the supreme court after consultation with the legislative council. The Iowa court rules shall consist of all rules prescribed by the supreme court. The court rules shall be published in loose-leaf form, appropriately indexed, and supplements shall be prepared and distributed as directed by the supreme court. The Iowa court rules and supplements to the court rules shall be priced as provided in section 17.22.

3. Cause to be published annually in pamphlet form a correct list of state officers and deputies, members of boards and commissions, judges of the supreme, appellate, and district courts including district associate judges and judicial magistrates, and members of the general assembly. The offices of the governor and secretary of state shall cooperate in the preparation of the list. This pamphlet shall be published as soon after July 1 as it becomes apparent that it will be reasonably current.

4. Notify the administrative rules coordinator if a rule is not in proper style or form.

5. Perform other duties as directed by the director of the legislative service bureau, the legislative council, or the administrative rules review committee and as provided by law.

Sec. 10. Section 14.6, Code 1991, is amended to read as follows:

14.6 ~~CODE-EDITOR'S~~ DUTIES OF IOWA CODE DIVISION.

The Code-editor's duties Iowa Code division shall be to:

1. Submit such recommendations as the Iowa Code editor deems proper to each general assembly for the purpose of

amending, revising, and codifying, such and repealing portions of the law as may be statutes which are inaccurate, inconsistent, outdated, conflicting, redundant, or ambiguous, and to lay said present the recommendations before the presiding officers of each house in bill form to the appropriate committees of the general assembly.

2--Edit and compile the Code so that the same may be printed as herein provided:

3 2. Prepare the manuscript copy Cause the annual session laws to be published, as provided in section 14.10, including copies of all laws, Acts, and joint resolutions passed at each session of the general assembly, and arrange the same in chapters with comprehensive index and in such manner that each chapter will show the number of the house or senate file, and cause the same to be printed by the superintendent of printing. In so doing the Code editor shall have the right to the possession of the enrolled Acts and shall have sole charge of the editing and proofreading notwithstanding the provisions of section 1876:

4--Prepare and cause to be published, at times and in the manner the supreme court specifies after consultation with the legislative council, the rules of civil procedure, the rules of criminal procedure, the rules of appellate procedure, and other rules prescribed by the supreme court:

5--Notify the administrative rules co-ordinator that a rule is not in proper style or form:

3. Cause the Iowa Code and Iowa Code Supplement to be published as provided in section 14.12.

4. Perform other duties as directed by the director of the legislative service bureau or the legislative council and as provided by law.

Sec. 11. Section 14.10, Code 1991, is amended to read as follows:

14.10 SESSION LAWS.

1. The arrangement of the Acts and resolutions, and the size, style, type, binding, general arrangement, and tables or

the session laws shall be printed and published in such the manner as specified determined by the Iowa Code editor in consultation with accordance with the policies set by the legislative council as provided in section 2 42.

2--The Acts of each general assembly shall be arranged in the order determined by the Code editor and approved by the legislative council:

3 2. Chapters of the first regular session shall be numbered from one and chapters of the second regular session shall be numbered from one thousand one:

3. Rules filed by the supreme court shall be included in accordance with section 602.4202.

4. A list of elective state officers and deputies, supreme court justices, judges of the court of appeals, and members of the general assembly shall be published annually with the session laws.

5. There shall also be inserted in the session laws, the a statement of the condition of the state treasury shall be included, as provided by the Constitution of the State of Iowa. Said The statement shall be furnished by the director of revenue and finance.

6. The enrolling clerks of the house and senate shall make arrangements whereby arrange for the Iowa Code editor with division to receive suitable copies of all Acts and resolutions as soon as the same they are enrolled.

Sec. 12. Section 14.12, Code 1991, is amended to read as follows:

14.12 STYLE OF IOWA CODE AND CODE SUPPLEMENTS.

The Code shall be prepared and published substantially in the following form and style:

1--The printing of the text shall be in a manner specified by the Code editor and approved by the legislative council:

2--The Code shall be numbered in a manner specified by the Code editor and approved by the legislative council:

1. A new Iowa Code shall be issued as soon as possible after the final adjournment of the second regular session of

the general assembly. A new Code Supplement shall be issued as soon as possible after the first regular session of the general assembly. A Code Supplement may be issued after a special session of the general assembly or as required by the legislative council.

2. The entire Iowa Code shall be maintained on a computer data base which shall be updated as soon as possible after each session of the general assembly. The Iowa Code and Code Supplement shall be prepared and printed on a good quality of paper in one or more volumes, in the manner determined by the Iowa Code editor in accordance with the policies of the legislative council, as provided in section 2.42.

3. An edition of the Iowa Code or Code Supplement shall contain each Code section in its new or amended form. However, a new section or amendment which does not take effect until after the probable publication date of a succeeding Iowa Code or Code Supplement may be deferred for publication in that succeeding Iowa Code or Code Supplement. The sections shall be inserted in each edition in a logical order as determined by the Iowa Code editor in accordance with the policies of the legislative council.

3 4. Each section of an Iowa Code or Code Supplement shall be indicated by a number printed in boldface type:

4--Each section and shall have an appropriate catchwords or headnote printed in boldface type contrasting with the text and followed immediately by the text of the section.

5. Proper Appropriate historical references or source notes shall immediately follow the last word of may be placed following each section.

6. The Iowa Code provided for herein published after the second regular session of the general assembly shall include:

- a. An analysis of the Code by titles and chapters.
- b. The Declaration of Independence.
- c. The Articles of Confederation.
- d. The Constitution of the United States.

e. laws The laws of the United States relating to the authentication of records.

f. The Constitution of the State of Iowa.

g. The Act admitting Iowa into the union as a state.

h. Chapter A chapter title, number, and chapter analysis at the head of each chapter. The chapter number shall be printed at the top of each page.

i. All of the statutes of Iowa of a general and permanent nature, except as provided in subsection j.

j. An A comprehensive index and a summary index covering the Constitution and statutes of the state of Iowa and--to the extent the rules are printed in the Code, rules of civil procedure, rules of criminal procedure, rules of appellate procedure, and other rules prescribed by the supreme court.

7--The rules of civil procedure, rules of criminal procedure, or rules of appellate procedure, and other rules prescribed by the supreme court shall be published either in the Code or a supplement to the Code in a manner specified by the supreme court after consultation with the legislative council--The publication as provided in section 24.21 may be made in lieu of a Code or supplement publication for all or a portion of the various rules if specified by the supreme court after consultation with the legislative council--In determining the manner of publication consideration shall be given to whether specific rules are subject to change by submission to the general assembly or by order of the court:

8--The Code editor may insert under any section a reference to any other related section, subject matter, or editorial comment or annotation deemed useful to a proper understanding of the Code.

9--The chapter number shall appear at the top of each page:

10--The Code shall be printed upon a good quality of paper in a manner specified by the Code editor according to the recommendations prepared by the superintendent of printing and approved by the legislative council:

7. The Code Supplement published after the first regular session of the general assembly shall include:

a. All of the statutes of Iowa of a general and permanent nature which were enacted or amended during that session, except as provided in subsection 3, and an indication of all sections repealed during that session, and any amendments to the Constitution of the State of Iowa passed by the general assembly in that session.

b. A chapter title and number for each chapter or part of a chapter included.

c. An index covering the material included.

8. A Code or Code Supplement may include appropriate tables showing the disposition of Acts of the general assembly and other reference material as determined by the Iowa Code editor in accordance with policies of the legislative council.

Sec. 13. Section 14.13, Code 1991, is amended to read as follows:

14.13 EDITORIAL POWERS AND DUTIES.

1. The Iowa Code editor in preparing the copy for an edition of the Iowa Code or a Code Supplement, and the administrative code editor in preparing the copy for an edition of the Iowa administrative code and or bulletin may:

a. ~~Correct all misspelled words in the original enrollments and filed rules.~~

b. ~~Correct all manifest and~~ correct all manifest and grammatical and clerical errors including punctuation but without changing the meaning.

c. Correct internal references to sections which are cited erroneously or have been repealed, and names of agencies, officers, or other entities which have been changed, when there appears to be no doubt as to the proper methods of making the corrections. The Code editor shall maintain a record of the corrections made under this paragraph. The record shall be available to the public.

d. ~~Transpose sections or Transfer, divide, or combine sections so as to give to distinct subject matters a section number but without changing the meaning or parts of sections~~

and add or amend headnotes to sections and subsections. Pursuant to section 3.3, the headnotes are not part of the law.

e. 2. Prepare The Iowa Code editor may prepare and publish comments deemed necessary for a proper explanation of the manner of printing the a section or chapter of the Iowa Code.

3. ~~The Iowa Code editor or designee, in carrying out the duties specified in this chapter relating to publication preparing the copy for an edition of the Iowa Code or a Code Supplement, and the administrative code editor in preparing the copy for an edition of the Iowa administrative code, shall edit them the copy in order that words which designate one gender will be are changed to reflect both genders when the provisions of law apply to persons of both genders. The Code editor or designee shall not make any substantive changes to the Code or Iowa administrative code while performing the editorial work.~~

4. The Iowa Code editor or designee shall seek direction from the senate committee on judiciary and the house committee on judiciary and law enforcement when making Iowa Code or Code Supplement changes, and the administrative code editor shall seek direction from the administrative rules review committee and the administrative rules coordinator when making Iowa administrative code changes, which appear to require substantial editing and which might otherwise be interpreted to exceed the scope of the Code editor's authority granted in this section.

5. The Iowa Code editor or designee and the administrative code editor shall maintain a record of the changes made under this subsection section. The record shall be available to the public.

6. The Iowa Code editor and the administrative code editor shall not make editorial charges which go beyond the authority granted in this section or other law.

7. The effective date of all editorial changes in an edition of the Iowa Code or Supplement to the a Code

Supplement is the date the legislative council approves the printing contract selling price for that publication of that edition or supplement. The effective date of all editorial changes for the Iowa administrative code is the date those changes are published in the Iowa administrative code.

Sec. 14. Section 14.17, Code 1991, is amended to read as follows:

14.17 CITATION OF PERMANENT CODE OR SUPPLEMENTS AND SESSION LAWS.

1. The permanent Iowa Codes or supplements thereto and Code Supplements published subsequent to the adjournment of the 1982 regular session of the Sixty-ninth General Assembly shall be known and may be cited as "Iowa Code chapter (or section)", or "Iowa Code supplement Supplement chapter (or section)", inserting the appropriate chapter or section number and year of edition. If the year of edition is needed, it may be inserted before or after the words "Iowa Code" or "Iowa Code Supplement". In Iowa publications, the word "Iowa" may be omitted if the meaning is clear.

2. The session laws of each general assembly shall be known as "Acts of the General Assembly, Session, Chapter (or File No.), Section" (inserting the appropriate numbers) and shall be cited as ". . . Iowa Acts, chapter, section" (inserting the appropriate year, chapter, and section number).

3. The Iowa Code, Code Supplement, and session laws published under authority of the state are the only authoritative publications of the statutes of this state. No other publications of the statutes of the state shall be cited in the courts or in the reports or rules of the courts.

4. The Iowa administrative code and the Iowa administrative bulletin shall be cited as provided in section 17A.6.

Sec. 15. Section 14.21, Code 1991, is amended to read as follows:

14.21 PUBLICATION AVAILABILITY OF PARTS OF THE IOWA CODE AND COWRP-RUBES ADMINISTRATIVE CODE.

The Iowa Code editor in consultation with the superintendent of printing division and the administrative code division, in accordance with policies established by the legislative council, may cause to be printed from time to time in the form of leaflets, folders, or pamphlets and in such numbers as the Code editor deems reasonable parts of the Code or administrative code to be made available for the use of public officers and other persons. The orders shall be limited to actual needs as shown by experience or other competent proof, and the printing shall be done in an economical manner approved by the legislative council. This authority shall be exercised in a manner planned to avoid delay in the other publications of the divisions.

The Code editor shall cause to be compiled, indexed, and published in loose leaf form the Iowa court rules, which shall consist of all rules prescribed by the supreme court. The Code editor, in consultation with the superintendent of printing, shall cause to be printed and distributed supplements to the compilation on or before the effective date of either new rules or amendments to or the repeal of existing rules. All expenses incurred by the Code editor under this paragraph shall be defrayed under section 14.22. There shall be established a price for the compilation of rules and a separate price for each supplement. The price of the compilation and of supplements shall represent the costs of compiling and indexing, the amounts charged for printing and distribution, and a cost for labor determined by the legislative council in consultation with the state printer. On request a single copy of each compilation and of each supplement shall be distributed free of charge to each of the persons or agencies referred to in section 18.97, subsections 1, 2, 5, 6, 7, 8 and 14.

Sec. 16. Section 17.3, subsection 8, Code 1991, is amended by striking the subsection.

Sec. 17. Section 17A.4, subsection 1, paragraph a, and subsection 2, Code 1991, are amended to read as follows:

a. Give notice of its intended action by submitting three copies of the notice to the administrative rules coordinator, who shall assign an ARC number to each rulemaking document and forward two copies to the Code administrative code editor for publication in the "Iowa Administrative Bulletin" created pursuant to section 17A.6. Any notice of intended action shall be published at least thirty-five days in advance of the action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views.

2. When an agency for good cause finds that notice and public participation would be unnecessary, impracticable, or contrary to the public interest, the provisions of subsection 1 shall be inapplicable. The agency shall incorporate in each rule issued in reliance upon this provision either the finding and a brief statement of the reasons therefor for the finding, or a statement that the rule is within a very narrowly tailored category of rules whose issuance has previously been exempted from subsection 1 by a special rule relying on this provision and including such a finding and statement of reasons for the entire category. If the administrative rules review committee by a two-thirds vote, the governor, or the attorney general files with the Code administrative code editor an objection to the adoption of any rule pursuant to this subsection, that rule shall cease to be effective one hundred eighty days after the date the objection was filed. A copy of the objection, properly dated, shall be forwarded to the agency at the time of filing the objection. In any action contesting a rule adopted pursuant to this subsection, the burden of proof shall be on the agency to show that the procedures of subsection 1 were impracticable, unnecessary, or contrary to the public interest and that, if a category of rules was involved, the category was very narrowly tailored.

Sec. 18. Section 17A.4, subsection 4, paragraph a, and subsection 6, Code 1991, are amended to read as follows.

a. If the administrative rules review committee created by section 17A.8, the governor, or the attorney general finds objection to all or some portion of a proposed or adopted rule because that rule is deemed to be unreasonable, arbitrary, capricious, or otherwise beyond the authority delegated to the agency, the committee, governor, or attorney general may, in writing, notify the agency of the objection. In the case of a rule issued under subsection 2, or a rule made effective under the terms of section 17A.5, subsection 2, paragraph "b", the committee, governor, or attorney general may notify the agency of such an objection. The committee, governor, or the attorney general shall also file a certified copy of such an objection in the office of the Code administrative code editor and a notice to the effect that an objection has been filed shall be published in the next issue of the Iowa administrative bulletin and in the Iowa administrative code when that rule is printed in it. The burden of proof shall then be on the agency in any proceeding for judicial review or for enforcement of the rule heard subsequent to the filing to establish that the rule or portion of the rule timely objected to according to the above procedure is not unreasonable, arbitrary, capricious, or otherwise beyond the authority delegated to it.

6. The governor may rescind an adopted rule by executive order within seventy days of the rule becoming effective. The governor shall provide a copy of the executive order to the Code administrative code editor who shall include it in the next publication of the Iowa administrative bulletin.

Sec. 19. Section 17A.5, subsection 1, Code 1991, is amended to read as follows:

1. Each agency shall file in the office of the administrative rules coordinator three certified copies of each rule adopted by it. The administrative rules coordinator shall assign an ARC number to each rulemaking document and

forward two copies to the Code administrative code editor. The administrative rules coordinator shall keep a permanent register of the rules open to public inspection.

Sec. 20. Section 17A.6, subsection 1, unnumbered paragraph 1, and subsections 2, 3, 5, and 6, Code 1991, are amended to read as follows:

The Code administrative code editor shall cause the "Iowa Administrative Bulletin" to be published in pamphlet form at least every other week containing the following:

2. Subject to the direction of the administrative rules coordinator, the Code administrative code editor shall cause the "Iowa Administrative Code" to be compiled, indexed, and published in loose-leaf form containing all rules adopted and filed by each agency. The Code administrative code editor further shall cause loose-leaf supplements to the Iowa administrative code to be published as determined by the administrative rules coordinator and the administrative rules review committee, containing all rules filed for publication in the prior time period. The supplements shall be in such form that they may be inserted in the appropriate places in the permanent compilation. The administrative rules coordinator shall devise a uniform numbering system for rules and may renumber rules before publication to conform with the system.

3. The Code administrative code editor may omit or cause to be omitted from the Iowa administrative code or bulletin any rule the publication of which would be unduly cumbersome, expensive or otherwise inexpedient, if the rule in printed or processed form is made available on application to the adopting agency at no more than its cost of reproduction, and if the Iowa administrative code or bulletin contains a notice stating the specific subject matter of the omitted rule and stating how a copy thereof of the omitted rule may be obtained.

5. All expenses incurred by the Code administrative code editor under this section shall be defrayed under the provisions of section 14.22.

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

Sec. 21. Section 17A.8, subsection 1, paragraphs a and b, Code 1991, are amended to read as follows:

a. Three Five senators appointed by the majority leader of the senate.

b. Three Five representatives appointed by the speaker of the house.

Sec. 22. Section 17A.8, subsection 3, Code 1991, is amended to read as follows:

3. A committee member shall be paid ~~a forty-dollar~~ the per diem specified in section 2.10, subsection 6, for each day in attendance and shall be reimbursed for actual and necessary expenses. There is appropriated from money in the general fund not otherwise appropriated an amount sufficient to pay costs incurred under this section.

Sec. 23. Section 17A.8, subsection 4, Code 1991, is amended to read as follows:

4. The committee shall choose a chairperson from its membership and prescribe its rules of procedure. The committee may employ a secretary or may appoint the Code administrative code editor or a designee to act as secretary.

Sec. 24. Section 18.97, subsection 14, paragraph a, Code 1991, is amended to read as follows:

a. Iowa Code editor and administrative code editor.

Sec. 25. Section 18B.5, subsection 5, Code 1991, is amended to read as follows:

5. The directors actively engaged in international trade, the directors representing international trade associations, and the directors appointed by the Iowa association of independent colleges and universities are entitled to receive

forty dollars a per diem as specified in section 7E.6 for each day spent in performance of duties as directors, and shall be reimbursed for all actual and necessary expenses incurred in the performance of duties as directors.

Sec. 26. Section 21.2, subsection 1, paragraph f, Code 1991, is amended to read as follows:

f. A nonprofit corporation other than a county or district fair or agricultural society, whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to chapter 99D or a nonprofit corporation which is a successor to the nonprofit corporation which built the facility.

Sec. 27. Section 22.1, unnumbered paragraphs 1 and 2, Code 1991, are amended to read as follows:

As used in this chapter, "public records" includes all records, documents, tape, or other information, stored or preserved in any medium, of or belonging to this state or any county, city, township, school corporation, political subdivision, nonprofit corporation other than a county or district fair or agricultural society whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to chapter 99D, or tax-supported district in this state, or any branch, department, board, bureau, commission, council, or committee of any of the foregoing.

The term "government body" means this state, or any county, city, township, school corporation, political subdivision, tax supported district, nonprofit corporation other than a county or district fair or agricultural society whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to chapter 99D, or other entity of this state, or any branch, department, board, bureau, commission, council, committee, official or officer, of any of the foregoing or any employee delegated the responsibility for implementing the requirements of this chapter.

Sec. 28. Section 97B.8, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The members who are executives of a domestic life insurance company, a state or national bank, and a major industrial corporation, and the member who is a retired member of the system, shall be paid their actual expenses incurred in performance of their duties and shall receive in addition forty dollars a per diem as specified in section 7E.6 for each day of service not exceeding forty days per year. Legislative members shall receive forty dollars be paid the per diem specified in section 2.10, subsection 6, for each day of service, and their actual expenses incurred in the performance of their duties. The per diem and expenses of the legislative members shall be paid from funds appropriated under section 2.12. The members who are active members of the system and the director of the department shall be paid their actual expenses incurred in the performance of their duties as members of the board and performance of their duties as members of the board shall not affect their salaries, vacations, or leaves of absence for sickness or injury. The appointive terms of the members appointed by the governor are for a period of six years beginning and ending as provided in section 69.19. If there is a vacancy in the membership of the board, the governor has the power of appointment. Appointees to this board are subject to confirmation by the senate.

Sec. 29. Section 135.11, subsection 18, Code 1991, is amended to read as follows:

18. Issue an annual report to the governor by October 1 of each year as provided in section 7E.3, subsection 4.

Sec. 30. Section 136.10, Code 1991, is amended to read as follows:

136.10 PUBLICATION OF PROCEEDINGS.

Upon request of the board the department shall incorporate the proceedings of the board, or any part thereof of the proceedings, in its biennial annual report to the governor, and the same those proceedings shall then be published as a part of the official report of the department.

Sec. 31. Section 141.22A, subsection 3, Code 1991, as amended by 1991 Iowa Acts, House File 655, section 2, if enacted by the Seventy-fourth General Assembly, 1991 Session, is amended to read as follows:

3. The hospital shall notify the designated officer of the emergency care provider service who in turn shall notify any of the persons, who submitted a significant exposure report, involved in attending or transporting the individual who ~~submitted-a-significant-exposure-report~~. The identity of the designated officer shall not be revealed to the individual. The designated officer shall inform the hospital of those parties who received the notification, and following receipt of this information and upon request of the individual, the hospital shall inform the individual of the parties to whom notification was provided.

Sec. 32. Section 179.2, subsection 3, Code 1991, is amended to read as follows:

3. Appointive members of the commission shall receive forty-dollars a per diem as specified in section 7E.6 for each day spent on official business of the commission, not to exceed six hundred dollars per annum, and their actual necessary expenses, while engaged in commission activity.

Sec. 33. Section 183A.10, Code 1991, is amended to read as follows:

183A.10 EXPENSES OF MEMBERS.

The members of the council shall receive forty-dollars a per diem as specified in section 7E.6 for each day spent on official business of the council, not to exceed six hundred dollars per annum, and their actual necessary expenses, while engaged in council activity.

Sec. 34. Section 185.14, Code 1991, is amended to read as follows:

185.14 PER DIEM AND EXPENSES.

Each member of the board shall receive thirty-dollars-per day a per diem as specified in section 7E.6 and actual expenses in performing official board functions not to exceed

forty days per year. No member of the board shall be a salaried employee of the board or any organization or agency which is receiving funds from the board. The board shall meet at least once every three months, and at such other times as deemed necessary by the board.

Sec. 35. Section 185C.14, Code 1991, is amended to read as follows:

185C.14 PER DIEM AND EXPENSES.

Each member of the board shall receive thirty-dollars-per day a per diem as specified in section 7E.6 and actual expenses in performing official board functions not to exceed forty days per year. No member of the board shall be a salaried employee of the board or any organization or agency which is receiving funds from the board. The board shall meet at least once every three months, and at such other times as deemed necessary by the board.

Sec. 36. Section 218.3, unnumbered paragraph 1 and subsection 1, Code 1991, are amended to read as follows:

The primary authority and responsibility to control, manage, direct, and operate the institutions set forth in section 218.1 is hereby assigned to ~~the administrators of the various divisions of~~ within the state department of human services as follows:

1. The ~~administrator of the division of child and family services~~ director of the department of human services shall have has primary authority and responsibility relative to the following institutions: The state training school, and the Iowa juvenile home.

Sec. 37. Section 232.52, subsection 2, paragraph e, Code 1989, as amended by 1990 Iowa Acts, chapter 1239, section 7, is amended to read as follows:

e. An order transferring the guardianship of the child, subject to the continuing jurisdiction and custody of the court for the purposes of section 232.54, to the director of the department of human services for purposes of placement at the state training school or other facility, provided that the

child is at least twelve years of age and the court finds the placement to be in the best interests of the child or necessary for the protection of the public, and that the child has been found to have committed an act which is a forcible felony, as defined in section 702.11, or the court finds any three of the following conditions exist:

(1) The child is at least fifteen years of age--~~The~~ and the court finds such the placement to be in the best interests of the child or necessary to the protection of the public.

(2) The child has committed an act which is a crime against a person and which would be an aggravated misdemeanor or a felony if the act were committed by an adult.

(3) The child has previously been found to have committed a delinquent act.

(4) The child has previously been placed in a treatment facility outside the child's home.

Sec. 38. Section 246.310A, Code 1991, is amended to read as follows:

246.310A INSTITUTION READING ROOMS.

The director shall, as necessary, provide ~~for the provision~~ of suitable space for reading material for inmates. For purposes of this section, "~~suitable reading materials~~ material" does not include material depicting or describing the genitals, sex acts, masturbation, excretory functions, or sadomasochistic abuse which the average person, taking the material as a whole and applying contemporary community standards with respect to what is suitable material for inmates, would find appeals to the prurient interest and is patently offensive; and the material, taken as a whole, lacks serious literary, scientific, political, or artistic value. The space shall be located so that any visitors, other than those authorized pursuant to section 246.512, shall not be able to view the space or the materials located within that space.

Sec. 39. Section 261.12, subsection 2, Code 1991, is amended to read as follows:

2. The amount of a tuition grant to a qualified part-time student enrolled in a course of study including at least three semester hours but fewer than twelve semester hours for the fall and spring semesters, or the trimester or quarter equivalent, shall be equal to the amount of a tuition grant that would be paid to a full-time student times a number which represents ~~twelve-semester-hours; or the trimester or quarter equivalent; divided by~~ the number of hours in which the part-time student is actually enrolled, divided by twelve semester hours or the trimester or quarter equivalent.

Sec. 40. Section 279.7A, Code 1991, is amended to read as follows:

279.7A INTEREST IN PUBLIC CONTRACTS PROHIBITED -- EXCEPTION.

A member of the board of directors of a school corporation shall not have an interest, direct or indirect, in a contract for the purchase of goods, including materials and profits, and the performance of services for the director's school corporation. A contract entered into in violation of this section is void. This section does not apply to contracts for the purchase of goods or services, which benefit a director, if the benefit to the director does not exceed one thousand five hundred dollars in a fiscal year, and contracts made by a school board, upon competitive bid in writing, publicly invited and opened.

Sec. 41. 1991 Iowa Acts, House File 455, section 25, if enacted by the 1991 Session of the Seventy-fourth General Assembly, is amended to read as follows:

SEC. 25. NEW SECTION. 299B.6 FAILURE TO MAKE ADEQUATE PROGRESS.

If the results of tests evaluations, administered to a child of compulsory attendance age who is under competent private instruction, indicate that the student has failed to make adequate progress, the parent, guardian, or local custodian shall cause the child to attend an accredited public or nonpublic school at the beginning of the next school year.

unless, before the beginning of the next school year, the child retakes the same test evaluation and the results indicate that adequate progress has been made, the child has demonstrated adequate performance in the opinion of an evaluator and documented in a report under section 299B.4, subsection 7, or the director of the department of education, or the director's designee, grants approval for competent private instruction to continue under a plan for remediation.

A child who is required to attend an accredited public or nonpublic school under this section shall continue attendance at an accredited public or nonpublic school until the child achieves adequate progress.

For purposes of this chapter, "adequate progress" means, for children in all grade levels of competent private instruction, test evaluation scores which are above the thirtieth percentile, nationally normed, in each of the areas of reading, mathematics, and language arts, and which indicate either that the child has made six months' progress from the previous test evaluation results or that the child is at or above grade level for the child's age. For children in grade levels six and above, "adequate progress" also means that the child has achieved test evaluation scores in both science and social studies which are above the thirtieth percentile, nationally normed, and which either indicate that the child has made six months' progress from the previous test evaluation results or that the child is at or above grade level for the child's age.

Sec. 42. Section 309.10, unnumbered paragraph 2, Code 1991, is amended to read as follows:

A county shall not use farm-to-market road funds as described in this section unless the total funds that the county transferred or provided during the prior fiscal year pursuant to section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", are at least seventy-five percent of the ~~maximum-funds the county could have transferred in the prior fiscal-year-from~~ sum of the following:

1. From the general fund of the county, the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county ~~and-from,~~

2. From the rural services fund of the county, the dollar equivalent of a tax of three dollars and three-eighths of a cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

Sec. 43. Section 312.2, subsection 8, Code 1991, is amended to read as follows:

8. The treasurer of state, before making any allotments to counties under this section, shall reduce the allotment to a county for the secondary road fund by the amount by which the total funds that the county transferred or provided during the prior fiscal year under section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", are less than seventy-five percent of the ~~maximum-funds-that-the-county-could-have transferred-in-the-prior-fiscal-year-from~~ sum of the following:

a. From the general fund of the county, the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county ~~and-from,~~

b. From the rural services fund of the county, the dollar equivalent of a tax of three dollars and three-eighths of a cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

PARAGRAPH DIVIDED. Funds remaining in the secondary road fund of the counties due to a reduction of allocations to counties for failure to maintain a minimum local tax effort shall be reallocated to counties that are not reduced under this subsection pursuant to the allocation provisions of section 312.3, subsection 1, based upon the needs and area of the county. Information necessary to make allocations under

this subsection shall be provided by the state department of transportation or the director of the department of management upon request by the treasurer of state.

Sec. 44. Section 312.3, subsection 1, paragraph b, Code 1991, is amended to read as follows:

b. "Local effort" means the ratio expressed as a percent of the total funds that the county transferred or provided during the base period pursuant to section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", to the ~~maximum-funds-the county-could-have-transferred-during-the-base-period-from~~ sum of the following:

(1) From the general fund of the county, the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county ~~and-from~~.

(2) From the rural services fund of the county, the dollar equivalent of a tax of three dollars and three-eighths of a cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

Sec. 45. Section 312.5, subsection 5, paragraph b, Code 1991, is amended to read as follows:

b. "Local effort" means the ratio expressed as a percent of the total funds that the county transferred or provided during the base period pursuant to section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", to the ~~maximum-funds-the county-could-have-transferred-during-the-base-period-from~~ sum of the following:

(1) From the general fund of the county, the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county ~~and-from~~.

(2) From the rural services fund of the county, the dollar equivalent of a tax of three dollars and three-eighths of a cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

Sec. 46. Section 317.25, Code 1991, as amended by 1991 Iowa Acts, Senate File 34, section 1, is amended to read as follows:

317.25 TEASEL, MULTIFLORA ROSE, AND PURPLE LOOSESTRIPE PROHIBITED -- EXCEPTIONS.

A person shall not sell, offer for sale, or distribute teasel (*Dipsacus*) biennial, the multiflora rose (*Rosa multiflora*), purple loosestrife (*Lythrum salicaria*), or seeds of them in any form in this state. However, this section does not prohibit the sale, offer for sale, or distribution of the multiflora rose (*Rosa multiflora*) used for understock for either cultivated roses or ornamental shrubs in gardens. This section also does not prohibit the sale, offer for sale, or distribution of varieties of the purple loosestrife (*Lythrum virgatum*) when used for ornamental gardens, and which are sterile or nonaggressive according to a list published by the state weed commissioner pursuant to chapter 17A. A person engaged in the business of selling purple loosestrife shall keep accurate records, as specified by the department of agriculture and land stewardship, of each variety of purple loosestrife sold, offered for sale, or distributed. The person shall allow the department of agriculture and land stewardship to inspect the records during regular business hours. Any person violating the provisions of this section is subject to a fine of not exceeding one hundred dollars.

Sec. 47. Section 321J.4A, subsection 3, Code 1991, is amended to read as follows:

3. If the court issues an impoundment order, the registration certificate and registration plates shall be surrendered to the court either three days after the order is issued or on the date specified by the court, whichever is later. If the registration plates have been surrendered to the department pursuant to section 321A.17, the defendant shall notify the court. The court shall forward the notice and impoundment order to the county treasurer. The court shall forward surrendered registration certificates to the

county recorder treasurer within seven days after surrender. The court may destroy the surrendered registration plates. Except as provided in subsection 5, new registration plates shall not be issued to the defendant or owner until the driver's license of the violator has been reissued or reinstated. The court shall notify the director within ten days after issuing an impoundment order.

Sec. 48. Section 321J.4A, subsection 4, paragraph a, subparagraph (2), Code 1991, is amended to read as follows:

(2) The defendant or owner has a temporary restricted license issued pursuant to section 321J.4, subsection 8.

Sec. 49. Section 321J.4A, subsection 5, Code 1991, is amended to read as follows:

5. A registered owner shall not sell a motor vehicle during the time its registration plates and registration certificate have been ordered surrendered or during the time its registration plates bear a special series number, unless the registered owner applies to the department for consent to transfer title to the motor vehicle. If the department is satisfied that the proposed sale is in good faith and for valid consideration, that the registered owner will be deprived of custody and control of the motor vehicle, and that the sale is not for the purpose of circumventing the provisions of this section, the department may certify its consent to the county recorder treasurer. The county recorder treasurer shall then transfer the registration-certificate title to the new owner upon proper application and issue new registration plates. After the registration plates and registration certificate have been ordered surrendered to the court under this section, if the title to the motor vehicle is transferred by the cancellation of a conditional sales contract, a sale upon execution, or by decree or order of a court of competent jurisdiction, the department shall order the registration-certificate title surrendered to the new registered owner. The county recorder treasurer shall then

transfer the registration-certificate title and issue new registration plates to the new registered owner.

Sec. 50. Section 321J.17, Code 1991, is amended to read as follows:

321J.17 CIVIL PENALTY -- SEPARATE FUND -- REINSTATEMENT.

When the department revokes a person's motor vehicle license or nonresident operating privilege under this chapter, the department shall assess the person a civil penalty of one hundred dollars. The money collected by the department under this section shall be transmitted to the treasurer of state who shall deposit the money in a the separate fund dedicated to-and-used-for-the-purposes-of-chapter-912-and-section 909.10, and-for-the-operation-of-a-missing-person clearinghouse-and-domestic-abuse-registry-by-the-department-of-public-safety.--Notwithstanding-section-8-337-any-balance-in-the-fund-on-June-30-of-any-fiscal-year-shall-not-revert-to-the-general-fund-of-the-state established in section 912.14. A temporary restricted license shall not be issued or a motor vehicle license or nonresident operating privilege reinstated until the civil penalty has been paid.

Sec. 51. Section 384.14, unnumbered paragraph 2, Code 1991, is amended to read as follows:

Each member is entitled to receive actual and necessary expenses incurred in the performance of committee duties. Each member other than the state official members is also entitled to receive forty-dollars-compensation a per diem as specified in section 7E.6 for each day spent in performance of committee duties.

Sec. 52. Section 444.22, Code 1991, is amended to read as follows:

444.22 ANNUAL LEVY.

In each year the director of revenue and finance shall fix the rate in percentage to be levied upon the assessed valuation of the taxable property of the state necessary to raise such the amount for general state purposes as shall be designated by the department of management under-the provisions-of-section-8-6, -subsection 5.

Sec. 53. Section 455A.17, subsection 7, Code 1991, is amended to read as follows:

3. The delegates to the congress on resources enhancement and protection shall organize, discuss, and make recommendations to the governor, the general assembly, and the natural resource commission regarding issues concerning resources enhancement and protection. The director shall call the congress and serve as temporary chairperson. The delegates are entitled to a per diem of forty dollars as specified in section 7E.6 for expenses of office while attending the congress.

Sec. 54. Section 502.208, subsection 10, Code 1991, is amended to read as follows:

10. The administrator may by rule or order require as a condition of registration by qualification, and at the expense of the applicant or registrant, that a report by an accountant, engineer, appraiser, or other professional person be filed. The administrator may also designate one or more employees of the securities department bureau to make an examination of the business and records of an issuer of securities for which a registration statement has been filed by qualification, at the expense of the applicant or registrant.

Sec. 55. Section 502.601, Code 1991, is amended to read as follows:

502.601 ADMINISTRATION.

1. This chapter shall be administered by the commissioner of insurance of the state of Iowa. The administrator shall appoint a deputy administrator who shall be exempt from the merit system provided for in chapter 19A. The deputy administrator ~~shall be~~ is the principal operations officer of the securities department bureau and ~~shall be~~ is responsible to the administrator for the routine administration of the chapter and the management of the securities department bureau. In the absence of the administrator, whether because of vacancy in the office, by reason of absence, physical

disability, or other cause, the deputy administrator shall be the acting administrator and shall, for the time being, have and exercise the authority conferred upon the administrator. The administrator may by order from time to time delegate to the deputy administrator any or all of the functions assigned to the administrator in this chapter. The administrator shall employ officers, attorneys, accountants, and other employees as ~~shall be~~ needed for the administration of the chapter.

2. It is unlawful for the administrator or any officer or employee of the securities department bureau to use for personal benefit any information which is filed with or obtained by the administrator and which is not made public. ~~No provision of this~~ This chapter ~~authorizes~~ does not authorize the administrator or any such officer or employee to disclose any such information except among themselves or to other securities administrators, regulatory authorities, or governmental agencies, or when necessary or appropriate in a proceeding or investigation under this chapter. ~~No provision of this~~ This chapter ~~either neither~~ creates or nor derogates from any privileges which exist at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the administrator or any officer or employee of the securities department bureau.

Sec. 56. Section 510.5, subsection 6, as enacted by 1991 Iowa Acts, Senate File 518, section 5, is amended to read as follows:

6. An insurer shall review its books and records each quarter and determine if any producer, as defined by section 510A.2, has become, by operation of section 510.2, 510.2A, subsection 3 4, a managing general agent as defined in that section. If the insurer determines that a producer has become a managing general agent by operation of section 510.2, 510.2A, subsection 3 4, the insurer shall promptly notify the producer and the commissioner of such determination and the insurer and producer shall fully comply with the provisions of this chapter within thirty days.

Sec. 57. Section 510.9, as enacted by 1991 Iowa Acts, Senate File 518, is amended to read as follows:

510.9 EXEMPTION.

A managing general agent who complies with sections 510.1A through 510.8 for a block of business, shall not also be required to comply with sections 510.20 and 510.21 with regard to the same block of business.

Sec. 58. Section 514.4, unnumbered paragraph 7, Code 1991, is amended to read as follows:

A corporation shall not reimburse or compensate a provider director or a subscriber director more than ~~forty dollars~~ the per diem specified in section 7E.6 plus necessary and actual expenses for attendance at a meeting of the board of directors.

Sec. 59. Section 515.119, Code 1991, as enacted by 1991 Iowa Acts, Senate File 518, section 42, is amended to read as follows:

515.119 COMPLIANCE WITH LAW -- CHANGE OF ARTICLES.

An insurance company organized under this chapter, or doing business in this state, or any foreign or alien company doing business in this state, shall conform to the provisions of this chapter and all other laws of this state applicable to the insurance company.

Sec. 60. Section 521B.2, subsection 3, paragraph a, as enacted by 1991 Iowa Acts, Senate File 518, section 15, is amended to read as follows:

3. a. Credit is allowed if the reinsurance is ceded to an assuming insurer which is domiciled and licensed in, or in the case of a United States branch of an alien assuming insurer, is entered through, a state which employs standards regarding credit for reinsurance substantially similar to those applicable under this section, and the assuming insurer or United States branch of an alien assuming insurer does both of the following:

(1) Maintains a surplus with respect to policyholders in an amount of not less than twenty million dollars.

(2) Submits to the authority of this state to examine its books and records.

Sec. 61. Section 524.310, subsection 4, as enacted by 1991 Iowa Acts, House File 260, is amended to read as follows:

4. a. A person may reserve the exclusive use of a corporate name for a state bank by delivering an application to the secretary of state for filing. The application must ~~comply with section 498-402~~ and set forth the name and address of the applicant and the name proposed to be reserved. If the secretary of state finds that the corporate name applied for is available ~~and complies with section 498-402~~, the secretary of state shall reserve the name for the applicant's exclusive use for a nonrenewable one hundred twenty day period.

b. The owner of a reserved corporate name may transfer the reservation to another person by delivering to the secretary of state a signed notice of the transfer that states the name and address of the transferee.

Sec. 62. Section 534.519, subsection 3, Code 1991, is amended to read as follows:

3. Except as otherwise provided in this chapter, a mutual holding company has all powers set forth in section ~~496A-4~~ 490.302.

Sec. 63. Section 682.38, Code 1991, is amended to read as follows:

682.38 LIABILITY ---REPORTS-REQUIRED.

The clerk shall be liable upon the clerk's bond for all such funds, moneys, or securities which may be deposited with the clerk and shall make complete verified statements thereof ~~to the board of supervisors at the January and June sessions each year~~ as required by the supreme court.

Sec. 64. Section 709.10, Code 1991, is amended to read as follows:

709.10 COST OF MEDICAL EXAMINATION IN CRIMES OF SEXUAL ABUSE.

The cost of a medical examination for the purpose of gathering evidence and the cost of treatment for the purpose

of preventing venereal disease shall be borne by the department of justice paid from the fund established in section 912.14.

Sec. 65. Section 714.8, subsection 14, unnumbered paragraph 1, Code 1991, as enacted by 1991 Iowa Acts, Senate File 174, section 1, is amended to read as follows:

Makes payment pursuant to an agreement with a dealer or market agency for livestock held by the dealer or market agency by use of a financial instrument which is a check, share draft, draft, or written order on any financial institution, as defined in section 543.1, if after seven days from the date that possession of the livestock is transferred pursuant to the purchase, the financial institution refuses payment on the instrument because of insufficient funds in the maker's account.

Sec. 66. Section 809.17, Code 1991, is amended to read as follows:

809.17 PROCEEDS APPLIED TO VARIOUS PROGRAMS.

Except as provided in section 809.21, proceeds from the disposal of seized or forfeited property pursuant to this chapter may be transferred in whole or in part to the victim reparation compensation fund created pursuant to chapter 912 in section 912.14 at the discretion of the recipient agency, political subdivision, or department.

Sec. 67. Section 911.3, Code 1991, as amended by 1991 Iowa Acts, House File 173, section 817, and Senate File 209, section 37, is amended to read as follows:

911.3 DISPOSITION OF SURCHARGE.

When a court assesses a surcharge under section 911.2, the clerk of the district court shall transmit sixteen and two-thirds percent of the surcharge collected to the treasurer of state to be deposited pursuant to in the fund established in section ~~3218:17~~ 912.14. Ninety-four percent of the remainder of the surcharge collected shall be transmitted to the treasurer of state by the fifteenth day of the following month. The treasurer of state shall deposit that money in the

general fund of the state. The clerk of the district court shall transmit six percent of the remainder of the surcharge to the county treasurer or shall remit six percent of the remainder of the surcharge to the city that was the plaintiff in any action for deposit in the general fund of the city.

Sec. 68. NEW SECTION. 912.14 VICTIM COMPENSATION FUND.

A victim compensation fund is established as a separate fund in the state treasury. Moneys deposited in the fund shall be administered by the department and dedicated to and used for the purposes of section 709.10 and this chapter. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state.

Sec. 69. Senate File 541, section 13, unnumbered paragraph 2, if enacted by the Seventy-fourth General Assembly, 1991 Session, is amended to read as follows:

Funds appropriated by this subsection are the funds anticipated to be received from the federal government under Pub. L. No. 100-508 101-508, section 5082, which provides for the child care and development block grant. The department shall expend the funds appropriated by this section as provided in the federal law making the funds available and in conformance with chapter 17A.

Sec. 70. Senate File 541, section 14, unnumbered paragraph 1, if enacted by the Seventy-fourth General Assembly, 1991 Session, is amended to read as follows:

There is appropriated from the fund created by section 8.41 to the department of human services for the federal fiscal year beginning October 1, 1990, and ending September 30, 1991, the following amount:

Sec. 71. House File 479, section 418, if enacted by the Seventy-fourth General Assembly, 1991 Session, is repealed.

Sec. 72. Sections 14.7 through 14.9, 14.11, 14.14 through 14.16, 14.18 through 14.20, and 217.37, Code 1991, are repealed.

Sec. 73. The amendments in this Act to sections 2.14, 2.35, 2.44, 2.91, 17A.8, 18B.5, 97B.8, 179.2, 183A.10, 185.14, 185C.14, 384.14, 455A.17, and 514.4 are retroactively applicable to January 1, 1991.

Sec. 74. The amendment in this Act to section 232.52, subsection 2, paragraph e, takes effect at 12:01 a.m. on October 1, 1991.

ROBERT C. ARNOULD
Speaker of the House

JOE J. WELSH
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 709, Seventy-fourth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved June 10, 1991

TERRY E. BRANSTAD
Governor

HF 709