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(P. 704) 3-16-94 Senate - Do Pass

FEB 1994
Place On Calendar

HOUSE FILE 2124
BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

(SUCCESSOR TO HSB 546)

Passed House, Date 2/15/94 (P. 251) Passed Senate, Date 3/28/94 (P. 844)
Vote: Ayes 94 Nays 0 Vote: Ayes 45 Nays 0
Approved March 31, 1994

A BILL FOR

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

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HF 2124

DIVISION I -- RESUBMISSIONS

1
2 Section 1. Section 2.100, Code 1993, is amended to read as
3 follows:

4 2.100 COMPUTER SUPPORT BUREAU.

5 A computer support bureau is established under the
6 direction and control of the legislative council. The
7 administrative head of the computer support bureau is the
8 director of the bureau. The computer support bureau shall
9 serve the general assembly and the legislative council. The
10 computer support bureau shall also provide services and
11 support for the computer systems used by the legislative
12 staff, the legislative service bureau, the public legislative
13 information office, the Code editor's office, the office of
14 the citizens' aide and the legislative fiscal bureau.

15 Sec. 2. Section 11.27, Code 1993, is amended to read as
16 follows:

17 11.27 BIENNIAL REPORT.

18 The biennial report shall include:

19 1. A narrative report and such statistical statements as
20 the state auditor deems essential to display the results of
21 audits of the state departments and establishments.

22 2. ~~Statistics-on-building-and-loan-associations-now~~
23 ~~required-by-law-to-be-published-biennially.--The-biennial~~
24 ~~report-shall-also-include-the~~ The results of an audit of the
25 documents and the records of the ~~state-comptroller's-office~~
26 department of management created in the budget and financial
27 control Act, which records shall be audited by the auditor;
28 and, the results of the auditor's audit of all taxes and other
29 revenue collected and paid into the treasury, and the sources
30 thereof. ~~This-report-shall-also-include-the~~

31 3. The auditor's recommendations to improve the business
32 methods of the government and any other matters having for
33 their purpose to bring about increased economy and efficiency
34 in the conduct of the affairs of the government.

35 Sec. 3. Section 20.23, subsection 2, Code 1993, is

1 amended to read as follows:

2 2. The depository and the security given for the public
3 funds in its hands are liable for payment if the depository
4 fails to pay a check, draft, or warrant drawn by the public
5 officer or to account for a check, draft, warrant, order, or
6 certificates of deposit, or any public funds entrusted to it
7 if, in failing to pay, the depository acts contrary to the
8 terms of an agreement between the depository and the public
9 body treasurer ~~or~~. The depository and the security given for
10 the public funds in its hands are also liable for payment if
11 the depository fails to pay an assessment, by the treasurer of
12 state when the assessment is due.

13 Sec. 4. Section 15.108, subsection 1, paragraph e, Code
14 Supplement 1993, is amended to read as follows:

15 e. Administer the funds ~~appropriated from~~ in the community
16 economic betterment program ~~account of the Iowa plan fund for~~
17 ~~economic development as provided in section 99E.32, subsection~~
18 2 established within the strategic investment fund as provided
19 in section 15.320.

20 Sec. 5. Section 24.48, unnumbered paragraph 3, Code 1993,
21 is amended to read as follows:

22 Upon decision of the state appeal board, the state
23 ~~comptroller~~ department of management shall make the necessary
24 changes in the total budget of the political subdivision and
25 certify the total budget to the governing body of the
26 political subdivision and the appropriate county auditors.

27 Sec. 6. Section 34.1, subsection 1, Code 1993, is amended
28 by striking the subsection.

29 Sec. 7. Section 80.25, Code 1993, is amended to read as
30 follows:

31 80.25 DIVISION OF BEER AND LIQUOR ENFORCEMENT.

32 The commissioner of public safety shall establish a
33 division of beer and liquor law enforcement and appoint a
34 chief enforcement officer to head the division. The
35 commissioner of public safety shall appoint other agents

1 needed in the division as are necessary to enforce the
2 provisions of ~~chapters~~ chapter 123 and-125. All enforcement
3 officers, assistants, and agents of the division, excluding
4 clerical workers, shall be subject to the provisions of
5 section 80.15.

6 Sec. 8. Section 97B.25, Code 1993, is amended to read as
7 follows:

8 97B.25 APPLICATIONS FOR BENEFITS.

9 A representative designated by the administrator chief
10 benefits officer and referred to in this chapter as a
11 retirement benefits specialist, shall promptly examine
12 applications for retirement benefits and on the basis of facts
13 found shall determine whether or not the claim is valid and if
14 valid, the month with respect to which benefits shall
15 commence, the monthly benefit amount payable, and the maximum
16 duration. The retirement benefits specialist shall promptly
17 notify the applicant and any other interested party of the
18 decision and the reasons. Unless the applicant or other
19 interested party, within thirty calendar days after the
20 notification was mailed to the applicant's or party's last
21 known address, files an appeal as provided in section 97B.20A,
22 the decision is final and benefits shall be paid or denied in
23 accord with the decision.

24 Sec. 9. Section 123.37, unnumbered paragraph 1, Code
25 Supplement 1993, is amended to read as follows:

26 The power to establish licenses and permits and levy taxes
27 as imposed in ~~chapters~~ chapter 123 and-125 is vested
28 exclusively with the state. Unless specifically provided, a
29 local authority shall not require the obtaining of a special
30 license or permit for the sale of alcoholic beverages, wine,
31 or beer at any establishment, or require the obtaining of a
32 license by any person as a condition precedent to the person's
33 employment in the sale, serving, or handling of alcoholic
34 beverages, wine, or beer, within an establishment operating
35 under a license or permit.

1 Sec. 10. Section 135.1, unnumbered paragraph 1, Code 1993,
2 is amended to read as follows:

3 For the purposes of chapters 152B, and 1557-4357 and title
4 IV, subtitle 2, excluding chapters 142B, 145B, and 146, unless
5 otherwise defined:

6 Sec. 11. Section 135.11, subsection 13, Code Supplement
7 1993, is amended to read as follows:

8 13. Establish, publish, and enforce rules not inconsistent
9 with law for the enforcement of the provisions of chapters
10 125, 152B, and 1557-and-435 and title IV, subtitle 2,
11 excluding chapters 142B, 145B, and 146 and for the enforcement
12 of the various laws, the administration and supervision of
13 which are imposed upon the department.

14 Sec. 12. Section 147.86, Code 1993, is amended to read as
15 follows:

16 147.86 PENALTIES.

17 Any person violating any provision of this or the following
18 chapters of this subtitle, excluding chapters 152B and 152C,
19 except insofar as the provisions apply or relate to or affect
20 the practice of pharmacy, or where a specific penalty is not
21 otherwise provided, shall be guilty of a serious misdemeanor.

22 Sec. 13. Section 159.1, Code 1993, is amended to read as
23 follows:

24 159.1 DEFINITIONS.

25 For the purposes of ~~chapters-9H7-16A7-3527-and-427E-and~~
26 subtitles 1 through 3 of this title, excluding chapters 161A
27 through 161C, unless otherwise provided:

28 1. "Department" means the department of agriculture and
29 land stewardship and if the department is required or
30 authorized to do an act, unless otherwise provided, the act
31 may be performed by an officer, regular assistant, or duly
32 authorized agent of the department.

33 2. "Person" ~~shall include~~ includes an individual, a
34 corporation, company, firm, society, or association; and the
35 act, omission, or conduct of any officer, agent, or other

1 person acting in a representative capacity shall be imputed to
2 the organization or person represented, and the person acting
3 in such capacity shall also be liable for violation of
4 ~~chapters-9H, 16A, 352, and 427C~~ and subtitles 1 through 3 of
5 this title, excluding chapters 161A through 161C.

6 3. "Secretary" means the secretary of agriculture.

7 Sec. 14. Section 159.5, subsection 11, Code 1993, is
8 amended to read as follows:

9 11. Establish, publish, and enforce rules not inconsistent
10 with law for the enforcement of the provisions of ~~chapters-9H,~~
11 ~~16A, 352, and 427C~~ and subtitles 1 through 3 of this title,
12 excluding chapters 161A through 161C, and for the enforcement
13 of the various laws, the administration and supervision of
14 which are imposed upon the department.

15 Sec. 15. Section 159.6, subsection 8, Code 1993, is
16 amended to read as follows:

17 8. Regulation and inspection of foods, drugs, and other
18 articles, as provided in Title V, subtitle 4, but ~~chapters-203~~
19 ~~through chapter 205 and 207 and 208~~ of that subtitle shall be
20 enforced as provided in ~~those chapters~~ that chapter.

21 Sec. 16. Section 161A.43, unnumbered paragraph 2, Code
22 1993, is amended to read as follows:

23 A landowner shall not be liable for a claim based upon or
24 arising out of a claim of negligent design or specification,
25 negligent adoption of design or specification, or negligent
26 installation, construction, or reconstruction of a soil and
27 water conservation practice or an erosion control practice
28 that was installed, constructed, or reconstructed in
29 accordance with generally recognized engineering or safety
30 standards, criteria, or design theory in existence at the time
31 of the installation, construction, or reconstruction. A soil
32 and water conservation practice or an erosion control practice
33 installed, constructed, or reconstructed in compliance with
34 rules adopted by the division and currently in effect shall be
35 deemed to be installed, constructed, or reconstructed

1 according to generally recognized engineering or safety
2 standards, criteria, or design theory in existence at the time
3 of the installation, construction, or reconstruction. A claim
4 shall not be allowed for failure to upgrade, improve, or alter
5 any aspect of an existing soil and water conservation practice
6 or erosion control practice to a new, changed, or altered
7 design standard. This ~~section~~ paragraph does not apply to a
8 claim based on a failure of a landowner to upgrade, improve,
9 or alter a soil and water conservation practice or erosion
10 control practice in violation of law. This ~~section~~ paragraph
11 does not apply to claims based upon gross negligence.

12 Sec. 17. Section 189.1, unnumbered paragraph 1 and
13 subsections 1 and 6, Code 1993, are amended to read as
14 follows:

15 For the purpose of ~~chapters-124,-124A,-124B,-126,-and-353~~
16 ~~and~~ this subtitle, excluding chapters 203, 203A, 203C, 203D,
17 207, and 208, unless the context otherwise requires:

18 1. "Article" includes food, commercial feed, agricultural
19 seed, commercial fertilizer, drug, insecticide, fungicide,
20 paint, linseed oil, turpentine, and illuminating oil, in the
21 sense in which they are defined in the various provisions of
22 ~~chapters-124,-124A,-124B,-126,-and-353-and~~ this subtitle,
23 excluding chapters 203, 203A, 203C, 203D, 207, and 208.

24 6. "Person" includes a corporation, company, firm,
25 society, or association; and the act, omission, or conduct of
26 any officer, agent, or other person acting in a representative
27 capacity shall be imputed to the organization or person
28 represented, and the person acting in that capacity shall also
29 be liable for violations of ~~chapters-124,-124A,-124B,-126,-and~~
30 ~~353-and~~ this subtitle, excluding chapters 203, 203A, 203C,
31 203D, 207, and 208.

32 Sec. 18. Section 189.2, Code 1993, is amended to read as
33 follows:

34 189.2 DUTIES.

35 The department shall:

- 1 1. Execute and enforce ~~chapter-353-and~~ this subtitle,
2 except chapter 205.
- 3 2. Make and publish all necessary rules, not inconsistent
4 with law, for enforcing the provisions of ~~chapters-124,-124A7~~
5 ~~124B7-1267-and-353-and~~ this subtitle, excluding chapters 203,
6 203A, 203C, 203D, 207, and 208.
- 7 3. Provide ~~such~~ educational measures and exhibits, and
8 conduct ~~such~~ educational campaigns as are deemed advisable in
9 fostering and promoting the production and sale of the
10 articles dealt with in ~~chapters-124,-124A7-124B7-1267-and-353~~
11 ~~and~~ this subtitle, excluding chapters 203, 203A, 203C, 203D,
12 207, and 208, in accordance with the ~~regulations-herein~~
13 prescribed rules adopted pursuant to this subtitle.
- 14 4. Issue from time to time, bulletins showing the results
15 of inspections, analyses, and prosecutions under ~~chapters-124,~~
16 ~~124A7,-124B7-1267-and-353-and~~ this subtitle, excluding chapters
17 203, 203A, 203C, 203D, 207, and 208. These bulletins shall be
18 printed in such numbers as may be approved by the
19 superintendent of printing and shall be distributed to the
20 newspapers of the state and to all interested persons.

21 Sec. 19. Section 189.3, Code 1993, is amended to read as
22 follows:

23 189.3 PROCURING SAMPLES.
24 The department shall, for the purpose of examination or
25 analysis, procure from time to time, or whenever said the
26 department has occasion to believe any of the provisions of
27 ~~chapters-124,-124A7-124B7-1267-and-353-and~~ this subtitle,
28 excluding chapters 203, 203A, 203C, 203D, 207, and 208, are
29 being violated, samples of the articles dealt with in these
30 provisions which have been shipped into this state, offered or
31 exposed for sale, or sold in the state.

32 Sec. 20. Section 189.4, Code 1993, is amended to read as
33 follows:

34 189.4 ACCESS TO FACTORIES AND BUILDINGS.
35 The department shall have full access to all places,

1 factories, buildings, stands, or premises, and to all wagons,
2 auto trucks, vehicles, or cars used in the preparation,
3 production, distribution, transportation, offering or exposing
4 for sale, or sale of any article dealt with in ~~chapters-124,~~
5 ~~124A7-124B7-1267-and-353-and~~ this subtitle, excluding chapters
6 203, 203A, 203C, 203D, 207, and 208.

7 Sec. 21. Section 189.5, Code 1993, is amended to read as
8 follows:

9 189.5 DEALER TO FURNISH SAMPLES.

10 Upon request and tender of the selling price by the
11 department any person who prepares, manufactures, offers or
12 exposes for sale, or delivers to a purchaser any article dealt
13 with in ~~chapters-1247-124A7-124B7-1267-and-353-and~~ this
14 subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and
15 208, shall furnish, within business hours, a sample of the
16 same, sufficient in quantity for a proper analysis or
17 examination as shall be provided by the rules of the
18 department.

19 Sec. 22. Section 189.6, Code 1993, is amended to read as
20 follows:

21 189.6 TAKING OF SAMPLES.

22 The department may, without the consent of the owner,
23 examine or open any package containing, or believed to
24 contain, any article or product which it suspects may be
25 prepared, manufactured, offered, or exposed for sale, sold, or
26 held in possession in violation of the provisions of ~~chapters~~
27 ~~1247-124A7-124B7-1267-and-353-and~~ this subtitle, excluding
28 chapters 203, 203A, 203C, 203D, 207, and 208, in order to
29 secure a sample for analysis or examination, and ~~said~~ the
30 sample and damage to container shall be paid for at the
31 current market price out of the contingent fund of the
32 department.

33 Sec. 23. Section 189.8, Code 1993, is amended to read as
34 follows:

35 189.8 WITNESSES.

1 In the enforcement of the provisions of ~~chapters 124, 124A,~~
2 ~~124B, 126, and 353~~ and this subtitle, excluding chapters 203,
3 203A, 203C, 203D, 207, and 208, the department shall have
4 power to issue subpoenas for witnesses, enforce their
5 attendance, and examine them under oath. ~~Such~~ The witnesses
6 shall be allowed the same fees as witnesses in district court.
7 ~~Said~~ The fees shall be paid out of the contingent fund of the
8 department.

9 Sec. 24. Section 189.9, unnumbered paragraph 1, Code 1993,
10 is amended to read as follows:

11 All articles in package or wrapped form which are required
12 by ~~chapters 124, 124A, 124B, 126, and 353~~ and this subtitle,
13 excluding chapters 203, 203A, 203C, 203D, 207, and 208, to be
14 labeled, unless otherwise provided, shall be conspicuously
15 marked in the English language in legible letters of not less
16 than eight-point heavy gothic caps on the principal label with
17 the following items:

18 Sec. 25. Section 189.13, Code 1993, is amended to read as
19 follows:

20 189.13 FALSE LABELS -- DEFACEMENT.

21 No A person shall not use any label required by ~~chapters~~
22 ~~124, 124A, 124B, 126, and 353~~ and this subtitle, excluding
23 chapters 203, 203A, 203C, 203D, 207, and 208, which bears any
24 representations of any kind which are deceptive as to the true
25 character of the article or the place of its production, or
26 which has been carelessly printed or marked, nor shall any
27 person erase or deface any label required by ~~chapters 124,~~
28 ~~124A, 124B, 126, and 353~~ and this subtitle, excluding chapters
29 203, 203A, 203C, 203D, 207, and 208.

30 Sec. 26. Section 189.14, subsection 1, Code 1993, is
31 amended to read as follows:

32 1. No A person shall not knowingly introduce into this
33 state, solicit orders for, deliver, transport, or have in
34 possession with intent to sell, any article which is labeled
35 in any other manner than that prescribed by ~~enapters 124,~~

1 ~~124A, 124B, 126, and 353~~ and this subtitle, excluding chapters
2 203, 203A, 203C, 203D, 207, and 208, for the label of said the
3 article when offered or exposed for sale, or sold in package
4 or wrapped form in this state.

5 Sec. 27. Section 189.15, Code 1993, is amended to read as
6 follows:

7 189.15 ADULTERATED ARTICLES.

8 ~~No~~ A person shall not knowingly manufacture, introduce into
9 the state, solicit orders for, sell, deliver, transport, have
10 in possession with the intent to sell, or offer or expose for
11 sale, any article which is adulterated according to the
12 provisions of ~~chapters 124, 124A, 124B, 126, and 353~~ and this
13 subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and
14 208.

15 Sec. 28. Section 189.16, Code 1993, is amended to read as
16 follows:

17 189.16 POSSESSION.

18 Any person having in possession or under control any
19 article which is adulterated or which is improperly labeled
20 according to the provisions of ~~chapters 124, 124A, 124B, 126,~~
21 ~~and 353~~ and this subtitle, excluding chapters 203, 203A, 203C,
22 203D, 207, and 208, shall be presumed to know its true
23 character and name, and such possession shall be prima-facie
24 prima facie evidence of having the same in possession with
25 intent to violate the provisions of ~~chapters 124, 124A, 124B,~~
26 ~~126, and 353~~ and this subtitle, excluding chapters 203, 203A,
27 203C, 203D, 207, and 208.

28 Sec. 29. Section 189.19, Code 1993, is amended to read as
29 follows:

30 189.19 LICENSES.

31 The following ~~regulations shall~~ provisions apply to all
32 licenses issued or authorized under ~~chapters 124, 124A, 124B,~~
33 ~~126, and 353~~ and this subtitle, excluding chapters 203, 203A,
34 203C, 203D, 207, and 208:

35 1. APPLICATIONS. Applications for licenses shall be made

1 upon blanks furnished by the department and shall conform to
2 the prescribed rules of the department.

3 2. REFUSAL AND REVOCATION. For good and sufficient
4 grounds the department may refuse to grant a license to any
5 applicant; and it may revoke a license for a violation of any
6 provision of ~~chapters 124, 124A, 124B, 126, and 353~~ and this
7 subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and
8 208, or for the refusal or failure of any licensee to obey the
9 lawful directions of the department.

10 3. EXPIRATION. Unless otherwise provided all licenses
11 shall expire one year from the date of issue.

12 Sec. 30. Section 189.20, Code 1993, is amended to read as
13 follows:

14 189.20 INJUNCTION.

15 Any person engaging in any business for which a license is
16 required by ~~chapters 124, 124A, 124B, 126, and 353~~ and this
17 subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and
18 208, without obtaining such license, may be restrained by
19 injunction, and shall pay all costs made necessary by such
20 procedure.

21 Sec. 31. Section 189.21, Code 1993, is amended to read as
22 follows:

23 189.21 PENALTY.

24 Unless otherwise provided, any person violating any
25 provision of ~~chapters 124, 124A, 124B, 126, and 353~~ and this
26 subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and
27 208, or any rule made adopted by the department and
28 ~~promulgated under the authority of said department pursuant to~~
29 such a provision, ~~shall be~~ is guilty of a simple misdemeanor.

30 Sec. 32. Section 189.22, Code 1993, is amended to read as
31 follows:

32 189.22 MAY CHARGE MORE THAN ONE OFFENSE.

33 In any criminal proceeding brought for violation of
34 ~~chapters 124, 124A, 124B, 126, and 353~~ and this subtitle, an
35 information or indictment may charge as many offenses as is

1 appears have been committed and the defendant may be convicted
2 of any or all of said the offenses.

3 Sec. 33. Section 189.23, Code 1993, is amended to read as
4 follows:

5 189.23 COMMON CARRIER.

6 ~~None-of-the~~ The penalties provided in ~~chapters-1247-124A7-~~
7 ~~124B7-1267-and-353-and~~ this subtitle, excluding chapters 203,
8 203A, 203C, 203D, 207, and 208, shall not be imposed upon any
9 common carrier for introducing into the state, or having in
10 its possession, any article which is adulterated or improperly
11 labeled according to the provisions of ~~chapters-1247-124A7-~~
12 ~~124B7-1267-and-353-and~~ this subtitle, excluding chapters 203,
13 203A, 203C, 203D, 207, and 208, when the same was received by
14 said the carrier for transportation in the ordinary course of
15 its business and without actual knowledge of its true
16 character.

17 Sec. 34. Section 189.24, Code 1993, is amended to read as
18 follows:

19 189.24 REPORT OF VIOLATIONS.

20 When it ~~shall-appear~~ appears that any of the provisions of
21 ~~chapters-1247-124A7-124B7-1267-and-353-and~~ this subtitle,
22 excluding chapters 203, 203A, 203C, 203D, 207, and 208, have
23 been violated, the department shall at once certify the facts
24 to the proper county attorney, with a copy of the results of
25 any analysis, examination, or inspection ~~said the~~ department
26 may have made, duly authenticated by the proper person under
27 oath, and with any additional evidence which may be in
28 possession of said the department.

29 Sec. 35. Section 189.25, Code 1993, is amended to read as
30 follows:

31 189.25 COUNTY ATTORNEY.

32 The county attorney may at once institute the proper
33 proceedings for the enforcement of the penalties provided in
34 ~~chapters-1247-124A7-124B7-1267-and-353-and~~ this subtitle for
35 such the violations.

1 Sec. 36. Section 189.27, Code 1993, is amended to read as
2 follows:

3 189.27 INSTITUTION OF PROCEEDINGS.

4 In any case when it appears that any of the provisions of
5 ~~chapters-124,-124A,-124B,-126,-and-353,-~~and this subtitle have
6 been violated, the inspector having the investigation in
7 charge shall, when instructed by the department, file an
8 information against the suspected party.

9 Sec. 37. Section 189.28, Code 1993, is amended to read as
10 follows:

11 189.28 GOODS FOR SALE IN OTHER STATES.

12 Any person may keep articles specifically set apart in the
13 person's stock for sale in other states which do not comply
14 with the provisions of ~~chapters-124,-124A,-124B,-126,-and-353~~
15 ~~and this subtitle, excluding chapters 203, 203A, 203C, 203D,~~
16 207, and 208, as to standards, purity, or labeling.

17 Sec. 38. Section 189.29, Code 1993, is amended to read as
18 follows:

19 189.29 REPORTS BY DEALERS.

20 Every person who deals in or manufactures any of the
21 articles dealt with in ~~chapters-124,-124A,-124B,-126,-and-353~~
22 ~~and this subtitle, excluding chapters 203, 203A, 203C, 203D,~~
23 207, and 208, shall make upon blanks furnished by the
24 department such reports and furnish such statistics as may be
25 required by ~~said~~ the department and certify to the correctness
26 of the same.

27 Sec. 39. Section 189.30, Code 1993, is amended to read as
28 follows:

29 189.30 CONTRACTS INVALID.

30 No action shall be maintained in any of the courts of the
31 state upon any contract or sale made in violation of or with
32 the intent to violate any provision of ~~chapters-124,-124A,-~~
33 ~~124B,-126,-and-353-and~~ this subtitle by one who was knowingly
34 a party thereto.

35 Sec. 40. Section 189.31, Code 1993, is amended to read as

1 follows:

2 189.31 FEES PAID INTO STATE TREASURY.

3 All fees collected under the provisions of chapters-~~124,~~
4 ~~124A, 124B, 126, and 353~~ and this subtitle, shall be paid into
5 the state treasury.

6 Sec. 41. Section 190.1, unnumbered paragraph 1, Code 1993,
7 is amended to read as follows:

8 For the purpose of ~~chapters-124, 124A, 124B, 126, and 353~~
9 ~~and this subtitle~~, except chapters 192, 203, 203A, 203C, 203D,
10 207, and 208, the following definitions and standards of food
11 are established:

12 Sec. 42. Section 216.2, subsection 4, paragraph b, Code
13 1993, is amended to read as follows:

14 b. The ground floor units of a building consisting of four
15 or more dwelling units.

16 Sec. 43. Section 235A.15, subsection 2, paragraph e,
17 subparagraph (3), Code Supplement 1993, is amended to read as
18 follows:

19 (3) To the department of justice for the sole purpose of
20 the filing of a claim for reparation restitution or
21 compensation pursuant to section 910A.5 and section 912.4,
22 subsections 3 through 5.

23 Sec. 44. Section 257.16, unnumbered paragraph 2, Code
24 1993, is amended to read as follows:

25 All state aids paid under this chapter, unless otherwise
26 stated, shall be paid in monthly installments beginning on
27 September 15 of a budget year and ending on or about June 15
28 of the budget year as determined by the department of
29 management, taking into consideration the relative budget and
30 cash position of the state resources. However, an amount of
31 state school foundation aid equal to the general allocation of
32 the school district as determined under section 405A.2 and the
33 amount of the tax credit for livestock pursuant to section
34 442.2, subsection 2, as it appeared in the 1987 Code, shall be
35 paid to the school district on July 15 of the subsequent

1 fiscal year, and the appropriation for this amount shall be
2 made for the fiscal year during which the payment is made.
3 ~~However, the state aid paid to school districts under section~~
4 ~~257.13 shall be paid in monthly installments beginning on~~
5 ~~December 15 and ending on June 15 of a budget year.~~

6 Sec. 45. Section 257B.11, Code 1993, is amended to read as
7 follows:

8 257B.11 SCHOOL FUND ACCOUNTS -- AUDIT OF LOSSES.

9 The director of revenue and finance shall keep the
10 permanent school fund accounts in books provided for that
11 purpose, separate and distinct from the revenue books. The
12 auditor of state shall audit losses to the permanent school or
13 university fund caused by the defalcation, mismanagement, or
14 fraud. The auditor of state shall adopt rules pursuant to
15 chapter 17A ~~for those officers~~ as necessary to ascertain the
16 losses.

17 Sec. 46. Section 257C.9, subsections 3 and 4, Code 1993,
18 are amended to read as follows:

19 3. Subject to a contract with bondholders, and to the
20 approval of the ~~state comptroller~~ director of revenue and
21 finance, the authority shall prescribe a system of accounts.

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

29 Sec. 47. Section 357F.4, Code 1993, is amended to read as
30 follows:

31 357F.4 TIME OF HEARING.

32 The public hearing required in section 357F.2 shall be held
33 within thirty days of the presentation of the petition.

34 Notice of hearing shall be given by publication in two
35 successive issues of any ~~paper~~ newspaper of general

1 circulation within the district. The last publication shall
2 be not less than one week before the proposed hearing.

3 Sec. 48. Section 421.7, subsection 1, Code 1993, is
4 amended to read as follows:

5 1. Except where a different rate of interest is stated in
6 a provision of ~~chapters-12B7-12C7-and-257E-and~~ this title, the
7 rate of interest on interest-bearing obligations arising under
8 ~~chapters-12B7-12C7-and-257E-and~~ this title shall be the rate
9 of interest in effect under this section.

10 Sec. 49. Section 422.45, subsection 28, Code Supplement
11 1993, is amended by striking the subsection.

12 Sec. 50. Section 422.45, subsection 33, paragraph b, Code
13 Supplement 1993, is amended by striking the paragraph.

14 Sec. 51. Section 422.73, subsections 3, 4, 5, 6, and 7,
15 Code 1993, are amended by striking the subsections.

16 Sec. 52. Section 423.25, Code 1993, is amended to read as
17 follows:

18 423.25 TAXATION IN ANOTHER STATE.

19 If any person who causes tangible personal property to be
20 brought into this state has already paid a tax in another
21 state in respect to the sale or use of ~~such~~ the property, or
22 an occupation tax in respect ~~thereto~~ to the property, in an
23 amount less than the tax imposed by ~~chapters-12B7-12C7-and~~
24 ~~257E-and~~ this title, the provisions of ~~chapters-12B7-12C7-and~~
25 ~~257E-and~~ this title shall apply, but at a rate measured by the
26 difference only between the rate herein fixed in this title
27 and the rate by which the previous tax on the sale or use, or
28 the occupation tax, was computed. If ~~such~~ the tax imposed and
29 paid in ~~such~~ the other state is equal to or more than the tax
30 imposed by ~~chapters-12B7-12C7-and-257E-and~~ this title, then no
31 tax ~~shall be~~ is due in this state on ~~such~~ the personal
32 property.

33 Sec. 53. Section 428.20, Code 1993, is amended to read as
34 follows:

35 428.20 DEFINITION OF MANUFACTURER.

1 A person who purchases, receives, or holds personal
2 property of any description for the purpose of adding to its
3 value by a process of manufacturing, refining, purifying,
4 combining of different materials, or by the packing of meats,
5 with a view to selling the property for gain or profit, is a
6 "manufacturer" for the purposes of ~~chapters 12B7, 12E7, and 257E~~
7 and this title.

8 Sec. 54. Section 443.19, Code 1993, is amended to read as
9 follows:

10 443.19 IRREGULARITIES, ERRORS AND OMISSIONS -- EFFECT.

11 No failure of the owner to have such property assessed or
12 to have the errors in the assessment corrected, and no
13 irregularity, error or omission in the assessment of such
14 property, shall affect in any manner the legality of the taxes
15 levied thereon, or affect any right or title to such real
16 estate which would have accrued to any party claiming or
17 holding under and by virtue of a deed executed by the
18 treasurer as provided by ~~chapters 12B7, 12E7, and 257E~~ and this
19 title, had the assessment of such property been in all
20 respects regular and valid.

21 Sec. 55. Section 455B.305A, subsections 5, 7, and 8, Code
22 Supplement 1993, are amended to read as follows:

23 5. At least one public hearing shall be held by the city
24 council or county board of supervisors no sooner than ninety
25 days but no later than one hundred twenty days from receipt of
26 the request for siting approval. A hearing shall be preceded
27 by published notice in an official newspaper of the county of
28 the proposed site, including in any official newspaper located
29 in the city of the proposed site. ~~The public hearing shall~~
30 ~~develop a record sufficient to form the basis of an appeal of~~
31 ~~the decision.~~

32 7. Construction of a project which is granted local siting
33 approval under this section shall commence within one calendar
34 year from the date upon which it was granted or the permit
35 shall be nullified. ~~If the local siting decision is appealed,~~

~~1 the one-year period shall begin on the date upon which the
2 appeal process is concluded.~~

3 8. The local siting approval, criteria, and appeal other
4 procedures provided for in this section ~~and in section~~
5 455B-305B are the exclusive local siting procedures ~~and appeal~~
6 procedures. Local zoning, ordinances, or other local land use
7 requirements may be considered in such siting decisions.

8 Sec. 56. Section 455D.11A, subsection 4, Code 1993, is
9 amended to read as follows:

10 4. If the owner or operator of a waste tire collection or
11 processing site chooses to provide financial assurance in the
12 form of a surety bond, the bond shall be executed by a surety
13 company authorized to do business in this state. The bond
14 shall be continuous in nature until canceled by the surety. A
15 surety shall provide at least ninety days' notice in writing
16 to the owner or operator and to the department indicating the
17 surety's intent to cancel the bond and the effective date of
18 the cancellation. The surety bond shall be for the benefit of
19 the citizens of this state and shall be conditioned upon
20 compliance with this section. The surety's liability under
21 this subsection is limited to the amount of the bond or the
22 amount of the damages or moneys due, whichever is less.

23 However, this subsection does not limit the amount of damages
24 recoverable from an owner or operator ~~in to~~ to the amount of the
25 surety bond. ~~This subsection shall not limit the recovery of~~
26 ~~damages to the surety bond.~~ The bond shall be made in a form
27 prescribed by the commissioner of insurance and written by a
28 company authorized by the commissioner of insurance to do
29 business in this state. If a surety bond is canceled which
30 has been provided as financial assurance under this
31 subsection, the owner or operator of the waste tire collection
32 or processing site shall demonstrate to the department within
33 thirty days of the cancellation, a means of continued
34 compliance with the financial assurance requirements of this
35 section. If a means of continued compliance is not

1 demonstrated within the thirty-day period, the department
2 shall suspend the permit for the site, and the owner or
3 operator shall perform proper closure of the site within
4 thirty days. If the owner or operator does not properly close
5 the site within the time period allowed, the department shall
6 file a claim with the surety company, prior to the effective
7 date of cancellation of the bond, to collect the amount of the
8 bond for use in performing proper closure. A person who fails
9 to provide for proper closure, notwithstanding collection by
10 the department of the amount of the bond, is guilty of a
11 serious misdemeanor.

12 Sec. 57. Section 477C.5, Code 1993, is amended to read as
13 follows:

14 477C.5 DUAL PARTY RELAY SERVICE COUNCIL.

15 1. A dual party relay ~~service~~ council is established,
16 consisting of eleven members appointed by the board. The
17 council shall advise the board on all matters concerning relay
18 service and equipment distribution programs.

19 2. The council shall consist of:

- 20 a. Six consumers who have communication impairments.
- 21 b. Two representatives from telephone companies.
- 22 c. One representative from the division of deaf services
23 of the department of human rights.
- 24 d. One representative from the office of the consumer
25 advocate of the department of justice.
- 26 e. One member of the board or a designee of the board.

27 3. Council members who are not state or local government
28 officers or employees shall be reimbursed for their necessary
29 and actual expenses incurred in performance of their duties
30 and shall receive a per diem of fifty dollars when the council
31 is meeting, payable from moneys available to the board
32 pursuant to section 477C.7.

33 Sec. 58. Section 483A.24, subsections 1 and 3, Code 1993,
34 are amended to read as follows:

35 1. Owners or tenants of land, and their juvenile children,

1 may hunt, fish or trap upon such lands and may shoot by lawful
2 means ground squirrels, gophers, or woodchucks upon adjacent
3 roads without securing a license so to do; except, special
4 licenses to hunt deer and wild turkey shall be required of
5 owners and tenants but they shall not be required to have a
6 special wild turkey hunting license to hunt wild turkey on a
7 ~~game-breeding-and-shooting~~ hunting preserve licensed under
8 chapter 484B.

9 13. No person shall be required to have a special wild
10 turkey license to hunt wild turkey on a ~~game-breeding-and~~
11 ~~shooting~~ hunting preserve licensed under chapter 484B.

12 Sec. 59. Section 490A.1404, subsection 1, Code 1993, is
13 amended to read as follows:

14 1. The foreign limited liability company shall add the
15 words "Limited Company" or the abbreviation "L.C." to its name
16 for use in this state.

17 Sec. 60. Section 490A.1406, subsection 1, paragraph e,
18 Code Supplement 1993, is amended to read as follows:

19 e. A commitment to notify the secretary of state in the
20 future of any change in the mailing address of the foreign
21 limited liability company.

22 Sec. 61. Section 490A.1407, subsection 2, paragraph d,
23 Code Supplement 1993, is amended to read as follows:

24 d. Maintaining offices or agencies for the transfer,
25 exchange, and registration of the foreign limited liability
26 company's own securities or maintaining trustees or
27 depositories with respect to those securities.

28 Sec. 62. Section 497.34, Code 1993, is amended to read as
29 follows:

30 497.34 INDEMNIFICATION.

31 A cooperative association operating under this chapter may
32 indemnify any present or former director, officer, employee,
33 member, or volunteer in the manner and in the instances
34 authorized in ~~section-496A-4A~~ sections 490.850 through
35 490.858, provided that where ~~section-496A-4A-provides~~ sections

1 490.850 through 490.858 provide for action by shareholders the
2 ~~section-is~~ sections are applicable to action by voting members
3 of the cooperative association, and where ~~section-496A-4A~~
4 ~~refers~~ sections 490.850 through 490.858 refer to the corpora-
5 tion organized under chapter 496A 490 the ~~section-is~~ sections
6 are applicable to the cooperative association organized under
7 this chapter, and where ~~section-496A-4A-refers~~ sections
8 490.850 through 490.858 refer to the director the ~~section-is~~
9 sections are applicable to a director, officer, employee,
10 member, or volunteer of the cooperative association organized
11 under this chapter.

12 Sec. 63. Section 498.36, Code 1993, is amended to read as
13 follows:

14 498.36 INDEMNIFICATION.

15 A cooperative association operating under this chapter may
16 indemnify any present or former director, officer, employee,
17 member, or volunteer in the manner and in the instances
18 authorized in ~~section-496A-4A~~ sections 490.850 through
19 490.858, provided that where ~~section-496A-4A-provides~~ sections
20 490.850 through 490.858 provide for action by shareholders the
21 ~~section-is~~ sections are applicable to action by voting members
22 of the cooperative association, and where ~~section-496A-4A~~
23 ~~refers~~ sections 490.850 through 490.858 refer to the corpora-
24 tion organized under chapter 496A 490 the ~~section-is~~ sections
25 are applicable to the cooperative association organized under
26 this chapter, and where ~~section-496A-4A-refers~~ sections
27 490.850 through 490.858 refer to the director the ~~section-is~~
28 sections are applicable to a director, officer, employee,
29 member, or volunteer of the cooperative association organized
30 under this chapter.

31 Sec. 64. Section 499.36, subsection 6, Code 1993, is
32 amended to read as follows:

33 6. Unless the articles of incorporation or bylaws provide
34 otherwise, an action required or permitted by this chapter to
35 be taken at a board of directors' meeting may be taken without

1 a meeting if the action is taken by all members of the board.
2 The action must be evidenced by one or more written consents
3 describing the action taken, signed by each director, and
4 filed with the corporate records reflecting the action taken.
5 An action taken under this ~~section~~ subsection is effective
6 when the last director signs the consent, unless the consent
7 specifies a different effective date. A consent signed under
8 this ~~section~~ subsection is deemed to have the same effect as a
9 meeting vote and may be described as such in any document.

10 Sec. 65. Section 499.59A, Code 1993, is amended to read as
11 follows:

12 499.59A INDEMNIFICATION.

13 A cooperative association operating under this chapter may
14 indemnify any present or former director, officer, employee,
15 member, or volunteer in the manner and in the instances
16 authorized in ~~section-496A:4A~~ sections 490.850 through
17 490.858, provided that where ~~section-496A:4A-provides~~ sections
18 490.850 through 490.858 provide for action by shareholders the
19 ~~section-is~~ sections are applicable to action by voting members
20 of the cooperative association, and where ~~section-496A:4A~~
21 ~~refers~~ sections 490.850 through 490.858 refer to the corpora-
22 tion organized under chapter 496A 490 the ~~section-is~~ sections
23 are applicable to the cooperative association organized under
24 this chapter, and where ~~section-496A:4A-refers~~ sections
25 490.850 through 490.858 refer to the director the ~~section-is~~
26 sections are applicable to a director, officer, employee,
27 member, or volunteer of the cooperative association organized
28 under this chapter.

29 Sec. 66. Section 504A.28, Code 1993, is amended to read as
30 follows:

31 504A.28 INCORPORATORS.

32 One or more persons as defined in this chapter having
33 capacity to contract, may act as incorporators of a
34 corporation by signing, acknowledging and delivering to the
35 secretary of state articles of incorporation for ~~see~~ the

1 corporation.

2 Sec. 67. Section 524.1213, subsection 2, Code 1993, is
3 amended to read as follows:

4 2. A united community bank office formed under this
5 section shall have a united community bank office board, at
6 least one-half or more of the members of which shall be
7 residents of the county in which the united community bank
8 office is located. The liability of the united community bank
9 office board shall be limited as provided in section 524.614.
10 The bank establishing and operating the united community bank
11 office may indemnify members of the united community bank
12 office board as agents of the bank in the manner and in the
13 instances authorized by ~~section-496A-4A~~ sections 490.850
14 through 490.858.

15 Sec. 68. Section 536A.2, subsection 5, Code 1993, is
16 amended by striking the subsection.

17 Sec. 69. Section 702.11, Code 1993, is amended to read as
18 follows:

19 702.11 FORCIBLE FELONY.

20 A "forcible felony" is any felonious child endangerment,
21 assault, murder, sexual abuse, kidnapping, robbery, arson in
22 the first degree, or burglary in the first degree. However,
23 sexual abuse in the third degree committed between spouses,
24 sexual abuse in violation of section 709.4, subsection 2,
25 paragraph "c", subparagraph (4), or sexual abuse exploitation
26 by a counselor or therapist in violation of section 709.15, is
27 not a "forcible felony".

28 Sec. 70. Section 714.8, subsection 12, Code 1993, is
29 amended to read as follows:

30 12. Knowingly transfers or assigns a legal or equitable
31 interest in property, as defined in section 702.14, for less
32 than fair consideration, with the intent to obtain public
33 assistance under chapters 16, 35B, 35D, and 347B, 709A7-9047
34 ~~9137-and-9147~~, or title VI, subtitles 2 through 6, or accepts a
35 transfer of or an assignment of a legal or equitable interest

1 in property, as defined in section 702.14, for less than fair
2 consideration, with the intent of enabling the party
3 transferring the property to obtain public assistance under
4 chapters 16, 35B, 35D, and 347B, ~~709A, 904, 913, and 914,~~ or
5 title VI, subtitles 2 through 6. A transfer or assignment of
6 property for less than fair consideration within one year
7 prior to an application for public assistance benefits shall
8 be evidence of intent to transfer or assign the property in
9 order to obtain public assistance for which a person is not
10 eligible by reason of the amount of the person's assets. If a
11 person is found guilty of a fraudulent practice in the
12 transfer or assignment of property under this subsection the
13 maximum sentence shall be the penalty established for a
14 serious misdemeanor and sections 714.9, 714.10 and 714.11
15 shall not apply.

16 Sec. 71. Section 901.1, Code 1993, is amended to read as
17 follows:

18 901.1 SHORT TITLE.

19 Chapters 901 to 909~~, excluding chapter 904,~~ shall be known
20 and may be cited as the "Iowa Corrections Code."

21 Sec. 72. Section 904.802, subsection 2, Code 1993, is
22 amended to read as follows:

23 2. "Iowa state industries" means prison industries that
24 are established and maintained by the Iowa department of
25 corrections, in consultation with the industries board, at or
26 adjacent to the state's adult correctional institutions,
27 except that an inmate work program established by the state
28 director under section ~~904.805, subsection 7~~ 904.703 is not
29 restricted to industries at or adjacent to the institutions.

30 Sec. 73. Section 904.808, subsection 3, Code 1993, is
31 amended to read as follows:

32 3. A department or agency of the state shall cooperate and
33 enter into agreements, if possible, for the provision of
34 products and services under an inmate work program established
35 by the state director under section ~~904.805, subsection 7~~

1 904.703.

2 DIVISION II -- NEW SUBMISSIONS

3 Sec. 74. Section 16.62, subsection 1, Code 1993, is
4 amended to read as follows:

5 1. The authority shall initiate a program to assist the
6 development and expansion of small business in Iowa. The
7 authority may issue bonds and notes the proceeds of which
8 shall be used to make program loans. ~~The principal amount of~~
9 ~~bonds and notes that may be issued pursuant to the loan~~
10 ~~program and the principal amount of the bonds and notes issued~~
11 ~~which shall be counted as a portion of the total principal~~
12 ~~amount of bonds and notes of the authority which may be~~
13 ~~outstanding at any time are as provided in section 16.26,~~
14 ~~subsection 1.~~ Bonds and notes issued under this section are
15 subject to all provisions of this chapter relating to the
16 issuance of bonds.

17 Sec. 75. Section 16.71, Code 1993, is amended to read as
18 follows:

19 16.71 RESIDENTIAL MORTGAGE MARKETING PROGRAM.

20 The authority shall establish a program to assist lenders
21 to sell residential mortgage loans in the organized and
22 unorganized secondary mortgage market. The authority may
23 issue taxable and tax-exempt bonds and notes. The proceeds of
24 the bonds shall be used to purchase residential mortgage loans
25 from lenders. ~~The bonds and notes are a portion of the total~~
26 ~~principal amount of bonds and notes of the authority which may~~
27 ~~be outstanding at any time pursuant to section 16.26,~~
28 ~~subsection 1.~~ Bonds and notes issued under this section are
29 subject to all provisions of this chapter relating to the
30 issuance of bonds.

31 Sec. 76. Section 22.7, subsection 30, Code Supplement
32 1993, is amended to read as follows:

33 30. Records and information obtained or held by
34 independent special counsel during the course of an
35 investigation conducted pursuant to section 68B.34.

1 Information that is disclosed to a legislative ethics
2 committee subsequent to a determination of probable cause by
3 independent special counsel and made pursuant to section
4 68B.31 or 68B.32 is not a confidential record unless otherwise
5 provided by law.

6 Sec. 77. Section 43.18, unnumbered paragraph 5, Code 1993,
7 is amended to read as follows:

8 I am aware that I am required to organize a candidate's
9 committee which shall file an organization statement and
10 disclosure reports if my committee or I receive contributions,
11 make expenditures, or incur indebtedness in excess of two
12 hundred-fifty five hundred dollars for the purpose of
13 supporting my candidacy for public office. This paragraph
14 does not apply to candidates for federal offices.

15
16 (Signed)

17 Sec. 78. Section 44.3, subsection 2, unnumbered paragraph
18 7, Code 1993, is amended to read as follows:

19 I am aware that I am required to organize a candidate's
20 committee which shall file an organization statement and
21 disclosure reports if my committee or I receive contributions,
22 make expenditures, or incur indebtedness in excess of two
23 hundred-fifty five hundred dollars for the purpose of
24 supporting my candidacy for public office. This paragraph
25 does not apply to candidates for federal offices.

26 Sec. 79. Section 45.3, unnumbered paragraph 8, Code 1993,
27 is amended to read as follows:

28 I am aware that I am required to organize a candidate's
29 committee which shall file an organization statement and
30 disclosure reports if my committee or I receive contributions,
31 make expenditures, or incur indebtedness in excess of two
32 hundred-fifty five hundred dollars for the purpose of
33 supporting my candidacy for public office. This paragraph
34 does not apply to candidates for federal offices.

35 Sec. 80. Section 56.2, subsection 5, Code Supplement 1993,

1 is amended by striking the subsection.

2 Sec. 81. Section 56.5A, Code Supplement 1993, is amended
3 to read as follows:

4 56.5A CANDIDATE'S COMMITTEE.

5 Each candidate for federal, state, county, city, or school
6 office shall organize one, and only one, candidate's committee
7 for a specific office sought when the candidate receives
8 contributions in excess of five hundred dollars in the
9 aggregate, makes expenditures in excess of five hundred
10 dollars in the aggregate, or incurs indebtedness in excess of
11 ~~two-hundred-fifty~~ five hundred dollars in the aggregate in a
12 calendar year.

13 Sec. 82. Section 68B.35A, Code Supplement 1993, is amended
14 to read as follows:

15 68B.35A PERSONAL FINANCIAL DISCLOSURE STATEMENTS OF STATE
16 OFFICIALS AND EMPLOYEES -- PUBLIC ACCESS.

17 Personal financial disclosure statements filed with the
18 board, and the chief clerk of the house, and the secretary of
19 the senate, or other appropriate person or body shall be
20 forwarded to the secretary of state for the recording of the
21 information through electronic means. The board and the
22 general assembly shall execute agreements with the secretary
23 of state which provide for public access to and copying of the
24 information, and include a site in the board offices for
25 public viewing and copying of information, contained in
26 personal financial disclosure statements filed with the board,
27 and the chief clerk of the house, and the secretary of the
28 senate, or other appropriate person or body.

29 Sec. 83. Section 68B.36, subsections 2, 4, and 5, Code
30 Supplement 1993, are amended to read as follows:

31 2. Registration shall be valid from the date of
32 registration until the expiration of the registration period
33 for the type of lobbying in which the person will be engaging.
34 Any change in or addition to the information shall be
35 registered within ten days after the change or addition is

1 known to the lobbyist. Changes or additions for executive
2 branch lobbyists may shall be filed either with the executive
3 ~~council-or-with-the-agency-or-office-where-the-original~~
4 ~~registration-was-filed~~ board. Changes or additions for
5 registrations of lobbyists of the general assembly shall be
6 filed with either the chief clerk of the house or the
7 secretary of the senate.

8 4. If a lobbyist's service on behalf of a particular
9 employer, client, or cause is concluded prior to the end of
10 the calendar year, the lobbyist may cancel the registration on
11 appropriate forms supplied by the ~~executive-council~~ board, the
12 chief clerk of the house, or the secretary of the senate. The
13 cancellation forms shall be filed by the lobbyist in the place
14 where the lobbyist filed the original registration. Persons
15 ~~within-the-executive-branch-receiving-forms-canceling-a~~
16 ~~lobbyist's-registration-shall-forward-the-forms-to-the~~
17 ~~executive-council~~: Upon cancellation of registration, a
18 lobbyist is prohibited from engaging in any lobbying activity
19 on behalf of that particular employer, client, or cause until
20 reregistering and complying with the rules of the executive
21 ~~council~~ board or the general assembly.

22 5. All federal, state, and local officials or employees
23 representing the official positions of their departments,
24 commissions, boards, or agencies shall, when lobbying the
25 general assembly, present to the chief clerk of the house or
26 the secretary of the senate a letter of authorization from
27 their department or agency heads prior to the commencement of
28 their lobbying. When lobbying a state agency or the office of
29 the governor, the letter shall be presented to the ~~agency-or~~
30 ~~office~~ board. The lobbyist registration statement of these
31 officials and employees shall not be deemed complete until the
32 letter of authorization is attached. Federal, state, and
33 local officials who wish to lobby in opposition to the
34 official position of their departments, commissions, boards,
35 or agencies must indicate this on their lobbyist registration

1 statements.

2 Sec. 84. Section 88.5, subsection 12, Code Supplement
3 1993, is amended to read as follows:

4 12. RAILWAY SANITATION AND SHELTER. A railway corporation
5 within the state shall provide adequate sanitation and shelter
6 for all railway employees. The commissioner shall adopt rules
7 requiring railway corporations within the state to provide a
8 safe and healthy workplace. ~~For purposes of this section, a~~
9 ~~locomotive engine includes all railway engines used in train~~
10 ~~or yard service.~~ The commissioner shall enforce the
11 requirements of this section upon the receipt of a written
12 complaint.

13 Sec. 85. Section 123.36, unnumbered paragraph 1, Code
14 Supplement 1993, is amended to read as follows:

15 The following fees shall be paid to the division annually
16 for ~~special liquor permits and~~ liquor control licenses issued
17 under ~~sections 123.29 and~~ section 123.30 respectively:

18 Sec. 86. Section 137.19, Code 1993, is amended to read as
19 follows:

20 137.19 EMERGENCY REQUEST FOR FUNDS.

21 A local board may, in emergency situations, request
22 additional appropriations, which may, upon approval of the
23 ~~commissioner~~ director, be allotted from the funds reserved for
24 that purpose. On termination of the emergency situation, the
25 local board shall report its expenditures of emergency funds,
26 to the ~~commissioner~~ director and return any unexpended funds.

27 Sec. 87. Section 141.23, subsection 1, paragraph i, Code
28 Supplement 1993, is amended to read as follows:

29 i. The convicted offender, the physician or other
30 practitioner who orders the test of the convicted offender,
31 the victim, the parent, guardian, or custodian of the victim
32 if the victim is a minor, the physician of the victim, the
33 victim counselor or person requested by the victim who is
34 authorized to provide the counseling required pursuant to
35 section 141.22, and the victim's spouse, persons with whom the

1 victim has engaged in vaginal, anal, or oral intercourse
2 subsequent to the sexual assault, or members of the victim's
3 family within the ~~fourth~~ third degree of consanguinity.

4 Sec. 88. Section 235.1, unnumbered paragraph 1, Code 1993,
5 is amended to read as follows:

6 The terms "state division", "administrator", "~~county~~
7 ~~department~~", "~~county-board~~" and "child" are used in this
8 chapter and chapter 238 as the terms are defined in section
9 234.1.

10 Sec. 89. Section 249A.6, subsections 1, 2, and 4, Code
11 Supplement 1993, are amended to read as follows:

12 1. When payment is made by the department for medical care
13 or expenses through the medical assistance program on behalf
14 of a recipient, the department shall have a lien, to the
15 extent of those payments, ~~to~~ upon all monetary claims which
16 the recipient may have against third parties. A lien under
17 this section is not effective unless the department files a
18 notice of lien with the clerk of the district court in the
19 county where the recipient resides and with the recipient's
20 attorney when the recipient's eligibility for medical
21 assistance is established. The notice of lien shall be filed
22 before the third party has concluded a final settlement with
23 the recipient, the recipient's attorney, or other
24 representative. The third party shall obtain a written
25 determination from the department concerning the amount of the
26 lien before a settlement is deemed final for purposes of this
27 section. A compromise, including but not limited to a
28 settlement, waiver or release, of a claim under this section
29 does not defeat the department's lien except pursuant to the
30 written agreement of the director or the director's designee.
31 A settlement, award, or judgment structured in any manner not
32 to include medical expenses or an action brought by a
33 recipient or on behalf of a recipient which fails to state a
34 claim for recovery of medical expenses does not defeat the
35 department's lien if there is any recovery on the recipient's

1 claim.

2 2. The department shall be given notice of monetary claims
3 against third parties as follows:

4 a. Applicants for medical assistance shall notify the
5 department of any possible claims against third parties upon
6 submitting the application. Recipients of medical assistance
7 shall notify the department of any possible claims when those
8 claims arise.

9 b. A person who provides health care services to a person
10 receiving assistance through the medical assistance program
11 shall notify the department whenever the person has reason to
12 believe that third parties may be liable for payment of the
13 costs of those health care services.

14 c. An attorney representing an applicant for or recipient
15 of assistance on a claim ~~to~~ upon which the department has a
16 lien under this section shall notify the department of the
17 claim of which the attorney has actual knowledge, prior to
18 filing a claim, commencing an action or negotiating a
19 settlement offer. Actual knowledge under this section shall
20 include the notice to the attorney pursuant to subsection 1.

21 The mailing and deposit in a United States post office or
22 public mailing box of the notice, addressed to the department
23 at its state or district office location, is adequate legal
24 notice of the claim.

25 4. If a recipient of assistance through the medical
26 assistance program incurs the obligation to pay attorney fees
27 and court costs for the purpose of enforcing a monetary claim
28 ~~to~~ upon which the department has a lien under this section,
29 upon the receipt of the judgment or settlement of the total
30 claim, of which the lien for medical assistance payments is a
31 part, the court costs and reasonable attorney fees shall first
32 be deducted from this total judgment or settlement. One-third
33 of the remaining balance shall then be deducted and paid to
34 the recipient. From the remaining balance, the lien of the
35 department shall be paid. Any amount remaining shall be paid

1 to the recipient. An attorney acting on behalf of a recipient
2 of medical assistance for the purpose of enforcing a claim to
3 upon which the department has a lien shall not collect from
4 the recipient any amount as attorney fees which is in excess
5 of the amount which the attorney customarily would collect on
6 claims not subject to this section.

7 Sec. 90. Section 255.15, Code 1993, is amended to read as
8 follows:

9 255.15 DUTY OF ADMITTING PHYSICIAN AT HOSPITAL.

10 The authorities in control of the medical college shall
11 designate some physician to pass upon the admission of such
12 the patient, and it shall be the physician's duty to receive
13 such the patient into the hospital and to provide for the
14 patient, if available, a cot, bed, or room in said the
15 hospital, and to assign the patient to the appropriate clinic
16 and for treatment by the proper physician, unless, in the
17 physician's judgment, the presence of the patient in the
18 hospital would be dangerous to other patients, or there is no
19 reasonable probability that the patient may be benefited by
20 the proposed treatment or hospital care. If the admitting
21 physician ~~shall deny~~ denies admission to the patient, the
22 physician shall make a report ~~in duplicate~~ of the reasons
23 therefor for the denial.

24 Sec. 91. Section 255.17, Code 1993, is amended to read as
25 follows:

26 255.17 REPORT OF PHYSICIAN IN CHARGE OF CLINIC.

27 If the physician or surgeon in charge of ~~said the~~ the clinic,
28 or to whom such the patient has been assigned for treatment,
29 declines to treat such the patient, the physician or surgeon
30 shall make a report ~~in duplicate~~ of the physician's or
31 surgeon's examination of such the patient, and state ~~therein~~
32 in the report the reasons for declining such the treatment.

33 Sec. 92. Section 256.1, subsections 2, 3, and 4, Code
34 Supplement 1993, are amended to read as follows:

35 2. ~~Stimulate~~ The department shall stimulate and encourage

1 educational radio and television and other educational
2 communications services as necessary to aid in accomplishing
3 the educational objectives of the state.

4 3. Meet The department shall meet the informational needs
5 of the three branches of state government.

6 4. Provide The department shall provide for the
7 improvement of library services to all Iowa citizens and
8 foster development and cooperation among libraries.

9 Sec. 93. Section 257.2, subsection 12, Code 1993, is
10 amended to read as follows:

11 12. "State percent of growth" means ~~a~~ the percent of
12 ~~economic growth determined under this chapter~~ which is based
13 ~~upon an averaging of state and federal growth indicators~~
14 established by statute pursuant to section 257.8, and which is
15 used in determining the allowable growth.

16 Sec. 94. Section 260C.57, Code 1993, is amended to read as
17 follows:

18 260C.57 AUTHORIZATION -- CONTRACTS -- TITLE.

19 Subject to and in accordance with the provisions of this
20 division, the board of ~~trustees~~ directors of each community
21 college is hereby authorized to undertake and carry out any
22 project at a community college under the board's control and
23 to operate, control, maintain, and manage student residence
24 halls and dormitories, including dining and other incidental
25 facilities, and additions to such buildings at each of said
26 institutions. All contracts for the construction,
27 reconstruction, completion, equipment, improvement, repair or
28 remodeling of any buildings, additions or facilities shall be
29 let in accordance with the provisions of section 260C.19. The
30 title to all real estate acquired under the provisions of this
31 division and the improvements erected on the real estate shall
32 be taken and held in the name of the merged area. The board
33 is authorized to rent the rooms in such residence halls and
34 dormitories to the students, officers, guests and employees of
35 the institutions at such rates, fees or rentals as will

1 provide a reasonable return upon the investment, but which
2 will in any event produce net rents, profits and income
3 sufficient to insure the payment of the principal of and
4 interest on all bonds or notes issued to pay any part of the
5 cost of any project and refunding bonds or notes issued
6 pursuant to the provisions of this division and to insure that
7 no property tax revenues will be needed to retire the bonds or
8 notes.

9 Sec. 95. Section 260C.59, Code 1993, is amended to read as
10 follows:

11 260C.59 RATES AND TERMS OF BONDS OR NOTES.

12 The bonds or notes may bear a date or dates, may bear
13 interest at such rate or rates, may mature at such time or
14 times, may be in such form, carry such registration
15 privileges, may be payable at such place or places, may be
16 subject to such terms of redemption prior to maturity with or
17 without premium, if so stated on the face of the bonds, and
18 may contain any terms and covenants as may be provided by the
19 resolution of the board authorizing the issuance of the bonds
20 or notes. In addition to the estimated cost of construction,
21 the cost of the project shall be deemed to include interest
22 upon the bonds or notes during construction and for six months
23 after the estimated completion date, the compensation of a
24 fiscal agent or adviser, any underwriter discount, and
25 engineering, administrative and legal expenses. The bonds or
26 notes shall be executed by the president of the board of
27 ~~trustees~~ directors and attested by the secretary. Any bonds
28 or notes bearing the signatures of officers in office on the
29 date of the signing shall be valid and binding for all
30 purposes, notwithstanding that before delivery of the bonds or
31 notes any or all persons whose signatures appear on the bonds
32 or notes shall have ceased to be officers. Each bond or note
33 shall state upon its face the name of the institution on
34 behalf of which it is issued, that it is payable solely and
35 only from the net rents, profits and income derived from the

1 operation of residence halls or dormitories, including dining
2 and other incidental facilities, at the institution named, and
3 that it does not constitute a charge against the state of Iowa
4 within the meaning or application of any constitutional or
5 statutory limitation or provision. The issuance of bonds or
6 notes shall be recorded in the office of the treasurer of the
7 institution on behalf of which the bonds or notes are issued,
8 and a certificate by such treasurer to this effect shall be
9 printed on the back of each such bond or note.

10 Sec. 96. Section 260C.65, Code 1993, is amended to read as
11 follows:

12 260C.65 FEDERAL OR OTHER AID ACCEPTED.

13 The board of ~~trustees~~ directors of each community college
14 may apply for and accept federal aid or nonfederal gifts or
15 grants of funds, and may use the aid, gifts, or funds to pay
16 all or any part of the cost of carrying out any project at any
17 institution under the terms of this division or to pay any
18 bonds and interest on the bonds issued for any of the purposes
19 specified in this division.

20 Sec. 97. Section 260C.66, Code 1993, is amended to read as
21 follows:

22 260C.66 REPORTS TO GENERAL ASSEMBLY.

23 The board of ~~trustees~~ directors of each community college
24 shall determine, in consultation with the legislative fiscal
25 bureau, the financial information to be included in line item
26 budget information for projects funded by the issuance of
27 bonds or notes under this chapter and shall submit the line
28 item budget information to the general assembly as requested.
29 The board of ~~trustees~~ directors of each community college
30 shall submit quarterly reports to the general assembly
31 concerning the projects funded by the issuance of bonds or
32 notes under this chapter as follows:

33 1. Identification of both undercharges and overcharges for
34 line items of projects.

35 2. Identification of contracts in which any line item for

1 a project exceeds the adopted budget for that line item by ten
2 percent or more.

3 3. Identification of complaints received by an institution
4 regarding the construction of a project.

5 If the board of ~~trustees~~ directors of a community college
6 approves a change in the amount of the line item of a budget
7 for a project, the change shall be transmitted to the
8 appropriations committees of the house of representatives and
9 senate, while the general assembly is in session, and to the
10 legislative council, when the general assembly is not in
11 session, for review.

12 Sec. 98. Section 260C.67, Code 1993, is amended to read as
13 follows:

14 260C.67 ALTERNATIVE METHOD.

15 This division shall be construed as providing an
16 alternative and independent method for carrying out any
17 project at any institution under the control of a community
18 college board of ~~trustees~~ directors, for the issuance and sale
19 or exchange of bonds or notes in connection with a project and
20 for refunding bonds or notes pertinent to the project, without
21 reference to any other statute, and shall not be construed as
22 an amendment of or subject to the provisions of any other law,
23 and no publication of any notice, whether under section 73A.12
24 or otherwise, and no other or further proceeding in respect to
25 the issuance or sale or exchange of bonds or notes under this
26 division, shall be required except as prescribed by this
27 division, any provisions of other statutes of the state to the
28 contrary notwithstanding.

29 Sec. 99. Section 260C.70, Code 1993, is amended to read as
30 follows:

31 260C.70 TEN-YEAR PROGRAM AND TWO-YEAR BONDING ESTIMATE
32 SUBMITTED EACH YEAR.

33 The board of ~~trustees~~ directors of each community college
34 shall prepare and submit to the general assembly, the
35 governor, and the department of education a proposed ten-year

1 building program for each institution under the board's
2 control, including an estimate of the maximum amount of bonds
3 which the board expects to issue under the provisions of this
4 chapter during each year of the ensuing biennium. The program
5 and estimate shall be submitted no later than seven days after
6 the convening of each regular annual session of the general
7 assembly. Before a board of trustees directors can proceed
8 with a project in the building program, the project must be
9 approved by the state board for community colleges, and be a
10 project designed for special programs, special needs of
11 special students, and to meet needs for which privately owned
12 housing is not available. The building program shall contain
13 a list of the buildings and facilities which are designed to
14 meet the special needs of students attending special programs.
15 The list shall be revised annually, but no project shall be
16 eliminated from the list when bonds have previously been
17 issued by the board to pay the cost of the project. Each list
18 shall contain an estimate of the cost of each of the buildings
19 and facilities referred to on the list.

20 Sec. 100. Section 275.1, subsection 2, Code Supplement
21 1993, is amended to read as follows:

22 2. "Initial board" means the board of a newly reorganized
23 district that is selected pursuant to section 275.25 or ~~274.41~~
24 275.41 and functions until the organizational meeting
25 following the fourth regular school election held after the
26 effective date of the reorganization.

27 Sec. 101. Section 294A.25, subsection 8, Code Supplement
28 1993, is amended to read as follows:

29 8. For the fiscal year beginning July 1, 1993, to the
30 department of education from phase III moneys the amount of
31 seven hundred fifty thousand dollars for support for the
32 operations of the new Iowa schools development corporation and
33 for school transformation design and implementation projects
34 administered by the corporation and the amount of seven
35 hundred fifty thousand dollars for purposes specified in the

1 math and science grant program under section 256.36, which may
2 include support for the early mathematics prognostic testing
3 program at Iowa state university of science and technology.
4 However, the funds appropriated for purposes specified in the
5 math and science grant program under section 256.36 are
6 contingent on the receipt of federal funding from the state
7 systemic initiative for improving mathematics and science
8 education grant. If federal funding from the state ~~systems~~
9 systemic initiative for improving mathematics and science
10 education is not received, the amount of two hundred fifty
11 thousand dollars shall be used, in addition to any other
12 appropriations, for the operations of the new Iowa schools
13 development corporation and for school transformation design
14 and implementation projects administered by the corporation.

15 Sec. 102. Section 312.2, subsection 19, Code Supplement
16 1993, is amended to read as follows:

17 19. a. The treasurer of state, before making the
18 allotments provided for in this section, for the fiscal year
19 beginning July 1, 1990, and each succeeding fiscal year, shall
20 credit from the road use tax fund two million dollars to the
21 county bridge construction fund, which is hereby created.
22 Moneys credited to the county bridge construction fund shall
23 be allocated to counties by the department for bridge
24 construction, reconstruction, replacement, or realignment
25 based on needs in accordance with rules adopted by the
26 department.

27 b. The treasurer of state, before making the allotments
28 provided for in this section, for the fiscal year beginning
29 July 1, 1990, and each succeeding fiscal year, shall credit
30 from the road use tax fund five hundred thousand dollars to
31 the city bridge construction fund, which is hereby created.
32 Moneys credited to the city bridge construction fund shall be
33 allocated to cities by the department for bridge construction
34 and reconstruction based on needs in accordance with rules
35 adopted by the department.

1 Sec. 103. Section 312.3, subsection 1, Code Supplement
2 1993, is amended by adding the following new paragraph:
3 NEW UNNUMBERED PARAGRAPH. For the purposes of this
4 subsection, "latest quadrennial need study report" includes
5 the annual recalculation of construction and maintenance needs
6 of roads whose jurisdiction has been transferred from the
7 department to a county or from a county to the department
8 during the previous year as recalculated pursuant to section
9 307A.2, subsection 14A.

10 Sec. 104. Section 321.291, Code Supplement 1993, is
11 amended to read as follows:

12 321.291 INFORMATION OR NOTICE.

13 In every charge of violation of section 321.285 the
14 information, and also the notice to appear, shall specify the
15 speed at which the defendant is alleged to have driven, ~~also~~
16 and the speed limit applicable within the district or at the
17 location.

18 Sec. 105. Section 331.602, subsection 29, Code 1993, is
19 amended by striking the subsection.

20 Sec. 106. Section 331.756, subsections 15 and 64B, Code
21 Supplement 1993, are amended to read as follows:

22 15. Review the report and recommendations of the
23 independent ethics and campaign finance disclosure board and
24 proceed to institute the recommended actions or advise the
25 board that prosecution is not merited, as provided in section
26 sections 68B.32C and 68B.32D.

27 64B. Make a written report to the department of
28 inspections and appeals within fifteen days of the end of each
29 calendar quarter of the amount of funds which were owed to the
30 state for indigent defense services and which were recouped
31 pursuant to subsection 5 ~~or-64A.~~

32 Sec. 107. Section 335.25, subsection 3, Code Supplement
33 1993, is amended to read as follows:

34 3. Notwithstanding the optional provision in section 335.1
35 and any other provision of this chapter to the contrary, a

1 county, county board of supervisors, or a county zoning
2 commission shall consider a family home a residential use of
3 property for the purposes of zoning and shall treat a family
4 home as a permitted use in all residential zones or districts,
5 including all single-family residential zones or districts, of
6 the county. A county, county board of supervisors, or a
7 county zoning commission shall not require that a family home,
8 its owner, or operator obtain a conditional use permit,
9 special use permit, special exception, or variance. However,
10 new family homes owned or operated by public or private
11 agencies shall be ~~disbursed~~ dispersed through the residential
12 zones and districts and shall not be located within contiguous
13 areas equivalent in size to city block areas. Section
14 135C.23, subsection 2, shall apply to all residents of a
15 family home.

16 Sec. 108. Section 335.32, Code Supplement 1993, is amended
17 to read as follows:

18 335.32 HOMES FOR PERSONS WITH PHYSICAL DISABILITIES.

19 A county board of supervisors or county zoning commission
20 shall consider a home for persons with physical disabilities a
21 family home, as defined in section 335.25, for the purposes of
22 zoning, in accordance with chapter ~~335B~~ 504C.

23 Sec. 109. Section 357A.14, subsection 1, Code Supplement
24 1993, is amended to read as follows:

25 1. An owner of real property outside a district which can
26 be economically served by the facilities of the district may
27 petition to be attached to the district. The petition
28 ~~submitted-by-the-district~~ shall be filed with the auditor, and
29 the auditor and supervisors shall notify the district that a
30 petition has been received and proceed in a manner set forth
31 in sections 357A.3 through 357A.6.

32 Sec. 110. Section 414.22, subsection 3, Code Supplement
33 1993, is amended to read as follows:

34 3. Notwithstanding any provision of this chapter to the
35 contrary, a city, city council, or city zoning commission

1 shall consider a family home a residential use of property for
2 the purposes of zoning and shall treat a family home as a
3 permitted use in all residential zones or districts, including
4 all single-family residential zones or districts, of the city.
5 A city, city council, or city zoning commission shall not
6 require that a family home, its owner, or operator obtain a
7 conditional use permit, special use permit, special exception,
8 or variance. However, new family homes owned and operated by
9 public or private agencies shall be ~~disbursed~~ dispersed
10 throughout the residential zones and districts and shall not
11 be located within contiguous city block areas. Section
12 135C.23, subsection 2, shall apply to all residents of a
13 family home.

14 Sec. 111. Section 414.30, Code Supplement 1993, is amended
15 to read as follows:

16 414.30 HOMES FOR PERSONS WITH PHYSICAL DISABILITIES.

17 A city council or city zoning commission shall consider a
18 home for persons with physical disabilities a family home, as
19 defined in section 414.22, for purposes of zoning in
20 accordance with chapter ~~135B~~ 504C.

21 Sec. 112. Section 455E.11, subsection 2, paragraph e,
22 unnumbered paragraph 1, Code Supplement 1993, is amended to
23 read as follows:

24 An oil overcharge account. The oil overcharge moneys
25 distributed by the United States department of energy, and
26 approved for the energy related components of the groundwater
27 protection strategy available through the energy conservation
28 trust created in section ~~93-11~~ 473.11, shall be deposited in
29 the oil overcharge account as appropriated by the general
30 assembly. The oil overcharge account shall be used for the
31 following purposes:

32 Sec. 113. Section 505.1, Code Supplement 1993, is amended
33 to read as follows:

34 505.1 INSURANCE DIVISION CREATED.

35 An insurance division is created within the department of

1 commerce to regulate and supervise the conducting of the
2 business of insurance in the state. The commissioner of
3 insurance is the chief executive officer of the division. As
4 used in this chapter, ~~the rest of the insurance title,~~
5 subtitle and ~~chapters~~ chapter 502 and 535C, "division" means
6 the insurance division.

7 Sec. 114. Section 507C.42, subsection 3, Code Supplement
8 1993, is amended to read as follows:

9 3. CLASS 3. Claims under policies, including claims of
10 the federal or any state or local government, for losses
11 incurred, including third-party claims, claims against the
12 insurer for liability for bodily injury or for injury to or
13 destruction of tangible property which are not under policies,
14 ~~and~~ claims of a guaranty association or foreign guaranty
15 association, ~~claims,~~ and claims for unearned premium. Claims
16 under life insurance and annuity policies, whether for death
17 proceeds, annuity proceeds, or investment values shall be
18 treated as loss claims. That portion of a loss,
19 indemnification for which is provided by other benefits or
20 advantages recovered by the claimant, shall not be included in
21 this class, other than benefits or advantages recovered or
22 recoverable in discharge of familial obligations of support or
23 by way of succession at death or as proceeds of life
24 insurance, or as gratuities. A payment by an employer to an
25 employee is not a gratuity.

26 Sec. 115. Section 546.8, Code Supplement 1993, is amended
27 to read as follows:

28 546.8 INSURANCE DIVISION.

29 The insurance division shall regulate and supervise the
30 conducting of the business of insurance in the state. The
31 division shall enforce and implement Title XIII, subtitle 1,
32 insurance and related regulation, ~~chapters-505-through-5236,~~
33 and ~~chapters~~ chapter 502 ~~and-535C,~~ and shall perform other
34 duties assigned to the division by law. The division is
35 headed by the commissioner of insurance who shall be appointed

1 pursuant to section 505.2.

2 Sec. 116. Section 556.5, subsection 2, Code Supplement
3 1993, is amended to read as follows:

4 2. At the expiration of a three-year period following the
5 failure of the owner to claim a dividend, distribution, or
6 other sum payable to the owner as a result of the interest,
7 the interest is not presumed abandoned unless there have been
8 at least ~~seven~~ three dividends, distributions, or other sums
9 paid during the period, none of which has been claimed by the
10 owner. If three dividends, distributions, or other sums are
11 paid during the three-year period, the period leading to a
12 presumption of abandonment commences on the date payment of
13 the first unclaimed dividend, distribution, or other sum
14 became due and payable. If three dividends, distributions, or
15 other sums are not paid during the presumptive period, the
16 period continues to run until there have been three dividends,
17 distributions, or other sums that have not been claimed by the
18 owner.

19 Sec. 117. Section 595.19, Code 1993, is amended to read as
20 follows:

21 595.19 VOID MARRIAGES.

22 1. Marriages between the following persons who are related
23 by blood are void:

24 † a. Between a man and his father's sister, mother's
25 sister, daughter, sister, son's daughter, daughter's daughter,
26 brother's daughter, or sister's daughter.

27 ‡ b. Between a woman and her father's brother, mother's
28 brother, son, brother, son's son, daughter's son, brother's
29 son, or sister's son.

30 † c. Between first cousins.

31 ‡ 2. Between Marriages between persons either of whom has
32 a husband or wife living are void, but, if the parties live
33 and cohabit together after the death or divorce of the former
34 husband or wife, such marriage shall be valid.

35 Sec. 118. Section 602.8107, subsection 5, unnumbered

1 paragraph 2, Code Supplement 1993, is amended to read as
2 follows:

3 This subsection does not apply to amounts collected for
4 victim restitution, the ~~new-victim-restitution~~ victim
5 compensation fund, criminal penalty surcharge, or amounts
6 collected as a result of procedures initiated under section
7 421.17, subsection 25.

8 Sec. 119. Section 724.22, subsection 7, Code 1993, is
9 amended to read as follows:

10 7. Access to loaded firearms by children restricted --
11 penalty. It shall be unlawful for any person to store or
12 leave a loaded firearm which is not secured by a trigger lock
13 mechanism, placed in a securely locked box or container, or
14 placed in some other location which a reasonable person would
15 believe to be secure from a minor under the age of fourteen
16 years, if such person knows or has reason to believe that a
17 minor under the age of fourteen years is likely to gain access
18 to the firearm without the lawful permission of the minor's
19 parent, guardian, or person having charge of the minor, the
20 minor lawfully gains access to the firearm without the consent
21 of the minor's parent, guardian, or person having charge of
22 the minor, and the minor exhibits the firearm in a public
23 place in an unlawful manner, or uses the firearm unlawfully to
24 cause injury or death to a person. This subsection does not
25 apply if the minor obtains the firearm as a result of an
26 unlawful entry by any person. A violation of this ~~section~~
27 subsection is punishable as a serious misdemeanor.

28 Sec. 120. Section 730.5, subsection 2, unnumbered
29 paragraph 1, Code 1993, is amended to read as follows:

30 Except as provided in subsection 7, an employer shall not
31 require or request employees or applicants for employment to
32 submit to a drug test as a condition of employment,
33 preemployment, promotion, or change in status of employment.
34 An employer shall not request, require, or conduct random or
35 blanket drug testing of employees. However, this section does

1 not apply to preemployment drug tests authorized for peace
2 officers or correctional officers of the state, or to drug
3 tests required under federal statutes or under federal
4 regulations adopted as of July 1, 1990, or to drug tests
5 conducted pursuant to a nuclear regulatory commission policy
6 statement regulation, or to drug tests conducted to determine
7 if an employee is ineligible to receive workers' compensation
8 under section 85.16, subsection 2.

9 Sec. 121. Section 805.8, subsection 2, paragraph g,
10 subparagraph (3), Code Supplement 1993, is amended to read as
11 follows:

12 (3) For excessive speed violations when in excess of the
13 limit under sections 321.236, subsections 5 and 11, 321.285,
14 and 461A.36 ~~by-five-or-less-miles-per-hour-the-fine-is-ten~~
15 ~~dollars~~, by more than five and not more than ten miles per
16 hour the fine is twenty dollars, by more than ten and not more
17 than fifteen miles per hour the fine is thirty dollars, by
18 more than fifteen and not more than twenty miles per hour the
19 fine is forty dollars, and by more than twenty miles per hour
20 the fine is forty dollars plus two dollars for each mile per
21 hour of excessive speed over twenty miles per hour over the
22 limit.

23 Sec. 122. Section 815.9A, subsection 1, Code Supplement
24 1993, is amended to read as follows:

25 1. If the person has an income level as determined
26 pursuant to section 815.9 greater than one hundred percent but
27 not more than one hundred fifty percent of the poverty
28 guidelines, at least one hundred dollars of the indigent
29 defense costs ~~to~~ shall be recovered in accordance with rules
30 adopted by the state public defender.

31 Sec. 123. Section 910A.16, subsection 4, Code Supplement
32 1993, is amended to read as follows:

33 4. To the greatest extent possible, a multidisciplinary
34 team involving the county attorney, law enforcement,
35 community-based child advocacy organizations, and personnel of

1 the department of human services shall be utilized in
2 investigating cases involving a violation of chapter 709 or
3 726 ~~with-a-child~~ committed upon a victim as defined in
4 subsection 1.

5 Sec. 124. 1993 Iowa Acts, chapter 131, section 29, is
6 amended to read as follows:

7 SEC. 29. 1. 1991 Iowa Acts, chapter 268, section 508,
8 subsection 3, unnumbered paragraph 2 and lettered paragraphs
9 a, b, c, and d, are amended by striking the unnumbered
10 paragraph and the lettered paragraphs.

11 2. 1992 Iowa Acts, chapter 1238, section 10, is repealed.

12 Sec. 125. REPEALS.

13 1. Section 2.68, Code 1993, is repealed.

14 2. 1992 Iowa Acts, chapter 1117, sections 40 and 43, are
15 repealed.

16 3. 1993 Iowa Acts, chapter 175, section 26, is repealed.

17 EXPLANATION

18 DIVISION I - RESUBMISSIONS

19 The sections included in Division I of this bill were
20 originally submitted as part of the 1993 Code editor's bills,
21 which failed to pass in 1993. Proposals that are presented
22 for the first time in 1994 are included in Division II of this
23 bill.

24 2.100: Substitutes the correct name, "legislative
25 information office", for an outdated reference to the former
26 "public information office" of the legislative service bureau.

27 11.27: In section relating to the biennial report of the
28 auditor of state, deletes a reference to the auditor's former
29 duties with respect to the regulation of savings and loan
30 associations. Also substitutes "department of management" for
31 "state comptroller's office" as the agency responsible for
32 administration of the budget and financial control Act.

33 12C.23(2): Amends language to improve readability in
34 provision relating to the liability of a depository of public
35 funds and the security given for the public funds if the

1 depository fails to pay an assessment by the treasurer of
2 state when due.

3 15.108(1)(e): In provision relating to financial duties of
4 the department of economic development, updates a reference to
5 administration of the community economic betterment program.

6 24.48, unn. para. 3: Substitutes "department of
7 management" for "state comptroller" in provision relating to
8 implementation of decisions of the state appeal board.

9 34.1(1): In chapter relating to the emergency 911
10 telephone number, strikes a definition of "commission" because
11 the section creating the state emergency telephone number
12 commission (former section 477A.3) was repealed effective July
13 1, 1992.

14 80.25: In provision relating to the duties of the division
15 of beer and liquor law enforcement of the department of public
16 safety, strikes a reference to enforcement of chapter 125
17 (chemical substance abuse). Chapter 125 is administered by
18 the Iowa department of public health. Enumeration of chapter
19 125 was a temporary provision technically necessary because of
20 the chapter transfer project initiated by the Code Editor in
21 preparation of the 1993 Code of Iowa.

22 97B.25: In the Iowa public employees' retirement system
23 (IPERS) chapter, strikes a reference to "administrator" and
24 substitutes "chief benefits officer". The position of
25 administrator was eliminated in the 1992 Session, with the
26 duties divided between a chief benefits officer and a chief
27 investment officer.

28 123.37, unnumbered paragraph 1: In section relating to
29 beer and liquor licenses and taxes, strikes a reference to
30 chapter 125. The licenses provided in chapter 125 are for
31 substance abuse treatment programs. Enumeration of the
32 chapter was a temporary provision technically necessary
33 because of the chapter transfer project.

34 135.1, unnumbered paragraph 1, and 135.11(13): In sections
35 relating to the Iowa department of public health and health-

1 related activities, strike references to chapter 435 (formerly
2 135D). Prior to 1986 the chapter contained provisions
3 requiring the licensing of mobile home parks but it now
4 relates only to mobile home taxation. Enumeration of chapter
5 435 was a temporary provision technically necessary because of
6 the chapter transfer project.

7 147.86: In the penalty provision for violations of
8 chapters governing professional licensing of health-related
9 professions, strikes the word "not" to improve grammatical
10 construction with use of the term "except".

11 159.1 and 159.5(11): In sections relating to the
12 department of agriculture and land stewardship, strike
13 references to chapters 9H, 16A, 352, and 427C. Chapter 9H,
14 corporate or partnership farming, is administered by the
15 secretary of state. Chapter 16A, the economic protective and
16 investment authority, is in the department of economic
17 development. Chapter 352 relates to the counties' land
18 preservation and use commissions. Chapter 427C relates to
19 property tax exemptions for forest and fruit tree
20 reservations. Enumeration of these chapters was a temporary
21 provision technically necessary because of the chapter
22 transfer project.

23 159.6(8): In section listing chapters to be enforced by
24 the department of agriculture and land stewardship, strikes
25 the list of chapters excepted as having been transferred into
26 title V, subtitle 4 (agriculture-related products and
27 activities). Enumeration of these chapters has created a
28 redundancy because the chapters are covered by subsequent
29 subsections of the section. (Chapter 205, relating to
30 poisons, is by its own terms subject to enforcement by the
31 board of pharmacy examiners rather than the department of
32 agriculture and land stewardship, so it remains as an
33 exception.)

34 161A.43, unen. para. 2: In provision relating to property
35 owners' liability or nonliability with respect to claims

1 connected with soil and water conservation practices,
2 substitutes "paragraph" for "section" for clarification.

3 Chapter 189 amendments and 190.1, unnumbered paragraph 1:

4 Generally, strike references to the inclusion of chapters 124,
5 124A, 124B, 126, and 353, all of which have now been
6 transferred out of title V, subtitle 4 (agriculture-related
7 products and activities) to more appropriate placements.
8 Chapters 124, 124A, 124B, and 126 (formerly chapters 204,
9 204A, 204B, and 203B) relate primarily to drugs and chapter
10 353 (formerly chapter 202) relates to county limestone
11 quarries. Enumeration of the chapters was a temporary
12 provision technically necessary because of the chapter
13 transfer project.

14 216.2(4)(b): Corrects an omission of the word "dwelling"
15 to modify "units" in a portion of the definition of "covered
16 multifamily dwelling" in the civil rights chapter.

17 235A.15(2)(e)(3): In list of those authorized for access
18 to child abuse information, a reference to the department of
19 justice for the purpose of filing certain victim claims is
20 updated by replacing the term "reparation" with "restitution
21 or compensation".

22 257.16, unn. para. 2: In provision relating to school
23 finance appropriations, strikes a sentence referring to
24 section 257.13, which related to the advance for increasing
25 enrollment and was repealed in the 1992 Session.

26 257B.11: In provision relating to the audit of losses to
27 the permanent school or university fund caused by defalcation,
28 mismanagement, or fraud, makes revisions for clarification
29 following the 1992 amendment which eliminated the specific
30 reference to the agents or officers controlling and managing
31 the fund.

32 257C.9(3) and (4): In provisions relating to accounts of
33 the advance funding authority, replace references to the state
34 comptroller with references to the department of revenue and
35 finance and the department of management.

1 357F.4: Substitutes the more specific term, "newspaper",
2 for "paper" in provision relating to publication of notice of
3 a public hearing on the establishment of a proposed benefited
4 emergency medical services district.

5 421.7(1): In section describing the interest rate for
6 overdue taxes and tax refunds under the taxation title,
7 strikes references to chapters 12B (formerly 452, security of
8 the revenue), 12C (formerly 453, deposit of public funds), and
9 257C (formerly 442A, advance funding authority), which were
10 transferred out of the title as part of the chapter transfer
11 project. The interest rate established pursuant to section
12 421.7 is irrelevant to those chapters. Enumeration of the
13 chapters was a temporary provision technically necessary
14 because of the chapter transfer project.

15 422.45(28), (33)(b): In section listing exemptions from
16 the sales tax, strike obsolete provisions which have expired
17 as a matter of law. Subsection 28 relates to goods and
18 services used in the construction and equipping of the Iowa
19 world trade center. Subsection 33(b) relates to claims for
20 refund of tax on the sale of automotive fluids to a retailer
21 between 1979 and 1986. These amendments were requested by the
22 department of revenue and finance.

23 422.73(3-7): In section relating to tax refunds, credits,
24 and carrybacks, strike various obsolete provisions which have
25 expired as a matter of law. These amendments were requested
26 by the department of revenue and finance.

27 423.25: In provision of the use tax chapter relating to
28 taxation in another state, strikes references to chapters 12B
29 (formerly 452, security of the revenue), 12C (formerly 453,
30 deposit of public funds), and 257C (formerly 442A, advance
31 funding authority), which were transferred out of the taxation
32 title as part of the chapter transfer project. Enumeration of
33 the chapters in section 423.25 was a temporary provision
34 technically necessary because of the chapter transfer project,
35 but the references are more appropriately stricken since the

1 chapters in question do not impose a tax within the meaning of
2 section 423.25.

3 428.20: In section defining the term "manufacturer" for
4 the taxation title, strikes references to chapters 12B, 12C,
5 and 257C. The term does not appear in and is not relevant to
6 those chapters. Enumeration of the chapters was a temporary
7 provision technically necessary because of the chapter
8 transfer project.

9 443.19: Strikes irrelevant references to chapters 12B,
10 12C, and 257C in section relating to errors in assessment and
11 the effect on tax deeds. Enumeration of the chapters was a
12 temporary provision technically necessary because of the
13 chapter transfer project.

14 455B.305A(5, 7, 8): In section relating to local siting
15 approval of sanitary landfill and infectious waste incinerator
16 projects, strikes references to appeal procedures provided by
17 section 455B.305B. Section 455B.305B was repealed effective
18 June 30, 1991.

19 455D.11A(4): Strikes a duplicative sentence in language
20 relating to surety bonds for owners of waste tire collection
21 or processing sites.

22 477C.5: In provision relating to dual party relay service
23 for communication-impaired persons, changes the name of the
24 "dual party relay service council" to "dual party relay
25 council". This change was requested by the utilities
26 division. The shortened name is already used in section
27 477C.2(3).

28 483A.24(1) and (13): In provisions specifying that a
29 special wild turkey hunting license is not required to hunt
30 wild turkey on a licensed hunting preserve, the former name,
31 "game breeding and shooting preserve", is replaced with the
32 new name, "hunting preserve".

33 490A.1404(1); 490A.1406(1)(e); and 490A.1407(2)(d):
34 Correct omissions in the term "foreign limited liability
35 company".

1 497.34, 498.36, 499.59A, and 524.1213(2): In sections
2 relating to indemnification of directors, officers, and
3 employees of cooperative associations and board members of
4 united community bank offices, update references incorporating
5 the indemnification provisions of the general corporation law.
6 499.36(6): Substitutes "subsection" for "section" in
7 provision authorizing the board of directors of a cooperative
8 association to take action without a meeting if written
9 consent is obtained from all members of the board.
10 504A.28: Strikes a reference to acknowledgement in a
11 provision relating to the incorporation of nonprofit
12 corporations. This amendment was requested by the
13 corporations division of the office of the secretary of state.
14 The reference in section 504A.28 was missed when other
15 provisions of chapter 504A were amended in 1990 to eliminate
16 the need for acknowledgement.
17 536A.2(5): There are two definitions of "licensee" in
18 chapter 536A, relating to the regulation of industrial loan
19 companies. The one which defines the term as "a person
20 licensed under this chapter" is retained, while the one which
21 defines it as "a corporation to which a license has been
22 issued" is stricken.
23 702.11: In the definition of "forcible felony", changes
24 the phrase "sexual abuse by a counselor or therapist" to
25 "sexual exploitation by a counselor or therapist". This is
26 the terminology adopted in the 1992 Session for the crime
27 described in section 709.15.
28 714.8(12): In provision of the criminal code relating to
29 fraudulent transfers with intent to obtain public assistance,
30 strikes references to chapter 709A (formerly 233, contributing
31 to delinquency), 904 (formerly 246, department of
32 corrections), 913 (formerly 247, interstate corrections
33 compact), and 914 (formerly 248A, reprieves, pardons,
34 commutations, remissions, and restoration of rights) because
35 the chapters have no relevance to obtaining public assistance.

1 Enumeration of the chapters was a temporary provision
2 technically necessary because of the chapter transfer project.
3 901.1: In section enumerating the chapters included in the
4 corrections code, strikes the exclusion of chapter 904.
5 Chapter 904 relates to the department of corrections and is
6 appropriately a part of the corrections code. The exclusion
7 was a temporary provision technically necessary because of the
8 chapter transfer project.

9 904.802(2) and 904.808(3): In provisions relating to the
10 department of corrections, update references to the director's
11 authority to establish an inmate work program.

12 DIVISION II -- NEW SUBMISSIONS

13 The sections included in Division II of this bill are those
14 which are submitted for the first time in 1994. Proposals
15 that were originally presented as part of the 1993 Code
16 editor's bills are included in Division I.

17 16.62(1) and 16.71: In sections on the Iowa finance
18 authority's small business loan program and residential
19 mortgage marketing program, strike obsolete references to a
20 bond limit which was repealed in 1985.

21 22.7(30): Deletes an incorrect reference in provision
22 relating to confidentiality of the records of an independent
23 special counsel employed by a legislative ethics committee.
24 There is no reference to an independent special counsel in
25 section 68B.32, relating to the ethics and campaign disclosure
26 board.

27 43.18, unn. para. 5; 44.3(2), unn. para. 7; 45.3, unn.
28 para. 8; and 56.5A: Correct references to the dollar amount
29 triggering the requirement for organizing a candidate's
30 committee. The amount was increased to \$500 in 1993.

31 56.2(5): In chapter on campaign finance, strikes obsolete
32 reference to campaign finance disclosure commission. A
33 reference to the ethics and campaign disclosure board was
34 added in 1993.

35 68B.35A: In provision requiring that personal financial

1 disclosure statements of state officials and employees be
2 forwarded to the secretary of state, inserts references to
3 statements of legislative members or employees which are filed
4 with some "other appropriate person or body".

5 68B.36(2), (4), and (5): Make conforming amendments
6 relating to the registration of persons lobbying the executive
7 branch. This registration is now with the ethics and campaign
8 disclosure board.

9 88.5(12): In provision relating to OSHA standards for
10 railway sanitation and shelter, deletes definition of
11 "locomotive engine" which is no longer relevant. It had been
12 part of a predecessor section (327F.38) which was more
13 specific as to requirements for potable water.

14 123.36, unen. para. 1: In section on liquor fees, deletes
15 obsolete references to special liquor permits.

16 137.19: In section relating to requests for emergency
17 funds by local boards of health, substitutes the term
18 "director" of public health for the obsolete term
19 "commissioner".

20 141.23(1)(i): In section relating to disclosure of certain
21 AIDS records, changes the degree of consanguinity from
22 "fourth" to "third" to conform to section 709B.3(14).

23 235.1, unen. para. 1: In chapter relating to child welfare,
24 deletes obsolete references to county welfare boards and
25 departments. These were abolished in 1993.

26 249A.6(1), (2), and (4): In medical assistance provision
27 which was amended in 1993 to substitute departmental liens for
28 subrogation, make corrections in prepositional usage.

29 255.15 and 255.17: In provisions relating to treatment of
30 indigent persons at the university hospital, delete references
31 to duplicate copies of certain reports. These amendments are
32 to conform to the 1993 amendment to section 255.18 which
33 eliminated the requirement to send a copy of the report to the
34 clerk of court.

35 256.1(2), (3), and (4): In provisions relating to the

- 1 department of education, revise a list of duties for
2 consistency of sentence structure.
- 3 257.2(12): In the definition section of the school finance
4 chapter, incorporates by reference the provisions of section
5 257.8 relating to the establishment of the "state percent of
6 growth" by statute each year.
- 7 260C.57, 260C.59, 260C.65, 260C.66, 260C.67, and 260C.70:
8 In sections relating to financing of community college
9 residence halls, substitute "board of directors" for "board of
10 trustees" as the correct name of the governing bodies of the
11 community colleges.
- 12 275.1(2): Corrects an erroneous reference in definition
13 section of chapter on school district reorganization.
- 14 294A.25(8): Corrects a reference to the "state systemic
15 initiative for improving mathematics and science education".
- 16 312.2(19): In section relating to allocations from the
17 road use tax fund, adds "shall" in two paragraphs for
18 consistency with other subsections.
- 19 312.3(1): In subsection relating to the apportionment of
20 road use tax moneys among counties, restores a definition
21 which was inadvertently lost when the subsection was stricken
22 and rewritten by a 1992 amendment which took effect July 1,
23 1993. (See the 1993 Code Supplement's Code Editor's note to
24 this section.)
- 25 321.291: Revises sentence structure to improve readability
26 of provision requiring that the information and notice to
27 appear for a speeding violation specify the alleged speed and
28 the speed limit.
- 29 331.602(29): Strikes from the list of county recorder's
30 duties the duty to record articles of incorporation and
31 charters for nonprofit corporations. Chapter 504A was amended
32 in 1993 to eliminate the requirement for filing and recording
33 of these documents in the recorder's office.
- 34 331.756(15) and (64B): In section setting forth duties of
35 the county attorney, correct the name of the board under the

1 newly constituted governmental ethics law, insert an
2 additional reference relevant to ethics procedures, and strike
3 an obsolete reference relating to the recoupment of certain
4 funds.

5 335.25(3) and 414.22(3): In sections relating to the
6 location of housing for persons with disabilities, substitute
7 the term "dispersed" for "disbursed".

8 335.32 and 414.30: Correct erroneous chapter references in
9 new sections relating to zoning for homes for persons with
10 physical disabilities.

11 357A.14(1): In provision relating to the filing of a
12 petition by a property owner requesting the attachment of
13 property to a rural water district, strikes language referring
14 to the submission of the petition "by the district".

15 455E.11(2)(e), unn. para. 1: In provision describing the
16 oil overcharge account of the groundwater protection fund,
17 substitutes a reference to new section 473.11 for an obsolete
18 reference to former section 93.11.

19 505.1 and 546.8: In sections establishing the insurance
20 division, strike references to chapter 535C (loan brokers) to
21 conform to 1993 changes transferring administrative authority
22 to the attorney general.

23 507C.42(3): In provision relating to insurer
24 rehabilitation and priority of distribution of claims, revises
25 sentence structure to improve readability.

26 556.5(2): In provision relating to unclaimed property,
27 corrects a reference to the requisite number of unclaimed
28 dividends by substituting "three" for "seven". This was
29 inadvertently omitted when the other references were changed
30 in 1993.

31 595.19: Restructures provision relating to void marriages
32 by separating out the provision which does not involve persons
33 who are related by blood.

34 602.8107(5), unn. para. 2: Substitutes the correct name of
35 the victim compensation fund in new section relating to the

1 collection of fines, penalties, fees, court costs, surcharges,
2 interest, and restitution.

3 724.22(7): Changes "section" to "subsection" for
4 clarification in provision setting forth the penalty for
5 allowing minors under 14 access to loaded firearms.
6 Subsections 1 and 2 establish that sales of certain firearms
7 to minors and persons under 21 are simple misdemeanors.

8 730.5(2), unn. para. 1: In provision relating to drug
9 testing of employees and applicants, updates reference to a
10 nuclear regulatory commission "policy statement" by
11 substituting reference to a now-formalized regulation. (See
12 10 C.F.R. Part 26.)

13 805.8(2)(g)(3): In subsection relating to scheduled
14 traffic violations, strikes from subparagraph (3) of paragraph
15 "g" the reference to speeding when not more than five miles
16 per hour in excess of the limit under certain sections. This
17 provision is duplicative of subparagraph (1) of paragraph "g".

18 815.9A(1): In section relating to recovery of indigent
19 defense costs, makes a grammatical correction for consistency
20 of sentence structure.

21 910A.16(4): In provision relating to the use of a
22 multidisciplinary team in providing child victim services,
23 substitutes "committed upon a victim" for the phrase "with a
24 child" to provide greater specificity.

25 1993 Iowa Acts, chapter 131, section 29: In the 1993
26 enactment which made permanent the transfer to the state
27 general fund of certain trust fund moneys, corrects an
28 omission by adding the repeal of a provision of a 1992
29 appropriation bill paralleling the stricken provision of a
30 1991 appropriation bill relating to temporary transfers.

31 2.68: Repeals an obsolete section relating to 1977
32 proposals for changes in city precinct boundaries.

33 1992 Iowa Acts, chapter 1117, sections 40 and 43: Repeals
34 a 1992 rewrite of section 521A.5(3), relating to insurance
35 company dividends. This particular provision never took

1 effect because of a deferred effective date and a subsequent
2 rewrite which superseded it. (See the 1993 Code Supplement's
3 Code Editor's note to section 521A.5.)

4 1993 Iowa Acts, chapter 175, section 26: Repeals
5 codification directives to implement department of commerce
6 changes which failed to pass. This section was inadvertently
7 left in the bill after the underlying provisions were amended
8 out.

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HSB 546

Judiciary & Law Enforcement

Hurley, Chr.
Boddicker
Brammer

HOUSE FILE 2124
BY (PROPOSED COMMITTEE ON
JUDICIARY AND LAW
ENFORCEMENT BILL BY
CHAIRPERSON McNEAL)

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

A BILL FOR

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

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1 DIVISION I -- RESUBMISSIONS

2 Section 1. Section 2.100, Code 1993, is amended to read as
3 follows:

4 2.100 COMPUTER SUPPORT BUREAU.

5 A computer support bureau is established under the
6 direction and control of the legislative council. The
7 administrative head of the computer support bureau is the
8 director of the bureau. The computer support bureau shall
9 serve the general assembly and the legislative council. The
10 computer support bureau shall also provide services and
11 support for the computer systems used by the legislative
12 staff, the legislative service bureau, the public legislative
13 information office, the Code editor's office, the office of
14 the citizens' aide and the legislative fiscal bureau.

15 Sec. 2. Section 11.27, Code 1993, is amended to read as
16 follows:

17 11.27 BIENNIAL REPORT.

18 The biennial report shall include:

19 1. A narrative report and such statistical statements as
20 the state auditor deems essential to display the results of
21 audits of the state departments and establishments.

22 ~~2. Statistics-on-building-and-loan-associations-now~~
23 ~~required-by-law-to-be-published-biennially.--The-biennial~~
24 ~~report-shall-also-include-the~~ The results of an audit of the
25 documents and the records of the ~~state-comptroller's-office~~
26 department of management created in the budget and financial
27 control Act, which records shall be audited by the auditor;
28 and, the results of the auditor's audit of all taxes and other
29 revenue collected and paid into the treasury, and the sources
30 thereof. ~~This-report-shall-also-include-the~~

31 3. The auditor's recommendations to improve the business
32 methods of the government and any other matters having for
33 their purpose to bring about increased economy and efficiency
34 in the conduct of the affairs of the government.

35 Sec. 3. Section 12C.23, subsection 2, Code 1993, is

1 amended to read as follows:

2 2. The depository and the security given for the public
3 funds in its hands are liable for payment if the depository
4 fails to pay a check, draft, or warrant drawn by the public
5 officer or to account for a check, draft, warrant, order, or
6 certificates of deposit, or any public funds entrusted to it
7 if, in failing to pay, the depository acts contrary to the
8 terms of an agreement between the depository and the public
9 body treasurer ~~or~~. The depository and the security given for
10 the public funds in its hands are also liable for payment if
11 the depository fails to pay an assessment, by the treasurer of
12 state when the assessment is due.

13 Sec. 4. Section 15.108, subsection 1, paragraph e, Code
14 Supplement 1993, is amended to read as follows:

15 e. Administer the funds ~~appropriated from~~ in the community
16 economic betterment program account of the Iowa plan fund for
17 economic development as provided in section 99E:32, subsection
18 2 established within the strategic investment fund as provided
19 in section 15.320.

20 Sec. 5. Section 24.48, unnumbered paragraph 3, Code 1993,
21 is amended to read as follows:

22 Upon decision of the state appeal board, the state
23 ~~comptroller~~ department of management shall make the necessary
24 changes in the total budget of the political subdivision and
25 certify the total budget to the governing body of the
26 political subdivision and the appropriate county auditors.

27 Sec. 6. Section 34.1, subsection 1, Code 1993, is amended
28 by striking the subsection.

29 Sec. 7. Section 80.25, Code 1993, is amended to read as
30 follows:

31 80.25 DIVISION OF BEER AND LIQUOR ENFORCEMENT.

32 The commissioner of public safety shall establish a
33 division of beer and liquor law enforcement and appoint a
34 chief enforcement officer to head the division. The
35 commissioner of public safety shall appoint other agents

1 needed in the division as are necessary to enforce the
2 provisions of chapters chapter 123 and 125. All enforcement
3 officers, assistants, and agents of the division, excluding
4 clerical workers, shall be subject to the provisions of
5 section 80.15.

6 Sec. 8. Section 97B.25, Code 1993, is amended to read as
7 follows:

8 97B.25 APPLICATIONS FOR BENEFITS.

9 A representative designated by the administrator chief
10 benefits officer and referred to in this chapter as a
11 retirement benefits specialist, shall promptly examine
12 applications for retirement benefits and on the basis of facts
13 found shall determine whether or not the claim is valid and if
14 valid, the month with respect to which benefits shall
15 commence, the monthly benefit amount payable, and the maximum
16 duration. The retirement benefits specialist shall promptly
17 notify the applicant and any other interested party of the
18 decision and the reasons. Unless the applicant or other
19 interested party, within thirty calendar days after the
20 notification was mailed to the applicant's or party's last
21 known address, files an appeal as provided in section 97B.20A,
22 the decision is final and benefits shall be paid or denied in
23 accord with the decision.

24 Sec. 9. Section 123.37, unnumbered paragraph 1, Code
25 Supplement 1993, is amended to read as follows:

26 The power to establish licenses and permits and levy taxes
27 as imposed in chapters chapter 123 and 125 is vested
28 exclusively with the state. Unless specifically provided, a
29 local authority shall not require the obtaining of a special
30 license or permit for the sale of alcoholic beverages, wine,
31 or beer at any establishment, or require the obtaining of a
32 license by any person as a condition precedent to the person's
33 employment in the sale, serving, or handling of alcoholic
34 beverages, wine, or beer, within an establishment operating
35 under a license or permit.

1 Sec. 10. Section 135.1, unnumbered paragraph 1, Code 1993,
2 is amended to read as follows:

3 For the purposes of chapters 152B, and 155, ~~and~~ 435, and title
4 IV, subtitle 2, excluding chapters 142B, 145B, and 146, unless
5 otherwise defined:

6 Sec. 11. Section 135.11, subsection 13, Code Supplement
7 1993, is amended to read as follows:

8 13. Establish, publish, and enforce rules not inconsistent
9 with law for the enforcement of the provisions of chapters
10 125, 152B, and 155, ~~and~~ 435 and title IV, subtitle 2,
11 excluding chapters 142B, 145B, and 146 and for the enforcement
12 of the various laws, the administration and supervision of
13 which are imposed upon the department.

14 Sec. 12. Section 147.86, Code 1993, is amended to read as
15 follows:

16 147.86 PENALTIES.

17 Any person violating any provision of this or the following
18 chapters of this subtitle, excluding chapters 152B and 152C,
19 except insofar as the provisions apply or relate to or affect
20 the practice of pharmacy, or where a specific penalty is not
21 otherwise provided, shall be guilty of a serious misdemeanor.

22 Sec. 13. Section 159.1, Code 1993, is amended to read as
23 follows:

24 159.1 DEFINITIONS.

25 For the purposes of chapters ~~9H, 16A, 352, and 427E~~ and
26 subtitles 1 through 3 of this title, excluding chapters 161A
27 through 161C, unless otherwise provided:

28 1. "Department" means the department of agriculture and
29 land stewardship and if the department is required or
30 authorized to do an act, unless otherwise provided, the act
31 may be performed by an officer, regular assistant, or duly
32 authorized agent of the department.

33 2. "Person" ~~shall include~~ includes an individual, a
34 corporation, company, firm, society, or association; and the
35 act, omission, or conduct of any officer, agent, or other

1 person acting in a representative capacity shall be imputed to
2 the organization or person represented, and the person acting
3 in such capacity shall also be liable for violation of
4 ~~chapters-9H7-16A7-3527-and-427E7-and~~ subtitles 1 through 3 of
5 this title, excluding chapters 161A through 161C.

6 3. "Secretary" means the secretary of agriculture.

7 Sec. 14. Section 159.5, subsection 11, Code 1993, is
8 amended to read as follows:

9 11. Establish, publish, and enforce rules not inconsistent
10 with law for the enforcement of the provisions of ~~chapters-9H7~~
11 ~~16A7-3527-and-427E-and~~ subtitles 1 through 3 of this title,
12 excluding chapters 161A through 161C, and for the enforcement
13 of the various laws, the administration and supervision of
14 which are imposed upon the department.

15 Sec. 15. Section 159.6, subsection 8, Code 1993, is
16 amended to read as follows:

17 8. Regulation and inspection of foods, drugs, and other
18 articles, as provided in Title V, subtitle 4, but ~~chapters-203~~
19 ~~through chapter~~ 205 ~~and-207-and-208~~ of that subtitle shall be
20 enforced as provided in ~~those-chapters~~ that chapter.

21 Sec. 16. Section 161A.43, unnumbered paragraph 2, Code
22 1993, is amended to read as follows:

23 A landowner shall not be liable for a claim based upon or
24 arising out of a claim of negligent design or specification,
25 negligent adoption of design or specification, or negligent
26 installation, construction, or reconstruction of a soil and
27 water conservation practice or an erosion control practice
28 that was installed, constructed, or reconstructed in
29 accordance with generally recognized engineering or safety
30 standards, criteria, or design theory in existence at the time
31 of the installation, construction, or reconstruction. A soil
32 and water conservation practice or an erosion control practice
33 installed, constructed, or reconstructed in compliance with
34 rules adopted by the division and currently in effect shall be
35 deemed to be installed, constructed, or reconstructed

1 according to generally recognized engineering or safety
2 standards, criteria, or design theory in existence at the time
3 of the installation, construction, or reconstruction. A claim
4 shall not be allowed for failure to upgrade, improve, or alter
5 any aspect of an existing soil and water conservation practice
6 or erosion control practice to a new, changed, or altered
7 design standard. This ~~section~~ paragraph does not apply to a
8 claim based on a failure of a landowner to upgrade, improve,
9 or alter a soil and water conservation practice or erosion
10 control practice in violation of law. This ~~section~~ paragraph
11 does not apply to claims based upon gross negligence.

12 Sec. 17. Section 189.1, unnumbered paragraph 1 and
13 subsections 1 and 6, Code 1993, are amended to read as
14 follows:

15 For the purpose of ~~chapters-124,-124A,-124B,-126,-and-353~~
16 ~~and~~ this subtitle, excluding chapters 203, 203A, 203C, 203D,
17 207, and 208, unless the context otherwise requires:

18 1. "Article" includes food, commercial feed, agricultural
19 seed, commercial fertilizer, drug, insecticide, fungicide,
20 paint, linseed oil, turpentine, and illuminating oil, in the
21 sense in which they are defined in the various provisions of
22 ~~chapters-124,-124A,-124B,-126,-and-353-and~~ this subtitle,
23 excluding chapters 203, 203A, 203C, 203D, 207, and 208.

24 6. "Person" includes a corporation, company, firm,
25 society, or association; and the act, omission, or conduct of
26 any officer, agent, or other person acting in a representative
27 capacity shall be imputed to the organization or person
28 represented, and the person acting in that capacity shall also
29 be liable for violations of ~~chapters-124,-124A,-124B,-126,-and~~
30 ~~353-and~~ this subtitle, excluding chapters 203, 203A, 203C,
31 203D, 207, and 208.

32 Sec. 18. Section 189.2, Code 1993, is amended to read as
33 follows:

34 189.2 DUTIES.

35 The department shall:

1 1. Execute and enforce chapter-353-and this subtitle,
2 except chapter 205.

3 2. Make and publish all necessary rules, not inconsistent
4 with law, for enforcing the provisions of chapters-~~124~~,~~-124A~~,
5 ~~124B~~,~~-126~~,~~-and-353~~-and this subtitle, excluding chapters 203,
6 203A, 203C, 203D, 207, and 208.

7 3. Provide such educational measures and exhibits, and
8 conduct such educational campaigns as are deemed advisable in
9 fostering and promoting the production and sale of the
10 articles dealt with in chapters-~~124~~,~~-124A~~,~~-124B~~,~~-126~~,~~-and-353~~
11 and this subtitle, excluding chapters 203, 203A, 203C, 203D,
12 207, and 208, in accordance with the regulations-~~herein~~
13 prescribed rules adopted pursuant to this subtitle.

14 4. Issue from time to time, bulletins showing the results
15 of inspections, analyses, and prosecutions under chapters-~~124~~,
16 ~~124A~~,~~-124B~~,~~-126~~,~~-and-353~~-and this subtitle, excluding chapters
17 203, 203A, 203C, 203D, 207, and 208. These bulletins shall be
18 printed in such numbers as may be approved by the
19 superintendent of printing and shall be distributed to the
20 newspapers of the state and to all interested persons.

21 Sec. 19. Section 189.3, Code 1993, is amended to read as
22 follows:

23 189.3 PROCURING SAMPLES.

24 The department shall, for the purpose of examination or
25 analysis, procure from time to time, or whenever ~~said~~ the
26 department has occasion to believe any of the provisions of
27 chapters-~~124~~,~~-124A~~,~~-124B~~,~~-126~~,~~-and-353~~-and this subtitle,
28 excluding chapters 203, 203A, 203C, 203D, 207, and 208, are
29 being violated, samples of the articles dealt with in these
30 provisions which have been shipped into this state, offered or
31 exposed for sale, or sold in the state.

32 Sec. 20. Section 189.4, Code 1993, is amended to read as
33 follows:

34 189.4 ACCESS TO FACTORIES AND BUILDINGS.

35 The department shall have full access to all places,

1 factories, buildings, stands, or premises, and to all wagons,
2 auto trucks, vehicles, or cars used in the preparation,
3 production, distribution, transportation, offering or exposing
4 for sale, or sale of any article dealt with in chapters-~~124~~
5 ~~124A7-124B7-1267-and-353-and~~ this subtitle, excluding chapters
6 203, 203A, 203C, 203D, 207, and 208.

7 Sec. 21. Section 189.5, Code 1993, is amended to read as
8 follows:

9 189.5 DEALER TO FURNISH SAMPLES.

10 Upon request and tender of the selling price by the
11 department any person who prepares, manufactures, offers or
12 exposes for sale, or delivers to a purchaser any article dealt
13 with in chapters-~~124~~,-~~124A7-124B7-1267-and-353-and~~ this
14 subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and
15 208, shall furnish, within business hours, a sample of the
16 same, sufficient in quantity for a proper analysis or
17 examination as shall be provided by the rules of the
18 department.

19 Sec. 22. Section 189.6, Code 1993, is amended to read as
20 follows:

21 189.6 TAKING OF SAMPLES.

22 The department may, without the consent of the owner,
23 examine or open any package containing, or believed to
24 contain, any article or product which it suspects may be
25 prepared, manufactured, offered, or exposed for sale, sold, or
26 held in possession in violation of the provisions of chapters
27 ~~124~~,-~~124A7-124B7-1267-and-353-and~~ this subtitle, excluding
28 chapters 203, 203A, 203C, 203D, 207, and 208, in order to
29 secure a sample for analysis or examination, and ~~said~~ the
30 sample and damage to container shall be paid for at the
31 current market price out of the contingent fund of the
32 department.

33 Sec. 23. Section 189.8, Code 1993, is amended to read as
34 follows:

35 189.8 WITNESSES.

1 In the enforcement of the provisions of chapters-~~1247-124A7~~
2 ~~124B7-1267-and-353-and~~ this subtitle, excluding chapters 203,
3 203A, 203C, 203D, 207, and 208, the department shall have
4 power to issue subpoenas for witnesses, enforce their
5 attendance, and examine them under oath. ~~Such~~ The witnesses
6 shall be allowed the same fees as witnesses in district court.
7 ~~Said~~ The fees shall be paid out of the contingent fund of the
8 department.

9 Sec. 24. Section 189.9, unnumbered paragraph 1, Code 1993,
10 is amended to read as follows:

11 All articles in package or wrapped form which are required
12 by chapters-~~1247-124A7-124B7-1267-and-353-and~~ this subtitle,
13 excluding chapters 203, 203A, 203C, 203D, 207, and 208, to be
14 labeled, unless otherwise provided, shall be conspicuously
15 marked in the English language in legible letters of not less
16 than eight-point heavy gothic caps on the principal label with
17 the following items:

18 Sec. 25. Section 189.13, Code 1993, is amended to read as
19 follows:

20 189.13 FALSE LABELS -- DEFACEMENT.

21 No A person shall not use any label required by chapters
22 ~~1247-124A7-124B7-1267-and-353-and~~ this subtitle, excluding
23 chapters 203, 203A, 203C, 203D, 207, and 208, which bears any
24 representations of any kind which are deceptive as to the true
25 character of the article or the place of its production, or
26 which has been carelessly printed or marked, nor shall any
27 person erase or deface any label required by chapters-~~1247~~
28 ~~124A7-124B7-1267-and-353-and~~ this subtitle, excluding chapters
29 203, 203A, 203C, 203D, 207, and 208.

30 Sec. 26. Section 189.14, subsection 1, Code 1993, is
31 amended to read as follows:

32 1. No A person shall not knowingly introduce into this
33 state, solicit orders for, deliver, transport, or have in
34 possession with intent to sell, any article which is labeled
35 in any other manner than that prescribed by chapters-~~1247~~

1 ~~124A7-124B7-1267-and-353-and~~ this subtitle, excluding chapters
2 203, 203A, 203C, 203D, 207, and 208, for the label of said the
3 article when offered or exposed for sale, or sold in package
4 or wrapped form in this state.

5 Sec. 27. Section 189.15, Code 1993, is amended to read as
6 follows:

7 189.15 ADULTERATED ARTICLES.

8 No A person shall not knowingly manufacture, introduce into
9 the state, solicit orders for, sell, deliver, transport, have
10 in possession with the intent to sell, or offer or expose for
11 sale, any article which is adulterated according to the
12 provisions of ~~chapters-1247-124A7-124B7-1267-and-353-and~~ this
13 subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and
14 208.

15 Sec. 28. Section 189.16, Code 1993, is amended to read as
16 follows:

17 189.16 POSSESSION.

18 Any person having in possession or under control any
19 article which is adulterated or which is improperly labeled
20 according to the provisions of ~~chapters-1247-124A7-124B7-1267~~
21 ~~and-353-and~~ this subtitle, excluding chapters 203, 203A, 203C,
22 203D, 207, and 208, shall be presumed to know its true
23 character and name, and such possession shall be prima-facie
24 prima facie evidence of having the same in possession with
25 intent to violate the provisions of ~~chapters-1247-124A7-124B7~~
26 ~~1267-and-353-and~~ this subtitle, excluding chapters 203, 203A,
27 203C, 203D, 207, and 208.

28 Sec. 29. Section 189.19, Code 1993, is amended to read as
29 follows:

30 189.19 LICENSES.

31 The following ~~regulations-shall~~ provisions apply to all
32 licenses issued or authorized under ~~chapters-1247-124A7-124B7~~
33 ~~1267-and-353-and~~ this subtitle, excluding chapters 203, 203A,
34 203C, 203D, 207, and 208:

35 1. APPLICATIONS. Applications for licenses shall be made

1 upon blanks furnished by the department and shall conform to
2 the prescribed rules of the department.

3 2. REFUSAL AND REVOCATION. For good and sufficient
4 grounds the department may refuse to grant a license to any
5 applicant; and it may revoke a license for a violation of any
6 provision of ~~chapters-1247-124A7-124B7-1267-and-353-and~~ this
7 subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and
8 208, or for the refusal or failure of any licensee to obey the
9 lawful directions of the department.

10 3. EXPIRATION. Unless otherwise provided all licenses
11 shall expire one year from the date of issue.

12 Sec. 30. Section 189.20, Code 1993, is amended to read as
13 follows:

14 189.20 INJUNCTION.

15 Any person engaging in any business for which a license is
16 required by ~~chapters-1247-124A7-124B7-1267-and-353-and~~ this
17 subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and
18 208, without obtaining such license, may be restrained by
19 injunction, and shall pay all costs made necessary by such
20 procedure.

21 Sec. 31. Section 189.21, Code 1993, is amended to read as
22 follows:

23 189.21 PENALTY.

24 Unless otherwise provided, any person violating any
25 provision of ~~chapters-1247-124A7-124B7-1267-and-353-and~~ this
26 subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and
27 208, or any rule made adopted by the department and
28 ~~promulgated-under-the-authority-of-said-department~~ pursuant to
29 such a provision, shall be is guilty of a simple misdemeanor.

30 Sec. 32. Section 189.22, Code 1993, is amended to read as
31 follows:

32 189.22 MAY CHARGE MORE THAN ONE OFFENSE.

33 In any criminal proceeding brought for violation of
34 ~~chapters-1247-124A7-124B7-1267-and-353-and~~ this subtitle, an
35 information or indictment may charge as many offenses as it

1 appears have been committed and the defendant may be convicted
2 of any or all of ~~said~~ the offenses.

3 Sec. 33. Section 189.23, Code 1993, is amended to read as
4 follows:

5 189.23 COMMON CARRIER.

6 ~~None-of-the~~ The penalties provided in chapters-~~1247-124A7~~
7 ~~124B7-1267-and-353-and~~ this subtitle, excluding chapters 203,
8 203A, 203C, 203D, 207, and 208, shall not be imposed upon any
9 common carrier for introducing into the state, or having in
10 its possession, any article which is adulterated or improperly
11 labeled according to the provisions of chapters-~~1247-124A7~~
12 ~~124B7-1267-and-353-and~~ this subtitle, excluding chapters 203,
13 203A, 203C, 203D, 207, and 208, when the same was received by
14 ~~said~~ the carrier for transportation in the ordinary course of
15 its business and without actual knowledge of its true
16 character.

17 Sec. 34. Section 189.24, Code 1993, is amended to read as
18 follows:

19 189.24 REPORT OF VIOLATIONS.

20 When it ~~shall-appear~~ appears that any of the provisions of
21 chapters-~~1247-124A7-124B7-1267-and-353-and~~ this subtitle,
22 excluding chapters 203, 203A, 203C, 203D, 207, and 208, have
23 been violated, the department shall at once certify the facts
24 to the proper county attorney, with a copy of the results of
25 any analysis, examination, or inspection ~~said~~ the department
26 may have made, duly authenticated by the proper person under
27 oath, and with any additional evidence which may be in
28 possession of ~~said~~ the department.

29 Sec. 35. Section 189.25, Code 1993, is amended to read as
30 follows:

31 189.25 COUNTY ATTORNEY.

32 The county attorney may at once institute the proper
33 proceedings for the enforcement of the penalties provided in
34 chapters-~~1247-124A7-124B7-1267-and-353-and~~ this subtitle for
35 such the violations.

1 Sec. 36. Section 189.27, Code 1993, is amended to read as
2 follows:

3 189.27 INSTITUTION OF PROCEEDINGS.

4 In any case when it appears that any of the provisions of
5 ~~chapters-124,-124A,-124B,-126,-and-353~~ and this subtitle have
6 been violated, the inspector having the investigation in
7 charge shall, when instructed by the department, file an
8 information against the suspected party.

9 Sec. 37. Section 189.28, Code 1993, is amended to read as
10 follows:

11 189.28 GOODS FOR SALE IN OTHER STATES.

12 Any person may keep articles specifically set apart in the
13 person's stock for sale in other states which do not comply
14 with the provisions of ~~chapters-124,-124A,-124B,-126,-and-353~~
15 and this subtitle, excluding chapters 203, 203A, 203C, 203D,
16 207, and 208, as to standards, purity, or labeling.

17 Sec. 38. Section 189.29, Code 1993, is amended to read as
18 follows:

19 189.29 REPORTS BY DEALERS.

20 Every person who deals in or manufactures any of the
21 articles dealt with in ~~chapters-124,-124A,-124B,-126,-and-353~~
22 and this subtitle, excluding chapters 203, 203A, 203C, 203D,
23 207, and 208, shall make upon blanks furnished by the
24 department such reports and furnish such statistics as may be
25 required by ~~said~~ the department and certify to the correctness
26 of the same.

27 Sec. 39. Section 189.30, Code 1993, is amended to read as
28 follows:

29 189.30 CONTRACTS INVALID.

30 No action shall be maintained in any of the courts of the
31 state upon any contract or sale made in violation of or with
32 the intent to violate any provision of ~~chapters-124,-124A,-~~
33 ~~124B,-126,-and-353~~ and this subtitle by one who was knowingly
34 a party thereto.

35 Sec. 40. Section 189.31, Code 1993, is amended to read as

1 follows:

2 189.31 FEES PAID INTO STATE TREASURY.

3 All fees collected under the provisions of chapters-~~124~~
4 ~~124A~~-~~124B~~-~~126~~-and-353-and this subtitle, shall be paid into
5 the state treasury.

6 Sec. 41. Section 190.1, unnumbered paragraph 1, Code 1993,
7 is amended to read as follows:

8 For the purpose of chapters-~~124~~-~~124A~~-~~124B~~-~~126~~-and-353
9 and this subtitle, except chapters 192, 203, 203A, 203C, 203D,
10 207, and 208, the following definitions and standards of food
11 are established:

12 Sec. 42. Section 216.2, subsection 4, paragraph b, Code
13 1993, is amended to read as follows:

14 b. The ground floor units of a building consisting of four
15 or more dwelling units.

16 Sec. 43. Section 235A.15, subsection 2, paragraph e,
17 subparagraph (3), Code Supplement 1993, is amended to read as
18 follows:

19 (3) To the department of justice for the sole purpose of
20 the filing of a claim for reparation restitution or
21 compensation pursuant to section 910A.5 and section 912.4,
22 subsections 3 through 5.

23 Sec. 44. Section 257.16, unnumbered paragraph 2, Code
24 1993, is amended to read as follows:

25 All state aids paid under this chapter, unless otherwise
26 stated, shall be paid in monthly installments beginning on
27 September 15 of a budget year and ending on or about June 15
28 of the budget year as determined by the department of
29 management, taking into consideration the relative budget and
30 cash position of the state resources. However, an amount of
31 state school foundation aid equal to the general allocation of
32 the school district as determined under section 405A.2 and the
33 amount of the tax credit for livestock pursuant to section
34 442.2, subsection 2, as it appeared in the 1987 Code, shall be
35 paid to the school district on July 15 of the subsequent

1 fiscal year, and the appropriation for this amount shall be
2 made for the fiscal year during which the payment is made.
3 ~~However, the state aid paid to school districts under section~~
4 ~~257.13 shall be paid in monthly installments beginning on~~
5 ~~December 15 and ending on June 15 of a budget year.~~

6 Sec. 45. Section 257B.11, Code 1993, is amended to read as
7 follows:

8 257B.11 SCHOOL FUND ACCOUNTS -- AUDIT OF LOSSES.

9 The director of revenue and finance shall keep the
10 permanent school fund accounts in books provided for that
11 purpose, separate and distinct from the revenue books. The
12 auditor of state shall audit losses to the permanent school or
13 university fund caused by the defalcation, mismanagement, or
14 fraud. The auditor of state shall adopt rules pursuant to
15 chapter 17A ~~for these officers~~ as necessary to ascertain the
16 losses.

17 Sec. 46. Section 257C.9, subsections 3 and 4, Code 1993,
18 are amended to read as follows:

19 3. Subject to a contract with bondholders, and to the
20 approval of the ~~state comptroller~~ director of revenue and
21 finance, the authority shall prescribe a system of accounts.

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

29 Sec. 47. Section 357F.4, Code 1993, is amended to read as
30 follows:

31 357F.4 TIME OF HEARING.

32 The public hearing required in section 357F.2 shall be held
33 within thirty days of the presentation of the petition.
34 Notice of hearing shall be given by publication in two
35 successive issues of any paper newspaper of general

1 circulation within the district. The last publication shall
2 be not less than one week before the proposed hearing.

3 Sec. 48. Section 421.7, subsection 1, Code 1993, is
4 amended to read as follows:

5 1. Except where a different rate of interest is stated in
6 a provision of chapters-~~12B~~,~~-12C~~,~~-and-257E~~-and this title, the
7 rate of interest on interest-bearing obligations arising under
8 chapters-~~12B~~,~~-12C~~,~~-and-257E~~-and this title shall be the rate
9 of interest in effect under this section.

10 Sec. 49. Section 422.45, subsection 28, Code Supplement
11 1993, is amended by striking the subsection.

12 Sec. 50. Section 422.45, subsection 33, paragraph b, Code
13 Supplement 1993, is amended by striking the paragraph.

14 Sec. 51. Section 422.73, subsections 3, 4, 5, 6, and 7,
15 Code 1993, are amended by striking the subsections.

16 Sec. 52. Section 423.25, Code 1993, is amended to read as
17 follows:

18 423.25 TAXATION IN ANOTHER STATE.

19 If any person who causes tangible personal property to be
20 brought into this state has already paid a tax in another
21 state in respect to the sale or use of ~~such~~ the property, or
22 an occupation tax in respect ~~thereto~~ to the property, in an
23 amount less than the tax imposed by chapters-~~12B~~,~~-12C~~,~~-and~~
24 ~~257E~~-and this title, the provisions of chapters-~~12B~~,~~-12C~~,~~-and~~
25 ~~257E~~-and this title shall apply, but at a rate measured by the
26 difference only between the rate ~~herein~~ fixed in this title
27 and the rate by which the previous tax on the sale or use, or
28 the occupation tax, was computed. If ~~such~~ the tax imposed and
29 paid in ~~such~~ the other state is equal to or more than the tax
30 imposed by chapters-~~12B~~,~~-12C~~,~~-and-257E~~-and this title, then no
31 tax ~~shall be~~ is due in this state on ~~such~~ the personal
32 property.

33 Sec. 53. Section 428.20, Code 1993, is amended to read as
34 follows:

35 428.20 DEFINITION OF MANUFACTURER.

1 A person who purchases, receives, or holds personal
2 property of any description for the purpose of adding to its
3 value by a process of manufacturing, refining, purifying,
4 combining of different materials, or by the packing of meats,
5 with a view to selling the property for gain or profit, is a
6 "manufacturer" for the purposes of chapters-12B, -12C, and-257E
7 and this title.

8 Sec. 54. Section 443.19, Code 1993, is amended to read as
9 follows:

10 443.19 IRREGULARITIES, ERRORS AND OMISSIONS -- EFFECT.

11 No failure of the owner to have such property assessed or
12 to have the errors in the assessment corrected, and no
13 irregularity, error or omission in the assessment of such
14 property, shall affect in any manner the legality of the taxes
15 levied thereon, or affect any right or title to such real
16 estate which would have accrued to any party claiming or
17 holding under and by virtue of a deed executed by the
18 treasurer as provided by chapters-12B, -12C, and-257E and this
19 title, had the assessment of such property been in all
20 respects regular and valid.

21 Sec. 55. Section 455B.305A, subsections 5, 7, and 8, Code
22 Supplement 1993, are amended to read as follows:

23 5. At least one public hearing shall be held by the city
24 council or county board of supervisors no sooner than ninety
25 days but no later than one hundred twenty days from receipt of
26 the request for siting approval. A hearing shall be preceded
27 by published notice in an official newspaper of the county of
28 the proposed site, including in any official newspaper located
29 in the city of the proposed site. ~~The public hearing shall~~
30 ~~develop a record sufficient to form the basis of an appeal of~~
31 ~~the decision.~~

32 7. Construction of a project which is granted local siting
33 approval under this section shall commence within one calendar
34 year from the date upon which it was granted or the permit
35 shall be nullified. ~~If the local siting decision is appealed,~~

~~1 the-one-year-period-shall-begin-on-the-date-upon-which-the
2 appeal-process-is-concluded-~~

3 8. The local siting approval, criteria, and appeal other
4 procedures provided for in this section ~~and-in-section~~
5 455B-305B are the exclusive local siting procedures ~~and-appeal~~
6 procedures. Local zoning, ordinances, or other local land use
7 requirements may be considered in such siting decisions.

8 Sec. 56. Section 455D.11A, subsection 4, Code 1993, is
9 amended to read as follows:

10 4. If the owner or operator of a waste tire collection or
11 processing site chooses to provide financial assurance in the
12 form of a surety bond, the bond shall be executed by a surety
13 company authorized to do business in this state. The bond
14 shall be continuous in nature until canceled by the surety. A
15 surety shall provide at least ninety days' notice in writing
16 to the owner or operator and to the department indicating the
17 surety's intent to cancel the bond and the effective date of
18 the cancellation. The surety bond shall be for the benefit of
19 the citizens of this state and shall be conditioned upon
20 compliance with this section. The surety's liability under
21 this subsection is limited to the amount of the bond or the
22 amount of the damages or moneys due, whichever is less.
23 However, this subsection does not limit the amount of damages
24 recoverable from an owner or operator ~~in~~ to the amount of the
25 surety bond. ~~This-subsection-shall-not-limit-the-recovery-of~~
26 ~~damages-to-the-surety-bond-~~ The bond shall be made in a form
27 prescribed by the commissioner of insurance and written by a
28 company authorized by the commissioner of insurance to do
29 business in this state. If a surety bond is canceled which
30 has been provided as financial assurance under this
31 subsection, the owner or operator of the waste tire collection
32 or processing site shall demonstrate to the department within
33 thirty days of the cancellation, a means of continued
34 compliance with the financial assurance requirements of this
35 section. If a means of continued compliance is not

1 demonstrated within the thirty-day period, the department
2 shall suspend the permit for the site, and the owner or
3 operator shall perform proper closure of the site within
4 thirty days. If the owner or operator does not properly close
5 the site within the time period allowed, the department shall
6 file a claim with the surety company, prior to the effective
7 date of cancellation of the bond, to collect the amount of the
8 bond for use in performing proper closure. A person who fails
9 to provide for proper closure, notwithstanding collection by
10 the department of the amount of the bond, is guilty of a
11 serious misdemeanor.

12 Sec. 57. Section 477C.5, Code 1993, is amended to read as
13 follows:

14 477C.5 DUAL PARTY RELAY SERVICE COUNCIL.

15 1. A dual party relay service council is established,
16 consisting of eleven members appointed by the board. The
17 council shall advise the board on all matters concerning relay
18 service and equipment distribution programs.

19 2. The council shall consist of:

- 20 a. Six consumers who have communication impairments.
- 21 b. Two representatives from telephone companies.
- 22 c. One representative from the division of deaf services
23 of the department of human rights.
- 24 d. One representative from the office of the consumer
25 advocate of the department of justice.
- 26 e. One member of the board or a designee of the board.

27 3. Council members who are not state or local government
28 officers or employees shall be reimbursed for their necessary
29 and actual expenses incurred in performance of their duties
30 and shall receive a per diem of fifty dollars when the council
31 is meeting, payable from moneys available to the board
32 pursuant to section 477C.7.

33 Sec. 58. Section 483A.24, subsections 1 and 13, Code 1993,
34 are amended to read as follows:

35 1. Owners or tenants of land, and their juvenile children,

1 may hunt, fish or trap upon such lands and may shoot by lawful
2 means ground squirrels, gophers, or woodchucks upon adjacent
3 roads without securing a license so to do; except, special
4 licenses to hunt deer and wild turkey shall be required of
5 owners and tenants but they shall not be required to have a
6 special wild turkey hunting license to hunt wild turkey on a
7 ~~game-breeding-and-shooting~~ hunting preserve licensed under
8 chapter 484B.

9 13. No person shall be required to have a special wild
10 turkey license to hunt wild turkey on a ~~game-breeding-and~~
11 ~~shooting~~ hunting preserve licensed under chapter 484B.

12 Sec. 59. Section 490A.1404, subsection 1, Code 1993, is
13 amended to read as follows:

14 1. The foreign limited liability company shall add the
15 words "Limited Company" or the abbreviation "L.C." to its name
16 for use in this state.

17 Sec. 60. Section 490A.1406, subsection 1, paragraph e,
18 Code Supplement 1993, is amended to read as follows:

19 e. A commitment to notify the secretary of state in the
20 future of any change in the mailing address of the foreign
21 limited liability company.

22 Sec. 61. Section 490A.1407, subsection 2, paragraph d,
23 Code Supplement 1993, is amended to read as follows:

24 d. Maintaining offices or agencies for the transfer,
25 exchange, and registration of the foreign limited liability
26 company's own securities or maintaining trustees or
27 depositories with respect to those securities.

28 Sec. 62. Section 497.34, Code 1993, is amended to read as
29 follows:

30 497.34 INDEMNIFICATION.

31 A cooperative association operating under this chapter may
32 indemnify any present or former director, officer, employee,
33 member, or volunteer in the manner and in the instances
34 authorized in ~~section-496A:4A~~ sections 490.850 through
35 490.858, provided that where ~~section-496A:4A~~ provides sections

1 490.850 through 490.858 provide for action by shareholders the
2 section-is sections are applicable to action by voting members
3 of the cooperative association, and where section-496A-4A
4 refers sections 490.850 through 490.858 refer to the corpora-
5 tion organized under chapter 496A 490 the section-is sections
6 are applicable to the cooperative association organized under
7 this chapter, and where section-496A-4A-refers sections
8 490.850 through 490.858 refer to the director the section-is
9 sections are applicable to a director, officer, employee,
10 member, or volunteer of the cooperative association organized
11 under this chapter.

12 Sec. 63. Section 498.36, Code 1993, is amended to read as
13 follows:

14 498.36 INDEMNIFICATION.

15 A cooperative association operating under this chapter may
16 indemnify any present or former director, officer, employee,
17 member, or volunteer in the manner and in the instances
18 authorized in section-496A-4A sections 490.850 through
19 490.858, provided that where section-496A-4A-provides sections
20 490.850 through 490.858 provide for action by shareholders the
21 section-is sections are applicable to action by voting members
22 of the cooperative association, and where section-496A-4A
23 refers sections 490.850 through 490.858 refer to the corpora-
24 tion organized under chapter 496A 490 the section-is sections
25 are applicable to the cooperative association organized under
26 this chapter, and where section-496A-4A-refers sections
27 490.850 through 490.858 refer to the director the section-is
28 sections are applicable to a director, officer, employee,
29 member, or volunteer of the cooperative association organized
30 under this chapter.

31 Sec. 64. Section 499.36, subsection 6, Code 1993, is
32 amended to read as follows:

33 6. Unless the articles of incorporation or bylaws provide
34 otherwise, an action required or permitted by this chapter to
35 be taken at a board of directors' meeting may be taken without

1 a meeting if the action is taken by all members of the board.
2 The action must be evidenced by one or more written consents
3 describing the action taken, signed by each director, and
4 filed with the corporate records reflecting the action taken.
5 An action taken under this ~~section~~ subsection is effective
6 when the last director signs the consent, unless the consent
7 specifies a different effective date. A consent signed under
8 this ~~section~~ subsection is deemed to have the same effect as a
9 meeting vote and may be described as such in any document.

10 Sec. 65. Section 499.59A, Code 1993, is amended to read as
11 follows:

12 499.59A INDEMNIFICATION.

13 A cooperative association operating under this chapter may
14 indemnify any present or former director, officer, employee,
15 member, or volunteer in the manner and in the instances
16 authorized in ~~section-496A-4A~~ sections 490.850 through
17 490.858, provided that where ~~section-496A-4A-provides~~ sections
18 490.850 through 490.858 provide for action by shareholders the
19 ~~section-is~~ sections are applicable to action by voting members
20 of the cooperative association, and where ~~section-496A-4A~~
21 ~~refers~~ sections 490.850 through 490.858 refer to the corpora-
22 tion organized under chapter 496A ~~490~~ the ~~section-is~~ sections
23 are applicable to the cooperative association organized under
24 this chapter, and where ~~section-496A-4A-refers~~ sections
25 490.850 through 490.858 refer to the director the ~~section-is~~
26 sections are applicable to a director, officer, employee,
27 member, or volunteer of the cooperative association organized
28 under this chapter.

29 Sec. 66. Section 504A.28, Code 1993, is amended to read as
30 follows:

31 504A.28 INCORPORATORS.

32 One or more persons as defined in this chapter having
33 capacity to contract, may act as incorporators of a
34 corporation by signing, ~~acknowledging~~ and delivering to the
35 secretary of state articles of incorporation for such the

1 corporation.

2 Sec. 67. Section 524.1213, subsection 2, Code 1993, is
3 amended to read as follows:

4 2. A united community bank office formed under this
5 section shall have a united community bank office board, at
6 least one-half or more of the members of which shall be
7 residents of the county in which the united community bank
8 office is located. The liability of the united community bank
9 office board shall be limited as provided in section 524.614.
10 The bank establishing and operating the united community bank
11 office may indemnify members of the united community bank
12 office board as agents of the bank in the manner and in the
13 instances authorized by ~~section-496A-4A~~ sections 490.850
14 through 490.858.

15 Sec. 68. Section 536A.2, subsection 5, Code 1993, is
16 amended by striking the subsection.

17 Sec. 69. Section 702.11, Code 1993, is amended to read as
18 follows:

19 702.11 FORCIBLE FELONY.

20 A "forcible felony" is any felonious child endangerment,
21 assault, murder, sexual abuse, kidnapping, robbery, arson in
22 the first degree, or burglary in the first degree. However,
23 sexual abuse in the third degree committed between spouses,
24 sexual abuse in violation of section 709.4, subsection 2,
25 paragraph "c", subparagraph (4), or sexual ~~abuse~~ exploitation
26 by a counselor or therapist in violation of section 709.15, is
27 not a "forcible felony".

28 Sec. 70. Section 714.8, subsection 12, Code 1993, is
29 amended to read as follows:

30 12. Knowingly transfers or assigns a legal or equitable
31 interest in property, as defined in section 702.14, for less
32 than fair consideration, with the intent to obtain public
33 assistance under chapters 16, 35B, 35D, and 347B, 709A7-9047
34 9137-and-9147 or title VI, subtitles 2 through 6, or accepts a
35 transfer of or an assignment of a legal or equitable interest

1 in property, as defined in section 702.14, for less than fair
2 consideration, with the intent of enabling the party
3 transferring the property to obtain public assistance under
4 chapters 16, 35B, 35D, and 347B, ~~709A, 904, 913, and 914~~ or
5 title VI, subtitles 2 through 6. A transfer or assignment of
6 property for less than fair consideration within one year
7 prior to an application for public assistance benefits shall
8 be evidence of intent to transfer or assign the property in
9 order to obtain public assistance for which a person is not
10 eligible by reason of the amount of the person's assets. If a
11 person is found guilty of a fraudulent practice in the
12 transfer or assignment of property under this subsection the
13 maximum sentence shall be the penalty established for a
14 serious misdemeanor and sections 714.9, 714.10 and 714.11
15 shall not apply.

16 Sec. 71. Section 901.1, Code 1993, is amended to read as
17 follows:

18 901.1 SHORT TITLE.

19 Chapters 901 to 909, ~~excluding chapter 904~~, shall be known
20 and may be cited as the "Iowa Corrections Code."

21 Sec. 72. Section 904.802, subsection 2, Code 1993, is
22 amended to read as follows:

23 2. "Iowa state industries" means prison industries that
24 are established and maintained by the Iowa department of
25 corrections, in consultation with the industries board, at or
26 adjacent to the state's adult correctional institutions,
27 except that an inmate work program established by the state
28 director under section ~~904.805, subsection 7~~ 904.703 is not
29 restricted to industries at or adjacent to the institutions.

30 Sec. 73. Section 904.808, subsection 3, Code 1993, is
31 amended to read as follows:

32 3. A department or agency of the state shall cooperate and
33 enter into agreements, if possible, for the provision of
34 products and services under an inmate work program established
35 by the state director under section ~~904.805, subsection 7~~

1 904.703.

2 DIVISION II -- NEW SUBMISSIONS

3 Sec. 74. Section 16.62, subsection 1, Code 1993, is
4 amended to read as follows:

5 1. The authority shall initiate a program to assist the
6 development and expansion of small business in Iowa. The
7 authority may issue bonds and notes the proceeds of which
8 shall be used to make program loans. ~~The principal amount of~~
9 ~~bonds and notes that may be issued pursuant to the loan~~
10 ~~program and the principal amount of the bonds and notes issued~~
11 ~~which shall be counted as a portion of the total principal~~
12 ~~amount of bonds and notes of the authority which may be~~
13 ~~outstanding at any time are as provided in section 16.26,~~
14 ~~subsection 2.~~ Bonds and notes issued under this section are
15 subject to all provisions of this chapter relating to the
16 issuance of bonds.

17 Sec. 75. Section 16.71, Code 1993, is amended to read as
18 follows:

19 16.71 RESIDENTIAL MORTGAGE MARKETING PROGRAM.

20 The authority shall establish a program to assist lenders
21 to sell residential mortgage loans in the organized and
22 unorganized secondary mortgage market. The authority may
23 issue taxable and tax-exempt bonds and notes. The proceeds of
24 the bonds shall be used to purchase residential mortgage loans
25 from lenders. ~~The bonds and notes are a portion of the total~~
26 ~~principal amount of bonds and notes of the authority which may~~
27 ~~be outstanding at any time pursuant to section 16.26,~~
28 ~~subsection 2.~~ Bonds and notes issued under this section are
29 subject to all provisions of this chapter relating to the
30 issuance of bonds.

31 Sec. 76. Section 22.7, subsection 30, Code Supplement
32 1993, is amended to read as follows:

33 30. Records and information obtained or held by
34 independent special counsel during the course of an
35 investigation conducted pursuant to section 68B.34.

1 Information that is disclosed to a legislative ethics
2 committee subsequent to a determination of probable cause by
3 independent special counsel and made pursuant to section
4 68B.31 ~~or-68B-32~~ is not a confidential record unless otherwise
5 provided by law.

6 Sec. 77. Section 43.18, unnumbered paragraph 5, Code 1993,
7 is amended to read as follows:

8 I am aware that I am required to organize a candidate's
9 committee which shall file an organization statement and
10 disclosure reports if my committee or I receive contributions,
11 make expenditures, or incur indebtedness in excess of ~~two~~
12 ~~hundred-fifty~~ five hundred dollars for the purpose of
13 supporting my candidacy for public office. This paragraph
14 does not apply to candidates for federal offices.

15
16 (Signed)

17 Sec. 78. Section 44.3, subsection 2, unnumbered paragraph
18 7, Code 1993, is amended to read as follows:

19 I am aware that I am required to organize a candidate's
20 committee which shall file an organization statement and
21 disclosure reports if my committee or I receive contributions,
22 make expenditures, or incur indebtedness in excess of ~~two~~
23 ~~hundred-fifty~~ five hundred dollars for the purpose of
24 supporting my candidacy for public office. This paragraph
25 does not apply to candidates for federal offices.

26 Sec. 79. Section 45.3, unnumbered paragraph 8, Code 1993,
27 is amended to read as follows:

28 I am aware that I am required to organize a candidate's
29 committee which shall file an organization statement and
30 disclosure reports if my committee or I receive contributions,
31 make expenditures, or incur indebtedness in excess of ~~two~~
32 ~~hundred-fifty~~ five hundred dollars for the purpose of
33 supporting my candidacy for public office. This paragraph
34 does not apply to candidates for federal offices.

35 Sec. 80. Section 56.2, subsection 5, Code Supplement 1993,

1 is amended by striking the subsection.

2 Sec. 81. Section 56.5A, Code Supplement 1993, is amended
3 to read as follows:

4 56.5A CANDIDATE'S COMMITTEE.

5 Each candidate for federal, state, county, city, or school
6 office shall organize one, and only one, candidate's committee
7 for a specific office sought when the candidate receives
8 contributions in excess of five hundred dollars in the
9 aggregate, makes expenditures in excess of five hundred
10 dollars in the aggregate, or incurs indebtedness in excess of
11 ~~two-hundred-fifty~~ five hundred dollars in the aggregate in a
12 calendar year.

13 Sec. 82. Section 68B.35A, Code Supplement 1993, is amended
14 to read as follows:

15 68B.35A PERSONAL FINANCIAL DISCLOSURE STATEMENTS OF STATE
16 OFFICIALS AND EMPLOYEES -- PUBLIC ACCESS.

17 Personal financial disclosure statements filed with the
18 board, and the chief clerk of the house, and the secretary of
19 the senate, or other appropriate person or body shall be
20 forwarded to the secretary of state for the recording of the
21 information through electronic means. The board and the
22 general assembly shall execute agreements with the secretary
23 of state which provide for public access to and copying of the
24 information, and include a site in the board offices for
25 public viewing and copying of information, contained in
26 personal financial disclosure statements filed with the board,
27 and the chief clerk of the house, and the secretary of the
28 senate, or other appropriate person or body.

29 Sec. 83. Section 68B.36, subsections 2, 4, and 5, Code
30 Supplement 1993, are amended to read as follows:

31 2. Registration shall be valid from the date of
32 registration until the expiration of the registration period
33 for the type of lobbying in which the person will be engaging.
34 Any change in or addition to the information shall be
35 registered within ten days after the change or addition is

1 known to the lobbyist. Changes or additions for executive
2 branch lobbyists may shall be filed either with the executive
3 ~~council-or-with-the-agency-or-office-where-the-original~~
4 ~~registration-was-filed~~ board. Changes or additions for
5 registrations of lobbyists of the general assembly shall be
6 filed with either the chief clerk of the house or the
7 secretary of the senate.

8 4. If a lobbyist's service on behalf of a particular
9 employer, client, or cause is concluded prior to the end of
10 the calendar year, the lobbyist may cancel the registration on
11 appropriate forms supplied by the ~~executive-council~~ board, the
12 chief clerk of the house, or the secretary of the senate. The
13 cancellation forms shall be filed by the lobbyist in the place
14 where the lobbyist filed the original registration. ~~Persons~~
15 ~~within-the-executive-branch-receiving-forms-canceling-a~~
16 ~~lobbyist's-registration-shall-forward-the-forms-to-the~~
17 ~~executive-council~~. Upon cancellation of registration, a
18 lobbyist is prohibited from engaging in any lobbying activity
19 on behalf of that particular employer, client, or cause until
20 reregistering and complying with the rules of the executive
21 ~~council~~ board or the general assembly.

22 5. All federal, state, and local officials or employees
23 representing the official positions of their departments,
24 commissions, boards, or agencies shall, when lobbying the
25 general assembly, present to the chief clerk of the house or
26 the secretary of the senate a letter of authorization from
27 their department or agency heads prior to the commencement of
28 their lobbying. When lobbying a state agency or the office of
29 the governor, the letter shall be presented to the ~~agency-or~~
30 ~~office~~ board. The lobbyist registration statement of these
31 officials and employees shall not be deemed complete until the
32 letter of authorization is attached. Federal, state, and
33 local officials who wish to lobby in opposition to the
34 official position of their departments, commissions, boards,
35 or agencies must indicate this on their lobbyist registration

1 statements.

2 Sec. 84. Section 88.5, subsection 12, Code Supplement
3 1993, is amended to read as follows:

4 12. RAILWAY SANITATION AND SHELTER. A railway corporation
5 within the state shall provide adequate sanitation and shelter
6 for all railway employees. The commissioner shall adopt rules
7 requiring railway corporations within the state to provide a
8 safe and healthy workplace. ~~For purposes of this section, a~~
9 ~~locomotive engine includes all railway engines used in train~~
10 ~~or yard service.~~ The commissioner shall enforce the
11 requirements of this section upon the receipt of a written
12 complaint.

13 Sec. 85. Section 123.36, unnumbered paragraph 1, Code
14 Supplement 1993, is amended to read as follows:

15 The following fees shall be paid to the division annually
16 for ~~special liquor permits and~~ liquor control licenses issued
17 under ~~sections 123.29 and~~ section 123.30 respectively:

18 Sec. 86. Section 137.19, Code 1993, is amended to read as
19 follows:

20 137.19 EMERGENCY REQUEST FOR FUNDS.

21 A local board may, in emergency situations, request
22 additional appropriations, which may, upon approval of the
23 ~~commissioner~~ director, be allotted from the funds reserved for
24 that purpose. On termination of the emergency situation, the
25 local board shall report its expenditures of emergency funds,
26 to the ~~commissioner~~ director and return any unexpended funds.

27 Sec. 87. Section 141.23, subsection 1, paragraph i, Code
28 Supplement 1993, is amended to read as follows:

29 i. The convicted offender, the physician or other
30 practitioner who orders the test of the convicted offender,
31 the victim, the parent, guardian, or custodian of the victim
32 if the victim is a minor, the physician of the victim, the
33 victim counselor or person requested by the victim who is
34 authorized to provide the counseling required pursuant to
35 section 141.22, and the victim's spouse, persons with whom the

1 victim has engaged in vaginal, anal, or oral intercourse
2 subsequent to the sexual assault, or members of the victim's
3 family within the fourth third degree of consanguinity.

4 Sec. 88. Section 235.1, unnumbered paragraph 1, Code 1993,
5 is amended to read as follows:

6 The terms "state division", "administrator", "county
7 department"~~7~~-~~"county-board"~~ and "child" are used in this
8 chapter and chapter 238 as the terms are defined in section
9 234.1.

10 Sec. 89. Section 249A.6, subsections 1, 2, and 4, Code
11 Supplement 1993, are amended to read as follows:

12 1. When payment is made by the department for medical care
13 or expenses through the medical assistance program on behalf
14 of a recipient, the department shall have a lien, to the
15 extent of those payments, ~~to~~ upon all monetary claims which
16 the recipient may have against third parties. A lien under
17 this section is not effective unless the department files a
18 notice of lien with the clerk of the district court in the
19 county where the recipient resides and with the recipient's
20 attorney when the recipient's eligibility for medical
21 assistance is established. The notice of lien shall be filed
22 before the third party has concluded a final settlement with
23 the recipient, the recipient's attorney, or other
24 representative. The third party shall obtain a written
25 determination from the department concerning the amount of the
26 lien before a settlement is deemed final for purposes of this
27 section. A compromise, including but not limited to a
28 settlement, waiver or release, of a claim under this section
29 does not defeat the department's lien except pursuant to the
30 written agreement of the director or the director's designee.
31 A settlement, award, or judgment structured in any manner not
32 to include medical expenses or an action brought by a
33 recipient or on behalf of a recipient which fails to state a
34 claim for recovery of medical expenses does not defeat the
35 department's lien if there is any recovery on the recipient's

1 claim.

2 2. The department shall be given notice of monetary claims
3 against third parties as follows:

4 a. Applicants for medical assistance shall notify the
5 department of any possible claims against third parties upon
6 submitting the application. Recipients of medical assistance
7 shall notify the department of any possible claims when those
8 claims arise.

9 b. A person who provides health care services to a person
10 receiving assistance through the medical assistance program
11 shall notify the department whenever the person has reason to
12 believe that third parties may be liable for payment of the
13 costs of those health care services.

14 c. An attorney representing an applicant for or recipient
15 of assistance on a claim to upon which the department has a
16 lien under this section shall notify the department of the
17 claim of which the attorney has actual knowledge, prior to
18 filing a claim, commencing an action or negotiating a
19 settlement offer. Actual knowledge under this section shall
20 include the notice to the attorney pursuant to subsection 1.

21 The mailing and deposit in a United States post office or
22 public mailing box of the notice, addressed to the department
23 at its state or district office location, is adequate legal
24 notice of the claim.

25 4. If a recipient of assistance through the medical
26 assistance program incurs the obligation to pay attorney fees
27 and court costs for the purpose of enforcing a monetary claim
28 to upon which the department has a lien under this section,
29 upon the receipt of the judgment or settlement of the total
30 claim, of which the lien for medical assistance payments is a
31 part, the court costs and reasonable attorney fees shall first
32 be deducted from this total judgment or settlement. One-third
33 of the remaining balance shall then be deducted and paid to
34 the recipient. From the remaining balance, the lien of the
35 department shall be paid. Any amount remaining shall be paid

1 to the recipient. An attorney acting on behalf of a recipient
2 of medical assistance for the purpose of enforcing a claim to
3 upon which the department has a lien shall not collect from
4 the recipient any amount as attorney fees which is in excess
5 of the amount which the attorney customarily would collect on
6 claims not subject to this section.

7 Sec. 90. Section 255.15, Code 1993, is amended to read as
8 follows:

9 255.15 DUTY OF ADMITTING PHYSICIAN AT HOSPITAL.

10 The authorities in control of the medical college shall
11 designate some physician to pass upon the admission of such
12 the patient, and it shall be the physician's duty to receive
13 such the patient into the hospital and to provide for the
14 patient, if available, a cot, bed, or room in ~~said~~ the
15 hospital, and to assign the patient to the appropriate clinic
16 and for treatment by the proper physician, unless, in the
17 physician's judgment, the presence of the patient in the
18 hospital would be dangerous to other patients, or there is no
19 reasonable probability that the patient may be benefited by
20 the proposed treatment or hospital care. If the admitting
21 physician ~~shall deny~~ denies admission to the patient, the
22 physician shall make a report ~~in duplicate~~ of the reasons
23 therefor for the denial.

24 Sec. 91. Section 255.17, Code 1993, is amended to read as
25 follows:

26 255.17 REPORT OF PHYSICIAN IN CHARGE OF CLINIC.

27 If the physician or surgeon in charge of ~~said~~ the clinic,
28 or to whom such the patient has been assigned for treatment,
29 declines to treat such the patient, the physician or surgeon
30 shall make a report ~~in duplicate~~ of the physician's or
31 surgeon's examination of such the patient, and state therein
32 in the report the reasons for declining such the treatment.

33 Sec. 92. Section 256.1, subsections 2, 3, and 4, Code
34 Supplement 1993, are amended to read as follows:

35 2. ~~Stimulate~~ The department shall stimulate and encourage

1 educational radio and television and other educational
2 communications services as necessary to aid in accomplishing
3 the educational objectives of the state.

4 3. Meet The department shall meet the informational needs
5 of the three branches of state government.

6 4. Provide The department shall provide for the
7 improvement of library services to all Iowa citizens and
8 foster development and cooperation among libraries.

9 Sec. 93. Section 257.2, subsection 12, Code 1993, is
10 amended to read as follows:

11 12. "State percent of growth" means a the percent of
12 economic growth ~~determined-under-this-chapter~~ which is based
13 ~~upon-an-averaging-of-state-and-federal-growth-indicators~~
14 established by statute pursuant to section 257.8, and which is
15 used in determining the allowable growth.

16 Sec. 94. Section 260C.57, Code 1993, is amended to read as
17 follows:

18 260C.57 AUTHORIZATION -- CONTRACTS -- TITLE.

19 Subject to and in accordance with the provisions of this
20 division, the board of ~~trustees~~ directors of each community
21 college is hereby authorized to undertake and carry out any
22 project at a community college under the board's control and
23 to operate, control, maintain, and manage student residence
24 halls and dormitories, including dining and other incidental
25 facilities, and additions to such buildings at each of said
26 institutions. All contracts for the construction,
27 reconstruction, completion, equipment, improvement, repair or
28 remodeling of any buildings, additions or facilities shall be
29 let in accordance with the provisions of section 260C.19. The
30 title to all real estate acquired under the provisions of this
31 division and the improvements erected on the real estate shall
32 be taken and held in the name of the merged area. The board
33 is authorized to rent the rooms in such residence halls and
34 dormitories to the students, officers, guests and employees of
35 the institutions at such rates, fees or rentals as will

1 provide a reasonable return upon the investment, but which
2 will in any event produce net rents, profits and income
3 sufficient to insure the payment of the principal of and
4 interest on all bonds or notes issued to pay any part of the
5 cost of any project and refunding bonds or notes issued
6 pursuant to the provisions of this division and to insure that
7 no property tax revenues will be needed to retire the bonds or
8 notes.

9 Sec. 95. Section 260C.59, Code 1993, is amended to read as
10 follows:

11 260C.59 RATES AND TERMS OF BONDS OR NOTES.

12 The bonds or notes may bear a date or dates, may bear
13 interest at such rate or rates, may mature at such time or
14 times, may be in such form, carry such registration
15 privileges, may be payable at such place or places, may be
16 subject to such terms of redemption prior to maturity with or
17 without premium, if so stated on the face of the bonds, and
18 may contain any terms and covenants as may be provided by the
19 resolution of the board authorizing the issuance of the bonds
20 or notes. In addition to the estimated cost of construction,
21 the cost of the project shall be deemed to include interest
22 upon the bonds or notes during construction and for six months
23 after the estimated completion date, the compensation of a
24 fiscal agent or adviser, any underwriter discount, and
25 engineering, administrative and legal expenses. The bonds or
26 notes shall be executed by the president of the board of
27 ~~trustees~~ directors and attested by the secretary. Any bonds
28 or notes bearing the signatures of officers in office on the
29 date of the signing shall be valid and binding for all
30 purposes, notwithstanding that before delivery of the bonds or
31 notes any or all persons whose signatures appear on the bonds
32 or notes shall have ceased to be officers. Each bond or note
33 shall state upon its face the name of the institution on
34 behalf of which it is issued, that it is payable solely and
35 only from the net rents, profits and income derived from the

1 operation of residence halls or dormitories, including dining
2 and other incidental facilities, at the institution named, and
3 that it does not constitute a charge against the state of Iowa
4 within the meaning or application of any constitutional or
5 statutory limitation or provision. The issuance of bonds or
6 notes shall be recorded in the office of the treasurer of the
7 institution on behalf of which the bonds or notes are issued,
8 and a certificate by such treasurer to this effect shall be
9 printed on the back of each such bond or note.

10 Sec. 96. Section 260C.65, Code 1993, is amended to read as
11 follows:

12 260C.65 FEDERAL OR OTHER AID ACCEPTED.

13 The board of ~~trustees~~ directors of each community college
14 may apply for and accept federal aid or nonfederal gifts or
15 grants of funds, and may use the aid, gifts, or funds to pay
16 all or any part of the cost of carrying out any project at any
17 institution under the terms of this division or to pay any
18 bonds and interest on the bonds issued for any of the purposes
19 specified in this division.

20 Sec. 97. Section 260C.66, Code 1993, is amended to read as
21 follows:

22 260C.66 REPORTS TO GENERAL ASSEMBLY.

23 The board of ~~trustees~~ directors of each community college
24 shall determine, in consultation with the legislative fiscal
25 bureau, the financial information to be included in line item
26 budget information for projects funded by the issuance of
27 bonds or notes under this chapter and shall submit the line
28 item budget information to the general assembly as requested.
29 The board of ~~trustees~~ directors of each community college
30 shall submit quarterly reports to the general assembly
31 concerning the projects funded by the issuance of bonds or
32 notes under this chapter as follows:

33 1. Identification of both undercharges and overcharges for
34 line items of projects.

35 2. Identification of contracts in which any line item for

1 a project exceeds the adopted budget for that line item by ten
2 percent or more.

3 3. Identification of complaints received by an institution
4 regarding the construction of a project.

5 If the board of trustees directors of a community college
6 approves a change in the amount of the line item of a budget
7 for a project, the change shall be transmitted to the
8 appropriations committees of the house of representatives and
9 senate, while the general assembly is in session, and to the
10 legislative council, when the general assembly is not in
11 session, for review.

12 Sec. 98. Section 260C.67, Code 1993, is amended to read as
13 follows:

14 260C.67 ALTERNATIVE METHOD.

15 This division shall be construed as providing an
16 alternative and independent method for carrying out any
17 project at any institution under the control of a community
18 college board of trustees directors, for the issuance and sale
19 or exchange of bonds or notes in connection with a project and
20 for refunding bonds or notes pertinent to the project, without
21 reference to any other statute, and shall not be construed as
22 an amendment of or subject to the provisions of any other law,
23 and no publication of any notice, whether under section 73A.12
24 or otherwise, and no other or further proceeding in respect to
25 the issuance or sale or exchange of bonds or notes under this
26 division, shall be required except as prescribed by this
27 division, any provisions of other statutes of the state to the
28 contrary notwithstanding.

29 Sec. 99. Section 260C.70, Code 1993, is amended to read as
30 follows:

31 260C.70 TEN-YEAR PROGRAM AND TWO-YEAR BONDING ESTIMATE
32 SUBMITTED EACH YEAR.

33 The board of trustees directors of each community college
34 shall prepare and submit to the general assembly, the
35 governor, and the department of education a proposed ten-year

1 building program for each institution under the board's
2 control, including an estimate of the maximum amount of bonds
3 which the board expects to issue under the provisions of this
4 chapter during each year of the ensuing biennium. The program
5 and estimate shall be submitted no later than seven days after
6 the convening of each regular annual session of the general
7 assembly. Before a board of trustees directors can proceed
8 with a project in the building program, the project must be
9 approved by the state board for community colleges, and be a
10 project designed for special programs, special needs of
11 special students, and to meet needs for which privately owned
12 housing is not available. The building program shall contain
13 a list of the buildings and facilities which are designed to
14 meet the special needs of students attending special programs.
15 The list shall be revised annually, but no project shall be
16 eliminated from the list when bonds have previously been
17 issued by the board to pay the cost of the project. Each list
18 shall contain an estimate of the cost of each of the buildings
19 and facilities referred to on the list.

20 Sec. 100. Section 275.1, subsection 2, Code Supplement
21 1993, is amended to read as follows:

22 2. "Initial board" means the board of a newly reorganized
23 district that is selected pursuant to section 275.25 or ~~274.41~~
24 275.41 and functions until the organizational meeting
25 following the fourth regular school election held after the
26 effective date of the reorganization.

27 Sec. 101. Section 294A.25, subsection 8, Code Supplement
28 1993, is amended to read as follows:

29 8. For the fiscal year beginning July 1, 1993, to the
30 department of education from phase III moneys the amount of
31 seven hundred fifty thousand dollars for support for the
32 operations of the new Iowa schools development corporation and
33 for school transformation design and implementation projects
34 administered by the corporation and the amount of seven
35 hundred fifty thousand dollars for purposes specified in the

1 math and science grant program under section 256.36, which may
2 include support for the early mathematics prognostic testing
3 program at Iowa state university of science and technology.
4 However, the funds appropriated for purposes specified in the
5 math and science grant program under section 256.36 are
6 contingent on the receipt of federal funding from the state
7 systemic initiative for improving mathematics and science
8 education grant. If federal funding from the state systems
9 systemic initiative for improving mathematics and science
10 education is not received, the amount of two hundred fifty
11 thousand dollars shall be used, in addition to any other
12 appropriations, for the operations of the new Iowa schools
13 development corporation and for school transformation design
14 and implementation projects administered by the corporation.

15 Sec. 102. Section 312.2, subsection 19, Code Supplement
16 1993, is amended to read as follows:

17 19. a. The treasurer of state, before making the
18 allotments provided for in this section, for the fiscal year
19 beginning July 1, 1990, and each succeeding fiscal year, shall
20 credit from the road use tax fund two million dollars to the
21 county bridge construction fund, which is hereby created.
22 Moneys credited to the county bridge construction fund shall
23 be allocated to counties by the department for bridge
24 construction, reconstruction, replacement, or realignment
25 based on needs in accordance with rules adopted by the
26 department.

27 b. The treasurer of state, before making the allotments
28 provided for in this section, for the fiscal year beginning
29 July 1, 1990, and each succeeding fiscal year, shall credit
30 from the road use tax fund five hundred thousand dollars to
31 the city bridge construction fund, which is hereby created.
32 Moneys credited to the city bridge construction fund shall be
33 allocated to cities by the department for bridge construction
34 and reconstruction based on needs in accordance with rules
35 adopted by the department.

1 Sec. 103. Section 312.3, subsection 1, Code Supplement
2 1993, is amended by adding the following new paragraph:
3 NEW UNNUMBERED PARAGRAPH. For the purposes of this
4 subsection, "latest quadrennial need study report" includes
5 the annual recalculation of construction and maintenance needs
6 of roads whose jurisdiction has been transferred from the
7 department to a county or from a county to the department
8 during the previous year as recalculated pursuant to section
9 307A.2, subsection 14A.

10 Sec. 104. Section 321.291, Code Supplement 1993, is
11 amended to read as follows:

12 321.291 INFORMATION OR NOTICE.

13 In every charge of violation of section 321.285 the
14 information, and also the notice to appear, shall specify the
15 speed at which the defendant is alleged to have driven, ~~also~~
16 and the speed limit applicable within the district or at the
17 location.

18 Sec. 105. Section 331.602, subsection 29, Code 1993, is
19 amended by striking the subsection.

20 Sec. 106. Section 331.756, subsections 15 and 64B, Code
21 Supplement 1993, are amended to read as follows:

22 15. Review the report and recommendations of the
23 independent ethics and campaign finance disclosure board and
24 proceed to institute the recommended actions or advise the
25 board that prosecution is not merited, as provided in section
26 sections 68B.32C and 68B.32D.

27 64B. Make a written report to the department of
28 inspections and appeals within fifteen days of the end of each
29 calendar quarter of the amount of funds which were owed to the
30 state for indigent defense services and which were recouped
31 pursuant to subsection 5 ~~or-64A.~~

32 Sec. 107. Section 335.25, subsection 3, Code Supplement
33 1993, is amended to read as follows:

34 3. Notwithstanding the optional provision in section 335.1
35 and any other provision of this chapter to the contrary, a

1 county, county board of supervisors, or a county zoning
2 commission shall consider a family home a residential use of
3 property for the purposes of zoning and shall treat a family
4 home as a permitted use in all residential zones or districts,
5 including all single-family residential zones or districts, of
6 the county. A county, county board of supervisors, or a
7 county zoning commission shall not require that a family home,
8 its owner, or operator obtain a conditional use permit,
9 special use permit, special exception, or variance. However,
10 new family homes owned or operated by public or private
11 agencies shall be ~~disbursed~~ dispersed through the residential
12 zones and districts and shall not be located within contiguous
13 areas equivalent in size to city block areas. Section
14 135C.23, subsection 2, shall apply to all residents of a
15 family home.

16 Sec. 108. Section 335.32, Code Supplement 1993, is amended
17 to read as follows:

18 335.32 HOMES FOR PERSONS WITH PHYSICAL DISABILITIES.

19 A county board of supervisors or county zoning commission
20 shall consider a home for persons with physical disabilities a
21 family home, as defined in section 335.25, for the purposes of
22 zoning, in accordance with chapter ~~335B~~ 504C.

23 Sec. 109. Section 357A.14, subsection 1, Code Supplement
24 1993, is amended to read as follows:

25 1. An owner of real property outside a district which can
26 be economically served by the facilities of the district may
27 petition to be attached to the district. The petition
28 ~~submitted-by-the-district~~ shall be filed with the auditor, and
29 the auditor and supervisors shall notify the district that a
30 petition has been received and proceed in a manner set forth
31 in sections 357A.3 through 357A.6.

32 Sec. 110. Section 414.22, subsection 3, Code Supplement
33 1993, is amended to read as follows:

34 3. Notwithstanding any provision of this chapter to the
35 contrary, a city, city council, or city zoning commission

1 shall consider a family home a residential use of property for
2 the purposes of zoning and shall treat a family home as a
3 permitted use in all residential zones or districts, including
4 all single-family residential zones or districts, of the city.
5 A city, city council, or city zoning commission shall not
6 require that a family home, its owner, or operator obtain a
7 conditional use permit, special use permit, special exception,
8 or variance. However, new family homes owned and operated by
9 public or private agencies shall be ~~disbursed~~ dispersed
10 throughout the residential zones and districts and shall not
11 be located within contiguous city block areas. Section
12 135C.23, subsection 2, shall apply to all residents of a
13 family home.

14 Sec. 111. Section 414.30, Code Supplement 1993, is amended
15 to read as follows:

16 414.30 HOMES FOR PERSONS WITH PHYSICAL DISABILITIES.

17 A city council or city zoning commission shall consider a
18 home for persons with physical disabilities a family home, as
19 defined in section 414.22, for purposes of zoning in
20 accordance with chapter ~~135B~~ 504C.

21 Sec. 112. Section 455E.11, subsection 2, paragraph e,
22 unnumbered paragraph 1, Code Supplement 1993, is amended to
23 read as follows:

24 An oil overcharge account. The oil overcharge moneys
25 distributed by the United States department of energy, and
26 approved for the energy related components of the groundwater
27 protection strategy available through the energy conservation
28 trust created in section ~~93-11~~ 473.11, shall be deposited in
29 the oil overcharge account as appropriated by the general
30 assembly. The oil overcharge account shall be used for the
31 following purposes:

32 Sec. 113. Section 505.1, Code Supplement 1993, is amended
33 to read as follows:

34 505.1 INSURANCE DIVISION CREATED.

35 An insurance division is created within the department of

1 commerce to regulate and supervise the conducting of the
2 business of insurance in the state. The commissioner of
3 insurance is the chief executive officer of the division. As
4 used in this chapter, ~~the rest of the insurance title,~~
5 subtitle and chapters chapter 502 and 535C, "division" means
6 the insurance division.

7 Sec. 114. Section 507C.42, subsection 3, Code Supplement
8 1993, is amended to read as follows:

9 3. CLASS 3. Claims under policies, including claims of
10 the federal or any state or local government, for losses
11 incurred, including third-party claims, claims against the
12 insurer for liability for bodily injury or for injury to or
13 destruction of tangible property which are not under policies,
14 ~~and~~ claims of a guaranty association or foreign guaranty
15 association. ~~Claims,~~ and claims for unearned premium. Claims
16 under life insurance and annuity policies, whether for death
17 proceeds, annuity proceeds, or investment values shall be
18 treated as loss claims. That portion of a loss,
19 indemnification for which is provided by other benefits or
20 advantages recovered by the claimant, shall not be included in
21 this class, other than benefits or advantages recovered or
22 recoverable in discharge of familial obligations of support or
23 by way of succession at death or as proceeds of life
24 insurance, or as gratuities. A payment by an employer to an
25 employee is not a gratuity.

26 Sec. 115. Section 546.8, Code Supplement 1993, is amended
27 to read as follows:

28 546.8 INSURANCE DIVISION.

29 The insurance division shall regulate and supervise the
30 conducting of the business of insurance in the state. The
31 division shall enforce and implement Title XIII, subtitle 1,
32 insurance and related regulation, ~~chapters-505-through-5236,~~
33 ~~and chapters~~ chapter 502 ~~and-535C,~~ and shall perform other
34 duties assigned to the division by law. The division is
35 headed by the commissioner of insurance who shall be appointed

1 pursuant to section 505.2.

2 Sec. 116. Section 556.5, subsection 2, Code Supplement
3 1993, is amended to read as follows:

4 2. At the expiration of a three-year period following the
5 failure of the owner to claim a dividend, distribution, or
6 other sum payable to the owner as a result of the interest,
7 the interest is not presumed abandoned unless there have been
8 at least seven three dividends, distributions, or other sums
9 paid during the period, none of which has been claimed by the
10 owner. If three dividends, distributions, or other sums are
11 paid during the three-year period, the period leading to a
12 presumption of abandonment commences on the date payment of
13 the first unclaimed dividend, distribution, or other sum
14 became due and payable. If three dividends, distributions, or
15 other sums are not paid during the presumptive period, the
16 period continues to run until there have been three dividends,
17 distributions, or other sums that have not been claimed by the
18 owner.

19 Sec. 117. Section 595.19, Code 1993, is amended to read as
20 follows:

21 595.19 VOID MARRIAGES.

22 1. Marriages between the following persons who are related
23 by blood are void:

24 1 a. Between a man and his father's sister, mother's
25 sister, daughter, sister, son's daughter, daughter's daughter,
26 brother's daughter, or sister's daughter.

27 2 b. Between a woman and her father's brother, mother's
28 brother, son, brother, son's son, daughter's son, brother's
29 son, or sister's son.

30 3 c. Between first cousins.

31 4 2. Between Marriages between persons either of whom has
32 a husband or wife living are void, but, if the parties live
33 and cohabit together after the death or divorce of the former
34 husband or wife, such marriage shall be valid.

35 Sec. 118. Section 602.8107, subsection 5, unnumbered

1 paragraph 2, Code Supplement 1993, is amended to read as
2 follows:

3 This subsection does not apply to amounts collected for
4 victim restitution, the ~~new-victim-restitution~~ victim
5 compensation fund, criminal penalty surcharge, or amounts
6 collected as a result of procedures initiated under section
7 421.17, subsection 25.

8 Sec. 119. Section 724.22, subsection 7, Code 1993, is
9 amended to read as follows:

10 7. Access to loaded firearms by children restricted --
11 penalty. It shall be unlawful for any person to store or
12 leave a loaded firearm which is not secured by a trigger lock
13 mechanism, placed in a securely locked box or container, or
14 placed in some other location which a reasonable person would
15 believe to be secure from a minor under the age of fourteen
16 years, if such person knows or has reason to believe that a
17 minor under the age of fourteen years is likely to gain access
18 to the firearm without the lawful permission of the minor's
19 parent, guardian, or person having charge of the minor, the
20 minor lawfully gains access to the firearm without the consent
21 of the minor's parent, guardian, or person having charge of
22 the minor, and the minor exhibits the firearm in a public
23 place in an unlawful manner, or uses the firearm unlawfully to
24 cause injury or death to a person. This subsection does not
25 apply if the minor obtains the firearm as a result of an
26 unlawful entry by any person. A violation of this ~~section~~
27 subsection is punishable as a serious misdemeanor.

28 Sec. 120. Section 730.5, subsection 2, unnumbered
29 paragraph 1, Code 1993, is amended to read as follows:

30 Except as provided in subsection 7, an employer shall not
31 require or request employees or applicants for employment to
32 submit to a drug test as a condition of employment,
33 preemployment, promotion, or change in status of employment.
34 An employer shall not request, require, or conduct random or
35 blanket drug testing of employees. However, this section does

1 not apply to preemployment drug tests authorized for peace
2 officers or correctional officers of the state, or to drug
3 tests required under federal statutes or under federal
4 regulations adopted as of July 1, 1990, or to drug tests
5 conducted pursuant to a nuclear regulatory commission policy
6 statement regulation, or to drug tests conducted to determine
7 if an employee is ineligible to receive workers' compensation
8 under section 85.16, subsection 2.

9 Sec. 121. Section 805.8, subsection 2, paragraph g,
10 subparagraph (3), Code Supplement 1993, is amended to read as
11 follows:

12 (3) For excessive speed violations when in excess of the
13 limit under sections 321.236, subsections 5 and 11, 321.285,
14 and 461A.36 ~~by five or less miles per hour the fine is ten~~
15 ~~dollars~~; by more than five and not more than ten miles per
16 hour the fine is twenty dollars, by more than ten and not more
17 than fifteen miles per hour the fine is thirty dollars, by
18 more than fifteen and not more than twenty miles per hour the
19 fine is forty dollars, and by more than twenty miles per hour
20 the fine is forty dollars plus two dollars for each mile per
21 hour of excessive speed over twenty miles per hour over the
22 limit.

23 Sec. 122. Section 815.9A, subsection 1, Code Supplement
24 1993, is amended to read as follows:

25 1. If the person has an income level as determined
26 pursuant to section 815.9 greater than one hundred percent but
27 not more than one hundred fifty percent of the poverty
28 guidelines, at least one hundred dollars of the indigent
29 defense costs to shall be recovered in accordance with rules
30 adopted by the state public defender.

31 Sec. 123. Section 910A.16, subsection 4, Code Supplement
32 1993, is amended to read as follows:

33 4. To the greatest extent possible, a multidisciplinary
34 team involving the county attorney, law enforcement,
35 community-based child advocacy organizations, and personnel of

1 the department of human services shall be utilized in
 2 investigating cases involving a violation of chapter 709 or
 3 726 with-a-child committed upon a victim as defined in
 4 subsection 1.

5 Sec. 124. 1993 Iowa Acts, chapter 131, section 29, is
 6 amended to read as follows:

7 SEC. 29. 1. 1991 Iowa Acts, chapter 268, section 508,
 8 subsection 3, unnumbered paragraph 2 and lettered paragraphs
 9 a, b, c, and d, are amended by striking the unnumbered
 10 paragraph and the lettered paragraphs.

11 2. 1992 Iowa Acts, chapter 1238, section 10, is repealed.

12 Sec. 125. REPEALS.

13 1. Section 2.68, Code 1993, is repealed.

14 2. 1992 Iowa Acts, chapter 1117, sections 40 and 43, are
 15 repealed.

16 3. 1993 Iowa Acts, chapter 175, section 26, is repealed.

17 EXPLANATION

18 DIVISION I - RESUBMISSIONS

19 The sections included in Division I of this bill were
 20 originally submitted as part of the 1993 Code editor's bills,
 21 which failed to pass in 1993. Proposals that are presented
 22 for the first time in 1994 are included in Division II of this
 23 bill.

24 2.100: Substitutes the correct name, "legislative
 25 information office", for an outdated reference to the former
 26 "public information office" of the legislative service bureau.

27 11.27: In section relating to the biennial report of the
 28 auditor of state, deletes a reference to the auditor's former
 29 duties with respect to the regulation of savings and loan
 30 associations. Also substitutes "department of management" for
 31 "state comptroller's office" as the agency responsible for
 32 administration of the budget and financial control Act.

33 12C.23(2): Amends language to improve readability in
 34 provision relating to the liability of a depository of public
 35 funds and the security given for the public funds if the

1 depository fails to pay an assessment by the treasurer of
2 state when due.

3 15.108(1)(e): In provision relating to financial duties of
4 the department of economic development, updates a reference to
5 administration of the community economic betterment program.

6 24.48, unnumbered paragraph 3: Substitutes "department of
7 management" for "state comptroller" in provision relating to
8 implementation of decisions of the state appeal board.

9 34.1(1): In chapter relating to the emergency 911
10 telephone number, strikes a definition of "commission" because
11 the section creating the state emergency telephone number
12 commission (former section 477A.3) was repealed effective July
13 1, 1992.

14 80.25: In provision relating to the duties of the division
15 of beer and liquor law enforcement of the department of public
16 safety, strikes a reference to enforcement of chapter 125
17 (chemical substance abuse). Chapter 125 is administered by
18 the Iowa department of public health. Enumeration of chapter
19 125 was a temporary provision technically necessary because of
20 the chapter transfer project initiated by the Code Editor in
21 preparation of the 1993 Code of Iowa.

22 97B.25: In the Iowa public employees' retirement system
23 (IPERS) chapter, strikes a reference to "administrator" and
24 substitutes "chief benefits officer". The position of
25 administrator was eliminated in the 1992 Session, with the
26 duties divided between a chief benefits officer and a chief
27 investment officer.

28 123.37, unnumbered paragraph 1: In section relating to
29 beer and liquor licenses and taxes, strikes a reference to
30 chapter 125. The licenses provided in chapter 125 are for
31 substance abuse treatment programs. Enumeration of the
32 chapter was a temporary provision technically necessary
33 because of the chapter transfer project.

34 135.1, unnumbered paragraph 1, and 135.11(13): In sections
35 relating to the Iowa department of public health and health-

1 related activities, strike references to chapter 435 (formerly
2 135D). Prior to 1986 the chapter contained provisions
3 requiring the licensing of mobile home parks but it now
4 relates only to mobile home taxation. Enumeration of chapter
5 435 was a temporary provision technically necessary because of
6 the chapter transfer project.

7 147.86: In the penalty provision for violations of
8 chapters governing professional licensing of health-related
9 professions, strikes the word "not" to improve grammatical
10 construction with use of the term "except".

11 159.1 and 159.5(11): In sections relating to the
12 department of agriculture and land stewardship, strike
13 references to chapters 9H, 16A, 352, and 427C. Chapter 9H,
14 corporate or partnership farming, is administered by the
15 secretary of state. Chapter 16A, the economic protective and
16 investment authority, is in the department of economic
17 development. Chapter 352 relates to the counties' land
18 preservation and use commissions. Chapter 427C relates to
19 property tax exemptions for forest and fruit tree
20 reservations. Enumeration of these chapters was a temporary
21 provision technically necessary because of the chapter
22 transfer project.

23 159.6(8): In section listing chapters to be enforced by
24 the department of agriculture and land stewardship, strikes
25 the list of chapters excepted as having been transferred into
26 title V, subtitle 4 (agriculture-related products and
27 activities). Enumeration of these chapters has created a
28 redundancy because the chapters are covered by subsequent
29 subsections of the section. (Chapter 205, relating to
30 poisons, is by its own terms subject to enforcement by the
31 board of pharmacy examiners rather than the department of
32 agriculture and land stewardship, so it remains as an
33 exception.)

34 161A.43, unen. para. 2: In provision relating to property
35 owners' liability or nonliability with respect to claims

1 connected with soil and water conservation practices,
2 substitutes "paragraph" for "section" for clarification.

3 Chapter 189 amendments and 190.1, unnumbered paragraph 1:
4 Generally, strike references to the inclusion of chapters 124,
5 124A, 124B, 126, and 353, all of which have now been
6 transferred out of title V, subtitle 4 (agriculture-related
7 products and activities) to more appropriate placements.
8 Chapters 124, 124A, 124B, and 126 (formerly chapters 204,
9 204A, 204B, and 203B) relate primarily to drugs and chapter
10 353 (formerly chapter 202) relates to county limestone
11 quarries. Enumeration of the chapters was a temporary
12 provision technically necessary because of the chapter
13 transfer project.

14 216.2(4)(b): Corrects an omission of the word "dwelling"
15 to modify "units" in a portion of the definition of "covered
16 multifamily dwelling" in the civil rights chapter.

17 235A.15(2)(e)(3): In list of those authorized for access
18 to child abuse information, a reference to the department of
19 justice for the purpose of filing certain victim claims is
20 updated by replacing the term "reparation" with "restitution
21 or compensation".

22 257.16, unn. para. 2: In provision relating to school
23 finance appropriations, strikes a sentence referring to
24 section 257.13, which related to the advance for increasing
25 enrollment and was repealed in the 1992 Session.

26 257B.11: In provision relating to the audit of losses to
27 the permanent school or university fund caused by defalcation,
28 mismanagement, or fraud, makes revisions for clarification
29 following the 1992 amendment which eliminated the specific
30 reference to the agents or officers controlling and managing
31 the fund.

32 257C.9(3) and (4): In provisions relating to accounts of
33 the advance funding authority, replace references to the state
34 comptroller with references to the department of revenue and
35 finance and the department of management.

1 357F.4: Substitutes the more specific term, "newspaper",
2 for "paper" in provision relating to publication of notice of
3 a public hearing on the establishment of a proposed benefited
4 emergency medical services district.

5 421.7(1): In section describing the interest rate for
6 overdue taxes and tax refunds under the taxation title,
7 strikes references to chapters 12B (formerly 452, security of
8 the revenue), 12C (formerly 453, deposit of public funds), and
9 257C (formerly 442A, advance funding authority), which were
10 transferred out of the title as part of the chapter transfer
11 project. The interest rate established pursuant to section
12 421.7 is irrelevant to those chapters. Enumeration of the
13 chapters was a temporary provision technically necessary
14 because of the chapter transfer project.

15 422.45(28), (33)(b): In section listing exemptions from
16 the sales tax, strike obsolete provisions which have expired
17 as a matter of law. Subsection 28 relates to goods and
18 services used in the construction and equipping of the Iowa
19 world trade center. Subsection 33(b) relates to claims for
20 refund of tax on the sale of automotive fluids to a retailer
21 between 1979 and 1986. These amendments were requested by the
22 department of revenue and finance.

23 422.73(3-7): In section relating to tax refunds, credits,
24 and carrybacks, strike various obsolete provisions which have
25 expired as a matter of law. These amendments were requested
26 by the department of revenue and finance.

27 423.25: In provision of the use tax chapter relating to
28 taxation in another state, strikes references to chapters 12B
29 (formerly 452, security of the revenue), 12C (formerly 453,
30 deposit of public funds), and 257C (formerly 442A, advance
31 funding authority), which were transferred out of the taxation
32 title as part of the chapter transfer project. Enumeration of
33 the chapters in section 423.25 was a temporary provision
34 technically necessary because of the chapter transfer project,
35 but the references are more appropriately stricken since the

1 chapters in question do not impose a tax within the meaning of
2 section 423.25.

3 428.20: In section defining the term "manufacturer" for
4 the taxation title, strikes references to chapters 12B, 12C,
5 and 257C. The term does not appear in and is not relevant to
6 those chapters. Enumeration of the chapters was a temporary
7 provision technically necessary because of the chapter
8 transfer project.

9 443.19: Strikes irrelevant references to chapters 12B,
10 12C, and 257C in section relating to errors in assessment and
11 the effect on tax deeds. Enumeration of the chapters was a
12 temporary provision technically necessary because of the
13 chapter transfer project.

14 455B.305A(5, 7, 8): In section relating to local siting
15 approval of sanitary landfill and infectious waste incinerator
16 projects, strikes references to appeal procedures provided by
17 section 455B.305B. Section 455B.305B was repealed effective
18 June 30, 1991.

19 455D.11A(4): Strikes a duplicative sentence in language
20 relating to surety bonds for owners of waste tire collection
21 or processing sites.

22 477C.5: In provision relating to dual party relay service
23 for communication-impaired persons, changes the name of the
24 "dual party relay service council" to "dual party relay
25 council". This change was requested by the utilities
26 division. The shortened name is already used in section
27 477C.2(3).

28 483A.24(1) and (13): In provisions specifying that a
29 special wild turkey hunting license is not required to hunt
30 wild turkey on a licensed hunting preserve, the former name,
31 "game breeding and shooting preserve", is replaced with the
32 new name, "hunting preserve".

33 490A.1404(1); 490A.1406(1)(e); and 490A.1407(2)(d):
34 Correct omissions in the term "foreign limited liability
35 company".

1 497.34, 498.36, 499.59A, and 524.1213(2): In sections
2 relating to indemnification of directors, officers, and
3 employees of cooperative associations and board members of
4 united community bank offices, update references incorporating
5 the indemnification provisions of the general corporation law.
6 499.36(6): Substitutes "subsection" for "section" in
7 provision authorizing the board of directors of a cooperative
8 association to take action without a meeting if written
9 consent is obtained from all members of the board.
10 504A.28: Strikes a reference to acknowledgement in a
11 provision relating to the incorporation of nonprofit
12 corporations. This amendment was requested by the
13 corporations division of the office of the secretary of state.
14 The reference in section 504A.28 was missed when other
15 provisions of chapter 504A were amended in 1990 to eliminate
16 the need for acknowledgement.
17 536A.2(5): There are two definitions of "licensee" in
18 chapter 536A, relating to the regulation of industrial loan
19 companies. The one which defines the term as "a person
20 licensed under this chapter" is retained, while the one which
21 defines it as "a corporation to which a license has been
22 issued" is stricken.
23 702.11: In the definition of "forcible felony", changes
24 the phrase "sexual abuse by a counselor or therapist" to
25 "sexual exploitation by a counselor or therapist". This is
26 the terminology adopted in the 1992 Session for the crime
27 described in section 709.15.
28 714.8(12): In provision of the criminal code relating to
29 fraudulent transfers with intent to obtain public assistance,
30 strikes references to chapter 709A (formerly 233, contributing
31 to delinquency), 904 (formerly 246, department of
32 corrections), 913 (formerly 247, interstate corrections
33 compact), and 914 (formerly 248A, reprieves, pardons,
34 commutations, remissions, and restoration of rights) because
35 the chapters have no relevance to obtaining public assistance.

1 Enumeration of the chapters was a temporary provision
2 technically necessary because of the chapter transfer project.

3 901.1: In section enumerating the chapters included in the
4 corrections code, strikes the exclusion of chapter 904.

5 Chapter 904 relates to the department of corrections and is
6 appropriately a part of the corrections code. The exclusion
7 was a temporary provision technically necessary because of the
8 chapter transfer project.

9 904.802(2) and 904.808(3): In provisions relating to the
10 department of corrections, update references to the director's
11 authority to establish an inmate work program.

12 DIVISION II -- NEW SUBMISSIONS

13 The sections included in Division II of this bill are those
14 which are submitted for the first time in 1994. Proposals
15 that were originally presented as part of the 1993 Code
16 editor's bills are included in Division I.

17 16.62(1) and 16.71: In sections on the Iowa finance
18 authority's small business loan program and residential
19 mortgage marketing program, strike obsolete references to a
20 bond limit which was repealed in 1985.

21 22.7(30): Deletes an incorrect reference in provision
22 relating to confidentiality of the records of an independent
23 special counsel employed by a legislative ethics committee.
24 There is no reference to an independent special counsel in
25 section 68B.32, relating to the ethics and campaign disclosure
26 board.

27 43.18, unn. para. 5; 44.3(2), unn. para. 7; 45.3, unn.
28 para. 8; and 56.5A: Correct references to the dollar amount
29 triggering the requirement for organizing a candidate's
30 committee. The amount was increased to \$500 in 1993.

31 56.2(5): In chapter on campaign finance, strikes obsolete
32 reference to campaign finance disclosure commission. A
33 reference to the ethics and campaign disclosure board was
34 added in 1993.

35 68B.35A: In provision requiring that personal financial

1 disclosure statements of state officials and employees be
2 forwarded to the secretary of state, inserts references to
3 statements of legislative members or employees which are filed
4 with some "other appropriate person or body".

5 68B.36(2), (4), and (5): Make conforming amendments
6 relating to the registration of persons lobbying the executive
7 branch. This registration is now with the ethics and campaign
8 disclosure board.

9 88.5(12): In provision relating to OSHA standards for
10 railway sanitation and shelter, deletes definition of
11 "locomotive engine" which is no longer relevant. It had been
12 part of a predecessor section (327F.38) which was more
13 specific as to requirements for potable water.

14 123.36, unen. para. 1: In section on liquor fees, deletes
15 obsolete references to special liquor permits.

16 137.19: In section relating to requests for emergency
17 funds by local boards of health, substitutes the term
18 "director" of public health for the obsolete term
19 "commissioner".

20 141.23(1)(i): In section relating to disclosure of certain
21 AIDS records, changes the degree of consanguinity from
22 "fourth" to "third" to conform to section 709B.3(14).

23 235.1, unen. para. 1: In chapter relating to child welfare,
24 deletes obsolete references to county welfare boards and
25 departments. These were abolished in 1993.

26 249A.6(1), (2), and (4): In medical assistance provision
27 which was amended in 1993 to substitute departmental liens for
28 subrogation, make corrections in prepositional usage.

29 255.15 and 255.17: In provisions relating to treatment of
30 indigent persons at the university hospital, delete references
31 to duplicate copies of certain reports. These amendments are
32 to conform to the 1993 amendment to section 255.18 which
33 eliminated the requirement to send a copy of the report to the
34 clerk of court.

35 256.1(2), (3), and (4): In provisions relating to the

1 department of education, revise a list of duties for
2 consistency of sentence structure.

3 257.2(12): In the definition section of the school finance
4 chapter, incorporates by reference the provisions of section
5 257.8 relating to the establishment of the "state percent of
6 growth" by statute each year.

7 260C.57, 260C.59, 260C.65, 260C.66, 260C.67, and 260C.70:
8 In sections relating to financing of community college
9 residence halls, substitute "board of directors" for "board of
10 trustees" as the correct name of the governing bodies of the
11 community colleges.

12 275.1(2): Corrects an erroneous reference in definition
13 section of chapter on school district reorganization.

14 294A.25(8): Corrects a reference to the "state systemic
15 initiative for improving mathematics and science education".

16 312.2(19): In section relating to allocations from the
17 road use tax fund, adds "shall" in two paragraphs for
18 consistency with other subsections.

19 312.3(1): In subsection relating to the apportionment of
20 road use tax moneys among counties, restores a definition
21 which was inadvertently lost when the subsection was stricken
22 and rewritten by a 1992 amendment which took effect July 1,
23 1993. (See the 1993 Code Supplement's Code Editor's note to
24 this section.)

25 321.291: Revises sentence structure to improve readability
26 of provision requiring that the information and notice to
27 appear for a speeding violation specify the alleged speed and
28 the speed limit.

29 331.602(29): Strikes from the list of county recorder's
30 duties the duty to record articles of incorporation and
31 charters for nonprofit corporations. Chapter 504A was amended
32 in 1993 to eliminate the requirement for filing and recording
33 of these documents in the recorder's office.

34 331.756(15)and (64B): In section setting forth duties of
35 the county attorney, correct the name of the board under the

1 newly constituted governmental ethics law, insert an
2 additional reference relevant to ethics procedures, and strike
3 an obsolete reference relating to the recoupment of certain
4 funds.

5 335.25(3) and 414.22(3): In sections relating to the
6 location of housing for persons with disabilities, substitute
7 the term "dispersed" for "disbursed".

8 335.32 and 414.30: Correct erroneous chapter references in
9 new sections relating to zoning for homes for persons with
10 physical disabilities.

11 357A.14(1): In provision relating to the filing of a
12 petition by a property owner requesting the attachment of
13 property to a rural water district, strikes language referring
14 to the submission of the petition "by the district".

15 455E.11(2)(e), unn. para. 1: In provision describing the
16 oil overcharge account of the groundwater protection fund,
17 substitutes a reference to new section 473.11 for an obsolete
18 reference to former section 93.11.

19 505.1 and 546.8: In sections establishing the insurance
20 division, strike references to chapter 535C (loan brokers) to
21 conform to 1993 changes transferring administrative authority
22 to the attorney general.

23 507C.42(3): In provision relating to insurer
24 rehabilitation and priority of distribution of claims, revises
25 sentence structure to improve readability.

26 556.5(2): In provision relating to unclaimed property,
27 corrects a reference to the requisite number of unclaimed
28 dividends by substituting "three" for "seven". This was
29 inadvertently omitted when the other references were changed
30 in 1993.

31 595.19: Restructures provision relating to void marriages
32 by separating out the provision which does not involve persons
33 who are related by blood.

34 602.8107(5), unn. para. 2: Substitutes the correct name of
35 the victim compensation fund in new section relating to the

1 collection of fines, penalties, fees, court costs, surcharges,
2 interest, and restitution.

3 724.22(7): Changes "section" to "subsection" for
4 clarification in provision setting forth the penalty for
5 allowing minors under 14 access to loaded firearms.

6 Subsections 1 and 2 establish that sales of certain firearms
7 to minors and persons under 21 are simple misdemeanors.

8 730.5(2), unn. para. 1: In provision relating to drug
9 testing of employees and applicants, updates reference to a
10 nuclear regulatory commission "policy statement" by
11 substituting reference to a now-formalized regulation. (See
12 10 C.F.R. Part 26.)

13 805.8(2)(g)(3): In subsection relating to scheduled
14 traffic violations, strikes from subparagraph (3) of paragraph
15 "g" the reference to speeding when not more than five miles
16 per hour in excess of the limit under certain sections. This
17 provision is duplicative of subparagraph (1) of paragraph "g".

18 815.9A(1): In section relating to recovery of indigent
19 defense costs, makes a grammatical correction for consistency
20 of sentence structure.

21 910A.16(4): In provision relating to the use of a
22 multidisciplinary team in providing child victim services,
23 substitutes "committed upon a victim" for the phrase "with a
24 child" to provide greater specificity.

25 1993 Iowa Acts, chapter 131, section 29: In the 1993
26 enactment which made permanent the transfer to the state
27 general fund of certain trust fund moneys, corrects an
28 omission by adding the repeal of a provision of a 1992
29 appropriation bill paralleling the stricken provision of a
30 1991 appropriation bill relating to temporary transfers.

31 2.68: Repeals an obsolete section relating to 1977
32 proposals for changes in city precinct boundaries.

33 1992 Iowa Acts, chapter 1117, sections 40 and 43: Repeals
34 a 1992 rewrite of section 521A.5(3), relating to insurance
35 company dividends. This particular provision never took

1 effect because of a deferred effective date and a subsequent
2 rewrite which superseded it. (See the 1993 Code Supplement's
3 Code Editor's note to section 521A.5.)

4 1993 Iowa Acts, chapter 175, section 26: Repeals
5 codification directives to implement department of commerce
6 changes which failed to pass. This section was inadvertently
7 left in the bill after the underlying provisions were amended
8 out.

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serve the general assembly and the legislative council. The computer support bureau shall also provide services and support for the computer systems used by the legislative staff, the legislative service bureau, the public legislative information office, the Code editor's office, the office of the citizens' aide and the legislative fiscal bureau.

Sec. 2. Section 11.27, Code 1993, is amended to read as follows:

11.27 BIENNIAL REPORT.

The biennial report shall include:

1. A narrative report and such statistical statements as the state auditor deems essential to display the results of audits of the state departments and establishments.
2. ~~Statistics on building and loan associations now required by law to be published biennially. The biennial report shall also include the~~ The results of an audit of the documents and the records of the state comptroller's office department of management created in the budget and financial control Act, which records shall be audited by the auditor; and, the results of the auditor's audit of all taxes and other revenue collected and paid into the treasury, and the sources thereof. ~~This report shall also include the~~
3. The auditor's recommendations to improve the business methods of the government and any other matters having for their purpose to bring about increased economy and efficiency in the conduct of the affairs of the government.

Sec. 3. Section 12C.23, subsection 2, Code 1993, is amended to read as follows:

2. The depository and the security given for the public funds in its hands are liable for payment if the depository fails to pay a check, draft, or warrant drawn by the public officer or to account for a check, draft, warrant, order, or certificates of deposit, or any public funds entrusted to it if, in failing to pay, the depository acts contrary to the terms of an agreement between the depository and the public

HOUSE FILE 2124

AN ACT

RELATING TO NONSUBSTANTIVE CODE CORRECTIONS.

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

DIVISION I -- RESUBMISSIONS

Section 1. Section 2.100, Code 1993, is amended to read as follows:

2.100 COMPUTER SUPPORT BUREAU.

A computer support bureau is established under the direction and control of the legislative council. The administrative head of the computer support bureau is the director of the bureau. The computer support bureau shall

body treasurer or ... The depository and the security given for the public funds in its hands are also liable for payment if the depository fails to pay an assessment by the treasurer of state when the assessment is due.

Sec. 4. Section 15.108, subsection 1, paragraph e, Code Supplement 1993, is amended to read as follows:

e. Administer the funds ~~appropriated from~~ in the community economic betterment program ~~account of the Iowa plan fund for economic development as provided in section 99B:32, subsection 2 established within the strategic investment fund as provided in section 15.320.~~

Sec. 5. Section 24.48, unnumbered paragraph 3, Code 1993, is amended to read as follows:

Upon decision of the state appeal board, the state comptroller department of management shall make the necessary changes in the total budget of the political subdivision and certify the total budget to the governing body of the political subdivision and the appropriate county auditors.

Sec. 6. Section 34.1, subsection 1, Code 1993, is amended by striking the subsection.

Sec. 7. Section 80.25, Code 1993, is amended to read as follows:

80.25 DIVISION OF BEER AND LIQUOR ENFORCEMENT.

The commissioner of public safety shall establish a division of beer and liquor law enforcement and appoint a chief enforcement officer to head the division. The commissioner of public safety shall appoint other agents needed in the division as are necessary to enforce the provisions of chapters chapter 123 and 125. All enforcement officers, assistants, and agents of the division, excluding clerical workers, shall be subject to the provisions of section 80.15.

Sec. 8. Section 97B.25, Code 1993, is amended to read as follows:

97B.25 APPLICATIONS FOR BENEFITS.

A representative designated by the administrator chief benefits officer and referred to in this chapter as a retirement benefits specialist, shall promptly examine applications for retirement benefits and on the basis of facts found shall determine whether or not the claim is valid and if valid, the month with respect to which benefits shall commence, the monthly benefit amount payable, and the maximum duration. The retirement benefits specialist shall promptly notify the applicant and any other interested party of the decision and the reasons. Unless the applicant or other interested party, within thirty calendar days after the notification was mailed to the applicant's or party's last known address, files an appeal as provided in section 97B.20A, the decision is final and benefits shall be paid or denied in accord with the decision.

Sec. 9. Section 123.37, unnumbered paragraph 1, Code Supplement 1993, is amended to read as follows:

The power to establish licenses and permits and levy taxes as imposed in chapters chapter 123 and 125 is vested exclusively with the state. Unless specifically provided, a local authority shall not require the obtaining of a special license or permit for the sale of alcoholic beverages, wine, or beer at any establishment, or require the obtaining of a license by any person as a condition precedent to the person's employment in the sale, serving, or handling of alcoholic beverages, wine, or beer, within an establishment operating under a license or permit.

Sec. 10. Section 135.1, unnumbered paragraph 1, Code 1993, is amended to read as follows:

For the purposes of chapters 152B, and 155-435, and title IV, subtitle 2, excluding chapters 142B, 145B, and 146, unless otherwise defined:

Sec. 11. Section 135.11, subsection 13, Code Supplement 1993, is amended to read as follows:

13. Establish, publish, and enforce rules not inconsistent with law for the enforcement of the provisions of chapters 125, 152B, ~~and 1557-and-435~~ and title IV, subtitle 2, excluding chapters 142B, 145B, and 146 and for the enforcement of the various laws, the administration and supervision of which are imposed upon the department.

Sec. 12. Section 147.86, Code 1993, is amended to read as follows:

147.86 PENALTIES.

Any person violating any provision of this or the following chapters of this subtitle, excluding chapters 152B and 152C, except insofar as the provisions apply or relate to or affect the practice of pharmacy, or where a specific penalty is not otherwise provided, shall be guilty of a serious misdemeanor.

Sec. 13. Section 159.1, Code 1993, is amended to read as follows:

159.1 DEFINITIONS.

For the purposes of ~~chapters 9H, 16A, 3527, and 427E~~ and subtitles 1 through 3 of this title, excluding chapters 161A through 161C, unless otherwise provided:

1. "Department" means the department of agriculture and land stewardship and if the department is required or authorized to do an act, unless otherwise provided, the act may be performed by an officer, regular assistant, or duly authorized agent of the department.

2. "Person" ~~shall include~~ includes an individual, a corporation, company, firm, society, or association; and the act, omission, or conduct of any officer, agent, or other person acting in a representative capacity shall be imputed to the organization or person represented, and the person acting in such capacity shall also be liable for violation of ~~chapters 9H, 16A, 3527, and 427E~~ and subtitles 1 through 3 of this title, excluding chapters 161A through 161C.

3. "Secretary" means the secretary of agriculture.

Sec. 14. Section 159.5, subsection 11, Code 1993, is amended to read as follows:

11. Establish, publish, and enforce rules not inconsistent with law for the enforcement of the provisions of ~~chapters 9H, 16A, 3527, and 427E~~ and subtitles 1 through 3 of this title, excluding chapters 161A through 161C, and for the enforcement of the various laws, the administration and supervision of which are imposed upon the department.

Sec. 15. Section 159.6, subsection 8, Code 1993, is amended to read as follows:

8. Regulation and inspection of foods, drugs, and other articles, as provided in Title V, subtitle 4, but ~~chapters 203 through chapter 205 and 207 and 208~~ of that subtitle shall be enforced as provided in ~~those chapters~~ that chapter.

Sec. 16. Section 161A.43, unnumbered paragraph 2, Code 1993, is amended to read as follows:

A landowner shall not be liable for a claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent installation, construction, or reconstruction of a soil and water conservation practice or an erosion control practice that was installed, constructed, or reconstructed in accordance with generally recognized engineering or safety standards, criteria, or design theory in existence at the time of the installation, construction, or reconstruction. A soil and water conservation practice or an erosion control practice installed, constructed, or reconstructed in compliance with rules adopted by the division and currently in effect shall be deemed to be installed, constructed, or reconstructed according to generally recognized engineering or safety standards, criteria, or design theory in existence at the time of the installation, construction, or reconstruction. A claim shall not be allowed for failure to upgrade, improve, or alter any aspect of an existing soil and water conservation practice or erosion control practice to a new, changed, or altered

design standard. This ~~section paragraph~~ does not apply to a claim based on a failure of a landowner to upgrade, improve, or alter a soil and water conservation practice or erosion control practice in violation of law. This ~~section paragraph~~ does not apply to claims based upon gross negligence.

Sec. 17. Section 189.1, unnumbered paragraph 1 and subsections 1 and 6, Code 1993, are amended to read as follows:

For the purpose of ~~chapters 1247-124A7-124B7-1267-and-353 and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, unless the context otherwise requires:~~

1. "Article" includes food, commercial feed, agricultural seed, commercial fertilizer, drug, insecticide, fungicide, paint, linseed oil, turpentine, and illuminating oil, in the sense in which they are defined in the various provisions of ~~chapters 1247-124A7-124B7-1267-and-353-and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208.~~

6. "Person" includes a corporation, company, firm, society, or association; and the act, omission, or conduct of any officer, agent, or other person acting in a representative capacity shall be imputed to the organization or person represented, and the person acting in that capacity shall also be liable for violations of ~~chapters 1247-124A7-124B7-1267-and 353-and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208.~~

Sec. 18. Section 189.2, Code 1993, is amended to read as follows:

189.2 DUTIES.

The department shall:

1. Execute and enforce ~~chapter 353-and this subtitle, except chapter 205.~~

2. Make and publish all necessary rules, not inconsistent with law, for enforcing the provisions of ~~chapters 1247-124A7-124B7-1267-and-353-and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208.~~

3. Provide such educational measures and exhibits, and conduct such educational campaigns as are deemed advisable in fostering and promoting the production and sale of the articles dealt with in ~~chapters 124, 124A7-124B7-1267-and-353 and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, in accordance with the regulations herein prescribed rules adopted pursuant to this subtitle.~~

4. Issue from time to time, bulletins showing the results of inspections, analyses, and prosecutions under ~~chapters 1247-124A7-124B7-1267-and 353-and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208.~~ These bulletins shall be printed in such numbers as may be approved by the superintendent of printing and shall be distributed to the newspapers of the state and to all interested persons.

Sec. 19. Section 189.3, Code 1993, is amended to read as follows:

189.3 PROCURING SAMPLES.

The department shall, for the purpose of examination or analysis, procure from time to time, or whenever ~~said the~~ department has occasion to believe any of the provisions of ~~chapters 1247-124A7-124B7-1267-and-353-and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, are being violated, samples of the articles dealt with in these provisions which have been shipped into this state, offered or exposed for sale, or sold in the state.~~

Sec. 20. Section 189.4, Code 1993, is amended to read as follows:

189.4 ACCESS TO FACTORIES AND BUILDINGS.

The department shall have full access to all places, factories, buildings, stands, or premises, and to all wagons, auto trucks, vehicles, or cars used in the preparation, production, distribution, transportation, offering or exposing for sale, or sale of any article dealt with in ~~chapters 1247-124A7-124B7-1267-and-353-and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208.~~

Sec. 21. Section 189.5, Code 1993, is amended to read as follows:

189.5 DEALER TO FURNISH SAMPLES.

Upon request and tender of the selling price by the department any person who prepares, manufactures, offers or exposes for sale, or delivers to a purchaser any article dealt with in ~~chapters 124, 124A, 124B, 126, and 353~~ and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, shall furnish, within business hours, a sample of the same, sufficient in quantity for a proper analysis or examination as shall be provided by the rules of the department.

Sec. 22. Section 189.6, Code 1993, is amended to read as follows:

189.6 TAKING OF SAMPLES.

The department may, without the consent of the owner, examine or open any package containing, or believed to contain, any article or product which it suspects may be prepared, manufactured, offered, or exposed for sale, sold, or held in possession in violation of the provisions of ~~chapters 124, 124A, 124B, 126, and 353~~ and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, in order to secure a sample for analysis or examination, and ~~said the~~ sample and damage to container shall be paid for at the current market price out of the contingent fund of the department.

Sec. 23. Section 189.8, Code 1993, is amended to read as follows:

189.8 WITNESSES.

In the enforcement of the provisions of ~~chapters 124, 124A, 124B, 126, and 353~~ and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, the department shall have power to issue subpoenas for witnesses, enforce their attendance, and examine them under oath. ~~Such~~ The witnesses shall be allowed the same fees as witnesses in district court.

~~Said~~ The fees shall be paid out of the contingent fund of the department.

Sec. 24. Section 189.9, unnumbered paragraph 1, Code 1993, is amended to read as follows:

All articles in package or wrapped form which are required by ~~chapters 124, 124A, 124B, 126, and 353~~ and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, to be labeled, unless otherwise provided, shall be conspicuously marked in the English language in legible letters of not less than eight-point heavy gothic caps on the principal label with the following items:

Sec. 25. Section 189.13, Code 1993, is amended to read as follows:

189.13 FALSE LABELS -- DEFACEMENT.

No A person shall not use any label required by ~~chapters 124, 124A, 124B, 126, and 353~~ and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, which bears any representations of any kind which are deceptive as to the true character of the article or the place of its production, or which has been carelessly printed or marked, nor shall any person erase or deface any label required by ~~chapters 124, 124A, 124B, 126, and 353~~ and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208.

Sec. 26. Section 189.14, subsection 1, Code 1993, is amended to read as follows:

1. No A person shall not knowingly introduce into this state, solicit orders for, deliver, transport, or have in possession with intent to sell, any article which is labeled in any other manner than that prescribed by ~~chapters 124, 124A, 124B, 126, and 353~~ and this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, for the label of ~~said the~~ article when offered or exposed for sale, or sold in package or wrapped form in this state.

Sec. 27. Section 189.15, Code 1993, is amended to read as follows:

189.15 ADULTERATED ARTICLES.

No A person shall not knowingly manufacture, introduce into the state, solicit orders for, sell, deliver, transport, have in possession with the intent to sell, or offer or expose for sale, any article which is adulterated according to the provisions of ~~chapters-1247-124A7-124B7-1267-and-353-and~~ this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208.

Sec. 28. Section 189.16, Code 1993, is amended to read as follows:

189.16 POSSESSION.

Any person having in possession or under control any article which is adulterated or which is improperly labeled according to the provisions of ~~chapters-1247-124A7-124B7-1267-and-353-and~~ this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, shall be presumed to know its true character and name, and such possession shall be prima-facie evidence of having the same in possession with intent to violate the provisions of ~~chapters-1247-124A7-124B7-1267-and-353-and~~ this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208.

Sec. 29. Section 189.19, Code 1993, is amended to read as follows:

189.19 LICENSES.

The following ~~regulations-shall~~ provisions apply to all licenses issued or authorized under ~~chapters-1247-124A7-124B7-1267-and-353-and~~ this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208:

1. APPLICATIONS. Applications for licenses shall be made upon blanks furnished by the department and shall conform to the prescribed rules of the department.

2. REFUSAL AND REVOCATION. For good and sufficient grounds the department may refuse to grant a license to any applicant; and it may revoke a license for a violation of any provision of ~~chapters-1247-124A7-124B7-1267-and-353-and~~ this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and

208, or for the refusal or failure of any licensee to obey the lawful directions of the department.

3. EXPIRATION. Unless otherwise provided all licenses shall expire one year from the date of issue.

Sec. 30. Section 189.20, Code 1993, is amended to read as follows:

189.20 INJUNCTION.

Any person engaging in any business for which a license is required by ~~chapters-1247-124A7-124B7-1267-and-353-and~~ this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, without obtaining such license, may be restrained by injunction, and shall pay all costs made necessary by such procedure.

Sec. 31. Section 189.21, Code 1993, is amended to read as follows:

189.21 PENALTY.

Unless otherwise provided, any person violating any provision of ~~chapters-1247-124A7-124B7-1267-and-353-and~~ this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, or any rule made adopted by the department ~~and promulgated-under-the-authority-of-said-department~~ pursuant to such a provision, ~~shall-be~~ is guilty of a simple misdemeanor.

Sec. 32. Section 189.22, Code 1993, is amended to read as follows:

189.22 MAY CHARGE MORE THAN ONE OFFENSE.

In any criminal proceeding brought for violation of ~~chapters-1247-124A7-124B7-1267-and-353-and~~ this subtitle, an information or indictment may charge as many offenses as it appears have been committed and the defendant may be convicted of any or all of ~~said the~~ offenses.

Sec. 33. Section 189.23, Code 1993, is amended to read as follows:

189.23 COMMON CARRIER.

~~None-of-the~~ The penalties provided in ~~chapters-1247-124A7-124B7-1267-and-353-and~~ this subtitle, excluding chapters 203,

203A, 203C, 203D, 207, and 208, shall ~~not~~ be imposed upon any common carrier for introducing into the state, or having in its possession, any article which is adulterated or improperly labeled according to the provisions of ~~chapters-124;-124A;-124B;-126;-and-353-and~~ this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, when the same was received by ~~said~~ the carrier for transportation in the ordinary course of its business and without actual knowledge of its true character.

Sec. 34. Section 189.24, Code 1993, is amended to read as follows:

189.24 REPORT OF VIOLATIONS.

When it ~~shall appear~~ appears that any of the provisions of ~~chapters-124;-124A;-124B;-126;-and-353-and~~ this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, have been violated, the department shall at once certify the facts to the proper county attorney, with a copy of the results of any analysis, examination, or inspection ~~said~~ the department may have made, duly authenticated by the proper person under oath, and with any additional evidence which may be in possession of ~~said~~ the department.

Sec. 35. Section 189.25, Code 1993, is amended to read as follows:

189.25 COUNTY ATTORNEY.

The county attorney may at once institute the proper proceedings for the enforcement of the penalties provided in ~~chapters-124;-124A;-124B;-126;-and-353-and~~ this subtitle for ~~such~~ the violations.

Sec. 36. Section 189.27, Code 1993, is amended to read as follows:

189.27 INSTITUTION OF PROCEEDINGS.

In any case when it appears that any of the provisions of ~~chapters-124;-124A;-124B;-126;-and-353-and~~ this subtitle have been violated, the inspector having the investigation in charge shall, when instructed by the department, file an information against the suspected party.

Sec. 37. Section 189.28, Code 1993, is amended to read as follows:

189.28 GOODS FOR SALE IN OTHER STATES.

Any person may keep articles specifically set apart in the person's stock for sale in other states which do not comply with the provisions of ~~chapters-124;-124A;-124B;-126;-and-353-and~~ this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, as to standards, purity, or labeling.

Sec. 38. Section 189.29, Code 1993, is amended to read as follows:

189.29 REPORTS BY DEALERS.

Every person who deals in or manufactures any of the articles dealt with in ~~chapters-124;-124A;-124B;-126;-and-353-and~~ this subtitle, excluding chapters 203, 203A, 203C, 203D, 207, and 208, shall make upon blanks furnished by the department such reports and furnish such statistics as may be required by ~~said~~ the department and certify to the correctness of the same.

Sec. 39. Section 189.30, Code 1993, is amended to read as follows:

189.30 CONTRACTS INVALID.

No action shall be maintained in any of the courts of the state upon any contract or sale made in violation of or with the intent to violate any provision of ~~chapters-124;-124A;-124B;-126;-and-353-and~~ this subtitle by one who was knowingly a party thereto.

Sec. 40. Section 189.31, Code 1993, is amended to read as follows:

189.31 FEES PAID INTO STATE TREASURY.

All fees collected under the provisions of ~~chapters-124;-124A;-124B;-126;-and-353-and~~ this subtitle shall be paid into the state treasury.

Sec. 41. Section 190.1, unnumbered paragraph 1, Code 1993, is amended to read as follows:

For the purpose of ~~chapters 124, 124A, 124B, 126, and 35B~~ and this subtitle, except chapters 192, 203, 203A, 203C, 203D, 207, and 208, the following definitions and standards of food are established:

Sec. 42. Section 216.2, subsection 4, paragraph b, Code 1993, is amended to read as follows:

b. The ground floor units of a building consisting of four or more dwelling units.

Sec. 43. Section 235A.15, subsection 2, paragraph c, subparagraph (3), Code Supplement 1993, is amended to read as follows:

(3) To the department of justice for the sole purpose of the filing of a claim for reparation restitution or compensation pursuant to section 910A.5 and section 912.4, subsections 3 through 5.

Sec. 44. Section 257.16, unnumbered paragraph 2, Code 1993, is amended to read as follows:

All state aids paid under this chapter, unless otherwise stated, shall be paid in monthly installments beginning on September 15 of a budget year and ending on or about June 15 of the budget year as determined by the department of management, taking into consideration the relative budget and cash position of the state resources. However, an amount of state school foundation aid equal to the general allocation of the school district as determined under section 405A.2 and the amount of the tax credit for livestock pursuant to section 442.2, subsection 2, as it appeared in the 1987 Code, shall be paid to the school district on July 15 of the subsequent fiscal year, and the appropriation for this amount shall be made for the fiscal year during which the payment is made. ~~However, the state aid paid to school districts under section 257.13 shall be paid in monthly installments beginning on December 15 and ending on June 15 of a budget year.~~

Sec. 45. Section 257B.11, Code 1993, is amended to read as follows:

257B.11 SCHOOL FUND ACCOUNTS -- AUDIT OF LOSSES.

The director of revenue and finance shall keep the permanent school fund accounts in books provided for that purpose, separate and distinct from the revenue books. The auditor of state shall audit losses to the permanent school or university fund caused by the defalcation, mismanagement, or fraud. The auditor of state shall adopt rules pursuant to chapter 17A ~~for those officers~~ as necessary to ascertain the losses.

Sec. 46. Section 257C.9, subsections 3 and 4, Code 1993, are amended to read as follows:

3. Subject to a contract with bondholders, and to the approval of the ~~state comptroller~~ director of revenue and finance, the authority shall prescribe a system of accounts.

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

Sec. 47. Section 357F.4, Code 1993, is amended to read as follows:

357F.4 TIME OF HEARING.

The public hearing required in section 357F.2 shall be held within thirty days of the presentation of the petition. Notice of hearing shall be given by publication in two successive issues of any paper newspaper of general circulation within the district. The last publication shall be not less than one week before the proposed hearing.

Sec. 48. Section 421.7, subsection 1, Code 1993, is amended to read as follows:

1. Except where a different rate of interest is stated in a provision of ~~chapters 12B, 12E, and 257E~~ and this title, the rate of interest on interest-bearing obligations arising under ~~chapters 12B, 12E, and 257E~~ and this title shall be the rate of interest in effect under this section.

Sec. 49. Section 422.45, subsection 28, Code Supplement 1993, is amended by striking the subsection.

Sec. 50. Section 422.45, subsection 33, paragraph b, Code Supplement 1993, is amended by striking the paragraph.

Sec. 51. Section 422.73, subsections 3, 4, 5, 6, and 7, Code 1993, are amended by striking the subsections.

Sec. 52. Section 423.25, Code 1993, is amended to read as follows:

423.25 TAXATION IN ANOTHER STATE.

If any person who causes tangible personal property to be brought into this state has already paid a tax in another state in respect to the sale or use of such the property, or an occupation tax in respect ~~thereto~~ to the property, in an amount less than the tax imposed by ~~chapters-12B7-12E7-and-257E-and~~ this title, the provisions of ~~chapters-12B7-12E7-and-257E-and~~ this title shall apply, but at a rate measured by the difference only between the rate herein fixed in this title and the rate by which the previous tax on the sale or use, or the occupation tax, was computed. If such the tax imposed and paid in such the other state is equal to or more than the tax imposed by ~~chapters-12B7-12E7-and-257E-and~~ this title, then no tax ~~shall be~~ is due in this state on such the personal property.

Sec. 53. Section 428.20, Code 1993, is amended to read as follows:

428.20 DEFINITION OF MANUFACTURER.

A person who purchases, receives, or holds personal property of any description for the purpose of adding to its value by a process of manufacturing, refining, purifying, combining of different materials, or by the packing of meats, with a view to selling the property for gain or profit, is a "manufacturer" for the purposes of ~~chapters-12B7-12E7-and-257E~~ and this title.

Sec. 54. Section 443.19, Code 1993, is amended to read as follows:

443.19 IRREGULARITIES, ERRORS AND OMISSIONS -- EFFECT.

No failure of the owner to have such property assessed or to have the errors in the assessment corrected, and no irregularity, error or omission in the assessment of such property, shall affect in any manner the legality of the taxes levied thereon, or affect any right or title to such real estate which would have accrued to any party claiming or holding under and by virtue of a deed executed by the treasurer as provided by ~~chapters-12B7-12E7-and-257E-and~~ this title, had the assessment of such property been in all respects regular and valid.

Sec. 55. Section 455B.305A, subsections 5, 7, and 8, Code Supplement 1993, are amended to read as follows:

5. At least one public hearing shall be held by the city council or county board of supervisors no sooner than ninety days but no later than one hundred twenty days from receipt of the request for siting approval. A hearing shall be preceded by published notice in an official newspaper of the county of the proposed site, including in any official newspaper located in the city of the proposed site. ~~the public hearing shall develop a record sufficient to form the basis of an appeal of the decision.~~

7. Construction of a project which is granted local siting approval under this section shall commence within one calendar year from the date upon which it was granted or the permit shall be nullified. ~~if the local siting decision is appealed, the one-year period shall begin on the date upon which the appeal process is concluded.~~

8. The local siting approval, criteria, and appeal other procedures provided for in this section ~~and in section 455B:305B~~ are the exclusive local siting procedures ~~and appeal procedures~~. Local zoning, ordinances, or other local land use requirements may be considered in such siting decisions.

Sec. 56. Section 455D.11A, subsection 4, Code 1993, is amended to read as follows:

4. If the owner or operator of a waste tire collection or processing site chooses to provide financial assurance in the form of a surety bond, the bond shall be executed by a surety company authorized to do business in this state. The bond shall be continuous in nature until canceled by the surety. A surety shall provide at least ninety days' notice in writing to the owner or operator and to the department indicating the surety's intent to cancel the bond and the effective date of the cancellation. The surety bond shall be for the benefit of the citizens of this state and shall be conditioned upon compliance with this section. The surety's liability under this subsection is limited to the amount of the bond or the amount of the damages or moneys due, whichever is less. However, this subsection does not limit the amount of damages recoverable from an owner or operator in to the amount of the surety bond. ~~This subsection shall not limit the recovery of damages to the surety bond.~~ The bond shall be made in a form prescribed by the commissioner of insurance and written by a company authorized by the commissioner of insurance to do business in this state. If a surety bond is canceled which has been provided as financial assurance under this subsection, the owner or operator of the waste tire collection or processing site shall demonstrate to the department within thirty days of the cancellation, a means of continued compliance with the financial assurance requirements of this section. If a means of continued compliance is not demonstrated within the thirty-day period, the department shall suspend the permit for the site, and the owner or operator shall perform proper closure of the site within thirty days. If the owner or operator does not properly close the site within the time period allowed, the department shall file a claim with the surety company, prior to the effective date of cancellation of the bond, to collect the amount of the bond for use in performing proper closure. A person who fails to provide for proper closure, notwithstanding collection by

the department of the amount of the bond, is guilty of a serious misdemeanor.

Sec. 37. Section 477C.5, Code 1993, is amended to read as follows:

477C.5 DUAL PARTY RELAY SERVICE COUNCIL.

1. A dual party relay service council is established, consisting of eleven members appointed by the board. The council shall advise the board on all matters concerning relay service and equipment distribution programs.

2. The council shall consist of:

- a. Six consumers who have communication impairments.
- b. Two representatives from telephone companies.
- c. One representative from the division of deaf services of the department of human rights.
- d. One representative from the office of the consumer advocate of the department of justice.
- e. One member of the board or a designee of the board.

3. Council members who are not state or local government officers or employees shall be reimbursed for their necessary and actual expenses incurred in performance of their duties and shall receive a per diem of fifty dollars when the council is meeting, payable from moneys available to the board pursuant to section 477C.7.

Sec. 58. Section 483A.24, subsections 1 and 13, Code 1993, are amended to read as follows:

1. Owners or tenants of land, and their juvenile children, may hunt, fish or trap upon such lands and may shoot by lawful means ground squirrels, gophers, or woodchucks upon adjacent roads without securing a license so to do; except, special licenses to hunt deer and wild turkey shall be required of owners and tenants but they shall not be required to have a special wild turkey hunting license to hunt wild turkey on a ~~game-breeding-and-shooting~~ hunting preserve licensed under chapter 484B.

13. No person shall be required to have a special wild turkey license to hunt wild turkey on a game-breeding-and shooting hunting preserve licensed under chapter 484B.

Sec. 59. Section 490A.1404, subsection 1, Code 1993, is amended to read as follows:

1. The foreign limited liability company shall add the words "Limited Company" or the abbreviation "L.C." to its name for use in this state.

Sec. 60. Section 490A.1406, subsection 1, paragraph e, Code Supplement 1993, is amended to read as follows:

e. A commitment to notify the secretary of state in the future of any change in the mailing address of the foreign limited liability company.

Sec. 61. Section 490A.1407, subsection 2, paragraph d, Code Supplement 1993, is amended to read as follows:

d. Maintaining offices or agencies for the transfer, exchange, and registration of the foreign limited liability company's own securities or maintaining trustees or depositories with respect to those securities.

Sec. 62. Section 497.34, Code 1993, is amended to read as follows:

497.34 INDEMNIFICATION.

A cooperative association operating under this chapter may indemnify any present or former director, officer, employee, member, or volunteer in the manner and in the instances authorized in ~~section-496A-4A~~ sections 490.850 through 490.858, provided that where ~~section-496A-4A-provides~~ sections 490.850 through 490.858 provide for action by shareholders the ~~section-is~~ sections are applicable to action by voting members of the cooperative association, and where ~~section-496A-4A~~ refers sections 490.850 through 490.858 refer to the corporation organized under chapter 496A ~~490~~ the section-is sections are applicable to the cooperative association organized under this chapter, and where ~~section-496A-4A-refers~~ sections 490.850 through 490.858 refer to the director the ~~section-is~~

sections are applicable to a director, officer, employee, member, or volunteer of the cooperative association organized under this chapter.

Sec. 63. Section 498.36, Code 1993, is amended to read as follows:

498.36 INDEMNIFICATION.

A cooperative association operating under this chapter may indemnify any present or former director, officer, employee, member, or volunteer in the manner and in the instances authorized in ~~section-496A-4A~~ sections 490.850 through 490.858, provided that where ~~section-496A-4A-provides~~ sections 490.850 through 490.858 provide for action by shareholders the ~~section-is~~ sections are applicable to action by voting members of the cooperative association, and where ~~section-496A-4A~~ refers sections 490.850 through 490.858 refer to the corporation organized under chapter 496A ~~490~~ the section-is sections are applicable to the cooperative association organized under this chapter, and where ~~section-496A-4A-refers~~ sections 490.850 through 490.858 refer to the director the ~~section-is~~ sections are applicable to a director, officer, employee, member, or volunteer of the cooperative association organized under this chapter.

Sec. 64. Section 499.36, subsection 6, Code 1993, is amended to read as follows:

6. Unless the articles of incorporation or bylaws provide otherwise, an action required or permitted by this chapter to be taken at a board of directors' meeting may be taken without a meeting if the action is taken by all members of the board. The action must be evidenced by one or more written consents describing the action taken, signed by each director, and filed with the corporate records reflecting the action taken. An action taken under this ~~section~~ subsection is effective when the last director signs the consent, unless the consent specifies a different effective date. A consent signed under this ~~section~~ subsection is deemed to have the same effect as a meeting vote and may be described as such in any document.

Sec. 65. Section 499.59A, Code 1993, is amended to read as follows:

499.59A INDEMNIFICATION.

A cooperative association operating under this chapter may indemnify any present or former director, officer, employee, member, or volunteer in the manner and in the instances authorized in ~~section-496A:4A~~ sections 490.850 through 490.858, provided that where ~~section-496A:4A~~ sections 490.850 through 490.858 provide for action by shareholders the ~~section-is~~ sections are applicable to action by voting members of the cooperative association, and where ~~section-496A:4A~~ sections 490.850 through 490.858 refer to the corporation organized under chapter ~~496A~~ 490 the ~~section-is~~ sections are applicable to the cooperative association organized under this chapter, and where ~~section-496A:4A~~ sections 490.850 through 490.858 refer to the director the ~~section-is~~ sections are applicable to a director, officer, employee, member, or volunteer of the cooperative association organized under this chapter.

Sec. 66. Section 504A.28, Code 1993, is amended to read as follows:

504A.28 INCORPORATORS.

One or more persons as defined in this chapter having capacity to contract, may act as incorporators of a corporation by signing, acknowledging and delivering to the secretary of state articles of incorporation for such the corporation.

Sec. 67. Section 524.1213, subsection 2, Code 1993, is amended to read as follows:

2. A united community bank office formed under this section shall have a united community bank office board, at least one-half or more of the members of which shall be residents of the county in which the united community bank office is located. The liability of the united community bank office board shall be limited as provided in section 524.614.

The bank establishing and operating the united community bank office may indemnify members of the united community bank office board as agents of the bank in the manner and in the instances authorized by ~~section-496A:4A~~ sections 490.850 through 490.858.

Sec. 68. Section 536A.2, subsection 5, Code 1993, is amended by striking the subsection.

Sec. 69. Section 702.11, Code 1993, is amended to read as follows:

702.11 FORCIBLE FELONY.

A "forcible felony" is any felonious child endangerment, assault, murder, sexual abuse, kidnapping, robbery, arson in the first degree, or burglary in the first degree. However, sexual abuse in the third degree committed between spouses, sexual abuse in violation of section 709.4, subsection 2, paragraph "c", subparagraph (4), or sexual abuse exploitation by a counselor or therapist in violation of section 709.15, is not a "forcible felony".

Sec. 70. Section 714.8, subsection 12, Code 1993, is amended to read as follows:

12. Knowingly transfers or assigns a legal or equitable interest in property, as defined in section 702.14, for less than fair consideration, with the intent to obtain public assistance under chapters 16, 35B, 35D, and 347B, ~~789A:7-904:7~~ 913:7-and-914:7 or title VI, subtitles 2 through 6, or accepts a transfer of or an assignment of a legal or equitable interest in property, as defined in section 702.14, for less than fair consideration, with the intent of enabling the party transferring the property to obtain public assistance under chapters 16, 35B, 35D, and 347B, ~~789A:7-904:7-913:7-and-914:7~~ or title VI, subtitles 2 through 6. A transfer or assignment of property for less than fair consideration within one year prior to an application for public assistance benefits shall be evidence of intent to transfer or assign the property in order to obtain public assistance for which a person is not

eligible by reason of the amount of the person's assets. If a person is found guilty of a fraudulent practice in the transfer or assignment of property under this subsection the maximum sentence shall be the penalty established for a serious misdemeanor and sections 714.9, 714.10 and 714.11 shall not apply.

Sec. 71. Section 901.1, Code 1993, is amended to read as follows:

901.1 SHORT TITLE.

Chapters 901 to 909, ~~excluding chapter 904~~, shall be known and may be cited as the "Iowa Corrections Code."

Sec. 72. Section 904.802, subsection 2, Code 1993, is amended to read as follows:

2. "Iowa state industries" means prison industries that are established and maintained by the Iowa department of corrections, in consultation with the industries board, at or adjacent to the state's adult correctional institutions, except that an inmate work program established by the state director under section ~~904-805~~, ~~subsection 7~~ 904.703 is not restricted to industries at or adjacent to the institutions.

Sec. 73. Section 904.808, subsection 3, Code 1993, is amended to read as follows:

3. A department or agency of the state shall cooperate and enter into agreements, if possible, for the provision of products and services under an inmate work program established by the state director under section ~~904-805~~, ~~subsection 7~~ 904.703.

DIVISION II -- NEW SUBMISSIONS

Sec. 74. Section 16.62, subsection 1, Code 1993, is amended to read as follows:

1. The authority shall initiate a program to assist the development and expansion of small business in Iowa. The authority may issue bonds and notes the proceeds of which shall be used to make program loans. ~~The principal amount of bonds and notes that may be issued pursuant to the loan~~

~~program and the principal amount of the bonds and notes issued which shall be counted as a portion of the total principal amount of bonds and notes of the authority which may be outstanding at any time are as provided in section 16.26; subsection 1.~~ Bonds and notes issued under this section are subject to all provisions of this chapter relating to the issuance of bonds.

Sec. 75. Section 16.71, Code 1993, is amended to read as follows:

16.71 RESIDENTIAL MORTGAGE MARKETING PROGRAM.

The authority shall establish a program to assist lenders to sell residential mortgage loans in the organized and unorganized secondary mortgage market. The authority may issue taxable and tax-exempt bonds and notes. The proceeds of the bonds shall be used to purchase residential mortgage loans from lenders. ~~The bonds and notes are a portion of the total principal amount of bonds and notes of the authority which may be outstanding at any time pursuant to section 16.26; subsection 1.~~ Bonds and notes issued under this section are subject to all provisions of this chapter relating to the issuance of bonds.

Sec. 76. Section 22.7, subsection 30, Code Supplement 1993, is amended to read as follows:

30. Records and information obtained or held by independent special counsel during the course of an investigation conducted pursuant to section 68B.34. Information that is disclosed to a legislative ethics committee subsequent to a determination of probable cause by independent special counsel and made pursuant to section 68B.31 or 68B.32 is not a confidential record unless otherwise provided by law.

Sec. 77. Section 43.18, unnumbered paragraph 5, Code 1993, is amended to read as follows:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and

disclosure reports if my committee or I receive contributions, make expenditures, or incur indebtedness in excess of two hundred-fifty five hundred dollars for the purpose of supporting my candidacy for public office. This paragraph does not apply to candidates for federal offices.

.....
(Signed)

Sec. 78. Section 44.3, subsection 2, unnumbered paragraph 7, Code 1993, is amended to read as follows:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if my committee or I receive contributions, make expenditures, or incur indebtedness in excess of two hundred-fifty five hundred dollars for the purpose of supporting my candidacy for public office. This paragraph does not apply to candidates for federal offices.

Sec. 79. Section 45.3, unnumbered paragraph 8, Code 1993, is amended to read as follows:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if my committee or I receive contributions, make expenditures, or incur indebtedness in excess of two hundred-fifty five hundred dollars for the purpose of supporting my candidacy for public office. This paragraph does not apply to candidates for federal offices.

Sec. 80. Section 56.2, subsection 5, Code Supplement 1993, is amended by striking the subsection.

Sec. 81. Section 56.5A, Code Supplement 1993, is amended to read as follows:

56.5A CANDIDATE'S COMMITTEE.

Each candidate for federal, state, county, city, or school office shall organize one, and only one, candidate's committee for a specific office sought when the candidate receives contributions in excess of five hundred dollars in the aggregate, makes expenditures in excess of five hundred

dollars in the aggregate, or incurs indebtedness in excess of two-hundred fifty five hundred dollars in the aggregate in a calendar year.

Sec. 82. Section 68B.35A, Code Supplement 1993, is amended to read as follows:

68B.35A PERSONAL FINANCIAL DISCLOSURE STATEMENTS OF STATE OFFICIALS AND EMPLOYEES -- PUBLIC ACCESS.

Personal financial disclosure statements filed with the board, and the chief clerk of the house, and the secretary of the senate, or other appropriate person or body shall be forwarded to the secretary of state for the recording of the information through electronic means. The board and the general assembly shall execute agreements with the secretary of state which provide for public access to and copying of the information, and include a site in the board offices for public viewing and copying of information, contained in personal financial disclosure statements filed with the board, and the chief clerk of the house, and the secretary of the senate, or other appropriate person or body.

Sec. 83. Section 68B.36, subsections 2, 4, and 5, Code Supplement 1993, are amended to read as follows:

2. Registration shall be valid from the date of registration until the expiration of the registration period for the type of lobbying in which the person will be engaging. Any change in or addition to the information shall be registered within ten days after the change or addition is known to the lobbyist. Changes or additions for executive branch lobbyists may shall be filed either with the executive council or with the agency or office where the original registration was filed board. Changes or additions for registrations of lobbyists of the general assembly shall be filed with either the chief clerk of the house or the secretary of the senate.

4. If a lobbyist's service on behalf of a particular employer, client, or cause is concluded prior to the end of

the calendar year, the lobbyist may cancel the registration on appropriate forms supplied by the ~~executive-council~~ board, the chief clerk of the house, or the secretary of the senate. The cancellation forms shall be filed by the lobbyist in the place where the lobbyist filed the original registration. ~~Persons within-the-executive-branch-receiving-forms-canceling-a lobbyist's-registration-shall-forward-the-forms-to-the executive-council:~~ Upon cancellation of registration, a lobbyist is prohibited from engaging in any lobbying activity on behalf of that particular employer, client, or cause until reregistering and complying with the rules of the ~~executive council~~ board or the general assembly.

5. All federal, state, and local officials or employees representing the official positions of their departments, commissions, boards, or agencies shall, when lobbying the general assembly, present to the chief clerk of the house or the secretary of the senate a letter of authorization from their department or agency heads prior to the commencement of their lobbying. When lobbying a state agency or the office of the governor, the letter shall be presented to the ~~agency-or office board~~. The lobbyist registration statement of these officials and employees shall not be deemed complete until the letter of authorization is attached. Federal, state, and local officials who wish to lobby in opposition to the official position of their departments, commissions, boards, or agencies must indicate this on their lobbyist registration statements.

Sec. 84. Section 88.5, subsection 12, Code Supplement 1993, is amended to read as follows:

12. RAILWAY SANITATION AND SHELTER. A railway corporation within the state shall provide adequate sanitation and shelter for all railway employees. The commissioner shall adopt rules requiring railway corporations within the state to provide a safe and healthy workplace. ~~For-purposes-of-this-section-a locomotive-engine-includes-all-railway-engines-used-in-train~~

~~or-yard-service:~~ The commissioner shall enforce the requirements of this section upon the receipt of a written complaint.

Sec. 85. Section 123.36, unnumbered paragraph 1, Code Supplement 1993, is amended to read as follows:

The following fees shall be paid to the division annually for ~~special-liquor-permits-and~~ liquor control licenses issued under ~~sections-123-29-and~~ section 123.30 respectively:

Sec. 86. Section 137.19, Code 1993, is amended to read as follows:

137.19 EMERGENCY REQUEST FOR FUNDS.

A local board may, in emergency situations, request additional appropriations, which may, upon approval of the ~~commissioner~~ director, be allotted from the funds reserved for that purpose. On termination of the emergency situation, the local board shall report its expenditures of emergency funds, to the ~~commissioner~~ director and return any unexpended funds.

Sec. 87. Section 141.23, subsection 1, paragraph i, Code Supplement 1993, is amended to read as follows:

i. The convicted offender, the physician or other practitioner who orders the test of the convicted offender, the victim, the parent, guardian, or custodian of the victim if the victim is a minor, the physician of the victim, the victim counselor or person requested by the victim who is authorized to provide the counseling required pursuant to section 141.22, and the victim's spouse, persons with whom the victim has engaged in vaginal, anal, or oral intercourse subsequent to the sexual assault, or members of the victim's family within the ~~fourth~~ third degree of consanguinity.

Sec. 88. Section 235.1, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The terms "state division", "administrator", "~~county department~~", "~~county-board~~" and "child" are used in this chapter and chapter 238 as the terms are defined in section 234.1.

Sec. 89. Section 249A.6, subsections 1, 2, and 4, Code Supplement 1993, are amended to read as follows:

1. When payment is made by the department for medical care or expenses through the medical assistance program on behalf of a recipient, the department shall have a lien, to the extent of those payments, to upon all monetary claims which the recipient may have against third parties. A lien under this section is not effective unless the department files a notice of lien with the clerk of the district court in the county where the recipient resides and with the recipient's attorney when the recipient's eligibility for medical assistance is established. The notice of lien shall be filed before the third party has concluded a final settlement with the recipient, the recipient's attorney, or other representative. The third party shall obtain a written determination from the department concerning the amount of the lien before a settlement is deemed final for purposes of this section. A compromise, including but not limited to a settlement, waiver or release, of a claim under this section does not defeat the department's lien except pursuant to the written agreement of the director or the director's designee. A settlement, award, or judgment structured in any manner not to include medical expenses or an action brought by a recipient or on behalf of a recipient which fails to state a claim for recovery of medical expenses does not defeat the department's lien if there is any recovery on the recipient's claim.

2. The department shall be given notice of monetary claims against third parties as follows:

a. Applicants for medical assistance shall notify the department of any possible claims against third parties upon submitting the application. Recipients of medical assistance shall notify the department of any possible claims when those claims arise.

b. A person who provides health care services to a person receiving assistance through the medical assistance program shall notify the department whenever the person has reason to believe that third parties may be liable for payment of the costs of those health care services.

c. An attorney representing an applicant for or recipient of assistance on a claim to upon which the department has a lien under this section shall notify the department of the claim of which the attorney has actual knowledge, prior to filing a claim, commencing an action or negotiating a settlement offer. Actual knowledge under this section shall include the notice to the attorney pursuant to subsection 1.

The mailing and deposit in a United States post office or public mailing box of the notice, addressed to the department at its state or district office location, is adequate legal notice of the claim.

4. If a recipient of assistance through the medical assistance program incurs the obligation to pay attorney fees and court costs for the purpose of enforcing a monetary claim to upon which the department has a lien under this section, upon the receipt of the judgment or settlement of the total claim, of which the lien for medical assistance payments is a part, the court costs and reasonable attorney fees shall first be deducted from this total judgment or settlement. One-third of the remaining balance shall then be deducted and paid to the recipient. From the remaining balance, the lien of the department shall be paid. Any amount remaining shall be paid to the recipient. An attorney acting on behalf of a recipient of medical assistance for the purpose of enforcing a claim to upon which the department has a lien shall not collect from the recipient any amount as attorney fees which is in excess of the amount which the attorney customarily would collect on claims not subject to this section.

Sec. 90. Section 255.15, Code 1993, is amended to read as follows:

255.15 DUTY OF ADMITTING PHYSICIAN AT HOSPITAL.

The authorities in control of the medical college shall designate some physician to pass upon the admission of such the patient, and it shall be the physician's duty to receive such the patient into the hospital and to provide for the patient, if available, a cot, bed, or room in said the hospital, and to assign the patient to the appropriate clinic and for treatment by the proper physician, unless, in the physician's judgment, the presence of the patient in the hospital would be dangerous to other patients, or there is no reasonable probability that the patient may be benefited by the proposed treatment or hospital care. If the admitting physician shall-deny denies admission to the patient, the physician shall make a report in-duplicate of the reasons therefor for the denial.

Sec. 91. Section 255.17, Code 1993, is amended to read as follows:

255.17 REPORT OF PHYSICIAN IN CHARGE OF CLINIC.

If the physician or surgeon in charge of said the clinic, or to whom such the patient has been assigned for treatment, declines to treat such the patient, the physician or surgeon shall make a report in-duplicate of the physician's or surgeon's examination of such the patient, and state therein in the report the reasons for declining such the treatment.

Sec. 92. Section 256.1, subsections 2, 3, and 4, Code Supplement 1993, are amended to read as follows:

2. Stimulate The department shall stimulate and encourage educational radio and television and other educational communications services as necessary to aid in accomplishing the educational objectives of the state.

3. Meet The department shall meet the informational needs of the three branches of state government.

4. Provide The department shall provide for the improvement of library services to all Iowa citizens and foster development and cooperation among libraries.

Sec. 93. Section 257.2, subsection 12, Code 1993, is amended to read as follows:

12. "State percent of growth" means a the percent of economic growth determined-under-this-chapter which is based upon-an-averaging-of-state-and-federal-growth-indicators established by statute pursuant to section 257.8, and which is used in determining the allowable growth.

Sec. 94. Section 260C.57, Code 1993, is amended to read as follows:

260C.57 AUTHORIZATION -- CONTRACTS -- TITLE.

Subject to and in accordance with the provisions of this division, the board of trustees directors of each community college is hereby authorized to undertake and carry out any project at a community college under the board's control and to operate, control, maintain, and manage student residence halls and dormitories, including dining and other incidental facilities, and additions to such buildings at each of said institutions. All contracts for the construction, reconstruction, completion, equipment, improvement, repair or remodeling of any buildings, additions or facilities shall be let in accordance with the provisions of section 260C.19. The title to all real estate acquired under the provisions of this division and the improvements erected on the real estate shall be taken and held in the name of the merged area. The board is authorized to rent the rooms in such residence halls and dormitories to the students, officers, guests and employees of the institutions at such rates, fees or rentals as will provide a reasonable return upon the investment, but which will in any event produce net rents, profits and income sufficient to insure the payment of the principal of and interest on all bonds or notes issued to pay any part of the cost of any project and refunding bonds or notes issued pursuant to the provisions of this division and to insure that no property tax revenues will be needed to retire the bonds or notes.

Sec. 95. Section 260C.59, Code 1993, is amended to read as follows:

260C.59 RATES AND TERMS OF BONDS OR NOTES.

The bonds or notes may bear a date or dates, may bear interest at such rate or rates, may mature at such time or times, may be in such form, carry such registration privileges, may be payable at such place or places, may be subject to such terms of redemption prior to maturity with or without premium, if so stated on the face of the bonds, and may contain any terms and covenants as may be provided by the resolution of the board authorizing the issuance of the bonds or notes. In addition to the estimated cost of construction, the cost of the project shall be deemed to include interest upon the bonds or notes during construction and for six months after the estimated completion date, the compensation of a fiscal agent or adviser, any underwriter discount, and engineering, administrative and legal expenses. The bonds or notes shall be executed by the president of the board of trustees directors and attested by the secretary. Any bonds or notes bearing the signatures of officers in office on the date of the signing shall be valid and binding for all purposes, notwithstanding that before delivery of the bonds or notes any or all persons whose signatures appear on the bonds or notes shall have ceased to be officers. Each bond or note shall state upon its face the name of the institution on behalf of which it is issued, that it is payable solely and only from the net rents, profits and income derived from the operation of residence halls or dormitories, including dining and other incidental facilities, at the institution named, and that it does not constitute a charge against the state of Iowa within the meaning or application of any constitutional or statutory limitation or provision. The issuance of bonds or notes shall be recorded in the office of the treasurer of the institution on behalf of which the bonds or notes are issued, and a certificate by such treasurer to this effect shall be printed on the back of each such bond or note.

Sec. 96. Section 260C.65, Code 1993, is amended to read as follows:

260C.65 FEDERAL OR OTHER AID ACCEPTED.

The board of trustees directors of each community college may apply for and accept federal aid or nonfederal gifts or grants of funds, and may use the aid, gifts, or funds to pay all or any part of the cost of carrying out any project at any institution under the terms of this division or to pay any bonds and interest on the bonds issued for any of the purposes specified in this division.

Sec. 97. Section 260C.66, Code 1993, is amended to read as follows:

260C.66 REPORTS TO GENERAL ASSEMBLY.

The board of trustees directors of each community college shall determine, in consultation with the legislative fiscal bureau, the financial information to be included in line item budget information for projects funded by the issuance of bonds or notes under this chapter and shall submit the line item budget information to the general assembly as requested. The board of trustees directors of each community college shall submit quarterly reports to the general assembly concerning the projects funded by the issuance of bonds or notes under this chapter as follows:

1. Identification of both undercharges and overcharges for line items of projects.
2. Identification of contracts in which any line item for a project exceeds the adopted budget for that line item by ten percent or more.
3. Identification of complaints received by an institution regarding the construction of a project.

If the board of trustees directors of a community college approves a change in the amount of the line item of a budget for a project, the change shall be transmitted to the appropriations committees of the house of representatives and senate, while the general assembly is in session, and to the

legislative council, when the general assembly is not in session, for review.

Sec. 98. Section 260C.67, Code 1993, is amended to read as follows:

260C.67 ALTERNATIVE METHOD.

This division shall be construed as providing an alternative and independent method for carrying out any project at any institution under the control of a community college board of trustees directors, for the issuance and sale or exchange of bonds or notes in connection with a project and for refunding bonds or notes pertinent to the project, without reference to any other statute, and shall not be construed as an amendment of or subject to the provisions of any other law, and no publication of any notice, whether under section 73A.12 or otherwise, and no other or further proceeding in respect to the issuance or sale or exchange of bonds or notes under this division, shall be required except as prescribed by this division, any provisions of other statutes of the state to the contrary notwithstanding.

Sec. 99. Section 260C.70, Code 1993, is amended to read as follows:

260C.70 TEN-YEAR PROGRAM AND TWO-YEAR BONDING ESTIMATE SUBMITTED EACH YEAR.

The board of trustees directors of each community college shall prepare and submit to the general assembly, the governor, and the department of education a proposed ten-year building program for each institution under the board's control, including an estimate of the maximum amount of bonds which the board expects to issue under the provisions of this chapter during each year of the ensuing biennium. The program and estimate shall be submitted no later than seven days after the convening of each regular annual session of the general assembly. Before a board of trustees directors can proceed with a project in the building program, the project must be approved by the state board for community colleges, and be a

project designed for special programs, special needs of special students, and to meet needs for which privately owned housing is not available. The building program shall contain a list of the buildings and facilities which are designed to meet the special needs of students attending special programs. The list shall be revised annually, but no project shall be eliminated from the list when bonds have previously been issued by the board to pay the cost of the project. Each list shall contain an estimate of the cost of each of the buildings and facilities referred to on the list.

Sec. 100. Section 275.1, subsection 2, Code Supplement 1993, is amended to read as follows:

2. "Initial board" means the board of a newly reorganized district that is selected pursuant to section 275.25 or ~~274.4~~ 275.41 and functions until the organizational meeting following the fourth regular school election held after the effective date of the reorganization.

Sec. 101. Section 294A.25, subsection 8, Code Supplement 1993, is amended to read as follows:

8. For the fiscal year beginning July 1, 1993, to the department of education from phase III moneys the amount of seven hundred fifty thousand dollars for support for the operations of the new Iowa schools development corporation and for school transformation design and implementation projects administered by the corporation and the amount of seven hundred fifty thousand dollars for purposes specified in the math and science grant program under section 256.36, which may include support for the early mathematics prognostic testing program at Iowa state university of science and technology. However, the funds appropriated for purposes specified in the math and science grant program under section 256.36 are contingent on the receipt of federal funding from the state systemic initiative for improving mathematics and science education grant. If federal funding from the state ~~systems~~ systemic initiative for improving mathematics and science

education is not received, the amount of two hundred fifty thousand dollars shall be used, in addition to any other appropriations, for the operations of the new Iowa schools development corporation and for school transformation design and implementation projects administered by the corporation.

Sec. 102. Section 312.2, subsection 19, Code Supplement 1993, is amended to read as follows:

19. a. The treasurer of state, before making the allotments provided for in this section, for the fiscal year beginning July 1, 1990, and each succeeding fiscal year, shall credit from the road use tax fund two million dollars to the county bridge construction fund, which is hereby created. Moneys credited to the county bridge construction fund shall be allocated to counties by the department for bridge construction, reconstruction, replacement, or realignment based on needs in accordance with rules adopted by the department.

b. The treasurer of state, before making the allotments provided for in this section, for the fiscal year beginning July 1, 1990, and each succeeding fiscal year, shall credit from the road use tax fund five hundred thousand dollars to the city bridge construction fund, which is hereby created. Moneys credited to the city bridge construction fund shall be allocated to cities by the department for bridge construction and reconstruction based on needs in accordance with rules adopted by the department.

Sec. 103. Section 312.3, subsection 1, Code Supplement 1993, is amended by adding the following new paragraph:

NEW UNNUMBERED PARAGRAPH. For the purposes of this subsection, "latest quadrennial need study report" includes the annual recalculation of construction and maintenance needs of roads whose jurisdiction has been transferred from the department to a county or from a county to the department during the previous year as recalculated pursuant to section 307A.2, subsection 14A.

Sec. 104. Section 321.291, Code Supplement 1993, is amended to read as follows:

321.291 INFORMATION OR NOTICE.

In every charge of violation of section 321.285 the information, and also the notice to appear, shall specify the speed at which the defendant is alleged to have driven, ~~also~~ and the speed limit applicable within the district or at the location.

Sec. 105. Section 331.602, subsection 29, Code 1993, is amended by striking the subsection.

Sec. 106. Section 331.756, subsections 15 and 64B, Code Supplement 1993, are amended to read as follows:

15. Review the report and recommendations of the independent ethics and campaign finance disclosure board and proceed to institute the recommended actions or advise the board that prosecution is not merited, as provided in section sections 68B.32C and 68B.32D.

64B. Make a written report to the department of inspections and appeals within fifteen days of the end of each calendar quarter of the amount of funds which were owed to the state for indigent defense services and which were recouped pursuant to subsection 5 or 64A.

Sec. 107. Section 335.25, subsection 3, Code Supplement 1993, is amended to read as follows:

3. Notwithstanding the optional provision in section 335.1 and any other provision of this chapter to the contrary, a county, county board of supervisors, or a county zoning commission shall consider a family home a residential use of property for the purposes of zoning and shall treat a family home as a permitted use in all residential zones or districts, including all single-family residential zones or districts, of the county. A county, county board of supervisors, or a county zoning commission shall not require that a family home, its owner, or operator obtain a conditional use permit, special use permit, special exception, or variance. However,

new family homes owned or operated by public or private agencies shall be ~~disbursed~~ dispersed through the residential zones and districts and shall not be located within contiguous areas equivalent in size to city block areas. Section 135C.23, subsection 2, shall apply to all residents of a family home.

Sec. 108. Section 335.32, Code Supplement 1993, is amended to read as follows:

335.32 HOMES FOR PERSONS WITH PHYSICAL DISABILITIES.

A county board of supervisors or county zoning commission shall consider a home for persons with physical disabilities a family home, as defined in section 335.25, for the purposes of zoning, in accordance with chapter ~~195B~~ 504C.

Sec. 109. Section 357A.14, subsection 1, Code Supplement 1993, is amended to read as follows:

1. An owner of real property outside a district which can be economically served by the facilities of the district may petition to be attached to the district. The petition ~~submitted-by-the-district~~ shall be filed with the auditor, and the auditor and supervisors shall notify the district that a petition has been received and proceed in a manner set forth in sections 357A.3 through 357A.6.

Sec. 110. Section 414.22, subsection 3, Code Supplement 1993, is amended to read as follows:

3. Notwithstanding any provision of this chapter to the contrary, a city, city council, or city zoning commission shall consider a family home a residential use of property for the purposes of zoning and shall treat a family home as a permitted use in all residential zones or districts, including all single-family residential zones or districts, of the city. A city, city council, or city zoning commission shall not require that a family home, its owner, or operator obtain a conditional use permit, special use permit, special exception, or variance. However, new family homes owned and operated by public or private agencies shall be ~~disbursed~~ dispersed

throughout the residential zones and districts and shall not be located within contiguous city block areas. Section 135C.23, subsection 2, shall apply to all residents of a family home.

Sec. 111. Section 414.30, Code Supplement 1993, is amended to read as follows:

414.30 HOMES FOR PERSONS WITH PHYSICAL DISABILITIES.

A city council or city zoning commission shall consider a home for persons with physical disabilities a family home, as defined in section 414.22, for purposes of zoning in accordance with chapter ~~195B~~ 504C.

Sec. 112. Section 455E.11, subsection 2, paragraph e, unnumbered paragraph 1, Code Supplement 1993, is amended to read as follows:

An oil overcharge account. The oil overcharge moneys distributed by the United States department of energy, and approved for the energy related components of the groundwater protection strategy available through the energy conservation trust created in section ~~93-11~~ 471.11, shall be deposited in the oil overcharge account as appropriated by the general assembly. The oil overcharge account shall be used for the following purposes:

Sec. 113. Section 505.1, Code Supplement 1993, is amended to read as follows:

505.1 INSURANCE DIVISION CREATED.

An insurance division is created within the department of commerce to regulate and supervise the conducting of the business of insurance in the state. The commissioner of insurance is the chief executive officer of the division. As used in this ~~chapter, the rest of the insurance title,~~ chapter 502 and 535C, "division" means the insurance division.

Sec. 114. Section 507C.42, subsection 3, Code Supplement 1993, is amended to read as follows:

3. CLASS 3. Claims under policies, including claims of the federal or any state or local government, for losses incurred, including third-party claims, claims against the insurer for liability for bodily injury or for injury to or destruction of tangible property which are not under policies, and claims of a guaranty association or foreign guaranty association--~~claims~~, and claims for unearned premium. Claims under life insurance and annuity policies, whether for death proceeds, annuity proceeds, or investment values shall be treated as loss claims. That portion of a loss, indemnification for which is provided by other benefits or advantages recovered by the claimant, shall not be included in this class, other than benefits or advantages recovered or recoverable in discharge of familial obligations of support or by way of succession at death or as proceeds of life insurance, or as gratuities. A payment by an employer to an employee is not a gratuity.

Sec. 115. Section 546.8, Code Supplement 1993, is amended to read as follows:

546.8 INSURANCE DIVISION.

The insurance division shall regulate and supervise the conducting of the business of insurance in the state. The division shall enforce and implement Title XIII, subtitle 1, insurance and related regulation, ~~chapters-595-through-5236,~~ and chapters chapter 502 and-535E, and shall perform other duties assigned to the division by law. The division is headed by the commissioner of insurance who shall be appointed pursuant to section 505.2.

Sec. 116. Section 556.5, subsection 2, Code Supplement 1993, is amended to read as follows:

2. At the expiration of a three-year period following the failure of the owner to claim a dividend, distribution, or other sum payable to the owner as a result of the interest, the interest is not presumed abandoned unless there have been at least seven three dividends, distributions, or other sums

paid during the period, none of which has been claimed by the owner. If three dividends, distributions, or other sums are paid during the three-year period, the period leading to a presumption of abandonment commences on the date payment of the first unclaimed dividend, distribution, or other sum became due and payable. If three dividends, distributions, or other sums are not paid during the presumptive period, the period continues to run until there have been three dividends, distributions, or other sums that have not been claimed by the owner.

Sec. 117. Section 595.19, Code 1993, is amended to read as follows:

595.19 VOID MARRIAGES.

1. Marriages between the following persons who are related by blood are void:

1 a. Between a man and his father's sister, mother's sister, daughter, sister, son's daughter, daughter's daughter, brother's daughter, or sister's daughter.

2 b. Between a woman and her father's brother, mother's brother, son, brother, son's son, daughter's son, brother's son, or sister's son.

3 c. Between first cousins.

4 2. Between Marriages between persons either of whom has a husband or wife living are void, but, if the parties live and cohabit together after the death or divorce of the former husband or wife, such marriage shall be valid.

Sec. 118. Section 602.8107, subsection 5, unnumbered paragraph 2, Code Supplement 1993, is amended to read as follows:

This subsection does not apply to amounts collected for victim restitution, the new-victim-restitution victim compensation fund, criminal penalty surcharge, or amounts collected as a result of procedures initiated under section 421.17, subsection 25.

Sec. 119. Section 724.22, subsection 7, Code 1993, is amended to read as follows:

7. Access to loaded firearms by children restricted -- penalty. It shall be unlawful for any person to store or leave a loaded firearm which is not secured by a trigger lock mechanism, placed in a securely locked box or container, or placed in some other location which a reasonable person would believe to be secure from a minor under the age of fourteen years, if such person knows or has reason to believe that a minor under the age of fourteen years is likely to gain access to the firearm without the lawful permission of the minor's parent, guardian, or person having charge of the minor, the minor lawfully gains access to the firearm without the consent of the minor's parent, guardian, or person having charge of the minor, and the minor exhibits the firearm in a public place in an unlawful manner, or uses the firearm unlawfully to cause injury or death to a person. This subsection does not apply if the minor obtains the firearm as a result of an unlawful entry by any person. A violation of this section subsection is punishable as a serious misdemeanor.

Sec. 120. Section 730.5, subsection 2, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Except as provided in subsection 7, an employer shall not require or request employees or applicants for employment to submit to a drug test as a condition of employment, preemployment, promotion, or change in status of employment. An employer shall not request, require, or conduct random or blanket drug testing of employees. However, this section does not apply to preemployment drug tests authorized for peace officers or correctional officers of the state, or to drug tests required under federal statutes or under federal regulations adopted as of July 1, 1990, or to drug tests conducted pursuant to a nuclear regulatory commission ~~policy~~ statement regulation, or to drug tests conducted to determine if an employee is ineligible to receive workers' compensation under section 85.16, subsection 2.

Sec. 121. Section 805.8, subsection 2, paragraph g, subparagraph (3), Code Supplement 1993, is amended to read as follows:

(3) For excessive speed violations when in excess of the limit under sections 321.236, subsections 5 and 11, 321.285, and 461A.36 ~~by five or less miles per hour the fine is ten dollars~~, by more than five and not more than ten miles per hour the fine is twenty dollars, by more than ten and not more than fifteen miles per hour the fine is thirty dollars, by more than fifteen and not more than twenty miles per hour the fine is forty dollars, and by more than twenty miles per hour the fine is forty dollars plus two dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.

Sec. 122. Section 815.9A, subsection 1, Code Supplement 1993, is amended to read as follows:

1. If the person has an income level as determined pursuant to section 815.9 greater than one hundred percent but not more than one hundred fifty percent of the poverty guidelines, at least one hundred dollars of the indigent defense costs to shall be recovered in accordance with rules adopted by the state public defender.

Sec. 123. Section 910A.16, subsection 4, Code Supplement 1993, is amended to read as follows:

4. To the greatest extent possible, a multidisciplinary team involving the county attorney, law enforcement, community-based child advocacy organizations, and personnel of the department of human services shall be utilized in investigating cases involving a violation of chapter 709 or 726 ~~with a child committed upon a victim as defined in~~ subsection 1.

Sec. 124. 1993 Iowa Acts, chapter 131, section 29, is amended to read as follows:

SEC. 29. 1. 1991 Iowa Acts, chapter 268, section 508, subsection 3, unnumbered paragraph 2 and lettered paragraphs

a, b, c, and d, are amended by striking the unnumbered paragraph and the lettered paragraphs.

2. 1992 Iowa Acts, chapter 1238, section 10, is repealed.

Sec. 125. REPEALS.

1. Section 2.68, Code 1993, is repealed.

2. 1992 Iowa Acts, chapter 1117, sections 40 and 43, are repealed.

3. 1993 Iowa Acts, chapter 175, section 26, is repealed.

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2124, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved *[Signature]* 31, 1994

TERRY E. BRANSTAD
Governor

HF 2124