

CHAPTER 67
CODE EDITOR'S BILL
S.F. 121

AN ACT relating to nonsubstantive Code corrections.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 2.15, unnumbered paragraph 2, Code 1985, is amended to read as follows:

A standing committee may call upon any department, agency or office ~~in~~ of the state, or any political subdivision of the state, for ~~such~~ information and assistance as ~~may be~~ needed in the performance of its duties and the information and assistance shall be furnished to the extent that they are within the resources and authority of the department, agency, office or political subdivision. This paragraph does not require the production or opening of any records which are required by law to be kept private or confidential.

Sec. 2. Section 2.52, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The director and agents and employees of the legislative fiscal bureau shall at all times have access to all state offices, departments, agencies, boards, bureaus, and commissions of the state, and its political subdivisions and private organizations providing services to individuals under contracts with state agencies, and to the books, records, and other instrumentalities and properties used in the performance of their statutory duties or contractual arrangements. All offices, departments, agencies, boards, bureaus, and commissions of the state and its political subdivisions and such private organizations shall co-operate with the director, and shall make available such books, records, instrumentalities, and property.

Sec. 3. Section 8C.1, article VI, paragraph a, Code 1985, is amended to read as follows:

a. ~~Any~~ A party state may volunteer to become a host state, and the commission may designate that state as a host state upon a two-thirds vote ~~to~~ of its members.

Sec. 4. Section 11.20, Code 1985, is amended to read as follows:

11.20 BILLS – AUDIT AND PAYMENT.

If the examination is made by the auditor of state under this chapter, each auditor shall file with the auditor of state an itemized, certified and sworn voucher of expense for the time the auditor is actually engaged in the examination. The salaries shall be included in a ~~two-weekly~~ two-week payroll period. Upon approval of the auditor of state the state comptroller may issue warrants for the payment of the vouchers and salary payments, including a prorated amount for vacation and sick leave, from any unappropriated funds in the state treasury. Repayment to the state shall be made as provided by section 11.21.

Sec. 5. Section 23.21, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Notwithstanding this chapter, chapter 73, chapter 309, chapter 310, chapter 331, or chapter 384, when a contract for a public improvement is to be awarded to the lowest responsible bidder, a resident bidder shall be allowed a preference as against a nonresident bidder from a state or foreign country which gives or requires a preference to bidders from that state or foreign country. The preference is equal to the preference given or required by the state or

foreign country in which the nonresident bidder is a resident. "Resident bidder" means a person authorized to transact business in this state and having a place of business for transacting business within the state at which it is conducting and has conducted business for at least six months prior to the first advertisement for the public improvement and in the case of a corporation, having at least fifty percent of the its common stock is owned by residents of this state. If another state or foreign country has a more stringent definition of a resident bidder, the more stringent definition is applicable as to bidders from that state or foreign country.

Sec. 6. Section 25A.19, Code 1985, is amended to read as follows:

25A.19 CLAIMS BEFORE APPEAL BOARD.

Section 25.7 shall not apply to claims as defined in this chapter, except as expressly provided in section 25A.2. The other provisions of chapter Chapter 25 shall does not apply to claims as defined in this chapter. However, any or all of the provisions of sections 25.1, 25.4, and 25.5 may be made applicable to claims as defined in this chapter by agreement between the attorney general and the state appeal board from time to time.

Sec. 7. Section 29B.115, Code 1985, is amended to read as follows:

29B.115 CONDUCT UNBECOMING AN OFFICER AND A GENTLEMAN.

Any A commissioned officer who is convicted of conduct unbecoming an officer and a gentleman shall be punished as a court-martial may direct directs.

Sec. 8. Section 53.22, subsection 1, paragraph b, Code 1985, is amended to read as follows:

b. If an applicant under this subsection notifies the commissioner that the applicant will not be available at the residence, health care facility or hospital address at any time during the ten-day period immediately prior to the election, but will be available there at some earlier time, the commissioner shall direct the two special precinct election officers to deliver the applicant's ballot at an appropriate time prior to the ten-day period immediately preceding the election. If a person who so requested an absentee ballot has been dismissed from the health care facility or hospital, the special precinct election officers may take the ballot to the elector if the elector is currently residing in the county.

Sec. 9. Section 80A.12, subsection 7, Code 1985, is amended by striking the subsection.

Sec. 10. Section 80B.13, subsection 8, unnumbered paragraph 2, Code 1985, is amended to read as follows:

A recommendation by an employing agency must be in writing and set forth the reasons why the action is being recommended, the findings of the employing agency concerning the matter, the action taken by the employing agency, and that the action by the agency is final. Final, as used in this section, includes means that all appeals through a grievance procedure available to the officer or civil service have been exhausted. The written recommendations shall be unavailable for inspection by anyone except personnel of the employing agency, the council and the affected law enforcement officer, or as ordered by a reviewing court.

Sec. 11. Section 85.59, unnumbered paragraph 2, Code 1985, is amended to read as follows:

For purposes of this section, ~~the term~~ "inmate" excludes a person who is performing unpaid community service under section 907.13 or a work assignment of value to the state or to the public under chapter 232.

Sec. 12. Section 99D.22, subsection 2, paragraph b, subparagraph (3), Code 1985, is amended to read as follows:

(3) Continuous residency from December 31 until the foal is inspected if the mare was bred by other than an Iowa registered stallion and ~~which~~ is not bred back to an Iowa registered stallion.

Sec. 13. Section 106.33, Code 1985, is amended to read as follows:

106.33 DRIVING OVER ICE.

A craft or vehicle operating on the surface of ice on the lakes and streams of this state including boundary streams and lakes and propelled by sail or by machinery in whole or in part, except automobiles, motorcycles and trucks licensed ~~licensed~~ registered under chapter 321 or snowmobiles registered under chapter 321G when they are used without endangering public safety, shall not be operated without a permit issued, by the commission, for ~~such~~ the operation. ~~Any such~~ A permit issued may be revoked by the commission if the craft or vehicle is operated in a careless manner which endangers others. Except when authorized by a permit for a special event, automobiles, motorcycles, and trucks when used on the ice of waters under the jurisdiction of the commission shall not exceed fifteen miles per hour and shall be operated in a reasonable and prudent manner.

Sec. 14. Section 108A.7, Code 1985, is amended to read as follows:

108A.7 MANAGEMENT PLAN PUBLIC HEARING.

The commission ~~will~~ shall hold a final public hearing on the completed management plan in the vicinity of the water area at least thirty days before permanent designation by the commission. Notice of the hearing shall be published at least twice, not less than seven days prior to the hearing, in a newspaper having general circulation in each county in which the water area is located.

Sec. 15. Section 110.24, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Owners or tenants of land, and their children, may hunt, fish or trap upon such lands and may shoot 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 ~~by~~ of owners and tenants but they shall not be required to have a special wild turkey license to hunt wild turkey on a game breeding and shooting preserve licensed under chapter 110A.

Sec. 16. Section 123.59, Code 1985, is amended to read as follows:

123.59 BOOTLEGGING.

Any person who, acting individually, or through another acting for the person, ~~shall keep keeps~~ or ~~carry carries~~ on ~~his~~ the person, or in a vehicle, or ~~leave leaves~~ in a place for another to secure, any alcoholic liquor or beer with intent to sell or dispense of ~~such~~ the liquor or beer by gift or otherwise in violation of law, or who ~~shall~~, within this state, in any manner, directly or indirectly, ~~solicit, take solicits, takes, or accept any accepts~~ an order for the purchase, sale, shipment, or delivery of ~~such~~ alcoholic liquor or beer in violation of law, or ~~aid aids~~ in the delivery and distribution of ~~any~~ alcoholic liquor or beer so ordered or shipped, or who ~~shall~~ in any manner ~~procure procures~~ for, ~~sell sells~~, or ~~give any gives~~ alcoholic liquor or beer to ~~any~~ a person under legal age, for any purpose except as authorized and permitted in this chapter, ~~shall be~~ is a bootlegger and be subject to the general penalties provided by this chapter.

Sec. 17. Section 135.93, Code 1985, is amended to read as follows:

135.93 SCOPE OF LICENSE – DURATION.

Licenses for hospice programs shall be issued only for the premises, person, hospital, or facility named in the application and are not transferable or assignable. A license, unless sooner suspended or revoked, shall expire two years after the date of issuance and shall be renewed biennially upon an application by the licensee. Application for renewal shall be made in writing to the department, accompanied by the ~~required~~ fee required to cover the cost of administering the program, at least thirty days prior to the expiration of the license. The fee for a license renewal shall be determined by the department. Licensed hospice programs which have allowed their licenses to lapse through failure to make timely application for renewal shall pay an additional fee of twenty-five percent of the biennial license fee.

Sec. 18. Section 148C.5, Code 1985, is amended to read as follows:

148C.5 ADVISORY COMMITTEE CREATED.

There is established an advisory committee on physicians' assistant programs which shall be advisory to the board on matters pertaining to the education of physicians' assistants and approval of applicants to supervise a physician's assistant. The committee shall consist of eight members appointed by the governor. The members of the committee shall include one representative of the medical board who shall be chairperson of the committee, a representative of an Iowa medical school, an educator with experience in the development of health manpower personnel programming, one physician, and one registered nurse. Each member of the committee shall receive a per diem and expenses within the limits prescribed by section 147.24. Per diem and expense payments shall be made from the state board of medical examiners fund.

Sec. 19. Section 174.13, Code 1985, is amended to read as follows:

174.13 COUNTY AID.

The board of supervisors of the county in which a society is located may appropriate moneys to be used for fitting up or purchasing fairgrounds for the society or for aiding boys and girls 4-H club work and payment of agricultural and livestock premiums in connection with the fair, if the society owns or leases at least ten acres of land for the fairground and owns or leases buildings and improvements on the land of at least eight thousand dollars in value. A society may meet the requirement of owning or leasing land, buildings, and improvements through ownership by a joint entity under chapter 28E, of which the society is a part.

Sec. 20. Section 189.2, subsection 1, Code 1985, is amended to read as follows:

1. Execute and enforce the provisions of this title, except chapters 203, 203A, 204, 204A and 205.

Sec. 21. Section 199.10, subsection 2, paragraph a, Code 1985, is amended to read as follows:

a. Tests for ~~seedsmen~~ seed dealers, permit holders and farmers who plan to sell seed.

Sec. 22. Section 199.10, subsection 3, unnumbered paragraph 1 and paragraphs a and c, Code 1985, are amended to read as follows:

Co-operation between the Iowa State University and the state department of agriculture. To furnish farmers and ~~seedsmen~~ seed dealers with information as to seed quality and guide them in the proper labeling of seed for sale, these organizations shall:

a. Integrate seed testing so as to avoid unnecessary duplication of personnel and equipment. The state department of agriculture seed laboratory shall be primarily concerned with seed testing for seed law enforcement purposes. The Iowa State University seed laboratory shall promote seed education and research and shall conduct service testing for farmers and ~~seedsmen~~ seed dealers.

c. Guide seed testing by all individuals, or organizations ~~or~~ ~~seedsmen~~ so as to promote uniformity of seed testing in Iowa.

Sec. 23. Section 222.31, subsection 3, Code 1985, is amended to read as follows:

3. The court shall examine the report of the county attorney filed pursuant to section 222.13, and if the report shows that neither the person nor those liable for the person's support under section 222.78 are presently able to pay the charges rising out of the person's care in the hospital-school, or special treatment unit, shall enter an order stating that finding and directing that the charges be paid by the person's county of residence. The court may, upon request of the board of supervisors, review its finding at any subsequent time while the person remains at the hospital-school, or is otherwise receiving care or treatment for which this

chapter obligates the county to pay. If the court finds upon review that the person or those legally responsible for the person's person are presently able to pay ~~such the~~ expenses, that finding shall apply only to the charges incurred during the period beginning on the date of the board's request for the review and continuing thereafter, unless and until the court again changes its finding. ~~When~~ If the court finds that the person, or those liable for the person's support, are able to pay the charges, the court shall enter an order directing that the charges be so paid to the extent required by section 222.78.

Sec. 24. Section 246.12, Code 1985, is amended to read as follows:

246.12 TRANSFERS FROM PENITENTIARY.

The state director may transfer first term and promising prisoners from the penitentiary to unoccupied rooms in the men's reformatory whenever the number of inmates in the penitentiary exceeds the number of cells ~~therein~~. ~~He~~ The director may also transfer to the men's reformatory other prisoners when satisfied that ~~such the~~ transfer will be ~~to~~ in the best interest of the institutions and of the prisoners.

Sec. 25. Section 246.32, Code 1985, is amended to read as follows:

246.32 ENFORCING OBEDIENCE TO ORDERS.

~~Any~~ An officer of ~~said institutions~~ an institution and ~~his~~ the officer's assistants shall, in case a prisoner resists ~~his~~ the officer's lawful authority, or refuses to obey ~~his~~ the officer's lawful command, enforce immediate obedience by the use of ~~such~~ weapons or other aids as may be effectual, and if, in so doing, ~~such convict the~~ prisoner is wounded or killed, ~~such the~~ officer and ~~his~~ the officer's assistants ~~shall be~~ are justified.

Sec. 26. Section 250.3, Code 1985, is amended to read as follows:

250.3 COUNTY COMMISSION OF VETERAN AFFAIRS.

The county commission of veteran affairs shall consist of three persons, all of whom shall be honorably discharged ~~men or women of the United States~~ persons who served in the military or naval forces of the United States in any war, including World War I at any time between April 6, 1917, and November 11, 1918, both dates inclusive, World War II at any time between December 7, 1941, and December 31, 1946, both dates inclusive, the Korean Conflict at any time between June 25, 1950, and January 31, 1955, both dates inclusive, and the Vietnam Conflict at any time between August 5, 1964, and May 7, 1975, both dates inclusive. If possible each member of the commission shall be a veteran of a different war or conflict, so as to divide membership among the ~~men and women~~ persons who served in World War I, World War II, the Korean Conflict and Vietnam Conflict, however, this qualification ~~shall does not~~ preclude membership to a veteran who served in more than one of the wars or conflicts.

Sec. 27. Section 250.13, Code 1985, is amended to read as follows:

250.13 BURIAL — EXPENSES.

The commission ~~shall be~~ is responsible for the interment in a suitable cemetery of the bodies of any honorably discharged ~~men or women of the United States~~, person who served in the military or naval forces of the United States during any war, including World War I at any time between April 6, 1917 and November 11, 1918, both dates inclusive, World War II at any time between December 7, 1941, and December 31, 1946, both dates inclusive, the Korean Conflict at any time between June 25, 1950, and January 31, 1955, both dates inclusive, and the Vietnam Conflict at any time between August 5, 1964, and May 7, 1975, both dates inclusive, or the spouse, surviving spouse, or child of the person, if the person has died without leaving sufficient means to defray the funeral expenses. The commission may pay such expenses in a sum not exceeding an amount established by the board of supervisors.

Sec. 28. Section 250.14, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The board of supervisors of each county may appropriate moneys for the benefit of, and to pay the funeral expenses of honorably discharged, indigent men and women of the United States persons who served in the military or naval forces of the United States in any war including World War I at any time between April 6, 1917, and November 11, 1918, both dates inclusive, World War II at any time between December 7, 1941, and December 31, 1946, both dates inclusive, the Korean Conflict at any time between June 25, 1950, and January 31, 1955, both dates inclusive, and the Vietnam Conflict at any time between August 5, 1964, and May 7, 1975, both dates inclusive, and their indigent spouses, surviving spouses, and minor children not over eighteen years of age, having a legal residence in the county.

Sec. 29. Section 250.16, Code 1985, is amended to read as follows:

250.16 MARKERS FOR GRAVES.

The county commission of veteran affairs may furnish ~~some~~ a suitable and appropriate metal marker, at a cost not exceeding fifteen dollars each, for the grave of each honorably discharged man or woman of the United States person, who served in the military or naval forces of the United States during any war, including World War I at any time between April 6, 1917, and November 11, 1918, both dates inclusive, World War II at any time between December 7, 1941, and December 31, 1946, both dates inclusive, the Korean Conflict at any time between June 25, 1950, and January 31, 1955, both dates inclusive, and the Vietnam Conflict at any time between August 5, 1964, and May 7, 1975, both dates inclusive, and who is buried within the limits of the township or municipality, to be placed at the individual's grave to permanently mark and designate the grave for memorial purposes. The expenses shall be paid from any funds raised as provided in this chapter.

Sec. 30. Section 250.17, Code 1985, is amended to read as follows:

250.17 MAINTENANCE OF GRAVES.

~~The board county boards~~ of supervisors of the several counties in this state shall each year appropriate and pay to the owners of, or to the public board or officers having control of cemeteries within the state in which any such deceased service man or woman of the United States person is buried, a sum sufficient to pay for the care and maintenance of the lots on which they are buried, in any and all cases in which provision for such care is not otherwise made.

Sec. 31. Section 261.1, subsection 6, unnumbered paragraphs 2 and 3, Code 1985, are amended to read as follows:

The members of the commission appointed by the governor shall serve for a term of four years, ~~but the terms of the four initial appointees shall be as follows:~~

~~Two members shall serve from the date of appointment to June 30, 1965, and two members shall serve from the date of appointment to June 30, 1967.~~

Sec. 32. Section 294.15, unnumbered paragraph 1, Code 1985, is amended to read as follows:

A person attaining the age of sixty-five who was an employee, holding a valid teaching certificate, in the public schools of this state with a record of service of twenty-five years or more, including a maximum of five years out-of-state service followed by at least ten years' service in this state prior to retirement and who retired prior to July 4, 1953, may receive, effective July 1, 1984, may receive retirement allowance payments from the state of Iowa equal to two hundred twenty dollars per month. An amount necessary to meet this requirement shall be added to the retirement allowance payments, if any, now being received from the state of Iowa by individuals covered under this section. No such person shall receive retirement benefits from the state of more than two hundred twenty dollars per month. The word "employee" as

used in this section includes persons who were state superintendents, county superintendents, or deputy county superintendents.

Sec. 33. Section 296.3, Code 1985, is amended to read as follows:

296.3 ELECTION CALLED.

The president of the board of directors, ~~on within ten days of receipt of a petition under section 296.2, within ten days after considering the suggestions of the area education agency board, or the board of a district contiguous to the district for which the petition is received, under section 297.7, subsection 3,~~ shall call a meeting of the board which shall call the election, fixing the time of the election, which may be at the time and place of holding the regular school election, unless the board determines by unanimous vote that the proposition or propositions requested by a petition to be submitted at an election are grossly unrealistic or contrary to the needs of the school district. The decision of the board may be appealed to the state board of public instruction as provided in chapter 290. The president shall notify the county commissioner of elections of the time of the election.

Sec. 34. Section 321.19, subsection 1, Code 1985, is amended to read as follows:

1. All vehicles owned or leased for a period of sixty days or more by the government and used in the transaction of official business by the representatives of foreign governments or by officers, boards, or departments of the government of the United States, and by the state, counties, municipalities and other political subdivisions of the state including vehicles used by an urban transit company operated by a municipality, ~~or a regional transit system,~~ and self-propelling vehicles used neither for the conveyance of persons for hire, pleasure, or business nor for the transportation of freight other than those used by an urban transit company operated by a municipality, ~~or a regional transit system,~~ and all fire trucks, providing they are not owned and operated for a pecuniary profit, are exempted from the payment of the fees imposed by this chapter, except as provided for urban transit companies in subsection 2, but are not exempt from the penalties provided in this chapter.

PARAGRAPH DIVIDED. The department shall furnish, on application, free of charge, distinguishing plates for vehicles thus exempted, which plates except plates on Iowa highway safety patrol vehicles shall bear the word "official," and the department shall keep a separate record. Registration plates issued for Iowa highway safety patrol vehicles, except unmarked patrol vehicles, shall bear two red stars on a yellow background, one before and one following the registration number on the plate which registration number shall be the officer's badge number. Registration plates issued for a county sheriff's patrol vehicles shall display one seven pointed gold star on a green background followed by the letter "S" and the call number of the vehicle. However, the director of general services or the director of transportation may order the issuance of regular registration plates for any exempted vehicle used by peace officers in the enforcement of the law and persons enforcing chapter 204 and other laws relating to controlled substances. For purposes of sale of exempted vehicles, the exempted governmental body, upon the sale of the exempted vehicle, may issue for in-transit purposes a pasteboard card bearing the words "Vehicle in Transit," the name of the official body from which the vehicle was purchased, together with the date of the purchase plainly marked in at least one-inch letters, and other information which may be required by the department. The in-transit card shall be valid for use only within forty-eight hours after the purchase date as indicated on the bill of sale which shall be carried by the driver.

Sec. 35. Section 321.34, subsection 8, Code 1985, is amended to read as follows:

8. Prisoner of war plates. The owner of a motor vehicle subject to registration under section 321.109, subsection 1, light delivery truck, panel delivery truck or pickup who was a prisoner of war during the second world war at any time between December 7, 1941 and December 31, 1946, the Korean conflict at any time between June 25, 1950 and January 31, 1955 or the Vietnam conflict at any time between August 5, 1964 and June 30, 1973, all dates inclusive, may upon written application to the department, order special registration plates designed by the department in co-operation with the adjutant general which plates signify that the applicant was a prisoner of war as defined in this subsection. Each applicant applying for special registration plates under this subsection may purchase only one set of registration plates under this subsection. The application is subject to approval by the department, in consultation with the adjutant general, and the special registration plates shall be issued to the applicant in exchange for the registration plates previously issued to the person. The special plates shall contain the letters "POW" and three numerals and shall be ~~are~~ subject to an annual registration fee of fifteen dollars. The department shall validate the special plates in the same manner as regular registration plates are validated under this section ~~at the regular annual registration fee.~~

Sec. 36. Section 321.52, subsection 3, Code 1985, is amended to read as follows:

3. When a vehicle for which a certificate of title is issued is junked or dismantled by the owner, the owner shall detach the registration plates and surrender the plates to the county treasurer, unless the plates are properly assigned to another vehicle. The owner shall also surrender the registration receipt and certificate of title to the county treasurer. Upon surrendering the certificate of title, the county treasurer shall issue to ~~such~~ the person, without fee, a junking certificate, which shall authorize the holder to possess, transport or transfer ownership of the junked vehicle by endorsement of the junking certificate. The county treasurer shall hold the surrendered certificate of title, registration receipt and, if applicable, the registration plates for a period of fourteen days following the issuance of a junking certificate under this subsection. Within the fourteen-day period the person who was issued the junking certificate and to whom the vehicle was titled or assigned may surrender to the county treasurer the junking certificate, and upon the person's payment of appropriate fees and taxes and payment of any credit for registration fees received by the person for the vehicle under section 321.46, subsection 3, the county treasurer shall issue to the person a ~~restricted~~ certificate of title for the vehicle. After the expiration of the fourteen-day period, a certificate of title shall not again be issued for the junked vehicle for which a junking certificate is issued. The county treasurer shall cancel the record of the vehicle and forward the certificate of title to the department.

Sec. 37. Section 321.283, subsection 6, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Temporary driving permit. Any A person required to attend evaluation, treatment or rehabilitation services by ~~the provisions~~ of this division, who is subject to a drivers license suspension or revocation, may be issued a temporary driving permit by the department restricted to driving to and from the person's home, place of employment, in the person's employment, and the location of the required evaluation, treatment or rehabilitation services. Any A person who does not receive a temporary driving permit may after the period of license suspension or revocation for a violation of section 321.281 have ~~his or her~~ the person's drivers license reissued subject to suspension for failure to comply with ~~the provisions~~ of this division. This section shall does not permit the issuance of a temporary driving

permit or reissuance of a drivers license where the provisions of if chapter 321A have has not been complied with.

Sec. 38. Section 322.9, subsection 4, Code 1985, is amended by striking the subsection.

Sec. 39. Section 322D.3, subsection 5, Code 1985, is amended to read as follows:

5. Any inventory for which the franchisee is unable to furnish evidence of title and ownership in the retailer franchisee that is free and clear of all claims, liens and encumbrances to the satisfaction of the franchiser.

Sec. 40. Section 324.36, subsection 1, Code 1985, is amended to read as follows:

1. Required. It is unlawful for a person to act as a special fuel dealer in this state unless the person holds a special fuel dealer's license issued to the person by the department of revenue, except as provided in this section 3 of this Act. A person who holds a special fuel distributor's license may dispense special fuel into a motor vehicle special fuel holding tank without obtaining a special fuel dealer's license. Except for special fuel which is delivered by a special fuel dealer into a fuel supply tank of a motor vehicle or into a motor vehicle special fuel holding tank in this state or delivered by a special fuel distributor into a motor vehicle special fuel holding tank, the use, as herein defined, of special fuel in this state by a person is unlawful unless the person holds a special fuel user's license issued to the person by the department of revenue. It is unlawful for a person to sell special fuel in this state in bulk for highway use without first obtaining a special fuel distributor's license. The license shall be issued under the same procedure and subject to the same requirements and limitations as provided in section 324.4.

Sec. 41. Section 331.653, subsection 22, Code 1985, is amended by striking the subsection.

Sec. 42. Section 357A.2, unnumbered paragraph 2, Code 1985, is amended to read as follows:

There shall be filed with the petition a bond with sureties approved by the auditor, or a certified check, credit union certified share draft or cash in an amount and with sureties approved by the auditor, sufficient for the payment of all costs and expenses incurred in the proceedings if the district is not finally established.

Sec. 43. Section 358.2, unnumbered paragraph 3, Code 1985, is amended to read as follows:

There shall be filed with the petition a bond with sureties approved by the auditor, or a certified check, credit union certified share draft or cash in an amount and with sureties approved by the auditor, sufficient for the payment of all costs and expenses incurred in the proceedings if the district is not finally established.

Sec. 44. Section 425.26, subsection 9, Code 1985, is amended by striking the subsection.

Sec. 45. Section 442.9, subsection 1, paragraph a, Code 1985, is amended to read as follows:

a. As used in this chapter, "district cost per pupil" for the school year beginning July 1, 1975, and subsequent school years means district cost per pupil in weighted enrollment. The district cost per pupil for the budget year is equal to the district cost per pupil for the base year plus the allowable growth. However, district cost per pupil does not include additional allowable growth added for programs for gifted and talented children, for programs for returning dropouts, and for educational improvement projects, under this chapter 260A or for school districts that have a negative balance of funds raised for special education instruction programs under section 442.13, subsection 14, paragraph "b", and does not include additional allowable growth established by the school budget review committee for a single school year only.

Sec. 46. Section 467A.71, subsection 4, Code 1985, is amended to read as follows:

4. This section does not negate the provisions of section 467A.48 that an owner or occupant of land in this state shall not be required to establish any new soil and water conservation practice unless public cost-sharing funds have been approved and are available for the land affected. However, the owner of land with respect to which an administrative order to establish soil and water conservation practices has been issued under section 467A.47 but not complied with for lack of public cost-sharing funds, may waive the right to await availability of such funds and instead apply for a loan under this section to establish any permanent soil and water conservation practices necessary to comply with the order. If a landowner does so, that loan application shall be given reasonable preference by the state soil conservation committee if there are applications for more loans under this section than can be made from the money available in the conservation practices revolving loan reserve fund. If it is found necessary to deny an application for a soil and water conservation practices loan to a landowner who has waived the right to availability of public cost-sharing funds before complying with an administrative order issued under section 467A.47, the landowner's waiver is void.

Sec. 47. Section 467D.20, Code 1985, is amended to read as follows:

467D.20 BIDS ON WORK – DEPOSIT.

When the estimated total cost of construction, enlargement, alteration or repair of an internal improvement exceeds five thousand dollars, the conservancy district shall advertise for bids on the proposed improvement by two publications in at least one newspaper of general circulation in the conservancy district. The first advertisement shall be not less than fifteen days prior to the date set for receiving bids and the district shall let the work to the lowest responsible bidder submitting a sealed proposal. However, if in the judgment of the board the bids received are not acceptable, all bids may be rejected and new bids requested. All bids shall be accompanied, in a separate envelope, by a deposit of money, credit union certified share draft or certified check, in an amount to be named in the advertisement for bids, as security that the bidder will enter into a contract in accordance with the terms of the bid. The board shall fix the bid security in an amount equal to at least five percent, but not more than ten percent of the estimated total cost of the work. The checks or deposits of money of the unsuccessful bidders shall be returned as soon as the successful bidder is determined, and the share draft, check or deposit of money of the successful bidder shall be returned upon execution of the contract documents.

Sec. 48. Section 507C.21, subsection 1, paragraphs a, d, j and k, and subsection 2, Code 1985, are amended to read as follows:

a. Appoint a special deputy to act for the liquidator under this chapter, and to determine the special deputy's reasonable compensation. The special deputy shall have all powers of the liquidator granted by this section. The special deputy shall serve at the pleasure of the liquidator.

d. Pay reasonable compensation to persons appointed and to defray from the funds or assets of the insurer all expenses of taking possession of, conserving, conducting, liquidating, disposing of, or otherwise dealing with the business and property of the insurer. If the property of the insurer does not contain sufficient cash or liquid assets to defray the costs incurred, the commissioner may advance the costs so incurred out of an appropriation for the maintenance of the insurance department. Amounts so advanced for expenses of administration shall be repaid to the commissioner for the use of the insurance department out of the first available moneys of the insurer.

j. Borrow money on the security of the insurer's assets or without security and to execute and deliver documents necessary to that transaction for the purpose of facilitating the liquidation.

k. Enter into contracts as are necessary to carry out the order to liquidate and to affirm or disavow contracts to which the insurer is a party.

2. This section does not limit the liquidator or exclude the liquidator to exercise from exercising a power not listed in subsection 1 that may be necessary or appropriate to accomplish the purposes of this chapter.

Sec. 49. Section 507C.50, subsection 1, unnumbered paragraph 1, Code 1985, is amended to read as follows:

If a domiciliary liquidator has not been appointed, the commissioner may apply to the court by verified petition for an order directing the ~~commission~~ commissioner to act as conservator to conserve the property of an alien insurer not domiciled in this state or a foreign insurer on any of the following grounds:

Sec. 50. Section 562A.28, Code 1985, is amended to read as follows:

562A.28 FAILURE TO MAINTAIN.

If there is noncompliance by the tenant with section 562A.17, materially affecting health and safety, that can be remedied by repair or replacement of a damaged item or cleaning, and the tenant fails to comply as promptly as conditions require in case of emergency or within fourteen days after written notice by the landlord specifying the breach and requesting that the tenant remedy it within that period of time, the landlord may enter the dwelling unit and cause the work to be done in a workmanlike competent manner and submit an itemized bill for the actual and reasonable cost or the fair and reasonable value of it as rent on the next date when periodic rent is due, or if the rental agreement has terminated, for immediate payment.

Sec. 51. Section 562B.18, subsection 5, Code 1985, is amended to read as follows:

5. Act and require other persons in the mobile home park with the tenant's consent to ~~conduct themselves~~ act in a manner that will not disturb the tenant's neighbors' peaceful enjoyment of the mobile home park.

Sec. 52. Section 587.1, Code 1985, is amended to read as follows:

587.1 DECREES AGAINST UNKNOWN CLAIMANTS.

All decrees of court obtained in actions against unknown defendants in which the notice was entitled in the initial or initials of the plaintiff instead of the plaintiff's full ~~Christian given~~ name are hereby legalized, and ~~said the~~ decrees shall have the same force and effect as if ~~such~~ the notice had been entitled in the full name of the plaintiff as was provided for in section 3538, Code of 1897, and as is ~~provided for~~ in section 3538 of the supplement to the Code of 1913.

Sec. 53. Section 595.2, subsection 2, paragraph b, Code 1985, is amended to read as follows:

b. The certificate of consent of the parents, parent or guardian is approved by a judge of the district court or, if both parents of any underaged party to a proposed marriage are dead, incompetent or cannot be located and the party has no guardian, the proposed marriage is approved by a judge of the district court. A judge shall grant approval under this subsection only if ~~he~~ the judge finds the underaged party or parties capable of assuming the responsibilities of marriage and that the marriage will serve the best interest of the underaged party or parties. Pregnancy alone does not establish that the proposed marriage is in the best interest of the underaged party or parties, however if pregnancy is involved the court records which pertain to the fact that the female is pregnant shall be sealed and available only to the parties to the marriage or proposed marriage or to any interested party securing an order of the court.

Sec. 54. Section 595.4, unnumbered paragraphs 2 and 3, Code 1985, are amended to read as follows:

After expiration of three days from the date of filing the application by the parties, the clerk shall issue the license if ~~he~~ the clerk is satisfied as to the competency of the parties to contract a marriage. If the license has not been issued within one year from the date of the application, the application shall be is void and of no effect.

A license to marry may be issued prior to the expiration of three days from the date of filing the application for ~~such~~ the license in cases of emergency or extraordinary circumstances. An order authorizing the issuance of ~~such~~ a license may be granted by a judge of the district court under conditions of emergency or extraordinary circumstances upon application of the parties ~~therefor~~ filed with the clerk of court. No such order may be granted unless the parties have filed an application for a marriage license in a county within the judicial district. An application for ~~such~~ an order shall be made on forms furnished by the clerk at the same time the application for the license to marry is made. If after examining the application for the marriage license the clerk is satisfied as to the competency of the parties to contract a marriage, ~~he~~ the clerk shall refer the parties to a judge of the district court for action on the application for an order authorizing the issuance of a marriage license prior to expiration of three days from the date of filing the application for the license. The judge shall, if satisfied as to the existence of an emergency or extraordinary circumstances, grant an order authorizing the issuance of a license to marry prior to the expiration of three days from the date of filing the application for the license to marry. The clerk shall issue a license to marry upon presentation by the parties of the order authorizing ~~such~~ a license to be issued. A fee of five dollars shall be paid to the clerk at the time the application for the order is made, which fee ~~shall be~~ is in addition to the fee prescribed by law for the issuance of a marriage license.

Sec. 55. Section 595.6, Code 1985, is amended to read as follows:

595.6 FILING AND RECORD REQUIRED.

The affidavit or certificate, in each case, shall be filed by the clerk and constitute a part of the records of ~~his~~ the clerk's office. A memorandum of ~~such~~ the affidavit or certificate shall also be entered in the license book.

Sec. 56. Section 598.23, subsection 2, Code 1985, is amended to read as follows:

2. The court may, as an alternative to punishment for contempt, make an order which, according to the subject matter of the order or decree involved, does the following:

a. Directs the defaulting party to assign, trust income, or a sufficient amount in salary or wages due, or to become due in the future, from an employer or successor employers, to the clerk of the court where the order or judgment was granted for the purpose of paying the sums in default as well as those to be made in the future. Where the assignment is of salary or wages due, the amount assigned shall not exceed the amount set forth in 15 U.S.C. s. 1673b (Supp. 1979) and the assignment order ~~shall be~~ is binding upon the employer only for those amounts that represent child support and only upon receipt by the employer of a copy of the order, signed by the employee. For each payment deducted in compliance with ~~such request~~ an assignment, the payor may deduct a sum not exceeding one dollar as a reimbursement for costs. Compliance by a payor with the court's order shall operate as a discharge of the ~~employer's payor's~~ employer's liability to the payee as to the affected portion of the payee's wages, or trust income. ~~Any~~ An employer who dismisses an employee due to the entry of an assignment order commits a simple misdemeanor.

b. ~~Modifying~~ Modifies visitation to compensate for lost visitation time or ~~establishing~~ establishes joint custody for the child or ~~transferring~~ transfers custody.

Sec. 57. Section 598.41, subsection 1 and subsection 3, unnumbered paragraph 1, Code 1985, are amended to read as follows:

1. The court, insofar as is reasonable and in the best ~~interests~~ interest of the child, shall order the custody award, including liberal visitation rights where appropriate, which will assure the child the opportunity for the maximum continuing physical and emotional contact with both parents after the parents have separated or dissolved the marriage, unless direct physical harm or significant emotional harm to the child is likely to result from such contact with one parent, and which will encourage parents to share the rights and responsibilities of raising the child. The court shall consider the denial by one parent of the child's opportunity for maximum continuing contact with the other parent, without just cause, a significant factor in determining the proper custody arrangement. Unless otherwise ordered by the court in the custody decree, both parents shall have legal access to information concerning the child, including but not limited to medical, educational and law enforcement records.

In considering what custody arrangement under subsection 2 is in the best ~~interests~~ interest of the minor child, the court shall consider the following factors:

Sec. 58. Section 598.41, subsections 5 and 6, Code 1985, are amended to read as follows:

5. Joint legal custody does not require joint physical care. When the court determines such action would be in the child's best ~~interests~~ interest of the child, physical care may be given to one joint custodial parent and not to the other. If one joint custodial parent is awarded physical care, the court shall hold that parent responsible for providing for the best ~~interests~~ interest of the child. However, physical care given to one parent does not affect the other parent's rights and responsibilities as a legal custodian of the child. Rights and responsibilities as legal custodian of the child include, but are not limited to, equal participation in decisions affecting the child's legal status, medical care, education, extracurricular activities, and religious instruction.

6. When the parent awarded custody or physical care of the child cannot act as custodian or caretaker because the parent has died or has been judicially adjudged incompetent, the court shall award custody including physical care of the child to the surviving parent unless the court finds that such an award is not in the child's best ~~interests~~ interest.

Sec. 59. Section 602.1214, subsection 4, Code 1985, is amended to read as follows:

4. The district court administrator shall employ and supervise all employees of the district court except court reporters, clerks of the district court, employees of the clerks of the district court, juvenile ~~probation court~~ officers, and employees of juvenile ~~probation court~~ officers.

Sec. 60. Section 602.8104, subsection 2, paragraph i, Code 1985, is amended by striking the paragraph.

Sec. 61. Section 602.9103, Code 1985, is amended to read as follows:

602.9103 NOTICE BY JUDGE IN WRITING.

This article ~~shall~~ does not apply to ~~any~~ a judge of the ~~municipal, superior, or~~ district court including a district associate judge, or a judge of the court of appeals or of the supreme court, until the judge gives notice in writing, while serving as a judge, to the state comptroller and treasurer of state, of the judge's purpose to come within its purview. ~~Judges of the municipal and superior courts shall at the same time give a copy of such notice to the city treasurer and county auditor within the district of such court. Such~~ The notice shall be given ~~within one year after the effective date hereof or~~ within one year after ~~any~~ the date on which the judge takes oath of office as such judge.

Sec. 62. 1976 Iowa Acts, chapter 1204, section 4, lines 24 through 26, amending section 455B.30, Code 1975, are amended to read as follows:

NEW SUBSECTION. "Sewer extension" means pipelines or conduits constituting main sewers, lateral sewers or ~~truck~~ trunk sewers used for conducting pollutants to a larger interceptor sewer or to a point of ultimate disposal.

Sec. 63. Sections 24.35 and 24.36, Code 1985, are repealed.