

(4) The owner-operator's compensation is based on factors related to the work performed, including a percentage of any schedule of rates or lawfully published tariff, and not on the basis of the hours or time expended.

(5) The owner-operator determines the details and means of performing the services, in conformance with regulatory requirements, operating procedures of the carrier, and specifications of the shipper.

(6) The owner-operator enters into a contract which specifies the relationship to be that of an independent contractor and not that of an employee and requires the owner-operator to provide and maintain a certificate of workers' compensation insurance with the carrier.

e d. Partners; directors Directors of any a corporation who are not at the same time employees of such the corporation; or directors, trustees, officers, or other managing officials of any a nonprofit corporation or association who are not at the same time full-time employees of such the nonprofit corporation or association.

e. Proprietors and partners who have not elected to be covered by the workers' compensation law of this state pursuant to section 85.1A.

Approved April 14, 1986

CHAPTER 1075

REVISIONS RELATING TO CORRECTIONS

S.F. 2143

AN ACT relating to corrections; changing certain administrative provisions; limiting remedies in restitution matters; changing the applicability dates of certain provisions relating to inmate discipline and the availability of remedies; and providing penalties.

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

Section 1. Section 246.310, Code Supplement 1985, is amended to read as follows:
246.310 CANTEENS.

The director may maintain a canteen at any institution under the director's jurisdiction for the sale to persons confined in the institution of items such as toilet articles, candy, tobacco products, notions, and other sundries, and may provide the necessary facilities, equipment, personnel, and merchandise for the canteen. The director shall specify the items to be sold in the canteen. The department may establish and maintain a permanent operating fund for each canteen. The fund shall consist of the receipts from the sale of commodities at the canteen. Any money in the fund over the amount needed to do normal business transactions, and to reimburse any accounts which have subsidized the canteen fund, shall be considered profit. This money may remain in the canteen fund and be used for any purchase which the superintendent approves that will directly benefit the inmates during their incarceration.

Sec. 2. Section 246.706, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

A revolving farm fund is created in the state treasury in which the department shall deposit receipts from agricultural products, nursery stock, agricultural land rentals, and the sale of livestock. However, before any agricultural operation is phased out, the department which proposes to discontinue this operation shall notify the governor, chairpersons and ranking members of the house and senate appropriations committees, and cochairpersons and ranking members of the subcommittee in the senate and house of representatives which has handled the appropriation for this department in the past session of the legislature. Before the department sells farmland under the control of the department, the director shall notify the governor, chairpersons and ranking members of the house and senate appropriations committees,

and cochairpersons and ranking members of the joint appropriations subcommittee that handled the appropriation for the department during the past legislative session. The department may pay from the fund for the operation, maintenance, and improvement of farms and agricultural or nursery property under the control of the department. A purchase order for five thousand dollars or less payable from the fund is exempt from the general purchasing requirements of chapter 18. Notwithstanding section 8.33, unencumbered or unobligated receipts in the revolving farm fund at the end of a fiscal year shall not revert to the general fund of the state and the investment proceeds earned from the balance of the fund shall be credited to the fund and used for the purposes provided for in this section.

Sec. 3. Section 663A.2, subsection 7, Code 1985, is amended to read as follows:

7. The conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error formerly available under any common law, statutory or other writ, motion, petition, proceeding, or remedy, except alleged error relating to restitution, court costs, or fees under section 246.702 or chapter 815 or 910; may institute, without paying a filing fee, a proceeding under this chapter to secure relief.

Sec. 4. Section 690.4, unnumbered paragraph 2, Code 1985, is amended to read as follows:

~~It is also the duty of the~~ The wardens and superintendents ~~to shall~~ procure the taking of ~~five-by seven-inch photographic negative a photograph~~ showing a full length view of each inmate of a state correctional institution in the inmate's release clothing immediately prior to the inmate's discharge from the institution either upon expiration of sentence or commitment or on parole, and to shall forward the photographic negative photograph within two days after it is taken to the division of criminal investigation and bureau of identification, Iowa department of public safety.

Sec. 5. Section 815.1, Code 1985, is amended to read as follows:

815.1 COSTS PAYABLE BY STATE IN SPECIAL CASES.

All costs and fees, including any award of attorney fees to a court-appointed attorney, incurred in any a parole revocation proceedings proceeding or in any a criminal case brought against an inmate of any a state institution for a crime committed while confined in such the institution, or for a crime committed by such the inmate while placed outside the walls or confines of the institution under the control and direction of a warden, supervisor, officer, or employee thereof of the institution, or for a crime committed by such the inmate during an escape or other unauthorized departure from such the institution or from the control of a warden, supervisor, officer, or employee thereof, of the institution, or from wherever the said inmate may have been placed by authorized personnel thereof of the institution, shall be paid out of the state treasury from the general fund in case if the prosecution fails, or where such if the person liable to pay the costs and fees, including an award of attorney fees to a court-appointed attorney, cannot be made from the person liable to pay the same, the costs and fees. The facts being shall be certified by the clerk of the district court under the clerk's seal of office to the state comptroller, including a statement of the amount of fees or costs incurred, such statement to be approved by the presiding judge in writing appended thereto or endorsed thereon. When a conviction is rendered and the court orders restitution for costs of the prosecution, the inmate, work releasee, or parolee shall make restitution to the general fund of the state pursuant to section 910.2.

Sec. 6. Section 910.7, Code 1985, is amended to read as follows:

910.7 PETITION FOR HEARING.

At any time during the period of probation, parole, or incarceration, the offender or the office or individual who prepared the offender's restitution plan, may petition the court and the court shall grant a hearing on any matter related to the plan of restitution or restitution plan of payment and the court shall grant a hearing if on the face of the petition it appears that a hearing is warranted. The court, at any time prior to the expiration of the offender's

sentence, may modify the plan of restitution or the restitution plan of payment, or both, and may extend the period of time for the completion of restitution.

Sec. 7. 1983 Iowa Acts, chapter 147, section 14, is amended to read as follows:

SEC. 14. Sections 2 through 6 and sections 8, 9, 10, 11, and 13 Section 3 and section 4, subsection 1, and section 11 of this Act apply only to inmates sentenced for offenses committed after July 1, 1983. Section 2, section 4, subsections 2 through 4, and sections 5, 6, and 8 through 10 of this Act take effect July 1, 1983, but do not apply to inmates sentenced for offenses committed prior to July 1, 1983, until July 1, 1986. Section 12 of this Act takes effect July 1, 1983 but also applies retroactively to inmates who are serving or will serve mandatory sentences pursuant to section 906.5 before July 1, 1983.

Approved April 14, 1986

CHAPTER 1076
HOG ASSESSMENT REFUND
S.F. 2150

AN ACT relating to the assessment on porcine animals.

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

Section 1. Section 183A.8, Code Supplement 1985, is amended to read as follows:
183A.8 REFUND OF ASSESSMENT.

A producer from whom the assessment has been deducted, upon written application filed with the council within thirty days after its collection, shall have that amount refunded by the council. Application forms shall be given by the council to each first purchaser when requested and the first purchaser shall make the applications available to any producer. Each application for a refund by a producer shall have attached a proof of assessment deducted. The proof of assessment deducted shall be in the form of the original or a copy of the purchase invoice by the first purchaser. The council shall have no more than thirty days from the date the application for refund is received to remit the refund to the producer.

Approved April 14, 1986

CHAPTER 1077
SMALL CLAIMS JURISDICTION
S.F. 2151

AN ACT providing that the small claims court has concurrent jurisdiction of an action of replevin if the value of the property claimed is two thousand dollars or less.

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

Section 1. Section 631.1, Code 1985, is amended by adding the following new subsection:
NEW SUBSECTION. 3. The district court sitting in small claims has concurrent jurisdiction of an action of replevin if the value of the property claimed is two thousand dollars or less. When commenced under this chapter, the action is a small claim for the purposes of this chapter.

Sec. 2. Section 631.4, subsection 1, unnumbered paragraph 1, Code 1985, is amended to read as follows: