

b. TOWNSHIP CLERK. At the general election held in the year 1990 and every four years thereafter, in each civil township one township clerk shall be elected who shall hold office for the term of four years.

Sec. 3. Section 39.23, Code 1987, is repealed.

Sec. 4. Section 69.8, subsection 5, Code 1987, is amended to read as follows:

5. ELECTED TOWNSHIP OFFICES. In When a vacancy occurs in an elective township offices office under section 39.22, including trustees trustee, the vacancy shall be filled, by the trustees, but where if the offices of the two or three trustees are all vacant, the county board of supervisors shall have the power to either instruct the county auditor to may fill the vacancies or. If the offices of three trustees are vacant, the board may adopt a resolution stating that the board will exercise all powers and duties assigned by law to the trustees of the township in which such the vacancies exist, until such time as the vacancies may be filled by election. If a township office vacancy is not filled by the trustees within thirty days after the vacancy occurs, the board of supervisors may appoint a successor to the unexpired term.

Approved April 29, 1987

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## CHAPTER 69

### INVESTIGATIONS OF DEATHS

*H.F. 90*

**AN ACT** relating to investigations of the cause and manner of death for patients enrolled in a hospice program.

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

Section 1. Section 331.802, subsection 3, paragraph g, Code 1987, is amended to read as follows:

g. Death of a person if a physician was not in attendance within thirty-six hours preceding death, excluding prediagnosed terminal or bedfast cases for which the time period is extended to twenty thirty days, and excluding a terminally ill patient who was admitted to and had received services from a hospice program, as defined in section 135.90, if a physician or registered nurse employed by the program was in attendance within thirty days preceding death.

Approved April 29, 1987

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## CHAPTER 70

### DISCLOSURES TO CARE REVIEW COMMITTEE MEMBERS

*H.F. 136*

**AN ACT** relating to the disclosure of information concerning the family of a health care facility resident to a care review committee member.

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

Section 1. Section 135C.25, Code 1987, is amended by adding the following new subsection:

**NEW SUBSECTION. 3.** A health care facility shall disclose the names, addresses, and phone numbers of a resident's family members, if requested, to a care review committee member, unless permission for this disclosure is refused in writing by the family member. The facility shall provide a form on which a family member may indicate a refusal to grant this permission.

Sec. 2. Section 249D.44, Code 1987, is amended by adding the following new subsection: NEW SUBSECTION. 3. A health care facility shall disclose the names, addresses, and phone numbers of a resident's family members, if requested, to a care review committee member, unless permission for this disclosure is refused in writing by a family member.

Approved April 29, 1987

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**CHAPTER 71**  
CONTESTED CASE PROCEEDINGS  
*H.F. 193*

**AN ACT** relating to the filing of a request for a contested case proceeding with a state agency.

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

Section 1. Section 17A.12, Code 1987, is amended by adding the following new subsection: NEW SUBSECTION. 9. Unless otherwise provided by statute, a person's request or demand for a contested case proceeding shall be in writing, delivered to the agency by United States postal service or personal service and shall be considered as filed with the agency on the date of the United States postal service postmark or the date personal service is made.

Approved April 29, 1987

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**CHAPTER 72**  
CRIMINAL PENALTY SURCHARGE  
*H.F. 487*

**AN ACT** relating to the payment and collection of the criminal penalty surcharge.

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

Section 1. NEW SECTION. 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO CRIMINAL PENALTY SURCHARGE.

The provisions of this chapter governing the payment and collection of a fine also apply to the payment and collection of a criminal penalty surcharge imposed pursuant to chapter 911.

Sec. 2. Section 911.2, Code 1987, is amended to read as follows:  
**911.2 SURCHARGE.**

When a court imposes a fine or forfeiture for a violation of a state law, or of a city or county ordinance except an ordinance regulating the parking of motor vehicles, the court shall assess an additional penalty in the form of a surcharge equal to fifteen percent of the fine or forfeiture imposed. In the event of multiple offenses, the surcharge shall be based upon the total amount of fines or forfeitures imposed for all offenses. When a fine or forfeiture is suspended in whole or in part, the surcharge shall be reduced in proportion to the amount suspended. ~~This section applies only with respect to criminal actions commenced on or after July 1, 1982.~~

The surcharge is subject to the provisions of chapter 909 governing the payment and collection of fines, as provided in section 909.8.

Approved April 29, 1987