

CHAPTER 258**SUBSTANTIVE CODE CORRECTIONS***H.F. 709*

AN ACT relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities.

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

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

1. Every member of the general assembly except the presiding officer of the senate, the speaker of the house, ~~and the majority and minority floor leader of each house, and the president pro tempore of the senate and speaker pro tempore of the house,~~ shall receive an annual salary of eighteen thousand one hundred dollars for the year 1991 and subsequent years while serving as a member of the general assembly. ~~The minority floor leader of each house shall receive an annual salary of twenty-seven thousand nine hundred dollars for the year 1991 and subsequent years while serving in the capacity.~~ In addition, each such member shall receive the sum of fifty dollars per day for expenses of office, except travel, for each day the general assembly is in session commencing with the first day of a legislative session and ending with the day of final adjournment of each legislative session as indicated by the journals of the house and senate, except that ~~in the event if~~ the length of the first regular session of the general assembly exceeds one hundred ten calendar days and the second regular session exceeds one hundred calendar days, ~~such~~ the payments shall be made only for one hundred ten calendar days for the first session and one hundred calendar days for the second session. However, members from Polk county shall receive thirty-five dollars per day. Each member shall receive a seventy-five dollar per month allowance for legislative district constituency postage, travel, telephone costs, and other expenses. Travel expenses shall be paid at the rate established by section 18.117 for actual travel in going to and returning from the seat of government by the nearest traveled route for not more than one time per week during a legislative session. However, any increase from time to time in the mileage rate established by section 18.117 shall not become effective for members of the general assembly until the convening of the next general assembly following the session in which the increase is adopted; and this provision shall prevail over any inconsistent provision of any present or future statute.

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

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

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

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

Members shall be appointed prior to the adjournment of the first regular session of each general assembly and shall serve for terms ending upon the convening of the following general

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

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

11. To ~~appoint approve the appointment of the Iowa Code editor and the administrative code editor~~, establish the salaries of the persons employed in that office and establish policies with regard to the printing and publishing of the Iowa administrative code and bulletin, and the Iowa Code of Iowa, Code Supplement, and session laws, including but not limited to: The style and format to be used in publishing such documents those publications, the frequency of publications publishing, the contents of such the publications, the numbering system to be used in the Iowa Code, Code Supplement, and session laws, the preparation of editorial comments or notations, the correction of errors, the type of print to be used, the number of volumes to be published, recommended revisions of the Iowa Code, Code Supplement, and session laws, the letting of contracts for the publication of the Iowa Code, Code Supplement, and session laws, the pricing of these publications, and any other matters deemed necessary to the publication of a uniform and understandable Code of laws publications.

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

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

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

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

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

7.17 OFFICE OF ADMINISTRATIVE RULES CO-ORDINATOR.

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

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

14.1 CODE EDITOR DIVISIONS – EDITORS.

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

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

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

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

The administrative code division shall:

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

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

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

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

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

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

14.6 CODE EDITOR'S DUTIES OF IOWA CODE DIVISION.

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

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

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

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

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

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

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

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

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

14.10 SESSION LAWS.

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

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

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

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

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

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

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

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

14.12 STYLE OF IOWA CODE AND CODE SUPPLEMENTS.

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

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

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

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

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

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

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

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

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

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

- a. An analysis of the Code by titles and chapters.
- b. The Declaration of Independence.
- c. The Articles of Confederation.
- d. The Constitution of the United States.
- e. ~~Laws~~ The laws of the United States relating to the authentication of records.
- f. The Constitution of the State of Iowa.
- g. The Act admitting Iowa into the union as a state.
- h. Chapter A chapter title, number, and chapter analysis at the head of each chapter. The chapter number shall be printed at the top of each page.
- i. All of the statutes of Iowa of a general and permanent nature, except as provided in subsection 3.
- j. ~~An A comprehensive index and a summary index covering the Constitution and statutes of the state of Iowa and, to the extent the rules are printed in the Code, rules of civil procedure, rules of criminal procedure, rules of appellate procedure, and other rules prescribed by the supreme court.~~

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

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

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

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

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

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

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

c. An index covering the material included.

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

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

14.13 EDITORIAL POWERS AND DUTIES.

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

- a. Correct all misspelled words in the original enrollments and filed rules.
- b. Correct all manifest and grammatical and clerical errors including punctuation but without changing the meaning.
- e b. Correct internal references to sections which are cited erroneously or have been repealed, and names of agencies, officers, or other entities which have been changed, when there appears

to be no doubt as to the proper methods of making the corrections. The Code editor shall maintain a record of the corrections made under this paragraph. The record shall be available to the public.

~~d c. Transpose sections or Transfer, divide, or combine sections so as to give to distinct subject matters a section number but without changing the meaning or parts of sections and add or amend headnotes to sections and subsections. Pursuant to section 3.3, the headnotes are not part of the law.~~

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

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

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

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

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

~~3 7. The effective date of all editorial changes in an edition of the Iowa Code or supplement to the a Code Supplement is the date the legislative council approves the printing contract selling price for that publication of that edition or supplement. The effective date of all editorial changes for the Iowa administrative code is the date those changes are published in the Iowa administrative code.~~

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

14.17 CITATION OF PERMANENT CODE OR SUPPLEMENTS AND SESSION LAWS.

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

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

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

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

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

14.21 PUBLICATION AVAILABILITY OF PARTS OF THE IOWA CODE AND COURT RULES ADMINISTRATIVE CODE.

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

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

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

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

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

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

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

a. If the administrative rules review committee created by section 17A.8, the governor, or the attorney general finds objection to all or some portion of a proposed or adopted rule because that rule is deemed to be unreasonable, arbitrary, capricious, or otherwise beyond the authority

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

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

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

1. Each agency shall file in the office of the administrative rules coordinator three certified copies of each rule adopted by it. The administrative rules coordinator shall assign an ARC number to each rulemaking document and forward two copies to the ~~Code~~ administrative code editor. The administrative rules coordinator shall keep a permanent register of the rules open to public inspection.

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

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

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

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

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

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

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

- a. ~~Three~~ Five senators appointed by the majority leader of the senate.
- b. ~~Three~~ Five representatives appointed by the speaker of the house.

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

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

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

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

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

a. Iowa Code editor and administrative code editor.

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

5. The directors actively engaged in international trade, the directors representing international trade associations, and the directors appointed by the Iowa association of independent colleges and universities are entitled to ~~receive forty dollars a~~ per diem as specified in section 7E.6 for each day spent in performance of duties as directors, and shall be reimbursed for all actual and necessary expenses incurred in the performance of duties as directors.

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

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

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

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

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

Sec. 28. Section 97B.8, unnumbered paragraph 3, Code 1991, is amended to read as follows:

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

of six years beginning and ending as provided in section 69.19. If there is a vacancy in the membership of the board, the governor has the power of appointment. Appointees to this board are subject to confirmation by the senate.

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

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

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

136.10 PUBLICATION OF PROCEEDINGS.

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

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

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

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

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

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

183A.10 EXPENSES OF MEMBERS.

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

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

185.14 PER DIEM AND EXPENSES.

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

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

185C.14 PER DIEM AND EXPENSES.

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

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

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

*Chapter 143 herein

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

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

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

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

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

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

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

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

246.310A INSTITUTION READING ROOMS.

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

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

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

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

279.7A INTEREST IN PUBLIC CONTRACTS PROHIBITED — EXCEPTION.

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

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

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

*Chapter 200 herein

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

317.25 TEASEL, MULTIFLORA ROSE, AND PURPLE LOOSESTRIFE PROHIBITED — EXCEPTIONS.

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

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

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

*Chapter 5 herein

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

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

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

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

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

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

When the department revokes a person's motor vehicle license or nonresident operating privilege under this chapter, the department shall assess the person a civil penalty of one hundred dollars. The money collected by the department under this section shall be transmitted to the treasurer of state who shall deposit the money in a the separate fund dedicated to and used for the purposes of chapter 912 and section 709.10, and for the operation of a missing person clearinghouse and domestic abuse registry by the department of public safety. Notwithstanding section ~~8.33~~, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state established in section 912.14. A temporary restricted license shall not be issued or a motor vehicle license or nonresident operating privilege reinstated until the civil penalty has been paid.

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

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

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

444.22 ANNUAL LEVY.

In each year the director of revenue and finance shall fix the rate in percentage to be levied upon the assessed valuation of the taxable property of the state necessary to raise such the amount for general state purposes as shall be designated by the department of management under the provisions of section ~~8.6, subsection 5~~.

Sec. 53. Section 455A.17, subsection 3, Code 1991, is amended to read as follows:

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

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

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

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

502.601 ADMINISTRATION.

1. This chapter shall be administered by the commissioner of insurance of the state of Iowa. The administrator shall appoint a deputy administrator who shall be exempt from the merit system provided for in chapter 19A. The deputy administrator ~~shall be~~ is the principal operations officer of the securities ~~department~~ bureau and ~~shall be~~ is responsible to the administrator for the routine administration of the chapter and the management of the securities ~~department~~ bureau. In the absence of the administrator, whether because of vacancy in the office, by reason of absence, physical disability, or other cause, the deputy administrator shall be the acting administrator and shall, for the time being, have and exercise the authority conferred upon the administrator. The administrator may by order from time to time delegate to the deputy administrator any or all of the functions assigned to the administrator in this chapter. The administrator shall employ officers, attorneys, accountants, and other employees as ~~shall be~~ needed for the administration of the chapter.

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

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

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

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

510.9 EXEMPTION.

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

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

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

*Chapter 26 herein

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

515.119 COMPLIANCE WITH LAW — CHANGE OF ARTICLES.

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

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

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

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

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

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

4. a. A person may reserve the exclusive use of a corporate name for a state bank by delivering an application to the secretary of state for filing. The application must ~~comply with section 490.402 and~~ set forth the name and address of the applicant and the name proposed to be reserved. If the secretary of state finds that the corporate name applied for is available ~~and complies with section 490.402,~~ the secretary of state shall reserve the name for the applicant's exclusive use for a nonrenewable one hundred twenty day period.

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

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

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

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

682.38 LIABILITY — ~~REPORTS REQUIRED.~~

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

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

709.10 COST OF MEDICAL EXAMINATION IN CRIMES OF SEXUAL ABUSE.

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

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

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

*"Amended" probably intended

**Chapter 26 herein

***Chapter 11 herein

****Chapter 15 herein

Sec. 66. Section 809.17, Code 1991, is amended to read as follows:
809.17 PROCEEDS APPLIED TO VARIOUS PROGRAMS.

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

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

When a court assesses a surcharge under section 911.2, the clerk of the district court shall transmit sixteen and two-thirds percent of the surcharge collected to the treasurer of state to be deposited ~~pursuant to in the fund established in section 321J.17~~ 912.14. Ninety-four percent of the remainder of the surcharge collected shall be transmitted to the treasurer of state by the fifteenth day of the following month. The treasurer of state shall deposit that money in the general fund of the state. The clerk of the district court shall transmit six percent of the remainder of the surcharge to the county treasurer or shall remit six percent of the remainder of the surcharge to the city that was the plaintiff in any action for deposit in the general fund of the city.

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

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

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

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

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

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

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

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

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

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

Approved June 10, 1991

*Chapter 260 herein

**Chapter 263 herein

***Chapter 269 herein

****Chapter 267, §418, item vetoed